

MEETING MINTUES OF THE BYRAM TOWNSHIP PLANNING BOARD: August 21 2025

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

ROLL CALL:

Members Present: Mss. Raffay, DeMagistris, Lewandowski; Messrs. Mayor Rubenstein, Proctor, Morytko, Smith, Chairman Shivas

Members Absent: Ms. Colligan, Messrs. McElroy, Walsh

Also Present: Engineer Cory Stoner, Attorney Alyse Hubbard, Planner Dan Bloch, Secretary Caitlin Phillips

OPENING STATEMENT: Adequate notice of this meeting of the Byram Township Planning Board was given as required by the Open Public Meeting Act. A resolution indicating the time, date, and location of regular Board meetings for the year 2025 was forwarded to the Board's designated newspaper, and posted on the bulletin boards and main doors of the Municipal Building.

FLAG SALUTE: led by Chairman Shivas.

MINUTES: August 7, 2025

Motion of Mr. Proctor to approve the minutes, second of Mr. Morytko.

Ayes: Ms. DeMagistris; Messrs. Mayor Rubenstein, Proctor, Morytko, Chairman Shivas

Abstaining: Ms. Lewandowski, Mr. Smith

Absent: Mss. Raffay, Colligan, Messrs. McElroy, Walsh

None opposed. Motion carried.

RESOLUTIONS

Z02-2025, Leah Lowrie, 79 Tamarack Road, Block 360 Lot 42.01, R2

Application for multiple structures on property and proposed generator slab

Motion of Mr. Proctor to approve the resolution, second of Mr. Morytko.

Ayes: Ms. DeMagistris; Messrs. Mayor Rubenstein, Proctor, Morytko, Chairman Shivas

Abstaining: Ms. Lewandowski, Mr. Smith

Absent: Mss. Raffay, Colligan, Messrs. McElroy, Walsh

None opposed. Motion carried.

WOSP7-2025, Salt Gastropub, 109 Route 206, Block 70 Lot 9, VB Zone

Waiver of site plan application for site improvements

Motion of Mr. Morytko to approve the resolution, second of Ms. DeMagistris.

Ayes: Mss. DeMagistris; Messrs. Mayor Rubenstein, Morytko, Chairman Shivas

Abstaining: Ms. Lewandowski, Messrs. Smith, Proctor

Absent: Mss. Raffay, Colligan, Messrs. McElroy, Walsh

None opposed. Motion carried.

DISCUSSION ITEM

Z14-2024 Rupesh Patel (Kyosis LLC), 1 Catalina Drive, Block 337 Lot 9.14, R2 Zone

Application for new home construction

Mx. Phillips noted this application started last year, and has been heard and carried multiple times. A few months ago, the Board indicated to the applicant that he should be ready to be heard at tonight's meeting, and if he wasn't ready, the Board would dismiss the application without

prejudice. Recently, he sent an email saying he was planning to withdraw the application, but then later shared plans and asked to be heard in September. The discussion item on tonight's agenda is to see if the Board may carry the application or if they'll stick to the position that it should be dismissed. Mr. Stoner asked what plans have been submitted. Ms. Hubbard said there is a landscaping plan. Ms. Phillips said he provided additional plans but is not sure that gives enough time for review, considering the next meeting is in two weeks and the applicant owes escrow, so no review can occur until that's paid. Ms. Raffay entered the meeting at this time. Ms. Hubbard said the application has been back and forth for months, and there have been numerous issues. The architectural plans don't match the engineering plans, there was testimony that the plans couldn't be constructed as proposed, there were issues with the size, and the applicant asked about changing the conservation easement. The submitted plans are different, and the pool is now in a building, so there are two accessory structures. She thinks the application needs completeness again, so doesn't think being heard at the next meeting is possible. Ms. Phillips noted he planned to withdraw, but then didn't send a formal letter, and the following week, there were messages with revised plans and an attempt to send a legal notice to the newspaper. Motion of Ms. Raffay to dismiss the application, second of Mr. Proctor.

