

**MEETING MINTUES  
BYRAM TOWNSHIP PLANNING BOARD  
OCTOBER 18, 2018**

**CALL TO ORDER**

Chairman Shivas called the meeting to order at 7:30 p.m.

**ROLL CALL**

	Mr. Chozick	Mr. Dixon	Mr. Gonzalez	Ms. Raffay	Ms. Kash	Mr. Kaufhold	Mr. Morytko	Mayor Rubenstein	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
HERE	H	H				H			H	H	H
ABSENT											
EXCUSED			EA	EA	EA		EA	EA			
LATE											

Also present: Planner, Paul Gleitz  
Engineer, Cory Stoner  
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 October 4, 2018 Meeting Minutes.

A motion was made by Mr. Kaufhold to approve the minutes as written. The motion was seconded by Ms. Shimamoto. The following vote was taken:

	Mr. Chozick	Mr. Dixon	Mr. Gonzalez	Ms. Raffay	Ms. Kash	Mr. Kaufhold	Mr. Morytko	Mayor Rubenstein	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
MOTION						√					
SECONDED									√		
AYE	√	√				√			√		√
NAY											
ABSTAIN										√	
ABSENT			√	√	√		√	√			

Motion carried.

**NEW BUSINESS**

Z07-2018, Virginia Crisonino, 24 Strawberry Point, Block 324 Lot 40, R-5 Zone

To add a 12 'X 14' deck with a 6' X 7' extension to an existing deck, and to add a dormer to a non-conforming, pre-existing single-family dwelling.

Contractor for the applicant, Mr. Rod Schmidt, and owner, Ms. Crisonino, were sworn in. Mr. Schmidt began by saying the property has special circumstances whereas three sides of the property front unnamed Right of Ways, which complicates setbacks. Mr. Schmidt said currently there is a small deck on the house facing the lake and Ms. Crisonino would like to extend the deck across the rear of the home. She said there is a sliding glass door in the kitchen that goes nowhere and by extending the deck it allows her to use those doors. Mr. Walsh believed at one time a screened porch was once there. Mr. Schmidt added that Ms. Crisonino wishes to add a shed under the proposed deck, which will be attached to the house, to be used for the storage of recreational equipment. She also proposes a standby generator which will be open to the air for exhaust and Mr. Schmidt assured the Board it will meet all vendor and construction requirements.

There was a lengthy discussion about the requirement of a lake front buffer and it was believed that what is existing today is sufficient, however Mr. Gleitz did say if there are any gaps in the landscaping to consider plantings to slow the flow of water to the Lake. Ms. Crisonino agreed.

Mr. Stoner reminded Mr. Schmidt that if disturbance occurs within 25' of the lake the applicant must notify NJDEP, Permit by Rule, and provide them a plan of the proposed project. Mr. Schmidt said he would move the steps to avoid any disturbance within 25'.

Chairman Shivas requested a condition in the resolution that Mr. Stoner verify that the deck complies with the 25ft. setback, and that during construction he verifies the height of the structure. The applicant provided testimony that the house will remain three bedrooms.

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

A motion to approve the application was made by Ms. Shimamoto. The motion was seconded by Mr. Kaufhold. The following vote was taken:

	Mr. Chozick	Mr. Dixon	Mr. Gonzalez	Ms. Raffay	Ms. Kash	Mr. Kaufhold	Mr. Morytko	Mayor Rubenstein	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
MOTION									√		
SECONDED						√					
AYE	√	√				√			√	√	√
NAY											
ABSTAIN											
ABSENT			√	√	√		√	√			

Motion carried.

SP3-2018, Weber Brothers Properties, LLC (aka Sunnyside Landscaping), 35 Route 206, Block 36 Lot 39, V-B Zone.

Amended site plan with conditional use and bulk variances to keep an already constructed 609 sq. ft. salt shed, to construct a 4,800 sq. ft. garage, to allow a residential apartment on the third floor, signage and other associated site improvements.

Mr. Chris Colabella, Esq. representing the applicant introduced Mr. Robert Weber, applicant, Jeffrey Careaga, Engineer, and Mr. Joseph Gates, Architect, and they were sworn in. Mr. Careaga has previously testified before the Board and the Board accepts him as an expert in his field. Mr. Gates provided the Board with his education and experience and the Board accepts him as an expert in his field.

General: Mr. Colabella began by reviewing Mr. Stoner's report asking Mr. Weber for an outline of their business. Mr. Weber said the principal structure consist of three floors. The first floor is retail space, the second floor is office space, and currently the third floor is storage. He said the retail business has four employees. The retail hours are Monday thru Saturday 8:00 a.m. to 6:00 p.m., and Sunday 9:00 a.m. to 5:00 p.m. He said between Christmas and Valentine's Day the retail business is closed. He said they sell landscape plants, plant accessories, gifts, propane, flowers, seasonal produce, and most things one would associate with a garden center.

