

**MEETING MINTUES  
BYRAM TOWNSHIP PLANNING BOARD  
SEPTEMBER 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
ABSENT											
EXCUSED	EA		EA	EA	EA						
LATE											

Also present: Attorney, Larry Wiener  
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 16, 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.

**RESOLUTION**

Ms. Shimamoto, and Mayor Rubenstein stepped down for this resolution.

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

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

Mr. Lavigne, the attorney representing the applicant had a few comments and asked the Board for clarification and modifications to the resolution.

- Page 22, #6, to remove “orderly manner” and replace that language with “in accordance with Byram’s Property Maintenance Ordinance, §186-15.D.” The Board agreed.
- Page 23, #12, change from “Planning Board Engineer” to “Planning Board Planner.” The Board agreed.
- Page 24, #19, to remove “along the western site boundary and between the parking area and storage building” and replace with “the western site boundary adjacent to the Day Care Site.” The Board agreed.
- Page 25, #32 to add “if needed”. The Board agreed.

A motion to approve the resolution with the changes discussed was made by Mr. Kaufhold. 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.

Ms. Shimamoto, and Mayor Rubenstein returned to the dais.

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.

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

**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.

The client's attorney requested this matter be carried to October 4, 2018. The Board granted the request, however Chairman Shivas noted that if the applicant requests another adjournment, the applicant will be required to re-notice.

A motion was made by Mayor Rubenstein to carry this application to October 4, 2018. The motion was seconded by Mr. Walsh. 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 nothing to report.

Open Space – Mr. Morytko said nothing to report.

Architectural Review Committee – No meeting was held.

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

- 10 Zoning permits issued – (one permit was the result of Planning Board approval.)
- 0 Permits denied.
- 9 Notice of Violations were issued.
- 0 Summons were issued.
- 20 Signs were removed from the roadway.
- 35 Cases were cleared.

**BILLS**

Harold Pellow & Associates, Inc. (6 bills) \$1,217.20

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

Schenck, Price, Smith & King, LLC (5 bills) \$1,749.00

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

**OTHER BUSINESS THE BOARD DEEMS NECESSARY**

Mr. Larry Wiener, Esq. said that he received information that when the Anty Trucking appeal date has passed Byram Land Development will file a motion to dismiss the lawsuit that was filed disputing the Notice of Violation issued by Byram's Zoning's Office.

Chairman Shivas told the Board that all solicitors must register with the Township. He said residents can ask the Township Clerk to add their address to the "no solicitation list", which prohibits solicitors from entering your property, he added that you must register every year. He said if you are on the "no solicitation list" and a solicitor comes to your home you should call the police non-emergency number, and if a solicitor comes to your door that has not registered with the Township, also call the non-emergency police number.

Mr. Kaufhold said he believes that the Liquor Factory LED sign is not what was approved by the Board. He believes the LED resolution is 20mm and the applicant presented sign details that indicated the sign would be a 16mm resolution. Mayor Rubenstein said the applicant indicated that the software has not been installed so that may be the reason the sign is bright and intense. The Mayor instructed the Board secretary to disseminate the Liquor Factory resolution to the Board and have the Board engineer test the sign for compliance.

**LED SIGNS - Update**

Mr. Kaufhold distributed a summary of the subcommittee's findings about LED signs, which he reviewed with the Board.

- LED signs will have its own section within the sign ordinance.
- Wall or window LED signs will not be permitted.
- One LED sign per property.
- Zones to permit LED signs would include V-B, N-C and V-C. LED signs would not be permitted in IPR, GC or CR, and stricter standards should apply if the property abuts a residential zone.
- The Board agreed the message content should be restricted to:
  - On premise business
  - Civic
  - Charitable
- Prohibit moving or flashing messages.
- Requiring a maximum of 10,000 NITS during the day and 500 NITS at night time.
- Require that the sign have automatic variation by ambient light.
- The LED sign must be kept in good condition and in working order or the sign must be turned off.

Tabled items:

- A dark or transparent background should be required, no light or white colors. Since colors are subjective, better language is needed.
- Should a certain pitch be required? The lower the pitch, the better the quality and the Board noted that since LED signs are expensive, requiring a certain resolution could make it difficult for small business owners. Mr. Kaufhold said most towns require 20mm and added that a pitch greater than 20mm is poor quality. This item has been tabled.
- Frequency of message changing brought about Board discussion and some Board Members felt it should be left to the business owner. Ms. Shimamoto said if several businesses in succession on Rt. 206 have LED lights, and the messages change too frequently, it could be distracting to motorists and unattractive on the roadway. This item was tabled.
- The Board discussed if there should be a required distance between LED signs, and the distance between an LED sign and a traffic light; are there rules, safety standards? Mayor Rubenstein suggested that language be added whereas if the sign causes traffic confusion or an unsafe condition, the zoning officer or police department can require changes.
- Who will enforce the signs brightness or intensity, and where will the Township get the resources to purchase the device to measure the sign's luminance. The Board determined this question is best left for the Council to determine. Chairman Shivas suggested a greater fee be required for LED signs to help defer some of the costs or require an annual fee by business owners. This item was tabled.
- The size of sign allowed will not change, for example a 32 sq. ft. ground or free-standing sign is allowed today, and the Board determined that the business owner can decide if they want the entire sign to be LED, however if portions of the sign are not operational, example; bulbs out, then the business owner would have to turn the sign off. The Board agreed they do not need to regulate the number of lines allowed, however the size of lettering should have a maximum size, which has not yet been determined.
- Will LED signs be a part of property owner's number of signs allowed, or will we consider them an "addition to"? The Board agreed the LED sign will be part of the property owners number of signs allowed. Mr. Walsh said we need to look at two things; creating standards for LED signs, and expanding the content that's allowable under "signs".
- The Board favored the term "internal signs" and "external signs" and perhaps incorporate that language into the ordinance.
- Ms. Shimamoto asked if painted windows would be considered signs? Item tabled.
- The Board recommended that LED sign requests can be handled by a Site Plan Waiver and approved by the zoning officer provided they meet all requirements.

Chairman Shivas said it is the goal of the Township is to be more permissible for business owners in town, so the Board believes the entire sign ordinance should be reviewed for consistency. Mr. Kaufhold will summarize this discussion and disseminate it to the Board.

**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 9:20 p.m. by Mr. Morytko. The motion was seconded by Mr. Walsh. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted,  
*Cheryl White*