

**MEETING MINTUES  
BYRAM TOWNSHIP PLANNING BOARD  
AUGUST 16, 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											
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 August 2, 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**

SP5-2018, Raimo of Stanhope, Inc., 49 Route 206, Block 35 Lot, 36 and Block 37 Lot 26, V-B Zone.

Amended site plan with use and bulk variances to construct several accessory buildings along with other associated site improvements.

Ms. Shimamoto said the subcommittee met and reviewed the information provided. Mr. Frank Nemeth, President, and their attorney, Mr. Charles Sarlo were present at the meeting. Ms. Shimamoto said the subcommittee found that the applicant did not provide grading or drainage plans, and elevation plans for the proposed buildings. In addition, a scale appears to encroach on the Township Right-of-Way and it was recommended by the subcommittee that the applicant first seek a vacation of the ROW, via the Township Council prior to submitting this application to the Planning Board.

A motion to deem this application incomplete was made by Mr. Dixon. The motion was seconded by Mr. Chozick. The Board had no further discussion. 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 Garden), 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.

Ms. Shimamoto said the subcommittee met and reviewed the information submitted. She said the applicant and his engineer were also present at the meeting. She said the applicant provided all items on the check list and the committee recommended the application be deemed complete and set a hearing date of October 18, 2018.

A motion to deem this application complete was made by Mr. Kaufhold. The motion was seconded by Mr. Chozick. The Board had no further discussion. 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.

**RESOLUTION**

SP2-2018, Anty Trucking Inc., Block 226 Lot 16, 9 Lackawanna Drive, IPR Zone

Preliminary and final site plan requiring a use and bulk variances to construct a 20' X 40' addition and loading dock to an existing building, to construct two 12,800 sq. ft. equipment storage buildings, for outdoor storage, and associated site improvements for the operations of a trucking and rigging company.

Chairman Shivas explained that the planner and engineer had submitted comments to the attorney to be incorporated into the resolution. He said the resolution will be up for adoption at the Sept. 6 meeting. He asked the Board members to review the resolution and email the Board secretary with any comments.

**NEW BUSINESS**

Z06-2018, Peter and Michelle Engelmann, 12 Rosemarie Lane, Block 360 Lot 16, R-4 Zone.

Variance relief for a rear yard setback, and a setback to a body of water to construct a 4' X 9' landing and 4' X 10' stairs off the rear of the home.

Mr. and Mrs. Engelmann, owners and applicants were sworn in. They said they wish to add a landing and stairs off the enclosed porch which is in the rear of the home. They said currently there is only one entrance to the home, which is in the front, which could pose a problem if there is a fire. They added that the second door would also be convenient saying that if you want to go to the rear of the property you have to walk through the house. Mayor Rubenstein verified that the Engelmann's are not getting any closer to the rear yard setback. Mr. Engelmann said the footprint of the home is not changing, the only change would be the addition of the landing and stairs on the left side and added that the stairs and landing will not be covered or enclosed. The applicant provided a letter of approval from the Sussex County Division of Health stating that this project does not encroach on the property septic or well.

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

A motion was made by Ms. Raffay to approve the application. 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.

**PLANNING WORKSHOP**

LED Signs – EM Signs, Newton N.J.

Mr. Ron Yando, a representative from E.M. Signs, Newton, NJ attended the Planning Board meeting to provide information to the Board relative to electronic message board signs. Mayor Rubenstein said currently LED signs are prohibited and the Township is considering amendments to the sign ordinance, specifically lighted message board signs, and the Board would like to learn about this new technology for example; the intensity, brightness, resolution, distractions associated with LED signs. Mr. Yando provided the Board with a copy of Newton's recently adopted ordinance relative to LED signs saying that he assisted Newton in writing the ordinance. He said Newton used the specs from the sign manufacturer and incorporated them into their ordinance, but they did not change the size of the signs that are currently allowed. He added that Newtown's ordinance does not regulate how much of the sign can be LED but they do regulate the brightness, and timing of the message changing, and prohibit animation and off premises advertising.

Mayor Rubenstein asked Mr. Yando for his opinion on animated signs and if he finds them distracting to motorists. Mr. Yando believes that business owners should be able to utilize all capabilities the sign offers, and he does not find them distracting.

Mr. Gonzalez asked Mr. Yando if a town allows a 32 sq. ft. sign, how much of the sign should be LED. Mr. Yando recommends a sign be 50% static, displaying the logo or name of the company, and 50% use as a message board.