Ayes: Mss. Raffay, DeMagistris, Lewandowski; Messrs. Mayor Rubenstein, Proctor, Morytko, Smith, Chairman Shivas

Absent: Ms. Colligan, Messrs. McElroy, Walsh
None opposed. Motion carried.

NEW BUSINESS

SP4-2025 Ionna EV (Wawa), 75 Route 206, Block 34 Lot 15, VB Zone

Application for EV charging stations in Wawa parking lot

Joseph Paparo of Porzio, Bromberg, and Newman represented Ionna LLC, the applicant. He noted this is a D variance application, and confirmed there are six voting members. Mayor Rubenstein asked why this is a D1 variance. Mr. Bloch said the application was originally approved as a use variance, with preliminary and final site plan. If Byram had separate Zoning and Planning Boards, the Zoning Board would retain jurisdiction any time the application came back for a site plan. Each time, you have to re-certify that the use can still be granted based on the changes, and show the positive and negative criteria as not being substantially affected. Mayor Rubenstein and Mr. Proctor left the meeting at this time.

Mr. Paparo said they are here for a reaffirmation of the use variances granted. They're applying for an amended site plan and a D1 use variance for the installation of five EV chargers, which results in 10 charging positions at the existing Wawa. The application was originally approved in 2021, and they returned in 2022 for amended site plan approval as a result of DEP permitting. In 2022, they were proposing two EV parking spaces. This application is proposing to increase the total to five chargers, with ten EV positions, at a different location on site. There are no new variances.

David Lane was sworn in 315 Stirrup Creek Drive, Suite 315, Durham NC. He is a design manager for Ionna, and started with them last year. He assesses sites for the installation of chargers. Mr. Lane said Ionna was created by lawmakers to promote the adoption of electric vehicles in the United States. They're looking to put level-3 fast-chargers throughout the country to make it easier to charge electric vehicles. This year they have a goal to get 100 sites live. They are looking to establish other sites in New Jersey, so are seeking similar approvals in other towns. Mr. Paparo

submitted Exhibit A1, a colorized version of the submitted survey. Mr. Lane said the red items are the previously approved location for the chargers, at the front of the site. The green items are the proposed stations and equipment. The proposal is to relocate the chargers to the rear. There will be five chargers, and a transformer to facilitate the energy. Other than the chargers, the only other possible change is the ADA connections and the path to the store. Mr. Paparo confirmed with Mr. Lane he feels with the additional chargers, there is still adequate parking. Mr. Lane noted the charging stations are not EV exclusive, so other people can park there. Mr. Paparo submitted Exhibit A2, an example of the signs proposed for the charging stations. Ms. Hubbard confirmed the signs will be between stalls. Mr. Bloch confirmed it's on a separate pole. Chairman Shivas confirmed the charger stations are not only for Teslas. Mr. Lane said the Tesla connector is called NACS, and they service 40% for that. The rest are called CCS connectors, and the spots are labeled for which one is used.

