

MEETING MINUTES
THE BYRAM TOWNSHIP PLANNING BOARD
OCTOBER 05, 2017

CALL TO ORDER

Vice-Chairman Walsh called the meeting to order at 8:00 p.m.

ROLL CALL

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
HERE	H	H	H	H	EA	EA	H	EA	H	EA
ABSENT										
EXCUSED										
LATE										

Also present: Attorney Kurt Senesky
 Engineer Cory Stoner
 Secretary Cheryl White

STATEMENT BY CLERK

Adequate notice of this meeting has been published specifying the time and place in compliance with the provisions of the Open Public Meetings Act.

FLAG SALUTE led by Vice-Chairman Walsh

MINUTES

Approval of the September 21, 2017 Meeting Minutes

A motion was made by Mr. Riley to approve the minutes as written. The motion was seconded by Mr. Chozick. There was no discussion. The following vote was taken:

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
Motion	√									
Seconded			√							
Aye	√	√	√	√			√		√	
Nay										
Abstain										
Absent					√	√		√		√

Motion carried.

RESOLUTIONS

WOSP5-17, APEP Inc., Block 27 Lot 381.02, V-B Zone

Change to add aesthetic dormers.

A motion to approve the resolution as presented was made by Mr. Riley, the motion was seconded by Mr. Morytko. The following vote was taken:

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
Motion	√									
Seconded		√								
Aye	√	√	√	√			√		√	
Nay										
Abstain										
Absent					√	√		√		√

Motion carried.

Z14-2017, Raymond Bonker, 29 Strawberry Point Drive, Block 323 Lot 46 R-5 Zone

Permission to keep an already constructed deck in the front yard which requires a front yard variance and to exceed principal building coverage allowed.

A motion was made by Mr. Riley to approve the resolution as presented. The motion was seconded by Mr. Morytko. The following vote was taken:

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
Motion	√									
Seconded		√								
Aye	√	√	√	√			√		√	
Nay										
Abstain										
Absent					√	√		√		√

Motion carried.

Z15-2017, Gerard Finegan, 26 Stony Brook Road, Block 54 Lot 14, R-4 Zone

Variance relief required to construct a 541 sq. ft. addition to the rear and right side of a single family dwelling.

Mr. Senesky explained to the Board that since the setback numbers provided were not accurate Mr. Senesky added a condition that Mr. Finegan provide a revised site plan to be reviewed by the Board engineer for consistency with the approved resolution. Mr. Stoner believes the changes will be minor.

A motion was made by Ms. Shimamoto to approve the resolution as written. The motion was seconded by Chozick. The following vote was taken:

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
Motion										
Seconded										
Aye			√				√		√	
Nay										
Abstain										
Absent						√		√		√

Motion carried.

NEW BUSINESS

Z16-2017, Kenneth Bovair, 4 Adair Street, Block 17 Lot 5, R-5 Zone

Variance for an addition to a single family dwelling, and to permit other pre-existing accessory structures to remain that were not previously permitted.

Mr. Bovair, owner and applicant was sworn in and said that he recently received a construction permit for an addition that met all required setbacks. He is now seeking approval for a part of the addition that falls within the side yard setback, and he also requests approval for other structures on the lot that were not previously permitted.

Mr. Bovair gave a brief description of his building plan and explained that he believes the flat room on the house was once a garage and that the previous owner's converted it to living space. He believes that is when the detached garage was constructed and added that there is no evidence of a construction permit being issued for these changes.

The Board reviewed the requested variances based on the zoning officer's report:

1. Front yard setback variance.
2. Right yard setback to the accessory structure (pre-existing wood shed)
3. A pre-existing accessory structure (detached garage) that exceeds square footage allowed, and also requires a rear, and left yard setback.
4. A variance to exceed principal building coverage allowed.

The Board reviewed Mr. Bovair's plan and zoning table noting many discrepancies. There was a lengthy Board discussion and the consensus of the Board was that this application should be carried until sufficient, accurate information is provided. Mr. Bovair conveyed to the Board that he has an exposed roof and with the winter weather rapidly approaching, he asked the Board to reconsider. Mr. Senesky said if the Board chooses Mr. Senesky can write a favorable resolution, and that Mr. Bovair would return back to the Board on October 19 with a revised survey that shows:

- All existing and proposed conditions, (including the newly built addition).
- A side view of building with elevations.
- Setback # from side yard to the wood shed overhang.
- Setback # of front yard property line to overhang on the front of the home.
- Building height.
- Confirmation from the County Division of Health that the septic plan reviewed was approved for the addition.
- Distances from the all accessory structure to the primary structure.
- A revised zoning table depicting all the correct variances requested.

The Board instructed the applicant that measurements must be taken from the closest point, i.e. gutter, overhang or eaves. The applicant agreed.

Ms. Shimamoto said the Environmental Commission had concerns about water run-off and Mr. Stoner said water run-off should not be an issue.

