

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

ROLL CALL:

Members Present: Mayor Rubenstein, Ms. Raffay, Messrs. Proctor, McElroy, Morytko, Smith, Walsh, and Chairman Shivas

Members Absent: Mr. Serrilli

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

OPENING STATEMENT: 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: February 1, 2024. Mr. Proctor motioned to approve the minutes, seconded by Ms. Raffay.

Ayes: Ms. Raffay, Messrs. Proctor, Morytko, Walsh, and Chairman Shivas

Abstaining: Mayor Rubenstein, Messrs. McElroy and Smith

Absent: Mr. Serrilli

None opposed. Motion carried.

RESOLUTIONS

Z26-2023 Alex Rubenstein, 2 and 8 Carpenter Road, Block 237 Lots 519, 521, 522, R3 Zone

Resolution amendment for approval for minor subdivision, site plan for a single-family dwelling, and site plan construction of a new single-family dwelling

Ms. Hubbard said this was corrected because the lot numbers were flipped, and wording was added for a wetlands transition area. Mr. McElroy motioned to approve the resolution, seconded by Mr. Morytko.

Ayes: Messrs. McElroy, Morytko, Smith, and Chairman Shivas

Abstaining: Ms. Raffay, Mayor Rubenstein, Messrs. Proctor and Walsh

Absent: Mr. Serrilli

None opposed. Motion carried.

Z16-2023 Barbara Krassner, 11 Pathfinder Trail, Block 115 Lot 6, R5 Zone

Approval for deck on an undersized lot

Chairman Shivas said they will vote on this resolution at the next hearing.

Z30-2023 Davia Maida, 68 Sleepy Hollow Road, Block 406 Lot 103, R4 Zone

Approval for gazebo within setback to house

Mr. Proctor motioned to approve the resolution, seconded by Ms. Raffay.

Ayes: Ms. Raffay, Messrs. Proctor, Morytko, Walsh, and Chairman Shivas

Abstaining: Mayor Rubenstein, Messrs. McElroy and Smith

Absent: Mr. Serrilli

None opposed. Motion carried.

Z29-2023 Ziad Jalbout, 60 Birch Parkway, Block 308 Lot 1831.02, R5 Zone

Approval for addition to home, relocation of entryway, and proposed porch

Mr. Proctor motioned to approve the resolution, seconded by Mr. Morytko.

Ayes: Ms. Raffay, Messrs. Proctor, Morytko, Walsh, and Chairman Shivas

Abstaining: Mayor Rubenstein, Messrs. McElroy and Smith

Absent: Mr. Serrilli

None opposed. Motion carried.

NEW BUSINESS

SP6-2023 Tomahawk Lake, 155 Tomahawk Trail, Block 343 Lots 1, 2, and 3, CR Zone

Application for amended site plan approval to include Lots 3 and 4 into the site plan for parking, and modify a ticket office for larger square footage

Mr. Walsh motioned to carry the application to 03/21, seconded by Mr. Proctor.

Ayes: Ms. Raffay, Mayor Rubenstein, Messrs. Proctor, McElroy, Morytko, Smith, Walsh, and Chairman Shivas

Absent: Mr. Serrilli

None opposed. Motion carried.

Z25-2023 Ryan Tiernan, 11 Ranger Trail, Block 300 Lot 2345, R5 Zone

Approval for ex post facto work on driveway

Mr. Walsh motioned to carry the application to 03/21, seconded by Mr. Proctor.

Ayes: Ms. Raffay, Mayor Rubenstein, Messrs. Proctor, McElroy, Morytko, Smith, Walsh, and Chairman Shivas

Absent: Mr. Serrilli

None opposed. Motion carried.

Z02-2024 Catherine Trader, 55 North Shore Road, Block 157 Lot 272, R-5 Zone

Approval for concrete pad and propane tanks in the side setback

Mr. Walsh recused from this application. Catherine Trader was sworn in. She owns both 53 and 55 North Shore. The concrete pad has been in the back left corner for about seven years. She wants to put two liquid propane tanks there. The house has been renovated; everything has been redone except the foundation. There are new windows, floors, siding, and a well and septic were added. She said the only property the tanks affect is 53, which she owns. Mayor Rubenstein confirmed each address has a house. 55 is not occupied—it needs to pass final inspections. Mr. Stoner reviewed the photos in his report. Ms. Trader said there was a plan submitted by the architect; this was not submitted to the Board. Ms. Trader said the tanks can't be between the two windows, it can't be on the other side because the electric meter is there, it can't be on the right side because the septic is there, and it can't be in the back because that's considered wetlands. She was told the tanks are each 100 gallons, 3.5 feet in diameter, and about 4 feet tall. She was told by the gas company that they would fit on the pad.

