

**MEETING MINTUES
BYRAM TOWNSHIP PLANNING BOARD
MEETING, FEBRUARY 3, 2022**

CALL TO ORDER

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

ROLL CALL

	Mayor Rubenstein	Chris Franco	Andrew McElroy	Lisa Shimamoto	Marie Raffay	John Morytko	Robert Chozick	Eric Serrilli	Greg Smith	Michael Walsh	George Shivas
Present	√	√	√	√	√	√	√		√		√
Absent											
Excused								√		√	
Late											

Also present: Attorney Alyse Hubbard, Esq.
Engineer Cory Stoner, P.E. C.M.E.
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

MEETING MINUTES

Approval of January 20, 2022 Meeting Minutes

Mr. Smith motioned to approve the minutes, seconded by Mr. McElroy. The below vote was taken:

	Mayor Rubenstein	Ms. Franco	Mr. McElroy	Ms. Shimamoto	Ms. Raffay	Mr. Morytko	Mr. Chozick	Mr. Serrilli	Mr. Smith	Mr. Walsh	Chairman Shivas
Motion									√		
Second			√								
Aye	√	√	√	√	√	√			√		√
Nay											
Abstain							√				
Absent								√		√	

Motion carried.

PROFESSIONALS TO BE SWORN IN

Mr. Stoner was sworn in by Mayor Rubenstein.

RESOLUTIONS

WOSP10-2021 Pet Supplies Plus, 90 Route 206, B226 L14, VB Zone

Determination of site plan waiver or variance needed for exterior work.

Mr. McElroy motioned to approve the resolution, seconded by Mr. Smith. The below vote was taken:

	Mayor Rubenstein	Ms. Franco	Mr. McElroy	Ms. Shimamoto	Ms. Raffay	Mr. Morytko	Mr. Chozick	Mr. Serrilli	Mr. Smith	Mr. Walsh	Chairman Shivas
Motion			√								
Second									√		
Aye	√	√	√	√	√	√			√		√
Nay											
Abstain							√				
Absent								√		√	

Motion carried.

Z21-2021 HRS Well Drilling Co., Inc., 54 Route 206, Block 365 Lot, VC Zone

Approval for a Certificate of a Pre-Existing, Non-Conforming Use

Mayor Rubenstein motioned to approve the resolution and memorialization, seconded by Mr.

Morytko. The below vote was taken:

	Mayor Rubenstein	Ms. Franco	Mr. McElroy	Ms. Shimamoto	Ms. Raffay	Mr. Morytko	Mr. Chozick	Mr. Serrilli	Mr. Smith	Mr. Walsh	Chairman Shivas
Motion	√										
Second						√					
Aye	√	√	√	√	√	√			√		√
Nay											
Abstain							√				
Absent								√		√	

Motion carried.

NEW BUSINESS

Z20-2021 Stephen Colacurcio, 1 Mansfield Drive, Block 364.01 Lot 1, R-3 Zone

Approval for an existing AC unit in the front yard.

Stephen Colacurcio of 1 Mansfield Drive was sworn in. He wants to keep the existing air conditioner where it is; it’s been there for around 20 years, but no zoning permit was submitted to have it replaced. He recently sold the house and the new owner said they’d put shrubs around it. He’s on a corner lot so he has three front yards, and accessory structures are not allowed in the front. The air conditioner is the same size as before. Chairman Shivas noted that if things are in the same spot and the same size, he has an issue that people have to come to the Board. He noted this is on a list of items to have looked into to change. Mayor Rubenstein noted that air conditioning units typically shouldn’t be in the front yard, but agrees the code needs to be updated. Ms. Raffay asked if Mr. Colacucio knew he wasn’t allowed to have the unit in the front yard, could he have moved it to another location. Mr. Colacurcio said it could be moved to the back, but it’s a lot of work.

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

Mr. Chozick motioned to approve the application, seconded by Ms. Shimamoto. Mr. Morytko said the oil tank may come again if it’s replaced. Chairman Shivas noted their memorializing the placement of the air conditioning unit. The below vote was taken:

	Mayor Rubenstein	Ms. Franco	Mr. McElroy	Ms. Shimamoto	Ms. Raffay	Mr. Morytko	Mr. Chozick	Mr. Serrilli	Mr. Smith	Mr. Walsh	Chairman Shivas
Motion							√				
Second				√							
Aye	√	√	√	√	√	√	√		√		√
Nay											
Abstain											
Absent								√		√	

Motion carried.

