

**MEETING MINTUES
BYRAM TOWNSHIP PLANNING BOARD
FEBRUARY 20, 2020**

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	EA	EA	H	H	H	H	H	H	H	H
ABSENT											
EXCUSED											
LATE											

Also present: Attorney Alyse Landano Hubbard, Esq.
Secretary 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

MEETING MINUTES

A motion to approve the January 23, 2020 meeting minutes as written was made by Mr. Kaufhold.

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.

CLOSED SESSION MEETING MINUTES

- Approval of the September 19, 2019 Closed Session Meeting Minutes
- Approval of the October 3, 2019 Closed Session Meeting Minutes
- Approval of the October 17, 2019 Closed Session Meeting Minutes
- Approval of the November 7, 2019 Closed Session Meeting Minutes
- Approval of the November 21, 2019 Closed Session Meeting Minutes

A motion to approve all Closed Session Meeting Minutes was made by Mayor Rubenstein, the motion was seconded by Mr. Olson. All were in favor. Motion carried.

RESOLUTION

McDonalds Corporation, 90 Route 206, Block 226 Lot 14, V-B Zone

New LED and Message Board Signs

A motion to approve the resolution as presented was made by Mr. Olson. 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.

COMPLETENESS

Raimo of Stanhope, Inc., 49 Route 206, Block 35 Lot 36 & Block 37 Lot 26, V-B Zone

Preliminary & Final site plan to add new structures

Mr. Walsh made a motion to deem the application complete. Mr. Walsh said that several items of importance were not submitted such as Fire Protection Details, an Environmental Impact Statement, Drainage Calculations, and Architectural details for the buildings, however to move this application forward a date for a public hearing of April 16 was set and is subject to the Board receiving these items, as well as items mentioned in Mr. Stoner's report, prior to the hearing date. 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.

SP1-2020, Tomahawk Lake, Inc., Tomahawk Trail, Block 343 Lots 1, and 2, C-R Zone

Amended site plan with variances to construct a 36' X 40' concession stand, to add two new water slides and relocate the ticket booth.

Mr. Walsh said the committee reviewed the application for completeness and found the application to be complete and set a public hearing of March 19, 2020. The committee noted that Lot 3 was omitted from this application as opposed to the previous application, which was withdrawn, and that items of deficiency mentioned in Mr. Stoner's previous report dated May 10, 2018 must be provided at least ten days prior to the public hearing date. 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

Z1-2020, Fabian Olivera, 58 Mt. Heights Drive, Block 342.03 Lot 49, R-3 Zone

Variance to exceed building coverage and to exceed the size of an accessory structure permitted for the installation of ground mounted solar panels.

Mr. Daniel Durzik, representing Momentum Solar and the applicant, Ms. Beatrice Olivera were sworn in. Mr. Durzik provided his education and experience to the Board and they accepted him as an expert in his field.

Mr. Durzik reviewed Sheet PV-2 of the submitted plan saying that the applicant is proposing 685 sq. ft. of ground mounted solar array panels to the lawn area northeast of the principal structure. Mr. Durzik said the hardship for the variances are that the lot is irregular in shape and slopes. He said along with other accessory structures on the property and the location of the septic this is the best location for the panels. He added that this request does not add to emergency services and is a renewable energy source reducing the reliance on other sources for energy production and is inherently beneficial to the community.

Mr. Durzik reviewed the required variances:

- o Accessory structure exceeds size permitted, (solar panels).
- o Accessory structure exceeds size permitted, (outdoor kitchen).
- o Total accessory structures area is more than 50% of principal structure.

Mr. Durzik presented *Exhibit A1*, a photo showing that the property is fenced and the visibility of the proposed solar panels from the roadway. *Exhibit A2*, a photo showing the house and *Exhibit A3*, a photo depicting the proposed location of the solar panels, all exhibits are dated Feb. 20, 2020.

There was board discussion about the accuracy of the survey, the location of the propane tanks, a shed and fence located the PSE&G easement, and what would be considered the front yard since this property is irregular. It was determined the solar panels will not be in a front yard, and the shed and fence in the PSE&G easement may or may not be an issue for the property owner, and Mr. Durzik said if the propane tanks become an issue for the solar panels, the tanks can be relocated.

