

**MEETING MINTUES
BYRAM TOWNSHIP PLANNING BOARD
DECEMBER 6, 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
ABSENT					A						
EXCUSED			EA								
LATE											

Also present: 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 November 1, 2018 Meeting Minutes.

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

COMPLETENESS

SP6-2018, Thomas Brummer, 15 Lee Hill Road, Block 336 Lots 15.06 & 15.09, R-2 Zone
Lot line adjustment with variances for insufficient road frontage and to intensify a pre-existing, non-conforming lot.

Mr. Walsh said the applicant and the subcommittee met prior to the regular meeting and reviewed the application materials and the engineer's report. Mr. Walsh said the applicant is seeking a minor subdivision to reduce Lot 15.09 from 34.0786 acres to 6 acres and annex the remaining 28.079 acres to adjacent Lot 15.06, making Lot 15.06 a total of 47.43 acres. The reduction of acreage on Lot 15.09 creates a variance for insufficient road frontage, and the intensification of a pre-existing, nonconforming lot.

Mr. Walsh said based on the information submitted, the application was deemed complete and a hearing date was set for January 17, 2019.

A motion was made by Mr. Walsh to deem the application complete. 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.

SP7-2018, Dave Hergert, (aka Elite Automotive) 254 Route 206, Block 216 Lot 3.04, N-C Zone

Major site plan with variance to construct a five-stall parking area in the front yard, additional employee parking, the relocation of the building entrance along with other site improvements.

Mr. Walsh said the subcommittee met prior to the regular meeting and they reviewed the engineers report and the information submitted. Mr. Walsh said some significant items were missing such as drainage details, existing and proposed contours, and an Environmental Impact Statement saying that since this property is located near an environmental sensitive area, the applicant should provide an EIS. He added that other details like landscaping and lighting were not provided, which are mentioned in the engineer's report and should be provided by the applicant prior to a public hearing.

A motion was made by Mr. Walsh to deem the application incomplete. 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.

RESOLUTIONS

Z06-2016, Jose Goncalves, 25 Carpenter Road, Block 238 Lot 508, R-3 Zone

Second request for an extension of approval to construct a new single-family dwelling.

A motion to approve the last extension allowed for this approval was made by Mr. Morytko. 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.

Z09-2018, Ashley Eyrich, 90 Lackawanna Drive, Block 229 Lot 8, R-5 Zone

Variances for two side yard setbacks to construct an entrance on the right side of the house and to keep a previously constructed deck in the rear of the home.

A motion to approve the resolution as written was made by Ms. Raffay. 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.

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.

There was a discussion about the resolution presented and several items needed to be corrected. Mr. Senesky will revise the resolution and provide a copy for the Dec. 20th meeting.

NEW BUSINESS

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

A motion to hear this application on Jan. 3, 2019 was made by Mr. Morytko. 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 sometime in early February the Council would like to have a joint meeting with the Planning Board to discuss the year ahead, action items and the annual report. Mayor Rubenstein also asked the Chairman to authorize Mr. Senesky to investigate if the Municipal Land Use Law has language that prohibits a property owner, who has obtained site plan approval for development on a vacant lot, begins minor work on the property and then delays the development, leaving a barren piece of land for years. Mr. Senesky said he will check into it.

Environmental Commission – Ms. Shimamoto had nothing to report. Chairman Shivas asked the Board secretary to send the EC the application for Dave Hergert since this property is near environmental sensitive areas.

Open Space – Mr. Morytko said the meeting is Dec. 10. He said \$5,000.00 of Open Space funds will be allocated for the heating of the School House building on Mansfield Drive saying that the heat will help stabilize the interior of the building.

Architectural Review Committee – Mr. Morytko said there was no meeting.

Zoning Report - Mr. Dixon provided the November 2018 Zoning report:

- 6 Zoning permits were issued.
- 0 Zoning permits were denied.
- 1 Site Plan Waivers was issued.
- 21 Notice of Violations were issued. (1 stop work order was issued)
- 6 Summons were issued.
- 15 Violation cases were cleared.
- 2 signs were removed.

SITE PLAN WAIVER

Chairman Shivas told the Board of the recent tenant change, formally Orchard Beer Garden is now Brooke's Beer Garden, 172 Lackawanna Drive, Block 265 Lot 287, adding that they are open Thursday thru Sunday.

Ms. Raffay shared with the Board her disapproval about comments made by some members of the Council criticizing the Board when the Council said that the Planning Board was not "in sync" with the Council. She said she listened to the Council meeting recording and she believed the Council didn't give credit to the Planning Board for their contribution to the ordinance, saying that much of the changes to the ordinance were a product of the Planning Board's work. She added that changes were made by the Council after the Planning Board reviewed the ordinance for consistency and, as a result, the business owners and the residents of Byram received an improved and more responsive ordinance. Chairman Shivas believes it should have come back to the Board after changes were made and that perhaps the Board would have found the ordinance consistent with the Master Plan. Chairman Shivas added that he can't speak for the entire Board, but he said he would have found it consistent.

Ms. Raffay added that the Board was also criticized for not seeking new professionals saying that the appointment of the Board's professionals, under state law, is under the purview of the Board and is the Board's prerogative, and if the Board is happy with the professionals, they should not be criticized for it.

Mayor Rubenstein agreed that it could have been handled better.

BILLS

Schenck, Price, Smith & King LLP (6 bills) \$2,700.00

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

PUBLIC COMMENT

Chairman Shivas opened to the public.

Anneliese Tartell, 7 Lackawanna Drive asked if she could put an open, covered carport for the school bus to protect it from snow. She said she has difficulty cleaning the top of the bus and the cover would be helpful. Chairman Shivas told her to see the zoning officer, and he believes it would require an amended site plan.

No one else 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. Walsh. The motion was seconded by Mr. Kaufhold. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted,
Cheryl White