

**AUGUST 20, 2020
MEETING MINUTES
BYRAM TOWNSHIP
PLANNING BOARD**

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.
Secretary Cheryl White

STATEMENT BY CLERK

OPENING STATEMENT - 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 twenty-five people and requires social distancing. To continue Planning Board business, the regularly scheduled meeting for August 20, 2020 is being held by remote video or audio connection only. This service allows the Board, it's professionals, applicants and members of the public to participate. 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. Notice of this meeting has also been electronically sent to the newspapers and uploaded to Byram's website, 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 August 06, 2020 meeting minutes as written was made by Mr. Olson. 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.

COMPLETENESS REVIEW

SP3-2019, 263 Route 206 Real Estate LLC, 251 Route 206, N-C Zone

Preliminary Major Site Plan with Variances to demolish an existing structure and construct a 7,500 sq. ft. retail building and a restaurant with a drive thru.

Mr. Walsh said the subcommittee reviewed the material submitted and some of the major concerns that the Board had regarding the items listed in Mr. Stoner's report include:

- Comment 2.b. Item #29 – The Environmental Impact Statement provided does not address several items that need to be addressed such as: The proposed 7,500 sf commercial building is located mostly

within a Flood Hazard Area, the Board would like more detailed information about this since it is believed that complex DEP permitting will be required. In Mr. Stoner’s report he noted that the Environmental Impact Statement states that a NJDEP Flood Hazard Letter of Verification has been issued and that any re-development of the site will have to comply with these regulations. This statement is too simplistic and more information about the permits that will be needed should be provided. The construction of this building will not fall under a NJDEP Permit-By-Rule or NJDEP Permit by Certification. This construction will likely require an Individual Permit.

The Board would like more detailed information regarding the NJDEP permits that will be required since this development occurs within a calculated “Flood Hazard Area”. The Board would like a list of specific permits that will be required and a review of why it is believed such permits will be obtained for this project.

- In addition the Environmental Impact Statement does not include a description on how a 50-foot transition area buffer was established for the wetlands on the southern portion of the property. Based on previous experience with this area of Byram Township, I would expect that the wetland transition area would be greater than 50 feet.

The Board believes that the wetlands immediately south of the property are associated with a C1 waterway which may contain habitats that could result in a larger freshwater wetland transition area.

Other items of concern discussed by the subcommittee were considered not to be of a major concern since this application is for preliminary approval only and can be discussed at the public hearing. These items include the request for a waiver of a Landscape Plan and Lighting plan. The subcommittee presented their findings to the Board, the Board agreed.

A motion that the application be deemed incomplete was made by Mr. Walsh. 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.

NEW BUSINESS

Z05-2020, Jacqueline Markferding, 107 Stonehedge Lane, Block 337.05 Lot 1, R-3

To erect a 5ft. fence in the front yard. This property has two front yards.

Ms. Jacqueline Markferding, owner and applicant, was sworn in and said her home is located at the corner of Stonehedge Lane and Catalina Drive, creating two front yards, which is her hardship. Because of having two front yards, and according to Byram’s Code 240-24 Fences A. *In any residential zone district, the height of any permitted fence or wall shall be limited to four feet in any front yard and six feet in any rear and side yard;* and Ms. Markferding is seeking a variance to erect a five-foot fence which would encompass the rear yard only. She added that the fence along Stonehedge Lane would be a black aluminum fence for aesthetic reasons, and the rest of the fence would be a black chain link fence. She said that the trees would be outside the fence providing a visual shield of the fencing. The Board had no further questions.

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

A motion was made by Mr. Walsh. The motion was seconded by Ms. Shimamoto. 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.

SP1-2020, Tomahawk Lake, Inc., Tomahawk Trail, Block 343 Lots 1, and 2, C-R Zone (This application will be carried to November 5, 2020)

Amended site plan with variances to construct a 36' X 40' concession stand, to add two new water slides and relocate ticket booth.

A motion to carry this application to November 5, 2020 was made by Mr. Olson. 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.

RESOLUTION

Z04-2020, Nathan Pangborn, 127 Glenside Trail, Block 305 Lot 2255, R-5 Zone

To add a dormer that needs relief for a front and side yard setback.

A motion to approve the resolution as presented was made by Mr. Olson. The motion was seconded by Mr. Chozick. 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.

ANY OTHER BUSINESS THE BOARD DEEMS NECESSARY

No other business

REPORTS FROM COMMITTEES

Architectural Review Committee – No meeting was held.

Board of Health – No meeting was held for lack of a quorum.

Building Committee – Mr. Morytko said he had nothing new to report.

Environmental Commission – Ms. Shimamoto said that on this upcoming Saturday, August 22, there will be a trail walk on Tamarack Trail and a speaker to discuss and identify invasive species. The group is to meet in the upper parking area at C.O. Johnson Park.

Open Space - Mr. Morytko said the committee is meeting with the new forester to discuss Ash tree removal and invasive plant removal. He added that on September 8th there will be a joint meeting with the Council, the Open Space and Recreation Committees to discuss capital investment projects for 2021 that were identified in the 2020 update to the OSRP.

Township Council – Mayor Rubenstein said the Council discussed the dog park survey results and upgrades to the DPW garage and at the next Council meeting they will discuss the Chicken Ordinance.

Zoning Report – July

The Board had no comment.

BILLS

Harold Pellow & Associates, Inc. (3 bills) \$1,110.00

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

Law Offices of Larry Wiener (3 bills) \$1,470.00) \$1,470.00

A motion to approve Ms. Hubbard’s bills was made by Mr. Kaufhold and seconded by Mr. Walsh. 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 8:00 p.m. by Mr. Kaufhold. The motion was seconded by Mr. Olson. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted,

Cheryl White