

**MEETING MINUTES
BYRAM TOWNSHIP PLANNING BOARD
APRIL 4, 2019**

CALL TO ORDER

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

ROLL CALL

	Mr. Chozick	Mr. Dixon	Mr. Gonzalez	Mr. Kaufhold	Mr. Morytko	Mr. Olson	Ms. Raffay	Mayor Rubenstein	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
HERE	H	H	H	H	H	H			H	H	H
ABSENT											
EXCUSED							EA	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 March 7, 2019 Meeting Minutes.

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

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

Motion carried.

Approval of the March 21, 2019 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	Mr. Kaufhold	Mr. Morytko	Mr. Olson	Ms. Raffay	Mayor Rubenstein	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
MOTION				√							
SECONDED	√										
AYE	√	√		√		√			√	√	√
NAY											
ABSTAIN			√		√						
ABSENT							√	√			

Motion carried.

RESOLUTIONS

202-2019, Thomas Falleni, 145 Lake Drive, Block 250 Lot 129, R-5 Zone

Variance relief to add a 12' X 16' shed.

A motion to approve the resolution as presented was made by Mr. Olson. The motion was seconded by Mr. Kaufhold. The following vote was taken:

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

Motion carried.

202-2019, Thomas Falleni, 145 Lake Drive, Block 250 Lot 129, R-5 Zone

Variance relief to add 762 sq. ft. over an existing garage, and to relocate the access stairs to the outside, behind the garage.

A motion to approve the resolution as presented was made by Ms. Shimamoto. The motion was seconded by Mr. Chozick. The following vote was taken:

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

Motion carried.

Z03-2019, Gerardo Pacillo and Mark McManus, 16 Rosemarie Lane, Block 360 Lot 11.01, R-4 Zone

Variance relief to re-build a single-family dwelling and garage.

Mr. Stoner said that on page 11, Condition #7 should include the language that “and to the satisfaction of the Board Engineer”. The Board secretary will make that correction.

A motion to approve the resolution with the amendment was made by Mr. Walsh. The motion was seconded by Mr. Olson. The following vote was taken:

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

Motion carried.

NEW BUSINESS

Z04-2019, Kevin Cotter, 5 Cliff Drive, Block 320 Lot 1, R-5 Zone

Relief to add 985 sq. ft. second story addition, a 93 sq. ft. covered porch, and to keep a pre-existing carport in the front yard.

The Board received a letter dated April 2, 2019 from Mr. William Askin, Esq., representing a neighboring property owner, Ms. Garman, at 3 Cliff Drive. The letter stated that Ms. Garman is disputing the ownership of 9.89 ft. of property between 3 Cliff Drive and 5 Cliff Drive. On behalf of his client, Mr. Askin asked that the matter be carried until this issue is resolved. The Board determined this matter should be carried to May 2, 2019 without further notice.

A motion was made by Mr. Morytko to carry the application to May. 2. The motion was seconded by Mr Kaufhold. The following vote was taken:

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

Motion carried.

SP2-2019, Anty Trucking Inc., Block 226 Lot 16, 9 Lackawanna Drive, IPR Zone

Mr. Dixon and Mr. Olson stepped down for this application.

To obtain approval to establish a phasing plan for operations and site improvements that were proposed and approved on September 6, 2018.

Mr. Michael Lavigne, Esq. representing Dominick Antonucci, owner and applicant, said that in September 2018 Mr. Antonucci received approval to operate a trucking and rigging company requiring approval for outdoor storage of equipment and vehicles, an addition with a loading dock to an existing building, façade improvements, and the erection of two accessory storage buildings. Since that approval Mr. Antonucci has been involved in divorce proceedings and his finances are in a state of flux until the divorce is final. Considering this, Mr. Lavigne said that Mr. Antonucci has entered into a short-term lease agreement with the owner, so he can begin using the property and that Mr. Antonucci is seeking an amendment to the prior approval to establish a phasing plan for both operations, and site improvements. Mr. Lavigne added that Mr. Antonucci has not begun conducting business from this site, rather just moving his equipment and vehicles.

Mr. Antonucci was sworn in and explained that his lease in Dover expired so he started moving equipment and vehicles to 9 Lackawanna Drive. Shortly after he received a Notice of Violation from the Zoning Officer because he was storing vehicles and equipment on the site prior to the site being perfected. At that point Mr. Antonucci ordered that all work stop, and he is here this evening to address this matter.

