

**OCTOBER 15, 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											
LATE											
EXCUSED											

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

STATEMENT BY THE SECRETARY - 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 October 15, 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 September 10, 2020 meeting minutes 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.

A Motion to approve the September 17, 2020 meeting minutes 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.

A Motion to approve the October 01, 2020 meeting minutes 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.

RESOLUTIONS

Z08-2020, Emily Anderson, 107 Lake Drive, Block 249 Lot 94.02, R-5

To add a 368 sq. ft. deck to the rear of an existing dwelling.

A motion to approve the resolution as written was made by Mr. Olson. The motion was seconded by Mayor Rubenstein. 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.

Z06-2020, Bob Gockeler, 183 Forest Lake Drive, Block 360 Lot 1.01, R-2

To construct a 50' X 22' deck in the rear of the home, and to add a 40' X 40' Pole Barn.

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

Z07-2020, Vanessa Kill, 202 Lake Drive, Block 254 Lot 9, R-5 Zone

To add a 1,456 sq. ft. second story addition to a single-family dwelling.

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

COMPLETENESS

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

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

Ms. Shimamoto said the committee met and reviewed the information provided. Mr. Stoner said the applicant did provide items that were noted as deficient during the last completeness review. He said this application is for preliminary site plan approval only and when it is determined who will occupy the building/s then a return trip to the Board will be required for final approval, and at that time a more detailed application must be presented.

A motion to deem this application complete and set a hearing date of January 7, 2021 was made by Ms. Shimamoto. 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

Z10-2020, Eddie Lemon, 2 Elizabeth Lane, Block 337.01 Lot 91, R-3 Zone

To erect a 6 ft fence in the front yard. This property has two front yards.

Eddie and Marta Lemon, owners and applicants were sworn in. Mr. Lemon said they started to install a 6ft. fence along Tartan Court and was told since their property fronts Tartan Ct. and Elizabeth Ln., and according to township code, their property has two front yards and a 6ft. fence is not permitted in a front yard, a variance would be required. Mr. Lemon said the portion of the fence that extends from the front of their home towards Tartan Ct. will remain 4ft. in height, but the fence running

along Tartan Ct., and the rear of the property, will be 6ft . Mr. Lemon said the need for the 6’ fence is for privacy and safety purposes, noting they have small children and a dog.

Mr. Lemon said since his property has a 10ft. ROW, he would like to erect the fence on the property line. Mr. Stoner said he is familiar with his lot and said if they erect the fence 10 feet off the face of the curb, and no closer, and stay out of the Township ROW; they should be okay. Mr. Lemon noted that there were no neighbors objecting to this request, and that their hardship is having two front yards.

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

A motion to approve this application was made by Mr. Walsh. The motion was seconded by Mayor Rubenstein. The following vote was taken:

	Mr. Chozick	Mr. Gallagher	Mr. Gonzalez	Mr. Kauffhold	Mr. Morytko	Mr. Olson	Ms. Raffay	Mayor Rubenstein	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
MOTION										√	
SECONDED								√			
AYE	√	√		√	√	√		√	√		√
NAY											
ABSTAIN											
ABSENT											

Motion carried.

SP4-2020, On Time Sign and Design, 10 Route 206, Block 42 Lot 112, V-B Zone

Preliminary and Final Plan approval for the rehabilitation of an existing commercial building that includes three separate tenants, signage, parking improvements, and façade changes.

Mr. Michael Selvaggi, Esq. representing Vito Lombardo, owner and applicant said this application encompasses the rehabilitation of an existing commercial building that pre-dates most zoning and his proposal will improve the property and enhance Byram’s Village Business corridor.

Mr. Selvaggi introduced Vito Lombardo and James Glasses, P.E., and they were sworn in. Mr. Glasson provided his education and experience to the Board and the Board recognizes him as an expert in his field.

Mr. Lombardo said he purchased the property in 2019, which consists of 1.2-acre lot and a 6,000 sq. ft building. He said at that time the building was vacant and in disrepair and he is seeking approval to renovate the existing building, interior and exterior, and to add two new tenants to the building; an embroidery shop and a deli.

Mr. Lombard gave a brief description of the tenants:

On Time Sign and Design: Tenant C on the submitted floor plan occupies 2,000 sq. ft and currently is in operation. He has one employee and most of the work is off site installation and rarely has customers in the shop. He said if a customer visits the shop they would park in the front of the building and enter the building from the second door on the north side of the building. He said the overhead door in the rear will be used by the Sign Shop and he added that they receive deliveries by a box truck and that the loading dock in the rear will be utilized by all tenants.