Mr. Stoner said when he did an inspection, another question came up about the stairs. Ms. Trader said she didn't know about the stairs encroaching until she went to get the zoning permit for the tanks. Mayor Rubenstein asked if the deck has a building permit; Ms. Trader doesn't know what the contractor did. Mr. Stoner doesn't think permits were obtained for the deck. He confirmed in the back is the foundation; Ms. Trader said this will be empty for now. She purchased the house over ten years ago. There was an attached porch that went out near the end of the foundation. She had to come to the Board and the state for this. The deck goes out the same amount as the porch, but not all the way across. The porch was taken down a long time ago; it was built in the 30s, and was in bad repair. The DEP gave her approval for work years ago. Mayor Rubenstein said there is a demo permit for a porch in 2004. Mr. Stoner said in 2012 there was an approval for an addition. Mayor Rubenstein said in 2016 there is an open building permit for the house. Ms. Hubbard confirmed Ms. Trader owned the house when the foundation was put in. Ms. Trader said she will eventually come back for the foundation. Mr. Stoner said she needs a variance for the stairs—it's not part of this application so can't be heard.

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Mr. McElroy asked if they should only be looking at the propane tanks, since the deck may need a variance and it's not on the application. Mr. Stoner noted the deck is a violation. Mr. McElroy said he doesn't like plans where there are a lot of moving parts and they're unsure what they're looking at. He doesn't understand what's on the survey versus what got done. Ms. Raffay said they should know what those prior approvals were for; the application is marked "no" for prior approvals being granted. Mayor Rubenstein said the survey is effectively inaccurate, and suggested Ms. Trader ask the architect what permits were obtained. Not having an accurate survey makes it difficult to approve an application. Mayor Rubenstein said the deck and stairs need to be resolved because they don't have permits, along with the survey needing to be more accurate with measurements. Ms. Trader confirmed she can amend this application. Mayor Rubenstein confirmed the plan for the foundation is adding two rooms; this is in the future. Ms. Trader said the foundation is touching the house. Mr. Smith said the deck was built on top of the foundation. Chairman Shivas confirmed when the addition is worked on, the deck and stairs will be removed. Ms. Trader noted the contractor suggested this strategy. The deck is the height of the foundation plus about 2 inches; the contractor had to put wood and screws into the foundation. Mayor Rubenstein said she should get an engineer and decide what she wants to do with the property, and amend the application. **Exhibit B1** was submitted by Ms. Hubbard, an aerial of the property.

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Mayor Rubenstein explained the need to re-notice. Ms. Trader said she'd need at least a month to get everything together. Ms. Raffay motioned to carry the application to 04/18, seconded by Mr. Morytko. The Board discussed what should be submitted in the amended application. Mr. Smith confirmed Ms. Trader is unsure when the addition would be proposed. Mayor Rubenstein noted where the propane tanks are, with an addition there may be other considerations like window placement that are affected.

Ayes: Ms. Raffay, Mayor Rubenstein, Messrs. Proctor, McElroy, Morytko, Smith, Walsh, and Chairman Shivas

Absent: Mr. Serrilli

None opposed. Motion carried. Mr. Walsh re-entered the meeting.

SP8-2023 Byram Car Wash, 56 Route 206, Block 365 Lot 1.01, VC Zone

Approval for replacement of vacuums and monument sign

Mr. McElroy recused. Mark Blount represented the application. He noted in 2018 the Car Wash came for an amended site plan for circulation, pay stations, and signage. They're proposing two improvements, including the vacuums and sign. Glenn Paladino was sworn in as the general manager of the car wash. Anthony Marucci was sworn in as the engineer. Mr. Paladino said the car wash has been in his family since 1985. They're looking for these upgrades to provide the public the best car wash facility, updated with industry standards. They need these improvements to compete with other businesses in the area. Mayor Rubenstein asked why they want to replace the vacuums. Mr. Paladino said it produces a better product—it's faster, a cleaner look, and up to date with the

