

**MEETING MINTUES
BYRAM TOWNSHIP PLANNING BOARD
OCTOBER 4, 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 | H | H | H | | H |
| ABSENT | | | | | | | | | | | |
| EXCUSED | | | | | | | | | | EA | |
| 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 Chairman Shivas

MINUTES

Approval of the September 6, 2018 Meeting Minutes.

A motion was made by Mr. Kaufhold to approve the minutes as written. The motion was seconded by Mr. Morytko. 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.

COMPLETENESS

SP6-2018, Thomas Brummer, 19 Lee Hill Road, Block 336 Lot 15.06 and Lot 15.09 R-2 Zone
Minor subdivision.

Ms. Shimamoto said prior to the regular meeting the Sub-committee met, along with the applicant, and determined that the application be deemed incomplete. She said the lot line adjustment the applicant is proposing creates a parcel with insufficient road frontage, which requires a variance and public notification. She added that the plan submitted did not provide a complete description of all parcels and advised the applicant that a plan showing the access easement and all lots involved be submitted if he decides to move forward with this application.

A motion was made by Ms. Shimamoto, the motion was seconded by Mr. Gonzalez. 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

SP4-2018, Tomahawk Lake Inc., Tomahawk Trail, Block 343 Lots 1, 2 and 3, C-R Zone
(carried from August 2, 2018) Amended site plan to construct a 36' X 40' concession stand, to add overflow parking areas on the grass, and to add two new waterslides.

Mr. Senesky said he recently learned that applicant retained a new attorney, Mr. William Askin. Esq. Mr. William Askin asked that this matter be carried to December 6, 2018 so that he has time to review this application and prepare for the public hearing. In addition, it was determined that this application involves a use variance and new public notification is required.

A motion was made by Mr. Morytko to carry this application to Dec. 6, with the stipulation that the applicant re-notice and include language that a use variance is required. 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.

CONSISTENCY REVIEW

Ordinance XX-2018 – Amending Section 240-48, Entitled “Temporary Signs in Non-Residential Districts” and amending Section 240-63, Entitled “Conditional Uses in Village Business and Neighborhood Commercial Zones”.

Mayor Rubenstein said several months ago he sat down with the Township Manager and the Zoning Officer and they identified issues in this section of code. Recommended changes were discussed with the Council, and they agreed with these changes and now this matter is before the Planning Board for a consistency review. He said the amendments to the ordinances were introduced at the Oct. 2nd Council meeting.

Mayor Rubenstein said the intent is to repeal Chapter 195 in its entirety, saying that this section of the code hasn’t been updated since 1990, and to the township’s knowledge no permits have been issued under this Chapter.

Tom Dixon, Zoning Official, said the outcome of the discussion about section 240-48 resulted in:

- Eliminate the requirement for a special event permit.
- Remove the limit to the number of special event signs allowed per year.
- Remove “black out” periods for special events.
- Lessen restrictions on sandwich board signs.

Mr. Morytko asked if there is a distinction between special event signs and temporary signs. Mayor Rubenstein said they have a similar definition. Mr. Morytko said by removing the time sandwich board signs are allowed on the sidewalk means they become a permanent sign. Mr. Morytko added that eliminating 240-48 A. (4) – *Special events signs permits are limited to no more than four times per property or tenant per calendar year*, and the changes to standards for sandwich board signs ultimately allows business owner’s two additional signs on the property in addition to the signs allowed today.

Mr. Stoner pointed out that 240-48 A. mentions temporary signs and special event signs in the same section of the code and he recommended removing the language “special event” signs.

Chairman Shivas recommends removing the Village Center Zone from 240-48 B (1) saying that it could present a problem since the development in the VC is confined but added that if in the future if the Township determines sandwich board signs fit into the character of the VC, the ordinance can be amended.

Ms. Shimamoto believes removing 240-48 B (6) could allow interference with pedestrian traffic, making it unsafe.

Mayor Rubenstein read this section and noted that the word “should” is used incorrectly. Mr. Senesky recommended replacing the word “should” with “shall”, the language in 240-48 B. (6) and that “curb” should be defined as “curb of the sidewalk” because as it is written today it could be interpreted as the curb of the road.