Mr. Morytko asked about the quality of message board signs and Mr. Yando

said when customers come in he discusses the resolution of the signs available. He said they are either 20mm, 16mm or 11mm, which is the distance between the LED's, (light-emitting diode) saying the lower the number, the higher the resolution of the sign. Mr. Yando said today these signs are expensive. Mr. Gonzalez asked if it would be a good idea to have a minimum resolution in an ordinance. Mr. Yando said the better the resolution the more expensive the sign so requiring a certain resolution could put a financial hardship on what someone can afford. He said the cost between a 16 mm and 20 mm could be 35% higher in price. Mr. Morytko asked how the size of the sign affects quality. Mr. Yando said a 20mm signs optimal viewing distance is 140 to 300 ft., and a 11mm sign optimal viewing distance is 50 ft. to 120 ft. He said these signs are not made for foot traffic, they are made for roadside signs. He said the billboard signs are usually 16mm or 11mm. He said the optimal viewing distance is the point at which the individual pixels begin to blend together to form a smooth, consistent image. Mr. Dixon asked what could become distracting to motorist, such as color, brightness. Mr. Yando said the brightness of the sign could be distracting if it is not enforced. He said at night signs should not be as bright as during the day and some business do not adjust for daytime brightness. He said if it is a bright sunny day the nits could go up to 10,000 but at night the sign could go as low as 500 nits. A nit is a unit of measurement of luminance, or the intensity of visible light, where one nit is equal to one candela per square meter. The higher number of nits, the brighter the screen. Mr. Yando said all LED signs have electronic eyes and self-adjust according to the time of day, but all are capable of being adjusted manually. Ms. Raffay asked if limits on brightness should be written into an ordinance. Mr. Yando said yes, this way it is enforceable. Mr. Dixon asked about the testing equipment and if someone must be certified to use the equipment. Mr. Yando said the engineer in Newton has a light meter and checks the brightness. Mr. Yando said the device used to measure nits is expensive, a few hundred dollars. Mr. Morytko asked about the shelf life of the signs and Mr. Yando said they come with a five-year warranty. Mr. Yando discussed new technology whereas the software is stored on a cloud and you can change the message, color, brightness, etc., remotely, even from your phone.

Mayor Rubenstein asked how many LED signs Newton Sign has installed and Mr. Yando said about twelve. Mayor asked how many had reported issues whereas they were too bright or intense. Mr. Yando said none.

Mr. Yando recommends the ordinance has regulations regarding the brightness, so it can be enforced, and that the sign must be kept in good, working condition. Mayor asked for recommendations on the timing of the change of messages and he recommend it change every eight to twelve seconds, which is the average. Ms. Shimamoto said when several business owners have message board signs and they are allowed change every eight seconds that could be distracting to motorists. Mr. Yando agreed. Mr. Yando added that even though LED signs are permitted in Newton, it is still required that a site plan application is submitted to the Planning Board. Mr. Yando believes that if a businessowner fills out a sign permit, and meets the requirements of the ordinance, the zoning officer should be able to approve the sign.

The Board thanked Mr. Yando for his time and expertise.

## **REPORTS FROM COMMITTEES**

Township Council – Mayor Rubenstein asked Mr. Senesky if he will provide the Board with an annual Planning Board report. Mr. Senesky said he can prepare an annual report which will site all applications, the relief requested and the outcome. Mayor Rubenstein said the Council is interested in seeing this report to see what is causing variances, if there is a reoccurring theme, and what actions can be taken to correct that. Mr. Senesky said the next step to the report would be that the Board offers suggestions to the Council, based on the report findings, which may identify deficiencies in Byram's zoning regulations and may help find ways to make the development process more effective at advancing Byram's land use and development policies easier for everyone involved.

Environmental Commission – Ms. Shimamoto said the next meeting is August 23.

Open Space - Mr. Morytko said the Ash Tree inventory is complete. He said they inspected the trees along Byram Trails for the ash borer insect. He added that the Council authorized bow hunting on open space parcels, he wasn't sure of the specific parcels. Lastly, he said that Frank Gonzalez, a member of the Historical Society attended a meeting as a special guest to discuss several projects they have going on.

Architectural Review Committee – Mr. Morytko said the next meeting is in September.

## **BILLS**

No bills were submitted.

## **PUBLIC COMMENT**

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

**EXECUTIVE SESSION - Professional Appointments for 2019**

A motion was made by Mr. Morytko to go into Executive Session. The motion was seconded by Mr. Kaufhold. All were in favor. Motion carried.

**RESOLUTION**

WHEREAS, the Open Public Meetings Act, P. L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Byram, that the public shall be excluded from discussion of the following matter:

- Professional Appointments – 2018
- Litigation – Quick Chek

BE IT FURTHER RESOLVED that Minutes will be kept on file in the Planning Board Secretary's office, and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes shall be made public.

**BYRAM TOWNSHIP PLANNING BOARD**

Certification: I certify that the Byram Township Planning Board adopted the above resolution on August 16, 2018. Cheryl White, Board Secretary

A motion to return to open session was made by Mr. Morytko. The motion was seconded by Mr. Kaufhold. All were in favor. Motion carried.

**ADJOURNMENT**

A motion to adjourn the meeting was made at 9:20 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*