He said the other part of the business is residential and commercial landscaping which entails the installation of landscaping, pavers, patios, water features, retaining walls, driveway paving, snow plowing and routine lawn maintenance of properties. He said they employ approximately fifteen employees that work off-site. They arrive at 7:00 a.m., park their vehicles in the rear and return at 5:00 p.m.

Parking: Mr. Weber said the site provides nineteen parking spaces, three are for tenants, (one tenant space is ADA compliant). The parking areas are not paved or striped and added that parking has never been an issue. Mr. Stoner recommends adding curb stops to the employee parking in the rear to delineate spaces and provide a revised plan showing all parking areas. The applicant agreed.

50' X 96' Garage: Mr. Colabella presented Exhibit A1 which is a "List of Equipment" that is stored on the property and used for the business. Mr. Weber said he proposes a 4,800 sq. ft., pole barn which is needed to store most of the equipment. Mr. Colabella asked if the garage will be used for equipment repairs. Mr. Weber said they may do minor repairs, but major repairs are done off site. It was noted that the structure will have electric, but no water. It was noted that the garage is within 200ft. of the riparian zone, which requires a variance. Mr. Weber said they will keep the building as far away as possible from Lubber's Run. He said this area will be screened and will be an improvement to the site.

Location of Storage: Mr. Weber said the storage bins on the site, which are separated by large concrete blocks, hold mulch, stone, soil, etc., They also store bagged mulch and soil. Mr. Stoner asked if there is any storage in the rear of the site. Mr. Weber said the only items stored in the rear are plants that did not sell and are put there to winter over. This area will be screened with a landscape buffer. Some areas on the site are temporary storage areas, and some are permanent.

Loading areas and Trash Enclosure: Mr. Weber said the loading area is located by the storage bins behind the greenhouse. Mr. Stoner said an operation like this usually requires several loading areas. Mr. Stoner said to be sure that all loading areas do not interfere with vehicles or pedestrian traffic.

It was decided that the Board can grant a waiver for the trash enclosure since it will be screened by structures.

Mr. Weber said to control dust they use an irrigation system and have been there for 3 ½ years and have not received any complaints from neighbors regarding noise of dust.

Salt Shed: He noted that a 24' X 24' salt shed was erected without a permit, which requires variances for exceeding the permitted height and size of an accessory structure and does not meet the required setback of 10 feet from one accessory structure to another accessory structure. Mr. Careaga said they will move the wood shed to meet that setback and eliminate the need for that variance. Weber said the covered pole barn is used for salt and keeps the salt from outside elements which deters run off. Mr. Stoner said he will verify that the re-located shed, meets the required setback.

3<sup>rd</sup> Floor Apartment: A two-bedroom apartment on the third floor is propose. Three parking spaces (one handicap) will be delineated by a 6ft. retaining wall and will include steps and a walkway for the tenant entrance. A report from the Fire Official was received that states that the apartment, by code would require two means of egress. Mr. Gates, Architect presented Exhibit A4, dated October 17, 2018 which is letter to the Fire Official which states that this proposed use is designated an R-3 Use, which says that "Occupancies shall be permitted to have one exit or access to a single exit". The letter also sites other construction and fire safety codes. Mr. Gates said if the code changes, or if they find out otherwise, they will comply by extending the balcony and adding stairs which will allow for a second egress. He added that safety compliance is a priority. Mr. Gates, noted that a fire sprinkler is system is proposed with an 800-gallon water storage tank to be located on the first floor. Fire separation standards will separate the second and third floor in compliance with D.C.A. standards.

Mr. Gates, Architect, presented Exhibit A2, a colored rendering of the proposed garage but noted that the exhibit illustrates a smaller scale of the proposed building. He said the colors will match the existing structure and will be constructed of wood and steel. The Board asked that details of the retaining wall proposed behind this structure be added to the plan. The applicant agreed.

Mr. Gates presented Exhibit A3, a colorized version of Sheet A-1, dated 5/25/17, revised 10/4/17, depicting the floor plan of the main building and proposed apartment. Mr. Gates said minimal construction is required for the apartment, however new, fire safety windows will be installed.

COAH: Mr. Gleitz said since only one unit is proposed a “unit set aside” is not required however, Mr. Gleitz advised Mr. Weber that he should speak with the Township Attorney to see if developmental fees in connection with affordable housing will be required. The applicant will comply.

Lighting: Mr. Weber said most of the site is lit by spot lights. New shoebox lighting is proposed on the garage, the principal structure, and the freestanding sign. Mr. Stoner said the foot-candle lighting on the site does not comply with township standards, however he believes it is adequate for this site and use. Mr. Weber added that when Christmas trees are sold they use string lighting to accent that area.

