

MEETING MINUTES
THE BYRAM TOWNSHIP PLANNING BOARD
DECEMBER 7, 2017

CALL TO ORDER

Chairman Shivas called the meeting to order at 8:00 p.m.

ROLL CALL

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
HERE	H			H	H	H	H	H	H	H
ABSENT										
EXCUSED			EA							
LATE		L								

Also present: Attorney Planner Engineer Secretary
 Kurt Senesky Paul Gleitz Cory Stoner 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 November 16, 2017 Meeting Minutes

A motion was made by Mr. Riley to approve the minutes as written. The motion was seconded by Mr. Kaufhold. The following vote was taken:

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
Motion	√									
Seconded					√					
Aye	√			√	√	√	√	√	√	√
Nay										
Abstain										
Absent		√	√							

Motion carried.

RESOLUTIONS

SP6-2017, P.R. DeRosa Enterprises, LLC, 262 Route 206, Block 216 Lot 2, NC Zone
Minor Site Plan – Conditional Use for outdoor storage, sales and service of boats and trailers.

Mr. Senesky said that he has to amend the resolution that was distributed because the resolution did not have language about the two sheds that were to be relocated behind the principal building, and they meet the required 10' setback. Mr. Riley said he also recalls that the applicant saying he would put the sheds together so they would be treated as a single shed. The Board agreed with the changes.

A motion was made by Mr. Riley to approve the resolution as discussed. The motion was seconded by Ms. Segal. The following vote was taken:

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
Motion	√									
Seconded						√				
Aye	√			√	√	√	√	√	√	√
Nay										
Abstain		√								
Absent										

Motion carried.

Mr. Morytko arrived at 8:05 pm

NEW BUSINESS

Z20-2017, Donald Robbins & Nancy Green, 233 Lake Dr., Block 255 Lot 215, R-4 Zone

Variations for a front, and side yard setback, and relief from the setback requirement for an accessory structure to a principle structure. Also to have an accessory structure in the front yard, and for a second driveway not having 200 linear feet of road frontage, in order to keep an already existing carport.

Ms. Cara Parmigiani, Esq., representing the applicants said her clients are here as the result of a zoning violation letter from the Township's zoning officer for a carport that has existed in the same location for 17 years. She said the carport predates current zoning and has not caused a problem for her clients in all these years. Ms. Parmigiani said the carport is 12' X 25', fits one vehicle, is open in the front and rear, and is constructed of a metal frame with a cloth tent and is anchored. Mr. Donald Robbins was sworn in and said they have two vehicles and only one garage so they added this carport, with the belief it was permitted, to keep snow off their vehicle. He said other homes in the area have them and it has never been a safety issue with vehicles traveling on Lake Drive.

Ms. Segal asked about the vegetation near the carport, and if sight distance was obstructed. Mr. Robbins said he trims the vegetation on his property and the township clears the vegetation to the right. Ms. Parmigiani explained that because of the curve in the street the carport is in clear sight and does not present a safety issue. Mr. Stoner added that Lake Drive is a slowly traveled road.

Ms. Raffay mentioned the Environmental Commission comment about lot coverage, which may have been exceeded. Mr. Stoner believes that the carport may have added minimally to lot coverage; however he did not believe it to be an issue. The Board talked about lot disturbance vs. lot coverage; Mr. Stoner said most parcels in Byram exceed the allowable disturbance.

There was Board discussion if the structure is temporary or permanent. Mr. Gleitz said many people erect them for temporary purposes but they end up becoming permanent structures. Ms. Raffay said that other people in the area have also received violations and there may be more applications of this nature coming to the Board, and we need to treat them in the same manner. Mr. Senesky said by Byram's ordinance they are considered accessory structures, whether the resident considers them temporary or permanent. Chairman Shivas wanted to be sure if the Board approves this portico and it is damaged, would this approval allow the homeowner to build a wood and mortar structure of the same size, in the same location. Mr. Senesky said yes however he will be precise in the resolution with regards to the type, size and material of the structure, and that it can only be replaced same for same. Chairman Shivas also had concerns with the close proximity to the right side property line, and that the structure is in the front yard, saying that normally the Board

will not allow these type structures in the front yard, but after discussion it was determined that there is no other location on the property for the portico, and that it has been there for many years without incident or complaint.

Ms. Parmigiani said they also need approval for a second driveway, not having 200 linear feet of road frontage.

Chairman Shivas asked about the wood garage on the property and Mr. Robbins said it was there when they purchased the home. Chairman Shivas recommended that for a matter of record Mr. Senesky would add language to the resolution that the wood framed garage is pre-existing.

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

Ms. Segal made a motion to approve this application with language that the carport can only be replaced with the same type structure, same size, and same material, (metal and canvas.) Mr. Riley suggested that the landscape be maintained near the roadway to allow for good sight distance, and the vegetation over the carport remain so that it is not unsightly. Ms. Segal amended her motion. The motion was seconded by Mr. Riley.

The following vote was taken:

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
Motion						√				
Seconded	√									
Aye	√	√		√	√	√	√	√	√	√
Nay										
Abstain										
Absent										

Motion carried.