Ms. Raffay said the intent was for the curb of the sidewalk and by removing 240-48 B. (6) could allow business owners to display sandwich board signs along the roadway and Ms. Raffay believes that sandwich board signs are not intended for drive-by traffic and is not consistent with Byram’s Master Plan, since the Master Plan calls for a pedestrian friendly, walkable community. She believes sandwich board signs are more palatable on sidewalks, not roadways. Mr. Morytko agreed and added that the Board worked very hard a few years ago updating this ordinance because of sign clutter on the highway and these changes appear to deregulate what the Board was trying to achieve.

Ms. Raffay pointed that the since changes are being made to section 240-50 of the ordinance, that section of the code should be called out as an amendment to the ordinance in the title. Mr. Senesky recommended including 240-48, and 240-50, but 240-49 should not be included. Only sections that are being amended should be included. The Mayor made note and will talk to the Township Clerk.

The Board discussed 240-63 which currently reads, specifically 240-63 F. (1) *Operations. No tent sale or special event shall operate between the hours of 8:00 p.m. and 8:00 a.m. and shall not occur from November 1 through March 31. No tent sale or special event shall operate for more than three consecutive days. All tent sales or special events are subject to an additional special event permit process.* And replacing with F. (1) *Operations. No tent sale or special event shall operate for more than five consecutive days.* The Mayor explained how this was a hardship on business owner’s. He said he believed the reason for the blackout period was because if it snowed and snow was piled in parking areas, temporarily eliminating parking stalls, it could impact parking requirements. Mayor Rubenstein said it was the conclusion of the Council that the business owner can determine if parking requirements could become an issue and make their own determination. In addition, business owners believed that three days was not adequate time for a special event saying that it could take a day to arrange and a day to dismantle a special event, so it was extended to five consecutive days. The Board had no more comments.

Mayor Rubenstein summarized the Board’s comments:

- Confusion between terminology of temporary signs vs. special events signs in definitions.
- 240-48 B. (1) Remove Village Center Zone. If sandwich board signs have no time restraint, aren’t they then permanent.
- Sandwich board signs are not compatible with drive by traffic, only pedestrian traffic. If the time restraint for sandwich board signs are removed, they should no longer be considered “temporary”.
- 240-50 should be included in the title of the ordinance since changes are made to that section.
- 240-48 B (6) Sign location should not be removed, the Board feels this is important for safety purposes.
- 240-48 A (2) Remove “property”, keep “tenant”.
- Allowing special event signs and sandwich board signs on a commercial property at the same time essentially allows business two more signs above what is currently allowed.

- Section 240-50 of the ordinance should be included in the title. Mr. Senesky recommended including 240-48, and 240-50, but 240-49 should not be included.
- Board recommends removing sandboard signs as permitted in the Village Center zone.
- 240-48 A. mentions temporary signs and special event signs in the same section of the code and he recommended removing the language “special event” signs.

Chairman Shivas reminded the Board that their charge is to find these changes either consistent or inconsistent with the Byram’s Master Plan.

A motion was made by Mr. Morytko that some of the changes to the ordinance are inconsistent with Byram’s Master Plan. 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.

REPORTS FROM COMMITTEES

Township Council – Mayor Rubenstein said nothing new to report

Environmental Commission – Ms. Shimamoto said the commission reviewed the applications for the Weber Brothers, Rod Schmidt and the Mr. Brummer’s application and provided comment to the Board secretary to be disseminated.

Open Space – Mr. Morytko said the meeting is next Tuesday, October 9.

Architectural Review Committee – Mr. Morytko said the committee met and reviewed the Weber Brothers application and provided comment to the Board secretary to be disseminated.

Zoning Report -Mr. Dixon, Zoning Officer gave the following report for September 2018:

- 4 Zoning permits issued
- 0 Permits denied.
- 22 Notice of Violations were issued.
- 0 Summons were issued.
- 12 Signs were removed from the roadway.
- 16 Cases were cleared.

BILLS

Latini & Gleitz Planning, (7 bills) \$2,610.00

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

Schenck, Price, Smith & King, LLC – (6 bills) \$1,593.00

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

OTHER BUSINESS THE BOARD DEEMS NECESSARY

Mr. Kaufhold distributed his write up about LED signs. Mayor Rubenstein told the Board that the Council will take on the task of changes to the zoning ordinances. The draft ordinance will be presented to the Planning Board for a consistency review.

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 9:00 p.m. by Mr. Morytko. The motion was seconded by Mr. Kaufhold. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted,
Cheryl White