

**MEETING MINUTES**  
**THE BYRAM TOWNSHIP PLANNING BOARD**  
**NOVEMBER 16, 2017**

**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	H
ABSENT										
EXCUSED			EA							
LATE										

Also present: Attorney Planner Engineer Secretary  
 Kurt Senesky Paul Gleitz Tom Knutelsky for Cory Stoner 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 October 19, 2017 Meeting Minutes

A motion was made by Mr. Kaufhold to approve the minutes as written. Ms. Raffay believed that the Board's concerns were not reflected in the minutes accurately. After Board discussion Mr. Senesky suggested adding "there are no standards for the Board to refer to regarding timing, content, brightness, intensity, hours of operation and logos" as expressed at the Oct. 19 meeting. The Board agreed. The secretary will make the change to the minutes. Mr. Kaufhold agreed to amend his motion. 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.

**APPEAL OF ZONING OFFICER VIOLATION**

Byram Land Development, 9 Lackawanna Drive, Block 226 Lot 16, IPR Zone

This matter was adjourned to December 7, 2017. A motion to carry this matter was made by Ms. Segal, 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.

**COMPLETENESS REVIEW**

SP8-2017, JP Morgan Chase, 80 Route 206, Block 226 Lot 15.01, V-B Zone

New wall sign.

Mr. Walsh said the subcommittee met and reviewed the material submitted and found the application to complete. He said that the applicant's attorney; Debra Nicholson, Esq. also attended the meeting on behalf of her client JP Morgan Chase. Mr. Walsh said that Chase Bank wishes to add a fourth sign on the south side of the building, and no other changes are proposed. Mr. Senesky reminded the Board that when this application was before the Board previously, this sign proposed was withdrawn from the application without prejudice, and that if the applicant believed the sign was pertinent, they can return to the Board. A motion was made by Mr. Walsh to set a public hearing date of December 7, 2017. 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.

**RESOLUTIONS**

WSOP8-2017, 276 Route 206, LLC, 276 Rt. 206, Block 225 Lot 15.01, NC-Zone

To expand office space in a pre-existing space currently used for storage.

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

Z18-2017, Andover Wine & Liquors, 8 Route 206, Block 42 Lots 113 & 115, V-B Zone

Variance to erect a LED sign that is prohibited in the V-B Zone, and exceeds the height and size allowed.

A motion was made by Ms. Segal to approve the resolution as written. Mr. Morytko recommended a minor change on page 6, Condition #5 saying that if standards are applied to our ordinance the applicant agreed that the ordinance will prevail and Mr. Morytko believed that was not conveyed clearly in the resolution. Mr. Senesky recommended adding “unless a future ordinance provides for a greater or lesser period of time”. The Board agreed. Chairman Shivas asked Mr. Senesky if that condition could be challenged. Mr. Senesky said the applicant agreed, so it does have validity. Ms. Segal agreed to amend her motion. The motion was seconded by Mr. Kaufhold. 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

Z19-2017, John & Robyn Gallagher, 78 Birch Parkway, Block 308 Lot 1840, R-5 Zone

Relief from a side yard setback, and to exceed allowable size of an accessory structure to reconstruct a boat house.

A motion to approve the resolution as presented was made by Mr. Kaufhold. 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.

**NEW BUSINESS**

SP6-2017, P.R. DeRosa Enterprises, LLC, 262 Route 206, Block 216 Lot 2, NC Zone

Minor Site Plan – Conditional use approval for outdoor storage, sales and service of boats and trailers.

Mr. Mike Selvaggi, Esq., from Lavery, Selvaggi, Abromitis & Cohen, P.C., representing the applicant, Paul DeRosa, P.R. DeRosa Enterprises, LLC, said that since Byram recently changed zoning in the Neighborhood Commercial zone to allow as a conditional use outdoor sales, storage and display, that Mr. DeRosa is here to obtain approval to sell, store and service boats, trailers, and snowmobiles, much like the current use of the property today. Mr. Selvaggi added that that there are pre-existing, non-conforming conditions which will not be exasperated, and no other changes are proposed with the exception of the location of stored equipment, and some landscaping.

Mr. Selvaggi introduced Mr. Joseph Golden, P.E., and Mr. Golden was sworn in. Mr. Golden gave his education and experience to the Board and the Board accepted him as an expert in his field.

Chairman Shivas wanted to emphasize that this application has not received a Highlands Exemption and even though the Board Engineer believes obtaining an exemption should not be a problem, he wanted to remind the applicant that he will be proceeding at his own risk. Mr. Selvaggi understood.