Vice-Chair Walsh opened to the public. No one from the public came forward. Vice-Chair Walsh closed to the public.

A motion was made by Mr. Morytko to carry this application to October 19, 2017 with no further notice required, and that the applicant provide an updated survey with existing and proposed conditions, and all items bulleted above. The motion was seconded by Mr. Riley. The following vote was taken: Mr. Senesky reiterated that the numbers must be consistent on all documents.

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
Motion		√								
Seconded	√									
Aye	√	√	√	√			√		√	
Nay										
Abstain										
Absent										

Motion carried.

Z17-2017, Frank and Alicia Semeraro, 10 Roseville Road and 12 Roseville Road, Block 264 Lot 722, and Block 264 Lot 723.02, R-5 Zone.

Variance to permit an accessory structure on a lot that has no principal structure, to permit two driveways with less than 200', to exceed building coverage allowed, disturbance of steep slopes and to permit various accessory structures to remain that were not previously permitted.

Mr. Frank Semeraro, owner and applicant was sworn in. Mr. Semeraro said in March 2017 he purchased 12 Roseville Road (Block 264 Lot 723.02) with the intent of demolishing the house on the lot and keep standing the two car garage. He would then consolidate Lot 723.02 into Block 264 Lot 722. He said because of Byram's ordinances whereas a property cannot have two primary structures on one lot, or there cannot be an accessory structure on a lot with no primary structure, the only way to achieve Mr. Semeraro's goal was to apply for approval to keep an accessory structure on a lot having no primary structure. Mr. Semeraro noted that there are other pre-existing structures on the property that Mr. Semeraro is seeking approval to remain. The Board discussed the required variances:

- Variance to permit placement of an accessory structure on a lot having no principal structure.
- Variance to permit the total footprint of all accessory structures to exceed 50% of the area of the footprint of the principal structure.
- Variance to permit an accessory structure, large shed, to have a footprint of 780 square feet whereas the ordinance limit is 400 square feet.
- Variance to permit two smaller sheds to continue to exist notwithstanding side yard setback deficiency and/or insufficient distance from the principal structure.
- Variance to permit two driveways on a lot having road frontage of less than 200 feet.

Mr. Semeraro talked about the existing sheds on the property saying that he wishes to keep and relocate a shed that is to the rear of the property on Lot 723.02 and to relocate the shed in the vicinity where the primary structure that is being demolished. He added that he is seeking approval to keep a shed located on Lot 722 which requires a variance for an accessory structure to close to a primary structure, and also a shed on Lot 722 on the right property line that requires a side yard variance.

The Board talked about run-off and Mr. Stoner said several years ago Mr. Semeraro constructed drains down Roseville Road due to excessive water on his property. Mr. Stoner believes because of this water run-off should not be an issue. The Board discussed the critical slope that was disturbed and Mr. Semeraro said it was a temporary situation because removed a chain link fence but he will restore and stabilize the area. Mr. Semeraro added that the septic tank will be removed in accordance with the requirements of the County Division of Health. He added that he has two years to abandon the well on the property, and if he does not abandoned the well, it can be used for irrigation. Ms. Shimamoto asked what is Mr. Semeraro's intent to the area where the house is being removed. Mr. Semeraro said it will be restored to grass.

The Board had no further questions.

A motion was made by Mr. Chozick to approve the application with conditions that the critical area of disturbance is restored and stabilized, and the new deed and map, after the property merger, be reviewed by the Board Attorney and Engineer. The motion was seconded by Mr. Riley. The following vote was taken:

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
Motion			√							
Seconded	√									
Aye	√	√	√	√			√		√	
Nay										
Abstain										
Absent										

Motion carried.

REPORTS FROM COMMITTEES

Township Council – Ms. Raffay thanked the entire Board for their time and effort with regards to the Quick Chek application.

Environmental Commission – Ms. Shimamoto said they reviewed the Bovair and Semeraro application and provided comments to the Board secretary.

Open Space – Mr. Morytko said the next meeting is in October.

Architectural Review Committee – Mr. Morytko said no meeting was held.

Board of Health – No representative present at the meeting.

BILLS

Harold Pellow & Associates, Inc. (4 bills) \$1,405.35

A motion to approve Mr. Stoner’s bills was made by Mr. Chozick. The motion was seconded by Mr. Morytko. All were in favor. Motion carried.

Schenck, Price, Smith & King LLC (4 bills) \$2,295.00

A motion to approve Mr. Stoner’s bills was made by Mr. Riley. The motion was seconded by Mr. Morytko. All were in favor. Motion carried.

OPEN TO THE PUBLIC

Vice-Chair Walsh opened to the public. No one from the public came forward. Vice-Chair Walsh closed to the public.

ADJOURNMENT

A motion to adjourn the meeting was made at 9:40 p.m. by Mr. Chozick, and seconded by Ms. Shimamoto. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: *Cheryl White*