

**MEETING MINUTES**  
**BYRAM TOWNSHIP PLANNING BOARD MEETING**  
**SEPTEMBER 15, 2016**

**CALL TO ORDER**

Chairman Shivas called the meeting to order at 8:05 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
ABSENT										
EXCUSED			EA	EA			EA		EA	
LATE		L								

Also present: Engineer Cory Stoner  
 Planner Paul Gleitz  
 Attorney Kurt Senesky  
 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 Chairman Shivas

**MINUTES**

Approval of the Sept. 1, 2016 Meeting Minutes

A motion was made by Mr. Kaufhold, and seconded by Ms. Segal 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.

**NEW BUSINESS**

Z08-2016 Joseph and Brenda Delgrosso, 4 Shadybrook Road, Block 57 Lot 53, R-4 Zone

Variance for maximum building coverage and a setback from a 100 year flood line for a 340 sq. ft. addition

Joseph and Brenda Delgrosso, the applicants were sworn in and said they wish to extend the right side of their one story home, 18' for a family room, saying that the width of the home will not change. Mr. Delgrosso said the house is one story, on a cement slab and will remain one level. The home has no basement, only a crawl space. It was noted in Mr. Stoner's report that the addition may interfere with the Division of Health setback requirements to the septic and leach field and the Board told the applicant that the construction official will send this application to the health department for review. The applicant indicated that he had another option that would satisfy the BOH requirements if the addition presented a problem which would not cause any further encroachments on his current setbacks.

The Board discussed the required variances and Mr. Stoner said the building coverage allowed is 2250 sq. ft., and with this addition the building coverage will be 2258 sq. ft., so a variance is required. He also noted that a setback to the water/pond is 50' and the applicant is 30' from the 100 year flood plain, so a variance is required. The Board discussed if a rear or front yard setback was required and because the addition does not encroach on any setbacks, a variance is not required.

The applicants testified that the rear deck will remain the same. The Board had no further questions.

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

A motion was made by Mr. Riley to approve this application. The motion was seconded by Ms. Segal with the condition the application must be reviewed by the County Division of Health. Mr. Riley amended his motion. 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.

Mr. Senesky instructed the applicants when the resolution will be memorialized and the appeal period.

Z06-2016 Jose Goncalves, Carpenter Road, Block 238 Lot 508 R-3 Zone

Variance for front yard setback, and building height to construct a new single family dwelling

The applicant requested to carry this application to Oct. 20, 2016.

A motion was made by Ms. Segal, and the motion was seconded by Mr. Riley to carry this application without further notice to October 20, 2016. The Board had 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.

Mr. Morytko arrived at the meeting at 8:55 p.m.

**COURTESY REVIEW**

Byram Township Public Safety Communication Tower  
Block 362 Lot 4, 40 Old Indian Spring Road (Cartridge Actuated Device Property)

Mr. Senesky explained to the Board that this proposal is exempt from Planning Board approval; however the Board can make recommendations concerning the proposed tower.

Cory Stoner, Township Engineer said that the Township currently has a lease agreement with the property owner's of 40 Old Indian Spring Road, Cartridge Actuated Devices, and currently there is a 60' communication tower on this site, with a 20' antenna on top. The Township is proposing to install a 140' tower with a 20' antenna on top. He said the current tower is too short and it cannot handle frequencies, and the tower is needed for EMS, Fire, DPW and Police. He said the site will consist of a 12'x12' equipment room, lattice, a concrete pad for a diesel generator, and is surrounded by an 8' fence. Mr. Stoner said the access drive to the tower site is east of the C.A.D. entrance, and about 200' from the C.A.D. parking lot. He added that the grade of the tower site is about 50' higher than the parking lot. Chairman Shivas has concerns about lightning striking the tower, because of the nature of C.A.D.'s business. The Board discussed their concerns, and Mr. Stoner said proper grounding will be required. The Board asked about lighting on the tower and Mr. Stoner said it may be required by FAA but believed since there are no local airports it probably will not be required. Mr. Stoner said this application requires Highlands's approval and other testing will be required, and said that C.A.D. must be satisfied that there are no issues with the tower. He said that C.A.D.'s main concern is the power output impact and said that C.A.D.'s radio consultant will review this proposal. Chairman Shivas asked if they looked at other locations. Mr. Stoner was not aware. The Board instructed Mr. Senesky to draft a letter outlining the Board's concern.

Chairman Shivas opened to the public.

*Barbara Mc Loughlin, 42 River Road*, agreed with Chairman Shivas and believed a different location would be better. No one else from the public came forward. Chairman closed to the public.

**REPORTS FROM COMMITTEES**

- Township Council – No representative present.
- Environmental Commission – No representative present.
- Architectural Review Committee – Mr. Morytko said they met with Tony Reese, owner of APEP and Venture Two, LLC. He wishes to do some façade changes to his existing building to match the façade of the proposed building. He will be back with some plans. Mr. Morytko said they also reviewed STS sign proposal because of ownership changes and they would like to make some façade and sign changes. The color proposed for the mansard is a very bold blue and the ARC wants to discuss color changes with the owner.
- Open Space – No meeting.
- Board of Health – The meeting is Sept. 27, 2016.

**CLOSED SESSION**

A motion was made by Mr. Morytko and seconded by Mr. Kaufhold to go in to closed session. All were in favor: Motion carried.