SP8-2017, JP Morgan Chase, 80 Route 206, Block 226 Lot 15.01, V-B Zone

Amended site plan for a fourth identification sign.

Ms. Debra Nicholson, Esq. representing the applicant, JPMorgan Chase, said three experts are here to provide testimony with regards to the sign request, Ms. Mary Donohue, Eastern Region Signage Manager JPMorgan Chase, Mr. Larry Schwartz, Project Manager, Philadelphia Sign Company, and Mr. David Manhardt, PP, AICP, will provide testimony as a planner. They were sworn in.

Ms. Nicholson said that said that Chase received preliminary and final site plan approval in January 2017 to convert Lakeland Bank to a Chase Bank, and this sign was requested in that initial application. However Chase was under a time limitation to open this branch, and based on unfavorable comments from the Board Chase decided to withdraw this sign from their application and they requested the opportunity to return to the Board if Chase felt the sign was pertinent. Ms. Nicholson identified the required variances:

- Variance from Section 240-47.1A of the Zoning Ordinance to permit a fourth sign on a bank building
- Variance from Section 240-47.2 to accommodate a second wall sign where one is permitted, and a sign on the south side façade whereas the ordinance requires it to be on the front entrance façade (which is the westerly building façade)

Ms. Nicholson said this site has some unique circumstances saying it is a corner lot on Route 206 and the topography and placement of signs creates some safety issues. Ms. Nicholson conveyed the necessity for this sign expressed by Chase for the safety of their customers, saying that most people do not realize it is a Chase bank until they have driven passed it. Ms. Nicholson pointed out that other commercial properties in this general area have good visual ability to see their location, whereas this site has a less visual sight distance. Ms. Nicholson mentioned the architectural committee comments saying while the sign is large; it is proportionate to the size of the building.

Ms. Nicholson introduced Ms. Donohue and she provided her education and experience to the Board. The Board accepted her as an expert in her field.

Ms. Donohue said she is from out of State but has visited this site four times in the past and when they was traveling north on Route 206 today to visit the site prior to meeting tonight she had difficulty seeing the bank and they drove right pass the site. She added that she has receive at least three phone calls from Byram residents asking where the Branch was located and said that Chase expected more activity in this Branch and relates it to the lack of site identification.

Mr. Riley said he has lived across the street for forty years and is familiar with the area and said when traveling northbound on Route 206 you cannot see any identification it is a Chase Bank until you are on top of it and added that he is in support of this application.

Mr. Walsh said this site has always been a successful bank without the signage on that side of the building and said today the road is straighter, and the traffic is slower.

Mr. Riley reminded Mr. Walsh that the intersection has changed and was moved closer to the bank, and Lakeland Bank had a large pylon sign. Mr. Stoner corrected Mr. Riley saying the intersection is actually further away from the bank and a detention basin and the municipal signage is now in front of the site.

Mr. Walsh feels because the bank is in the same place, the road is straighter, and the traffic is slower and he does not believe the sign is necessary and feels the conditions are better than in the past.

Ms. Shimamoto said that the traffic light hides the Chase sign and it is really hard to see until you pass through the intersection.

Ms. Raffay said she had visitors over the summer that are Chase customers and they could not find the branch.

Mr. Senesky asked if Chase would consider the smaller sign as originally proposed in January. Ms. Nicholson presented Exhibit A1, dated 12/7/17, a photo of the site and the intersection, and introduced Mr. Schwartz who provided his education and experience to the Board. The Board accepted him as an expert in this field. He said signage is important for brand identification and to alert pedestrians and motorist of the Bank. Mr. Schwartz reviewed the photo saying it is evident that is branch is extremely difficult to identify, even at a speed limit of 35mph and he believes is a hazard to try to safely navigate into the branch one you have seen it. Mr. Schwartz talked about how the size of the sign is determined. He said they consider the speed limit; the distance that the sign will be viewed at and said a 12" wide letter has a maximum readable impact distance is 120 feet from the sign. He said the depth of the lot is about 180' so he said you thru the intersection and almost pass the property before you identify the pylon sign as a Chase.

Mr. Walsh said there are two entrances, one on Route 206 and the other from the Shop Rite site. Mr. Riley said there were entrances to the Lakeland Bank off of Route 206. Mr. Schwartz said if they had the 24" letter set that they are proposing the maximum visible impact would be 1,000 feet.

Ms. Nicholson introduced Mr. Manhardt and he discussed the proofs for a C2 variance saying that this sign promotes the free flow of traffic, it alerts motorists, and the site promotes a desirably, visible environment and will not impact the intent of the zone; to maintain existing commercial use. As far as negative criteria, Mr. Manhardt said it is often related the visual impact. Mr. Manhardt said the proposed sign blends well with the building, and Mr. Manhardt said alerting motorist outweighs and negative impact.

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

Ms. Segal asked if the sign is lit. Mr. Schwartz said yes, the sign is internally illuminated, and will be lit twenty-four hours a day, seven days a week. Mr. Schwartz said it is the same brightness of the other signs on the site.