The embroidery Shop: Tenant B on the submitted floor plan occupies 1,200 sq. ft and is a husband and wife operation however, Mr. Lombardo was not sure of their hours of operation. He said this business provides sports attire, trophies, engraving, and things of this type. He said they do not have a lot of walk in traffic, and they do not use any chemicals or anything harmful to the environment. Customers visiting this business would park in the front of the building and enter in the front.

The deli: Tenant A on the submitted floor plan will occupy a total of 2,400 sq. ft., of which 1,000 sq. ft will be used for storage, 500 sq. ft is the kitchen area, and 900 sq. ft will be used for the store. He said they have four (4) employees and they will provide hot and cold food products. There will be no indoor dining and the tables shown on the plan will be removed. He said the freezer located in the rear of the building will be used by the deli.

Chairman Shivas asked if he had enough sewer allocation. He said he currently has enough sewer to operate the sign shop but is actively working with the Township, thru the Township Manager, to secure additional gallonage needed for the purposed uses.

Mr. Lombardo said after he purchased the property there were a lot of dead trees in the rear, so he removed the trees on the property and then received a Notice of Violation from Byram’s Zoning Officer for doing site work not approved by the Board. Mr. Lombard explained that he received a letter from a resident adjacent to his property expressing concern that the trees bordering her property were a threat to her home and safety, so Mr. Lombardo removed the trees adding that the neighbors’ response was positive. He said after receiving the NOV he planted over 127 trees, saying he planted Emerald Green Arborvitaes on the southern border of the property to create a living fence, and along the rear of the property he planted giant arborvitaes.

Chairman Shivas prefers that for pedestrian safety he believes the sidewalk on the north side of the building should extend all the way to the rear parking area. Mr. Lombardo said currently there is an oil tank on that side however after Board discussion Mr. Lombardo agreed to remove the oil tank and

extend the sidewalk.

Mr. Lombardo discussed his landscaping plans and as noted in a letter dated October 7, 2020 from Mr. Gleitz the Board's Planner, a residential buffer is required. Mr. Gleitz believed that the planted buffer of Giant Arborvitae in the rear is insufficient, since a large mass of trees were removed. Mr. Lombardo said in order to establish a greater buffer he will add more Giant Arborvitae and stagger them between the trees he recently planted. Mr. Gleitz was satisfied with that arrangement. There was a lengthy discussion about the site landscaping, and it was determined that Mr. Lombardo will submit a plan for review and to the satisfaction of the Board's Planner and Engineer.

There was discussion about the center island which the applicant proposes to pave a portion of the island for better vehicle circulation, add some landscaping and a freestanding sign. Mr. Gleitz recommended adding a sidewalk connecting from the DOT sidewalk thru the landscaped island for safe pedestrian access. Mr. Lombardo agreed and said he may add two benches and understands that his plan must be approved by Mr. Gleitz.

Mr. Olson said wetlands exist in the property to the southeast of this parcel and since all vegetation has been removed, he believes the applicant should be required to revegetate this area. Mr. Olson said the idea of staggering the Giant Arborvitae is great, but he believes the wetlands buffer, which was significant, should be restored. Mr. Olson added that in the past residents have complained about highway noise and lights from Route 206 and they have a right to privacy. Mr. Stoner and Mr. Gleitz agreed with Mr. Olson and that a wetlands buffer should be restored.

Chairman Shivas had a question about a shaded area shown on Sheet 4 of the submitted plan on the southwest corner of the property that extends into the entrance drive. Mr. Lombardo said in the past the owner of Block 42 Lot 113 leased this portion of Lot 42 so that trucks making deliveries to Lot 113 had more room. He said he believes the lease has expired, which he does not intend on renewing. He said he has tried to reach out to the owners of Lot 113 but with no response. Chairman Shivas said that the removal of this bump out should be shown on the revised site plan.

Mr. Lombardo said he met with Byram's Architectural Review Committee to review his proposed changes to the building façade. He said the building will be stucco with a biscuit color with black trim and brown accents. He proposes sconce lighting on the front of the building, and he is not sure of the signs design, but will comply with Township requirements. Mr. Gleitz recommended that Mr. Lombardo use some stone veneer and some façade design elements to break up the front of the building, perhaps between tenant spaces. Mr. Lombardo liked that idea. Mr. Hubbard, Esq., said the final design will have to be approved by the Board Planner. Mr. Lombardo agreed.