To begin, Mr. Antonucci wanted the Board to know that there is an extensive beaver dam on the site causing wet conditions in some areas that were approved for the storage of vehicles and equipment which may hinder what he can do on the site, and where he can park. Mr. Stoner said the beaver dam is not an issue for this Board, but he will offer some guidance to Mr. Antonucci after the meeting. Mr. Stoner went on to say he has no objection to Mr. Antonucci’s request for phasing but would like a clear and precise plan so that the Board and Zoning Officer can easily identify non-compliant issues.

Mr. Patrick McClellan, P.E., Engineer for this project was sworn in. Mr. McClellan has testified before the Board previously and the Board accepts him as an expert in his field. Mr. McClellan presented Exhibit A1 dated 6/15/18, *Colored Site Rendering* and explained where the beaver dam is located, and where wet conditions are occurring on the site caused by the dam. He explained how the removal of the dam could affect the timing of the site reclamation, such as soil and seeding. Mr. Stoner said he saw evidence of water on the northeastern side of the site, but he didn’t see any water issues on the southwestern side of the site as Mr. McClellan claims. Mr. McClellan disagreed and said he visited the site today and there was water present in both areas, which is not normal. Mr. Stoner did not believe that the amount of wet conditions on the left side of the site would interfere with the storage of equipment/vehicles.

Chairman Shivas said the Board is apprehensive allowing storage on the site before the site is perfected because the previous applicant that received approval for a similar use stored equipment and vehicles on the site before resolution compliance, which resulted in violations. Mr. Lavigne said that Mr. Antonucci is aware of

the unfortunate situation and assured the Board that all equipment not belonging to Anty Trucking is off the site.

Mr. Stoner asked about if the concrete barriers and water tanks on the site belonged to Mr. Antonucci, Mr. Antonucci said yes. Mr. Stoner asked Mr. Antonucci why sea boxes are being stored on the northeastern portion of the site when his previous testimony stated that area would be used to store trailers. Mr. Antonucci said in his business sea boxes and trailers are synonymous. Chairman Shivas said that was not clear to the Board when the original approval was obtained. After Board discussion it was determined that all equipment be moved and stored on the southwest side of the property, not in plain view, until the northeastern portion of the site can be completed.

With regards to the phasing it was determined that the phasing would happen as follows:

Phase I – To be completed by April 30, 2019.

- All employees, equipment and vehicles will be moved to the site and daily operations will begin.
Condition: No vehicles or equipment can be stored on the northeast side of the site until the site is restored.

Phase II - To be completed by June 30, 2019.

- Refurbishing the existing building, inside and out.
- Signage
- Berming, soil, seeding and landscaping along and in front of the fence line, and foundation plantings around the existing building.

Phase III – To be completed by April 30, 2020.

- All improvements to be completed, and the entire site completely restored. If removal of the beaver dam effects the completion date of 4/30/20, the applicant must return to this Board.

Mr. Antonucci said he may want to change the bottom of the existing building color. Originally, he was going to paint it green and now he is considering maroon. Ms. Shimamoto said he should meet with the Architectural Review Committee with a swatch of the proposed color for their review. Mr. Antonucci agreed.

Chairman Shivas opened to the public. Tom Dixon, Zoning Officer asked if he could have perpetual access to the property. Mr. Antonucci said that Mr. Dixon is always welcomed on the property and if there is a problem to give him a call. No one else from the public came forward. Chairman Shivas closed to the public.

A motion was made by Mr. Walsh to amend the site plan and approve the phasing plan. The motion was seconded by Mr. Kaufhold. The following vote was taken:

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

Motion carried.

REPORTS FROM COMMITTEES

Township Council – No representative was present at the meeting.

Environmental Commission – Ms. Shimamoto talked about the new NJDEP rules regarding waters in Byram reclassified as Category 1 waters. Mr. Stoner believes that this will not greatly affect Byram he will provide a map to share with the Board.

Ms. Shimamoto added that the EC reviewed the Exxon application and provided comments to the Board Secretary.

Architectural Review Committee – The meeting is next week.

Open Space – The meeting is on April 8, 2019.

ZONING REPORT – Mr. Dixon gave the zoning report for March, 2019

- 4 Zoning permits issued.
- 0 Zoning permits denied.
- 1 Site Plan Waiver issued.
- 8 Notice of Violations were issued.
- 12 Notice of Violations were cleared.
- 4 Signs were removed from the roadway.

BILLS

Harold Pellow & Associates, Inc. (12 Bills) \$6,141.30

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

Law Office of Lawrence I. Wiener (1 Bill) \$150.00

A motion was made by Mr. Walsh to approve Mr. Wiener bill. The motion was seconded by Mr. Kaufhold. 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 9:35 p.m. by Mr. Kaufhold. The motion was seconded by Mr. Chozick. All were in favor. Motion carried. The meeting was adjourned. Respectfully submitted, *Cheryl White*