Mr. Golden presented Exhibit A1, dated 11/15/2017, a blow up of the submitted plan and said that Lot 2.01 is not a part of this application and will become a stand-alone lot. Mr. Gleitz reiterated that actions taken tonight remove all previous approvals for Lot 2.01, and Mr. Senesky said he will add that language to the resolution. Mr. Walsh added that since Lot 2.01 will not have curb cuts, it will be an isolated lot.

Mr. Golden reviewed the exhibit along with Mr. Gleitz’s report and offered the following comments:

- Mr. Golden said they moved the tree line back 50’ from the property line as required.
- A comment was made that the submitted site plan lacked detail so Mr. Golden said that on the exhibit A1 he used colors to define areas saying that green areas indicate the proposed storage, gray areas are asphalt, and brown areas indicate structures.
- Mr. Golden added that no impervious coverage is being added and he believes that the applicant will be eligible for Exemption #4 under the Highlands Exemption.
- Stormwater run-off will be handled by green infrastructure, and any run-off will divert to the wetlands on the property but added there will be no disturbance to the wetlands.
- Septic and disposal beds are depicted on the exhibit, and Mr. Golden will show their locations to the revised plan.

Mr. Golden said a change to the entrance and exit was made making the curb cut on the southerly side an “in only” access, and the curb cut to the north, “exit only”, and that a “Do Not Enter” sign will be added. He added that the D.O.T. approved of this change.

Mr. Golden said they propose to overlay the existing paved areas and add stripping for parking and two parking spaces to the south were added. Mr. Gleitz pointed out that a variance is required for parking in the side yard.

Mr. Golden reviewed the landscaping saying that nine green giant arborvitaes were added to the south side of the main building, and twenty-seven green giant arborvitaes were added to the southwest corner portion of the property. The applicant is seeking a partial waiver from the landscape design standards.

There was Board discussion about the small structure to the front of the property and its use. The plan indicates a “framed dwelling” and it is the applicant’s wish to reside in the dwelling. It was determined that if in the past the

structure was used as a residence, it was not approved for that use and a use variance would be required. The applicant agreed to use it as satellite office, and Mr. Golden will update the site plan to depict the structure as an office. Also on the exhibit the two parking spaces near the structure are labeled "residential parking", that should be removed.

Ms. Shimamoto asked if the accessory structure is used as an office would that mean there are two principal structures on the property and require a variance. Mr. Gleitz's said in his opinion it is an accessory structure in the front yard, which would require a variance. Paul mentioned the other accessory structures on the site and there was a discussion about the sheds being re-located behind the principal structure. Chairman Shivas said they have to meet the minimum distance requirement of 10ft. from a principle structure. The applicant decided to put the sheds together making sure they meet the required setback.

Regarding trash pick-up Mr. Golden said Mr. DeRosa wishes to use a "roll-out" dumpster, keeping the dumpster inside. He does not anticipate a lot of trash and he will roll it out for pick up. Mr. Golden said a concrete pad is located in front of the accessory structure and if the Board wishes the trash enclosure can go there. Mr. Gleitz said the structure will provide screening and they can add some plantings, but the enclosure in the front yard does require a variance. Mr. Golden will update the plan with the trash enclosure location.

Mr. Gleitz memo talked about design standards in the NC zone and installing sidewalks along the property frontage. There was Board discussion and Mr. Golden said the northern portion of the property is a culvert, and wet, and it would make no sense to add a sidewalk but if the Board wishes Mr. DeRosa will add fifty-five feet of sidewalk to the northern end of the property, from the northern property line to the exit driveway. This would allow connectivity between Lot 2.01 and Lot 2. After Board discussion it was determined that the sidewalk would not have to be installed until the adjacent Lot 2.01 is developed. Mr. Senesky said that could be a condition in the resolution and also recorded by virtue of a deed. The applicant agreed. The applicant seeks a partial waiver from this design standard.

The Board talked about parking and it was determined that the applicant met the parking requirements; eleven stripped spaces are proposed, nine spaces are required.

The Board reviewed the conditions required for a conditional use approval and the applicant has complied with all five conditions.