The Board discussed adding directional signs, or a larger pylon sign, Mr. Schwartz said they find that directional signs help the flow of traffic within the site only.

Chairman Shivas asked the Board for their opinion and Mr. Walsh doesn't feel that the positive impact this sign presents does not feel the benefit of the sign outweighs the detriment of the visual impact, and if the Shop Rite didn't offer an alternative access he would agree, and does not believe signage has as much importance as in the past. Mr. Morytko agrees with Mr. Walsh and that the scale of the sign is too large, and the need to be lit twenty-four hours, seven days a week is not necessary.

Ms. Raffay believes the lack of notice to motorist that it is a bank is not safe and feels the sign is necessary.

Mr. Riley agrees with Ms. Raffay.

Chairman Shivas said that he is not in favor of too many signs but believes this sign is necessary to the site and the success of the bank.

Ms. Segal believes the sign should be smaller, as proposed in the application that was approved in Jan. 2017.

Mr. Kaufhold agrees with Ms. Raffay, that the size proposed is more proportionate with the size of the building however he does not believe that it needs to be illuminated twenty-four hours, seven days a week.

A motion to approve this application was made by Mr. Riley, the motion was seconded by Ms. Shimamoto.

The following vote was taken:

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
Motion	√									
Seconded									√	
Aye	√			√				√	√	√
Nay		√			√	√	√			
Abstain										
Absent			√							

Motion carried.

REPORTS FROM COMMITTEES

Township Council – Ms. Raffay said that the second legal notice for the proposed gas station in Stanhope on the Byram border was incorrect, and the applicant had to re-notice again. She said that Harold Pellow's office is reviewing the proposed development and will be representing Byram with regards to concerns about water run-off, drainage, and vehicle and truck traffic. Ms. Raffay said that Stanhope residents are not affected by this development, whereas Byram residents are. Ms. Raffay added that this application is not a use variance and that some Byram residents attended the Council meeting expressing their concerns. She said the Council encouraged residents to attend the meetings and asked for specifics on lighting and request buffering, etc.

Ms. Raffay said that Hopatcong recently reviewed a conceptual plan for a Police Shooting Range on Stanhope-Sparta Road which is close to Byram residents. She said the Council drafted a resolution requesting the matter be postponed so that Byram has the opportunity to review and comment on this proposal, only to find that the range was presented and approved.

Environmental Commission – Ms. Shimamoto said the EC held a clean up on Jones Lane trail which was successful. She said they also cleaned a trail by Tamarack Lake. She said the next meeting is Dec. 20, 2017

Open Space – Mr. Morytko said the next meeting is Monday, December 11, 2017.

Architectural Review Committee – Mr. Morytko said they met and reviewed the JPMorgan Chase sign proposal and provided comment to the Board.

Board of Health – Ms. Segal said a new BOH member was recently appointed. She added that the County Division of Health has been working with the Township regarding a rodent problem in West Brookwood which is in the process of being cleaned up.

ANY OTHER BUSINESS THE BOARD DEEMS NECESSARY

Building Coverage Memo

A memo was presented to the Planning Board from the Zoning Officer and Planning Board Engineer because there is a discrepancy when calculating principal building coverage. The Board engineer includes structures attached to the principal structure that have a roof and he bases that on our definition of building. Mr. Dixon, the zoning official, includes anything attached to the principal structure whether it has a roof or not and asked the Board for clarification.

There was Board discussion and Mr. Gleitz explained that in 2006 the principal building coverage ordinance was to reduce density and to control the size of structures. Mr. Stoner said that if they include everything attached to the principal structure it may trigger more variances. The Board discussed lot coverage and impervious coverage verses building coverage and after a lengthy discussion the Chairman held a straw poll.

Board members that want the principal building coverage calculation to include all decks and other structures attached to the principal building, whether they have a roof or not, are Chairman Shivas and Mr. Morytko.

Board members that want to include only those decks and other structures attached to the principal building that have a roof in the principal building calculation are Mr. Riley, Mr. Walsh, Ms. Raffay, Mr. Kaufhold, Ms. Segal, Mr. Gonzalez, and Ms. Shimamoto.

It was the consensus of the Board that unless the structure attached to the principal structure has a roof; it will not be included when calculating building coverage. Mr. Stoner will write some language to amend the ordinance.

BILLS

Harold Pellow & Associates, Inc. (8 bills) \$3,041.75

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

Schenck, Price, Smith & King, LLP (8 bills) \$3,862.50

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

OPEN TO THE PUBLIC

Chairman Shivas opened to the public.

Keri Weber, 6 Ash Street wanted confirmation from Ms. Segal, the BOH liaison that the County Division of Health was cleaning up Robert Street and the rodent problem. Ms. Segal said yes, and referred her to the Township's sanitarian, Denise Weber if she had any questions. She also wanted to know if the Brookwood Musconetcong Water Company President can reach out to Mr. Stoner if he has questions about the development proposed in Stanhope. Mr. Stoner said yes.

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

ADJOURNMENT

A motion to adjourn the meeting was made at 10:35 p.m. by Ms. Segal, and the motion was seconded by Mr. Kaufhold. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: *Cheryl White*