Mr. Paparo noted the Environmental Commission's comments, about the equipment enclosure. Mr. Lane said there will be a Trex fence around the enclosure. To keep it secure from the public, they'll put a keycode lock, and a panic push bar inside. They will give the code to the Fire Department and work with them to help with shutoff requirements. Typically they use a Knox box. Chairman Shivas said he'd like this shared with the police department as well to make sure they can get in there if needed. Mr. Paparo asked regarding the Fire Department memo, about the location for the chargers and equipment. He confirmed with Mr. Lane it will be in the rear, away from the building. Mr. Lane said they have no objection to landscaping. Chairman Shivas mentioned the recommended native species planting list. Ms. Hubbard asked if the previously approved chargers were installed, and noted they were meant to be added as part of construction. Mr. Stoner said there was an issue during construction where Tesla stopped making chargers. In order to put the chargers in, they would have needed to put in the slow charging units. They may have the conduits underground. Chairman Shivas noted at that time Tesla had the first right of refusal, and they hadn't decided if they wanted to put in the stations, so Wawa would need to go to another vendor. Mr. Morytko recalls the Board asking them to put the conduits in, and pending the decision, something would be installed. Ms. Raffay reviewed the proposed sign. She noted it's apparent that this is for electrical vehicle charging, but there's nothing on the sign that states that. Mr. Lane said this is a Wawa-approved sign with Ionna's logo at the bottom; the chargers will be visible with Ionna branding on them. There is also stenciling in the stalls that will note which spaces are CCS (Combined Charger System) and NACS. Ms. Raffay asked if people with electrical vehicles would know what these acronyms mean. Mr. Lane said yes, or they'd find out the first time they charge their car. The NACS and CCS are the standard. Ms. Raffay asked if there will be signs near the road alerting people there are chargers in the back, or how do EV users know there's a facility in the back? Mr. Lane said typically through the manufacturers, they will have apps pre-loaded so people know where they can charge their vehicles. The app would be on the phone. Ms. Raffay confirmed they don't need to go into the facility to pay.

Mr. Morytko asked what the branding will look like. Mr. Lane said they have standard colors, which are a light turquoise with orange. Mr. Stoner noted it may be important to the Board to see the design. Mr. Smith asked if the stations light up. Mr. Lane said there's a screen on the side but there's no other lights on the outside. Mr. Smith asked if they're changing the site lighting. Mr. Lane said the only change may be moving a pole if there's a conflict with a charger, but they're not

reducing or adding any light. Ms. Hubbard noted the plans should show the lighting, signage, and design of the stations.

Chairman Shivas opened to the public and no one spoke so he closed to the public.

Mr. Bloch said space 4-B will be an ADA space. There is striping showing it will be ADA, but it's not indicated on the plan that it'll be ADA, and they need the signage to go with it. He added that whatever pathway into the store should be indicated on the plans. He confirmed that on the chargers they will have the Ionna logo. He noted that would become a sign, which needs to be included, so they will need details. Mr. Stoner said they should state the size of each "sign" on the charger. Mr. Lane said the charger itself is around 8 feet tall, and on top there is a sign identifying the type of charger. It would probably be 1 foot in height and 2 feet long on the sides, and the front is a little slimmer. Chairman Shivas said they should provide documentation that shows this design. Mr. Bloch confirmed the digital display is just for purchasing, and is not for advertising. Ms. Hubbard asked if they're selling ad space to third parties. Mr. Lane is not aware of anything like this. Mr. Morytko asked if there's a more neutral color, considering they're sizeable structures. Mr. Paparo asked how far the dispenser would be from the front property line. Mr. Lane said it's about 300 feet. Mr. Smith confirmed the 8-foot height is to the top of the charging unit, not the sign. Ms. Raffay noted these labels are more identification like the type of gas. The Board discussed what is considered a sign. Mr. Paparo submitted Exhibit A3, a rendering of an Ionna location, showing the chargers, but there is no canopy proposed. Ms. Raffay asked about the bollards. Mr. Lane said it's for equipment safety. Mr. Lane said there will be four NACS and six CCS bays. Mr. Stoner confirmed the NACS is for Tesla and the CCS is for all other electric cars. He asked why they're proposing this number of EV chargers. Mr. Lane said it's part of their market analysis, and looking at the demographics of the area. Mr. Morytko noted if they were in the front he'd be more concerned. He wants to see how they're considering them, for other applications going forward. Mr. Bloch noted the ordinance definition of a sign is very broad. He thinks it's a sign, and should be acknowledged.

