

**MEETING MINUTES  
BYRAM TOWNSHIP PLANNING BOARD AUDIO CALL FOR  
APRIL 16, 2020**

**CALL TO ORDER**

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

**ROLL CALL**

	Mr. Chozick	Mr. Gallagher	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	H	H
ABSENT											
EXCUSED											
LATE											

Also present:        Attorney                    Alyse Landano Hubbard, Esq.  
                         Engineer                    Cory Stoner, P.E., C. M.E.  
                         Secretary                   Cheryl White

**STATEMENT BY CLERK**

Both the Federal and State governments have declared a state of emergency in response to the outbreak of the Covid-19 Virus, that prohibits all gatherings of more than ten people and requires social distancing. In an effort to continue Planning Board business, the regularly scheduled meeting for April 16, 2020 is being held by remote audio connection only. This service allows the Board, it's professionals, applicants and members of the public to participate. Participation is taking place via telephone conference. Access information was posted on the Township's Website under Planning and Zoning, Meeting Agendas. Adequate notice of this meeting has been published specifying the time and access information in compliance with the provisions of the Open Public Meetings Act.

This meeting has also been electronically sent to the newspapers and uploaded to Byram's website at: [https://www.byramtp.org/useruploads/docs/planning/Agenda for April 16, 2020 Audio Call Meeting Material.pdf](https://www.byramtp.org/useruploads/docs/planning/Agenda%20for%20April%2016,%202020%20Audio%20Call%20Meeting%20Material.pdf) at not less than 48 hours in advance of the meeting. In addition, a copy of this notice is on file in the office of the Planning Board Secretary.

**FLAG SALUTE** led by Chairman Shivas

**MEETING MINUTES**

A motion to approve the March 5, 2020 meeting minutes as written was made by Mr. Kaufhold. The motion was seconded by Mr. Morytko. The following vote was taken:

	Mr. Chozick	Mr. Gallagher	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.

**RESOLUTION**

Z1-2020, Fabian Olivera, 58 Mt. Heights Drive, Block 342.03 Lot 49, R-3 Zone (carried from February 20, 2020).

Variance to exceed building coverage and to exceed the size of an accessory structure permitted for the installation of ground mounted solar panels.

The Board had no discussion. A motion to approve the resolution as presented was made by Mr. Morytko. The motion was seconded by Mr. Walsh. The following vote was taken:

	Mr. Chozick	Mr. Gallagher	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**

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

Preliminary & Final site plan to add new structures

As a result of the COVID-19 restrictions, whereas large public gatherings are prohibited, this application was carried to July 2, 2020, with the consent of the applicant’s attorney.

A motion to carry this application to July 2, 2020 was made by Mr. Walsh. The motion was seconded by Mr. Kaufhold. The following vote was taken:

	Mr. Chozick	Mr. Gallagher	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.

**COMPLETENESS**

SP2-2020, Wawa Convenience Store, Block 14 & 15, 75 Route 206, V-B Zone

Preliminary and final site plan approval and a use variance for a 5,585 sq. ft. convenience food store with fueling stations, and associated site improvements; parking, lighting, landscaping and utilities.

The MLUL and Byram’s ordinance allows for either the Planning Board or a designee to review and deem an application for completeness. Customarily this is done by a subcommittee of the Planning Board, however due to COVID-19 and the prohibition of gatherings of more than ten people, it was determined that during this time the Planning Board engineer would make that determination.

Board Engineer, Cory Stoner advised the Board that he shared his initial review memo outlining deficiencies within the application to the applicant’s attorney and engineer. They responded immediately by providing those deficient items, and he deemed the application complete. Mr. Stoner added that he will do a complete review, as well as the Board planner, and their reports will be provided prior to the meeting date.

A motion to set a date of August 6, 2020 for a public hearing was made by Mayor Rubenstein, the motion was seconded by Mr. Olson. The following vote was taken:

	Mr. Chozick	Mr. Gallagher	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.

SP3-2020, 263 Route 206 Real Estate, LLC., Block 215 Lot 1, 251 Route 206, N-C Zone

Preliminary Major Site Plan w/variance for a 7,700 sq. ft. commercial building, and a 2,200 sq. ft. restaurant with a drive.

Mr. Stoner said this application is unique in that the applicant filed for preliminary approval for a commercial building, and a pad site for a fast food restaurant with a drive thru. The applicant’s intention is once site plan approval is obtained the

existing buildings would be demolished and after a tenant/use is identified they would make a return trip to the Board for final approval. Mr. Stoner said even though this request was for preliminary approval only, the applicant did not provide important information such as; grading, drainage, lighting, etc., therefore the application was deemed incomplete. Mr. Stoner said he spoke to the applicant's attorney, John Ursin, Esq., and Mr. Ursin is going to meet with the Board planner, and Mr. Stoner to review details that need to be submitted to move this application forward.

#### **ZONING REPORT FOR FEBRUARY AND MARCH 2020**

There was no Board discussion about the zoning reports.

#### **BILLS**

Harold Pellow & Associates, Inc. (7 bills) \$2,468.10

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

Law Office of Larry Wiener (5 bills) \$1,485.00

A motion to approve Ms. Hubbard bills was made by Mr. Walsh. The motion was seconded by Mr. Olson. All were in favor. Motion carried.

Latini & Gleitz (1 bill) \$360.00

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

CP Engineers (1 bill) \$156.00

A motion to approve CP Engineer bills was made by Mr. Kaufhold. The motion was seconded by Mr. Olson. 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 9:00 p.m. by Mr. Kaufhold. The motion was seconded by Mr. Gallagher. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted,  
*Cheryl White*