Mr. Glasson, P.E. reviewed the existing and proposed conditions, and the required variances for this project, saying some conditions are pre-existing, non-conforming. He said this site is serviced by sewer and a well, which prompted a discussion about the well head, which is currently protected by boulders, however under the recommendation of the Fire Department Mr. Lombardo will replace the boulders with bollards.

Mr. Glasson reviewed the layout of tenants, their points of access, square footage of each unit, and that fifteen parking spaces are proposed; 7 customer parking spaces in the front, one (1) ADA compliant, and eight (8) parking spaces are proposed in the rear, for employee parking, and the parking area in the rear is to remain gravel. Mr. Glasson said that concrete wheel stops will be used to demarcate parking spaces.

He said the applicant proposes an 18' X 18' trash area, a loading dock, and a large freezer in the rear. Mr. Glasson reviewed the proposed site lighting saying the applicant proposes LED lights. Sconce lighting will be provided overhead of the doors and will operate dusk to dawn. He said two pole mounted lights are proposed in the landscaped island, two building mounted lights, and one rear pole mounted light to face towards the building. Mr. Stoner said all lighting should be downward lit and lighting details should be added to the plan.

Mr. Lombardo said for the sign shop he has a red, white and blue carved wood carved sign, and with regards to tenant signage he will ensure they comply with Byram's sign requirements. The Board had no questions.

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

Mayor Rubenstein has a concern that ample parking is not provided. Mr. Morytko shared his concern. Mr. Glasson said the applicant must be careful because he is limited to impervious coverage based on the Highlands Exemption. Mr. Stoner believes parking should not be an issue.

The Board reviewed the conditions imposed:

1. No indoor dining is permitted, and tables shown on the submitted plan should be removed.
2. The oil tank on the north side of the building will be removed and the sidewalk extended to the rear of the building.
3. Bollards to be placed around the well head.
4. Add fire protection signs to the plan.
5. Additional EDU's must be obtained prior to new tenants occupying any space.

6. The Board Planner and Engineer are to review and approve the lighting and landscape plan, noting that the landscape plan should not include invasive plant species.
7. The Board Planner to review and approve building façade improvements.
8. A wetlands buffer to be added to the plan and planted.

A motion to approve this application with the conditions stated above 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.

SITE PLAN WAIVER

WOSP7-2020, Landon Maxwell Barbershop, 90 Route 206, Block 226 Lot 14, VB Zone
Change of tenant, from dentist office to barber shop. Approved by the Zoning Officer
The Board had no questions.

REPORTS FROM COMMITTEES

Architectural Review Committee – No meeting was held.

Board of Health – A meeting is scheduled for the end of November.

Building Committee – No meeting was held.

Environmental Commission – No representative was present.

Open Space – Mr. Morytko said Byram’s forester, Gracie & Harrigan, have started invasive species removal on Block 360 Lot 42.05, the Open Space parcel opposite CO Johnson Park, and bidding for Ash tree salvage on the same lot.

Township Council – Mayor Rubenstein reported that the Council passed the new Chicken Ordinance. They discussed Mr. Stoner’s analysis for a second access to the East Brookwood section of Byram. They will be conducting interviews for a new labor attorney, and the Council passed the new Construction Fee Ordinance.

Zoning Report for September 2020 – The Board had no questions.

OTHER BUSINESS

Local Finance Notice LFN 20-2021

Ms. Hubbard reviewed the notice and believes we are mostly compliant. The Board discussed the “chat” feature and it was the consensus of the Board that this feature is not permitted. The Board will allow exhibits to be submitted 48 hours in advance, however any revisions or anything that may impact a “Check List” item must be submitted at least ten (10) days in advance of the public hearing. Correspondence to the applicant from the Board Secretary should provide outlining these requirements. The Board secretary will comply.

A motion to have Ms. Hubbard draft a resolution stating the above was made by Mr. Olson. The motion was seconded by Mayor Rubenstein. 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.

BILLS

Harold Pellow & Associates, Inc. (8 bills) \$2,273.40

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, (4 bills) \$2,430.00

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

OPEN TO THE PUBLIC

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

ADJOURNMENT

At 11:00 pm. a motion to adjourn the meeting was made by Mr. Kaufhold. The motion was seconded by Mr. Olson. All were in favor. Meeting was adjourned.

Respectfully submitted,
Cheryl White