standard. The current vacuums get sloppy at times; the hoses aren't hung as well. The new ones are overhead and in-between the vehicles so it makes it easier; it's also cleaner because you just plug the hose back in. Mr. Blount reviewed the submitted photos of example vacuums. Mr. Paladino said these are called boom vacuums. There is an area for car mats. There are two hoses on the boom, for each side of a vehicle. Chairman Shivas confirmed two cars could use the same vacuum but different hoses, and asked how that's paid for. Mr. Paladino said the vacuum system is free. Ms. Raffay confirmed they're currently coin operated. Mr. Paladino said the vacuums will be on the same wall as they are now; the location differs in that the current ones are centered and the proposed are in-between. Ms. Raffay asked the hours of operation for the vacuums; Mr. Paladino said that's undecided. They try to have a similar experience to other car washes; they want to have nice hours for people, understanding people work during the day. Ms. Raffay asked about lighting and noise. Ms. Hubbard confirmed the hours of the car wash are 8-7 Monday through Friday, 8-6 on Saturday, and 8-5 on Sunday. Ms. Raffay noted right now someone could use the vacuums any time. Ms. Hubbard confirmed the vacuums are lit at the top with an LED strip. Mr. Blount said they're ok limiting the hours to no later than 11pm. Mr. Paladino said the lights are important for safety. Ms. Hubbard asked if the vacuums make noise; Mr. Paladino said he doesn't think they're louder than the ones there now. Mayor Rubenstein said he doesn't have an issue with this being available 24 hours. Mr. Proctor agreed—they're lit and work now, and they won't be louder than a truck on the road. Chairman Shivas noted they're not asking for a change in the hours of operations from what people could use now. Mr. Walsh confirmed the lights stay on when the vacuums are not used. He noted it's not much a question about sound or usage, but wants to know more about the lights. Mr. Paladino said the current vacuums are lit; Mr. Smith said these are diffused. Ms. Raffay said red is not as bright, but if the LEDs are straight down, it's directional. Mr. Paladino thinks they're needed for security. Ms. Raffay said this isn't site lighting. Mr. Paladino said the details are from the company that makes the vacuums; they're considering three different vendors. Mr. Walsh noted he doesn't want to approve something where they're guessing.

Mr. Marucci was sworn in; he has a degree in civil engineering, served in municipal government, and was a township engineer. He worked in Orange, South Orange, and Bloomfield, and started a company in 2001. He appeared before Boards in Essex and Morris County, and did the plans for the car wash in 2018. He was deemed an expert, and his license is in good standing. Mr. Marucci referred to sheet 2, with vacuum details. The vacuum has a 6-inch LED light that shines down, so he doesn't anticipate a lot of ambient light. Mr. Blount submitted **Exhibit A1**, a photo of what the lights look like at night. Mr. Proctor asked if the lights on the side of the building light up the sidewalk; Mr. Paladino said the sconces light up the sidewalk but not further out. Near the exit there is a light. Mr. Proctor said he doesn't think these lights would be much different than other businesses nearby. Ms. Raffay said they look brighter than what's there now. She doesn't think everyone understood the lights involved in the last application for the current vacuums. Mr. Morytko asked about the colors. Mr. Paladino is leaning towards aluminum with a blue hose. Mr. Stoner said other car washes have an individual unit for the vacuums; this looks like they're connected. Mr. Paladino said there is a central vacuum. Mr. Paladino requested a break in the hearing. Returning, he confirmed each vacuum is individualized and then run to a central vacuum. It's above-ground in case it clogs. The central vacuum is near the flag pole island. Chairman Shivas asked about noise. Ms. Hubbard noted they're asking about screening and landscaping. Mr. Blount said they can get a manufacturer detail.

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Mr. Marucci submitted **Exhibit A2**, a series of photos of the property and sign examples in the area, taken on February 3rd. They're trying to keep in character with what's on Route 206. Currently the hoses are on the ground and he considers this unsanitary and unsafe, where people may trip. They're making the spaces larger, so there's more room to access the vacuums. They're re-doing the sidewalks and foundation. The vacuums protrude into the spaces. There is a section of the proposed sign that goes above the wording. They're requesting a digital sign, which would say "unlimited car wash," and can change messages, which would always relate to their business. It is possible, in an emergency, the town could hook into that for alerts. Ms. Hubbard asked if this would change constantly. Mr. Walsh left the meeting at this time. Chairman Shivas noted they don't allow flashing signs. Mr. Paladino said this is more to indicate if they're open or closed, and advertising their unlimited wash. Ms. Raffay asked about the timing when switching messages. Mayor Rubenstein reviewed the relevant section of the code. The minimum length of time for a message is once per minute. Mr. Marucci asked for relief for the size due to their location and the speed of traffic going by. Ms. Raffay asked with this changing sign, could they take down other signs. Mr. Paladino said the majority of signs are there for directions or blocking areas people shouldn't be driving. Towards the back there is more advertising. Ms. Raffay meant temporary signs. Mr. Paladino said the proposed sign would cover this, so would have a cleaner look for the property. Mr. Morytko said regarding the size of the sign, the ordinance was designed for it to be 15 feet, so it should be that size. Mr. Paladino said they could make it that size if that's what's preferable.