Mr. Golden reviewed comments in Mr. Gleitz's report and said that:

- Boats will be wrapped, and no racks will be used.
- The applicant will provide fifty-five feet of sidewalk when the adjacent Lot 2.01 is developed, which will be depicted on the revised site plan. A partial waiver is required for this design standard.
- Some landscaping screening has been added, and the applicant is seeking a partial waiver the landscaping design requirements.
- Mr. Golden said the plantings proposed are the most deer resistant and the applicant will replace landscaping when needed.
- Complied.
- No structural changes are proposed at this time.
- One loading area will be on the north side for box trucks and small deliveries, and a second loading area on the south side of the property for unloading boats and other related equipment. Mr. Golden will show the loading areas on the on the revised plan.
- Mr. Golden reviewed the parking. After Board discussion and it was determined that the two proposed parking spaces in the front yard do not require a variance.
- No new lighting is proposed, the current building lighting will be used. The business is open until 5p.m., and will only be lit during business hours. Mr. Gleitz said the applicant is requesting a waiver from the lighting design standards.

Mr. Golden presented Exhibit A2, *Current and existing signage*, he said they will use the existing sign and change the text. The sign is internally illuminated and only be lit during hours of operation. A "Do Not Enter" sign is proposed at the northern entrance. Mr. Gleitz said you are allowed by ordinance three signs, and two are proposed; a free standing sign and a façade sign.

Mr. Golden said that most of the items in Mr. Stoner's report have been addressed but he will discuss outstanding items.

- The zoning table will be modified.  
The dumpster will be located on a concrete pad in front of the satellite office.
- All products will be stored inside.
- Mr. Golden said the notes on the plan labeled "Notes on use from Trailerama" he put there for informational purposes and the Board could see what was previously approved. Mr. Golden said an approximate amount of boats would be about 100 to 115 boats, keeping in mind that most storage will be during winter months. Mr. Walsh suggested the Trailerama notes be removed from the revised plan.
- Mr. Golden said the area to the rear of the property is a mixture of gravel and grass and will remain the same.
- Mr. Golden will show the septic locations on the revised plan and nothing will be stored over the septic areas.
- Mr. Golden said with regards to the changes to the ingress/egress, he contacted DOT and they approved the change. Mr. Senesky said he can add language to the resolution reflecting that.

The Board summarized the changes that need to be made to the revised plan, and conditions in the resolution of approval.

1. Loading areas should be designated.
2. Signage will be shown on the revised plan.
3. The notes regarding Trailerama will be removed.
4. Framed dwelling on the plan will be designated as an office building.
5. A fifty-five foot sidewalk will be installed when Lot 2.01 is developed.
6. A Highlands Exemption must be obtained. Mr. Golden suggested a depiction of the impervious coverage on the plan, and a label indicating the area of impervious coverage will be added to the plan. Chairman Shivas suggested a note that impervious coverage has not changed from the 2004 approval.
7. No storage racks.
8. Landscaping will be replaced when dead.
9. Update the bulk requirement chart on the plan.
10. Lot 2.01 is not a part of this application.
11. Revised plan to show new one way in, and one way out.

Bulk variances:

- Trash enclosure in the front yard
- Accessory structure in the front yard.

Ms. Shimamoto had a question about security. Mr. DeRosa was sworn in and said that the boats will be stored securely, and any boats on a trailer will be blocked by boats on blocks.

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

A motion to approve this application was made by Mr. Riley. 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.

**REPORTS FROM COMMITTEES**

Township Council – Ms. Raffay said there was an informational session at the 2017 League of Municipalities where they talked about wireless utility companies putting utilities in the township Right of Way. She said that Byram does not have an ordinance which concerns her. Paul Gleitz said he will look to see what other towns are doing and report back.

She said a first hearing was held in Stanhope for the development of a convenience store with gas pumps at the border of Byram and Stanhope and that several Byram residents that live in the area have concerns.

She also mentioned that she believed WaWa was submitting an application for development on the vacant lot next to the CVS Pharmacy.

Environmental Commission – Ms. Shimamoto said the meeting is next Monday.

Open Space – Mr. Morytko said the meeting is next month.

Architectural Review Committee –Mr. Morytko said they met with the owners of the Byram Car Wash and reviewed their proposed changes, and the committee made some suggestions. They anticipate the owners will return with changes. He said they also looked at the Chase sign that is proposed and provided comments for the Board.

Board of Health – Ms. Segal said the next meeting is Nov. 28.

**BILLS**

No bills were submitted

**OPEN TO THE PUBLIC**

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 10:35 p.m.by Ms. Segal, and the motion was seconded by Mr. Kaufhold. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: *Cheryl White*