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Allison Kopsco was sworn in as a Planner at 145 Spring Street in Newton. She is a Senior Planner at J. Caldwell and Associates. She is licensed in New Jersey and her licenses are in good standing. Mr. Paparo submitted Exhibit A4, Ms. Kopsco's Planning analysis. Ms. Kopsco reviewed her report. She discussed why the application necessitates a use variance, and noted the positive criteria for the application. In the prior resolutions, the Board found the use suitable. The parking doesn't affect the suitability of the site. This adds electrical vehicle infrastructure, doesn't negatively affect the parking for gas-powered vehicles, and supports sustainability goals. The proposal includes allowing gas-powered vehicles to use the parking spaces, so they're not using the 2-for-1 credit because there's no exclusion of vehicles. She reviewed the negative criteria aspects, and there are no differences from the previous application, other than the addition of electric vehicle charging stations. Mr. Paparo confirmed that Ms. Kopsco believes this proposal is a better plan than having the stations in the front. The structures are visible, so having them in the rear is ideal. Mr. Paparo noted there is legislation in New Jersey for electrical charging stations, in which certain applicants can get building permits without Land Use approval. He added that the intent with the legislation is to encourage charging stations. He confirmed with Ms. Kopsco that she feels this application furthers the intent of this legislation and the goals in Byram Township. Mr. Smith

confirmed in Ms. Kopsco's report on page 5, the parking stalls should be 46 rather than 47. Mr. Paparo noted not only are they providing more chargers, they're not restricting parking to electrical vehicles only.

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Motion of Mr. Morytko to approve the application, second of Ms. Raffay. Chairman Shivas noted they need the plans to be updated to show the design and dimensions. They will also need to do native species landscaping. Mr. Smith said they should acknowledge the signs in each parking stall, agree they are directional signs, and that they can't become advertising. They should note the digital screens will not be used for advertising. Mr. Stoner confirmed the plans will show where the signs are being placed, landscaping, and details on the charger units including size and color of the units and signs. This should be done before a zoning permit is issued.

Ayes: Mss. Raffay, DeMagistris, Lewandowski; Messrs. Morytko, Smith, Chairman Shivas

Absent: Ms. Colligan, Messrs. Mayor Rubenstein, Proctor, McElroy, Walsh

None opposed. Motion carried.

BILLS: Harold Pellow (5): \$1,876. A motion to approve the bills was made by Mr. Morytko, seconded by Ms. DeMagistris. All were in favor. Motion carried.

Maraziti and Falcon (9): \$3,520.65. A motion to approve the bills was made by Ms. DeMagistris, seconded by Mr. Morytko. All were in favor. Motion carried.

REPORTS FROM COMMITTEES

Environmental Commission- Ms. Phillips said Mr. McElroy was not present, but asked that they discuss that the Environmental Commission is doing a hike on September 14th at Waterloo Village at 11am. They meet in the parking lot and go through the trails, and there's a guide that goes through the history. Mr. Morytko said there's a part where they go through the Lost Hamlet, so it's not just the part that's typically explored.

Open Space- Mr. Morytko said they discussed re-doing their forestry plan. They also discussed the Tamarack controlled burn, and talked about it at the Council meeting. This would take place in 2026, and it's very weather-dependent. There's a lot of barberry in the Tamarack Trail. It's about 40 acres. It's closer to CO Johnson. Ms. Raffay asked how they keep the trees from burning. Mr. Morytko said they burn low, and they will prep beforehand. They may dig trenches, and a lot of the area has existing rock walls that can act as a break. The State Forest Fire Service would be the ones doing the controlled burn. They met with the Open Space and Environmental Commission and went through the process. The public will be educated ahead of time. It will be positive, and based on this, they may do more. It will eliminate invasive species for awhile. Chairman Shivas noted it will help prevent future forest fires. Mr. Morytko said it will make it safer, refresh the soil, and bring in more wildlife.

Township Council- No one was present for this.

OPEN TO THE PUBLIC

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ADJOURNMENT

A motion to adjourn the meeting was made at 8:55 pm by Mr. Smith, seconded by Ms. DeMagistris. All were in favor. Motion carried. The meeting was adjourned.

Submitted by Caitlin Phillips