Mr. Marucci said he looks at this application more from a safety perspective. The vacuums provide more room to move, and the sign conforms to what's in the area. The digital sign can be used by the Township for an

emergency; a larger screen would be more visible. He reviewed the variance criteria. Mr. Blount asked about safety in relation to the sign. Mr. Marucci said on Route 206 with the speed of traffic, by the time you see the car wash, you could pass the entrance. The new sign would help show the entrance, which helps with safety. Chairman Shivas asked how much of the sign is going to be lit. Mr. Paladino said the digital portion and the Byram Car Wash portion. Ms. Raffay asked if the sign is backlit. Mr. Paladino said they're internal, and you can see it from both sides. Mr. Stoner reviewed the variances. Mr. Morytko thinks the sign is an improvement, but the size is something to consider; the design standards have a purpose. Chairman Shivas said if they removed the portion above the business name, it would save a lot on the height. Mr. Paladino said that design was recommended by a company. Mr. Smith likes the design. He knows where the car wash is, but if you don't, by the time you see the sign it's too late to turn in. The current sign is not at all visible. Mayor Rubenstein noted the tree next to it could be removed to help visibility. Ms. Raffay said she'd also like to see it smaller, and isn't sure that it being taller would overcome the visibility issues. Mr. Proctor said near the exit, there's flat ground where the sign could be smaller and more visible. Mr. Paladino said that's their exit, and wouldn't show where the entrance is. Mayor Rubenstein likes the sign. Chairman Shivas said the size of the sign is fine, but thinks the top portion could just be removed. Mr. Blount said they could come back with some specifications on the sign. Mr. Stoner said they could get a street photo and superimpose a proposed sign. Mayor Rubenstein suggested trading the size of the sign for the setback to help visibility. He suggested talking to the DOT about the tree blocking the sign. Ms. Raffay said the base for the booms looks to be on the sidewalk, but on page 2 it shows they're on the parking stall. Mr. Marucci said they should be on the sidewalk. Ms. Raffay said she'd like to see something about the colors and lighting. Chairman Shivas asked for a picture of the vacuum and information on noise.

Mr. Morytko motioned to carry the application to 03/07 with no further notice, seconded by Ms. Raffay. Chairman Shivas opened to the public and no one spoke so he closed to the public.

Ayes: Ms. Raffay, Mayor Rubenstein, Messrs. Proctor, Morytko, Smith, and Chairman Shivas

Abstaining: Mr. McElroy

Absent: Messrs. Serrilli and Walsh

None opposed. Motion carried.

BILLS

Harold Pellow and Associates (7): \$2,245.00 A motion to approve the bills was made by Mayor Rubenstein, seconded by Mr. Morytko. All were in favor. Motion carried.

REPORTS FROM COMMITTEES

Architectural Review Committee: Mr. Morytko said there's been no meeting.

Environmental Commission: Mr. McElroy said they met in January, and looking for an event for national trails day. They discussed the trails committee.

Open Space: Mr. Morytko said they reviewed goals for the year and discussed the trails committee. They have some interest in membership, and discussed the playground grant.

Township Council: Mayor Rubenstein said Mr. Dewald is the new police Chief, and Chief Burke has retired. They did license renewals for the quarry and Raimos, and discussed the model tree ordinance. They will apply for a grant for the tennis courts at the municipal building. Mr. Proctor said they introduced an ordinance for DPW equipment. Mayor Rubenstein said they passed the ordinance for the street near Raimos.

Zoning Report: Everyone had a copy.

OPEN TO THE PUBLIC

Chairman Shivas opened and closed to the public.

ADJOURNMENT

A motion to adjourn the meeting was made at 9:41pm by Mr. McElory, seconded by Mr. Proctor. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted by Caitlin Phillips