**RESOLUTION**

**WHEREAS**, the Open Public Meetings Act, P. L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, this public body is of the opinion that such circumstances presently exist.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Byram, that the public shall be excluded from discussion of the following matters:

*Attorney/client privilege communication - Housing Element Fair Share Plan*

**BE IT FURTHER RESOLVED** that Minutes will be kept on file in the Planning Board's Secretary's office, and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes shall be made public.

**BYRAM TOWNSHIP PLANNING BOARD**

Certification: I certify that the Byram Township Planning Board adopted the above resolution on September 15, 2016.

Cheryl White  
Board Secretary

A motion was made by Ms. Segal and seconded by Mr. Kaufhold to return to open session. All were in favor. Motion carried.

**PUBLIC COMMENT**

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

**BILLS**

L&G planning (4 bills) \$360.00

A motion was made by Ms. Segal, and seconded by Mr. Morytko to approve Mr. Gleitz's bills. All were in favor. Motion carried.

CP Engineers (1 bill) 195.00

A motion was made by Ms. Segal, and seconded by Mr. Morytko to approve C.P. Engineer bills. All were in favor. Motion carried.

Vogel, Chait, Collins & Schneider (1 bill) \$3,960.00

A motion was made by Mr. Morytko, and seconded by Ms. Segal to approve Mr. Collin's bill. All were in favor. Motion carried.

Schenck, Price, Smith & King (2 bills) \$1,202.50

A motion was made by Mr. Morytko, and seconded by Mr. Kaufhold to approve Mr. Senesky's bills. All were in favor. Motion carried.

## **ITEMS FOR DISCUSSION**

### Review of the Neighborhood Commercial (NC) Zone

Mr. Gleitz said the next step in the Highlands Conformance process is our ordinance work, which will be covered under the Highlands grant. Mr. Gleitz said he needs a cost of work from Kurt and Cory to ensure he is working within the grant guidelines. Mr. Gleitz said the Board has to look at zoning based on some recommendations from the Highlands Examination Report, the Housing Plan changes, and the Economic Development Plan. Mr. Gleitz talked about noticing requirements, which is not paid under this Grant, and added if we are changing the zone, that would require notification to everyone within 200 feet of the zone boundary. Mr. Gleitz said he will develop a scope of work and a time line so the Board will be on the clock for the work to be done. He said this Board will work on:

- Ordinance work
- Form Base Code – Mr. Gleitz said when the Highlands made part of the Village Center a preservation zone, because of Lubber’s Run it reduced the development footprint so the Board has to go back and edit the form base code to fit the new development plan. Another part of this would be incorporating preservation area requirements into our ordinance.
- Updating township zones.

Chairman Shivas said he would like to begin work on the current NC zone along northern end of Route 206. Mr. Gleitz had a suggestion to keep the NC zone but change the zone in that area to VB2 zone. The Board had discussion about the design standards being a part of the zoning ordinance, Mr. Senesky suggested taking it out of zoning, he said this way an applicant can ask for a waiver verses needing a variance. Mr. Gleitz said it can be pulled out of zoning and put it under design standards, under the site plan/subdivision section. Mr. Gleitz explained the reason design standards are under zoning and agreed it should be moved. He said you can leave the design standards under zoning in the Village Center zone, but separate it in other zones. He explained, for example, the required number of parking spaces is a zoning ordinance, but the size would be a design standard so you would keep the number required in zoning and pull out the size of the parking space. He said that you want to keep hard numbers under zoning, and width of buffers, types of plants, etc., under design standards. He said the Board can still approve or deny a waiver from a design standard.

Mr. Gleitz told the Board to start thinking about existing uses, and other uses you want to see permitted and how you want to define them. He said think about uses you are solid on prohibiting and what uses could be conditional. Mr. Gleitz said after we define the NC/VB2 the Board will take a look at the IPR zone, and any other non-residential zones. Mr. Gleitz said the Board should focus on use vs. design standards. Mr. Gleitz shared some thoughts and said looking at the current code it is very specific, he suggests a shorter, broader list of permitted uses such as:

- retail establishments
- services oriented establishments
- professional and medical offices
- financial institutions
- restaurants, taverns, and bars
- bed/breakfast, inns and hotels
- fitness centers
- mixed use buildings containing of a combination of permitted uses
- Assisted living facilities and nursing homes

He suggested having a larger list of conditional uses, which means the applicant has to meet certain conditions, if they do, it is permitted. Mr. Gleitz mentioned some conditional uses and said you can assign certain criteria that make it conditional for example; you have to be on a State Highway, or have XX number of acres, etc. Mr. Gleitz said to look at some of the establishments that exist along that stretch of the highway today, and rather than prohibiting them, assign some conditions. Mr. Senesky said to remember that even though they exist today, you have to think about if you want them there in the future, so think about what kind of conditions you will impose. Chairman Shivas said the second meeting of each month will be reserved for planning.

In conclusion, Mr. Gleitz asked that you submit ideas to the secretary to think about what you would like to see permitted or prohibited with some public health and safety thinking behind it and he suggested to look at the two pages handed out tonight.

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

## **ADJOURNMENT**

A motion to adjourn the meeting was made at 10:15 p.m. by Ms. Segal, and seconded by Mr. Kaufhold. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: *Cheryl White*