

MEETING MINUTES
BYRAM TOWNSHIP PLANNING BOARD MEETING
MAY 19, 2016

CALL TO ORDER

Chairman Shivas 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	H	H	H	H
ABSENT			EA							
EXCUSED										
LATE				L						

Also present: Attorney Kurt Senesky
Secretary Cheryl White

Ms. Raffay arrived at the meeting at 8:20 p.m.

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 Chairman Shivas

MINUTES

Approval of the May 5, 2016 Meeting Minutes

A motion was made by Mr. Morytko and seconded by Mr. Gonzalez to approve the minutes as written. 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.

SITE PLAN WAIVER

CBK Restaurants, LLC, 172 Lackawanna Drive, Block 265 Lot 287, N-C Zone

To provide temporary ancillary services and erect a tent in lawn or deck area for special occasions or private events.

Chairman Shivas said that further discussion is required for this application. The applicants will meet with the Site Plan Subcommittee on June 2 and they should provide a letter of intent with regards to their specific requests.

COMPLETENESS

Rt. 206 Byram GW LLC (Quick Check Corporation) Rt. 206 & Brookwood Road, Block 41 Lots 88.01, 88.02 & 89, V-B Zone

Proposed retail store with gas pumps

Chairman Shivas said that the Highlands Determination has not been completed and that the completeness review has been rescheduled for June 2, 2016.

RESOLUTION

Cartridge Actuated Devices, Inc., 40 Old Indian Spring Rd., Block 362 Lot 4, and Block 226 Lot 8.01, R-1 Zone

Amended site plan, and use variance to intensify a pre-existing use. To enlarge a pre-existing accessory structure, to add two new accessory structures, and various site improvements.

Mr. Senesky said this resolution will be available for the June 2, 2016 meeting.

Byram Township Sustainable Economic Development Plan

A motion was made by Mr. Morytko and seconded by Mr. Riley to approve the resolution as presented. 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.

OLD BUSINESS

David Nufrio, 138 Lackawanna Drive, Block 273 Lot 300 Zone R-5

Relief to exceed principal building coverage

A letter was received from Mr. Nufrio's attorney asking that this application be scheduled for June 16, 2016.

REPORTS FROM COMMITTEES

- Township Council – No representative in attendance.
- Environmental Commission – Meeting on May 26.
- Architectural Review Committee – Mr. Morytko said they met with a Quick Check representative and architect to review the most recent submission. Mr. Morytko said that the plan did not include some of the façade changes recommended by the committee. He did say they were cooperative and receptive and said they would make some revision and return.
- Open Space – No Meeting.
- Board of Health – Meeting on May 23.

ANY OTHER BUSINESS THE BOARD DEEMS NECESSARY

Amendment to Chapter 240 – Zoning Accessory Structures

The Board reviewed the proposed ordinance and recommended a minor change.

A motion that the Board finds the document consistent with Byram’s Master Plan was made by Mr. Walsh. The motion was seconded by Ms. Segal. 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.

PUBLIC COMMENT

Chairman Shivas opened to the public.

Doug Mertrud, 12 Waterloo Road, said that he has lived in Byram for eighteen years, and now his quality of life has diminished. He said he recently learned that a child predator lives in his neighborhood, a group home is close by, and now Capitol Care, a business that deals with drug addicts and people with mental health issues recently opened. He added that they hold group meetings in the parking area and he was told that this facility was for administrative offices only. When he complained about group meetings being held in the parking area he learned that this facility also conducted group meetings and outpatient therapy. He said there are buses coming and going, and traffic has increased in the neighborhood.

Joann Heller, 4 Mayne Avenue, has concerns that this establishment was allowed next to a residential neighborhood, and in the vicinity of a public park. She demanded to know why she, as well as other local neighbors was not notified. She said she watches her grandchildren and has concerns for their safety.

Ms. Raffay said the process of land use is dictated by the Municipal Land Use Law and this application was handled by a site plan waiver which does not require notification of property owners within 200’. She explained that they have a right to be there and if they are in violation of the resolution of approval, to notify the zoning officer. Mrs. Heller went on to say that she feels her safety and the safety of her grandchildren have been compromised. Mr. Walsh asked Ms. Heller what she would like this Board to do. Ms. Heller said to reverse the approval. Mr. Morytko said that cannot happen, once the resolution is memorialized, the decision is final.

Mr. Robert Heller, 12 River Road said that on Tuesday evening twelve to fifteen people were in chairs in the parking area conducting a meeting. He had concerns about his children that his mother cares for. He said he believed that Board members were “lining their pockets” and that is how this business was approved.

Mr. Walsh explained that if a use is permitted in a zone the Township cannot deny a business because someone may not like or agree with the business. He explained that this property is in the Village Business zone and professional/medical office is a permitted use in this zone.

Robert Heller asked why they moved here and Ms. Raffay said they outgrew there prior location and that most of this facility in Byram is administrative offices with some outpatient therapy. She added that the Stanhope location is still in use.

Barbara McCouglin, 42 River Road said that on Tuesday, May 17 she drove by the facility at approximately 7:15 p.m. and there were twelve to fifteen people in chairs in the parking area. Ms. Raffay said that it could have been break time, which is allowed, but reiterated that if meetings are being conducted outside the zoning officers to contact the zoning official.

The Board confirmed that it was not the intention of the Board to approve outdoor meetings. It was the Board’s belief that all activities will be conducted inside.

Tom and Theresa Kepler, 9 Waterloo Road said that they have lived in Byram for thirty years, they live next door to the facility and she can hear the meetings outside her bedroom window. She said she doesn’t have a problem with the business being there but she has a problem with people hanging outside, they are loud and disruptive, and added that the traffic has increased.

Mr. Walsh said that they are over estimating the authority of this Board and added that if they are not using the site in accordance with the resolution of approval, then the zoning officer should be notified.

Mr. Mertrud and Mrs. Heller thanked the Board for listening and Mrs. Heller added that if the zoning officer can enforce that meetings take place inside the building, she would be satisfied.

No one else from the public came forward. Chairman Shivas closed to the public.

BILLS

Schenck, Price, Smith & King, LLC (8 bills) \$1,925.00

A motion was made by Mr. Walsh and seconded by Ms. Segal to approve Mr. Senesky’s bills. All were in favor. Motion carried.

ADJOURNMENT

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

Respectfully submitted: *Cheryl White*