SP9-2021 Byram 206 Developers, LLC, 77 NJSH Route 206, Block 34 Lots 14 and 15, VB Zone

Amended site plan application

Ms. Raffay and Ms. Shimamoto recused from this application, and Mayor Rubenstein and Ms. Franco stepped down. Chairman Shivas confirmed this is not a use variance; Ms. Hubbard noted the condition of the previous approval was that if the DEP approval requirements impacted the site suitability, they’d come back for amended use variance. They don’t think this requires an amended use variance, so this is just final amended approval because the DEP requested amendments to the site. She confirmed they don’t need a supermajority.

Mr. Selvaggi spoke on behalf of this application. The changes to this application are not substantial; he asserted the changes provide more greenery and parking spaces, and comply with DEP standards. Mr. Matthew Sharo of 1904 Main Street in Lake Como, New Jersey was sworn in. Chairman Shivas noted he’ll continue to be deemed an expert. Mr. Sharo submitted **exhibit A1**, an aerial of the site, as well as **exhibit A2**, a rendering of the original site plan. Focusing on exhibit A2, Mr. Sharo discussed DEP approvals, noting they had to get an FHA and wetlands approval. The wetlands approval is associated with Lubbers Run because of discharge in the area. There’s a transitional buffer that’s associated with the wetlands; there is more of a transition area now with their changes. One of the other major changes is the parking. In the previous plan there were 16 spaced along the wetlands area; the DEP asked them to move some of the spaces to minimize the impact. They moved seven spaces to other areas in the site. Mr. Sharo showed **exhibit A3**, a rendering of the new site plan to discuss the parking. They left 9 spaces along the south end, moved 5 spaces to the front corner, and 1 space to the rear. They also changed landscaping on the low side of the retaining wall with additional buffering with shrubs. They also enhanced their stormwater work above what the DEP and DOT required. Originally,

they added pre-treatment, hoods, an oil-water separator, and an 80% TSS water quality unit prior to discharging to Lubbers Run. They have since added further water quality units for every discharge point. That brings them from 80% to 95% TSS removal. Chairman Shivas noted they also increased the size of the piping. Mr. Stoner noted this is an elaborate water quality system and the increase from 80 to 95% is a big deal.

Chairman Shivas said there's also electronic charging units and solar areas. Mr. Sharo said they have conduits for the solar and are putting in 2 charging stations. Two stalls near the air stalls are the proposed electric vehicle charging stations. They'll put in the infrastructure for the solar panels in case a third party wants to install them on a canopy. Mr. Sharo noted one comment from the Environmental Commission was the ability to put more stations in; once you have the conduits in there's an ability to add more. Mr. Selvaggi confirmed there are no other DEP permits needed. Mr. Sharo said the last thing needed is an amended conservation easement, which can't happen until they have final approval and the applicant closes on the property. This will reflect the transition area and update the metes and bounds. Mr. Stoner asked before CO's are issued, this is filed, as a condition of approval.

Chairman Shivas confirmed they added crosswalks. Mr. Sharo said they were added internally, to provide pedestrian access to the site. They added a crosswalk that includes the canopy so a pedestrian can walk the edge of it then from the crosswalk to the store, and a crosswalk from the trash enclosure to the rear to the store. There was a concern about pedestrians coming northbound, so they added a sidewalk so they don't have to walk to the intersection. Mr. Chozick asked if the DEP has any requirements for maintenance of the stormwater. Mr. Sharo said the operation and maintenance is recorded with the DEP. Mr. Stoner noted a deed also needs to be recorded. Mr. Selvaggi noted that the town has a right to insist on enforcement of this maintenance.

Mr. Stoner asked where they stand with sewer permits. Mr. Sharo said they have that approval; the lot only had 1-2 EDUs, so they had to go to Stanhope to obtain 9.2 EDUs. Mr. Stoner noted the lighting plan needs to be updated. One of the main concerns was getting an access easement; Mr. Sharo said the applicant is working with the two properties (CVS and Wawa)—Mr. Stoner noted no work can start without that. They're looking to expand the access easement at the back. Without this approval their site plan needs to be modified. Mr. Sharo noted regarding the DOT permit, they've sent in their part of the application and are waiting to get the signed permits back.