Landscape buffers: Mr. Weber said the areas along Lubber’s Run have a natural buffer of native wetland plants. Mr. Gleitz recommended filling in any gaps with plants from the preferred plant list which are plants designed to slow run off along the water’s edge. Ms. Shimamoto said this would be a good opportunity for Sunnyside to display these type plants. She explained that when an applicant does an improvement to water front property the township requires the applicant to plant a lakefront buffer and a preferred plant list is provided to the applicant. She said displaying these plants on their site will enable customers that require this buffer to see examples of these plants in their mature and natural state. Mr. Weber agreed. It was noted that the Board secretary will send Mr. Weber a copy of the plant list. Mr. Stoner recommended installing some landscaping behind the garage but making sure not to disturb wetlands. The applicant agreed.

Signage: Several signs exist on the site today. There was a lengthy Board discussion about the signs on the site, most are hand painted, seasonal signs. The applicant agreed to two sandwich board signs, one propane sales sign, and the free-standing sign with a hanging sign underneath. Two sandwich board signs (or any other temporary, seasonal signs) can remain out no longer than four months. Variances are required for the size and height of the signs, with a maximum size of 48 sq. ft.

Environmental Comments: Ms. Shimamoto asked to review the EC comments. She asked Mr. Careaga to confirm the number of dry wells on the property since the EIS, and the plan had different information. Mr. Careaga confirmed there are three drywells on the site. He added that on Sheet 3 of the plan details were provided to show overflow to drywells. She said the EC has concerns about run off to Lubber’s Run and Mr. Weber agreed to re-locate the shed nearest to Lubber’s Run. He added that no fuel is stored on site, and they will comply with NJDEP standards. He said the proposed garage has a cement floor and Chairman Shivas recommended a floor lip in the event a spill does occur, it will be contained in the building. Mr. Weber will check with the manufacturer to see if that is an option, if it is, he will comply. Lastly, the EC asked that when Mr. Weber replaces the carport structure in the northeast corner of the property he re-locate it further from Lubber’s Run. The applicant agreed.

Other property features: A putting green currently exist to the south, on the front portion of the property. The applicant is proposing a water feature with pavers saying this will add to the aesthetics of the property and an example of their work.

Variances:

- *Two Conditional Use Variances:* Lawn and Garden Centers - Mr. Gleitz said that lawn and garden centers are a conditional use in the V-B zone however the applicant must prove that all conditions are met. He said the applicant has not demonstrated that the outdoor storage area is limited to a single area and that it does not exceed 50% of the lot area. Mr. Gleitz said because of the nature of the business, the storage areas are in various locations, however the applicant should provide testimony that all storage areas combined does not exceed 50% of the site. Mr. Careaga did a calculation of the storage areas combined saying that 23% of the lot area is outdoor storage, which complies.
- *Apartment on the second or third floor* - Mr. Gleitz said the applicant has met those standards but needs to confirm if development fees are required.
- *Bulk Variances and waivers* -
  - Height of accessory structures.
  - Size of accessory structures.
  - Size of signs.
  - Building separation setbacks.
  - Setback to a body of water.
  - Trash enclosure waiver.
  - Ten variances are required for pre-existing, non-conformities.

A motion to approve this application was made by Mr. Walsh subject to conditions that the shed be moved, the Byram Township Fire Marshall agrees with Mr. Gates’s report, revised plans are submitted showing details of all storage areas and their contents, designated parking areas, retaining wall details, and that the applicant agreed to re-locate the car-port structure when replaced. The motion was seconded by Mr. Chozick. The following vote was taken:

	Mr. Chozick	Mr. Dixon	Mr. Gonzalez	Ms. Raffay	Ms. Kash	Mr. Kaufhold	Mr. Morytko	Mayor Rubenstein	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
MOTION										√	
SECONDED	√										
AYE	√	√				√			√	√	√
NAY											
ABSTAIN											
ABSENT			√	√	√		√	√			

Motion carried.

**REPORTS FROM COMMITTEES**

- Township Council – Mayor Rubenstein was not present.
- Environmental Commission – Meeting is Oct. 25, 2018
- Open Space – No representative was present.
- Architectural Review Committee – No meeting was held.

**BILLS**

Harold Pellow & Associates, (13 bills) \$2,975.55

A motion to approve Mr. Stoner's bills was made by Mr. Walsh. The motion was seconded by Mr. Kaufhold. All were in favor. Motion carried.

Latini & Gleitz (2 bills) \$1,140.00

A motion to approve Mr. Gleitz's bills was made by Mr. Walsh. The motion was seconded by Mr. Chozick. All were in favor. Motion carried.

Larry I. Wiener (2 bills) \$2,438.50

A motion to approve Mr. Wiener's bills was made by Mr. Walsh. The motion was seconded by Mr. Chozick. 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

**ADJOURNMENT**

A motion to adjourn the meeting was made at 10:45 p.m. by Ms. Shimamoto. The motion was seconded by Mr. Kaufhold. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted,  
*Cheryl White*