Ms. Shimamoto asked if the applicant reviewed comments from the Environmental Commission and if the applicant would consider a rain garden, or some other remedy to capture water runoff. She said the solar panels cover a large area and much of the property is already covered by impervious surface. Mr. Durzik disagreed and said he has overseen many of these projects and he cannot recall a drainage issue, ever. He said the property naturally slopes towards the woods, and he believes that the natural vegetation will capture any runoff and it would not be a problem. Ms. Olivera said her property never puddles nor have they ever had water runoff issues. After board discussion the consensus of the Board was that water runoff would not present a problem.

The Board discussed the zoning officer's memo which pointed out that in 2009 approval was obtained for a 14'X29' outdoor kitchen however when this application was submitted and he reviewed the survey submitted with the application it was discovered that the outdoor kitchen was built larger than what was approved. He added that the extra building coverage, including the additional shed, results in exceeding the building coverage allowed and a variance would be required. There was Board discussion about the outdoor kitchen and the Board was not comfortable approving variances for the outdoor kitchen or building coverage without more information.

The Board asked Ms. Olivera if the zoning officer could enter her property to take measurements for the shed and the outdoor kitchen. Ms. Olivera agreed however she wanted to say that every time they consider making an improvement to their property, she visits the town to see what approvals or permits are required and she believes what was built, was approved, and none of this should be an issue.

A motion was made by Mr. Olson to carry this application to March 5, 2020 without further notice and to have the zoning officer visit the property to verify the size of the structures on the property, and for the Board secretary to gather information about the outdoor kitchen and shed for the next meeting. The motion was seconded by Mr. Walsh. 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.

REPORTS FROM COMMITTEES

Architectural Review Committee – Mr. Morytko said no meeting was held.

Board of Health – Mr. Olson said the Board of Health discussed a waiver of septic pumping because the house is vacant most of the year.

Building Committee – Mr. Morytko on February 4th the Council held a joint meeting with the Building Committee and Mr. David Romano, from Gordon Byram Associates (Shop Rite) and Gordon Byram’s attorney Mr. James Scott presented to the Council an option to purchase space from Shop Rite verses entering into a lease agreement for space. Mr. Morytko said that the next meeting to discuss the municipal complex is March 2nd and much of the discussion can be found on Byram’s website.

Environmental Commission – Ms. Shimamoto said the next meeting February 27, 2020.

Open Space – Mr. Morytko said the bulk of the meeting was a discussion about the Parks and Recreation Plan. He added that the gates at Tamarack Park will be left open, they were closed during the winter and may be closed for inclement weather but do to complaints they are now open. Lastly, he added that Earl Riley is a new member of the Open Space committee.

Township Council – Mayor Rubenstein said the Council heard testimony about the renewal of licenses for North Jersey Auto Wreckers and Raimo of Stanhope, Inc. adding that Raimo’s license was only renewed to June pending Planning Board review. Lastly, he said the Council reviewed the last copy of the draft Soil Importation Ordinance saying that the homeowners, depending on the amount of soil being imported, will have to obtain a permit so the township knows the origin of the soil. He said the Council is continuing to work out some issues with the ordinance however the Planning Board should be reviewing the ordinance soon to provide comment.

Mr. Olson added that the Open Space and Recreation Plan, which is an element to Byram’s Master Plan will be before the Board sometime in July or August 2020.

Planning Board Annual Data Report for 2019 – Chairman Shivas provided the Board the 2019 Summary of Application and asked that the Board review the report and let him know if any amendments to Byram’s zoning regulations be brought to Council’s attention. Some recommendations noted in the report are a second entrance/exit for East Brookwood Section of Byram and a Soil Importation Ordinance.

Ms. Shimamoto said the EC is currently working on a lot coverage ordinance.

BILLS

Harold Pellow & Associates (4 bills) \$968.65

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 (3 bills) \$1,140.00

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

PUBLIC COMMENT

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

ADJOURNMENT

A motion to adjourn the meeting was made at 9:45 p.m. by Mr. Kaufhold. The motion was seconded by Mr. Olson. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted,
Cheryl White