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

Mr. Morytko confirmed the Board is reviewing this as an amended site plan, so they'd be approving the updates. Mr. McElroy motioned to approve the changes to the site plan, seconded by Mr. Chozick. The below vote was taken:

	Mayor Rubenstein	Ms. Franco	Mr. McElroy	Ms. Shimamoto	Ms. Raffay	Mr. Morytko	Mr. Chozick	Mr. Serrilli	Mr. Smith	Mr. Walsh	Chairman Shivas
Motion			√								
Second							√				
Aye			√			√	√		√		√
Nay											
Abstain	√	√		√	√			√		√	
Absent											

Motion carried. Mss. Raffay, Shimamoto, and Franco and Mayor Rubenstein returned to the Board.

DISCUSSION ITEM- Resolution 051-2022 Cranberry Foot Bridge

William Collins, a trustee and Board member of the Save Our Bridge Foundation, was sworn in. They're looking to rehabilitate and maintain the Cranberry Lake Foot Bridge. It is owned by the NJDEP, so Save Our Bridge was established around 10 years ago to focus on the upkeep. The bridge has been closed to the public because it's unsafe to cross. This was discussed at a Council meeting, and he's asking that this be incorporated into the Master Plan as a historic landmark, the Master Plan being Board jurisdiction. They want the historic status to make it easier to get funding to maintain and rehabilitate the bridge. Chairman Shivas noted in the Master Plan there's a list of historic sites, and as he understands it they want to be added to this list. The first step is to get it on the Master Plan, and then the state, and then federal. After being added to the Master Plan the Council can have it listed as a historic landmark.

Ms. Raffay asked if the Planner has weighed in. Ms. Hubbard said the Planner said a resolution could be drafted if the Board chooses or it can be affirmed that it will be considered. Ms. Hubbard noted it would be helpful to have a resolution that it'll be considered. Ms. Raffay said she'd like to have this considered first to provided public opportunity to weigh in. Mr. Collins noted that the Byram

Historical Society recommended this process occur to have it listed as a historic site. Chairman Shivas said they should make a motion on it now to make sure it's considered during the reexam. Mr. Collins said they're seeking budget money this spring, so they'd like this decision fairly quick. Chairman Shivas noted that even if it's approved, it's not in the Master Plan until later in the year. Ms. Hubbard they can make a motion to support this, and then the Planner can advise if a resolution can unofficially supply Mr. Collins with what's needed.

Mayor Rubenstein motioned to support this request to make an amendment to the Master Plan based on the resolution from the Council, and to have the Planner advise them on the risks and method, seconded by Mr. McElroy. Ms. Shimamoto made sure anyone who wants to speak about this will have a chance during the reexam. The below vote was taken:

	Mayor Rubenstein	Ms. Franco	Mr. McElroy	Ms. Shimamoto	Ms. Raffay	Mr. Morytko	Mr. Chozick	Mr. Serrilli	Mr. Smith	Mr. Walsh	Chairman Shivas
Motion	√										
Second			√								
Aye	√	√	√	√	√	√	√		√		√
Nay											
Abstain											
Absent								√		√	

Motion carried.

REPORTS FROM COMMITTEES

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

Building Committee: Mr. Morytko said there's no meeting.

Environmental Commission: Ms. Shimamoto said there's nothing to report.

Open Space: Mr. Morytko said there's a meeting 02/14.

Township Council: Chairman Shivas said there was a discussion about the Master Plan, noting it belongs to the Planning Board. The Council focused on the business district to suggest changes in what's allowed. They discussed the budget to have this done; a reexam costs much less than an entire re-work. The Board should start allocating time to review Reexam work. Mayor Rubenstein noted the Council isn't looking for any major changes. There may also be Highlands/grant money available for this work. Chairman Shivas noted that Mr. Gleitz has to lead the Board in how to approach this. Mayor Rubenstein noted the Council also discussed further about the municipal building project. Mr. Stoner added they have approval to do a small-cell Verizon pole on Amity Road to cover the blackout area. There will be larger telephone poles and more cells. They've also done some work with Elizabethtown Gas, with it going through Amity and municipal streets.

BILLS

Law Offices of Larry Weiner (8)- \$2,040.00

A motion to approve the bills was made by Mayor Rubenstein. The motion was seconded by Mr. Smith. All were in favor. Motion carried.

OPEN TO THE PUBLIC

Chairman Shivas opened to the public. Mr. Collins asked if the list in the Master Plan is current; Chairman Shivas said the list was made around 20 years ago and hasn't been updated since then. Mr. Collins noted Cranberry Lake Amusement Park hasn't been open since 1911, and the Bridge was built to get to it, so they were built at the same time. Chairman Shivas closed to the public.

ADJOURNMENT

A motion to adjourn the meeting was made at 8:45 by Mr. McElroy. The motion was seconded by Ms. Franco. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted,
Caitlin Phillips