

**JULY 02, 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
ABSENT			A								
EXCUSED											
LATE											

Also present: Attorney Secretary Alyse Landano Hubbard, Esq. Cheryl White

STATEMENT BY CLERK

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 ten people and requires social distancing. In an effort to continue Planning Board business, the regularly scheduled meeting for July 02, 2020 is being held by remote video/audio connection only. This service allows the Board, it's professionals, applicants and members of the public to participate. Participation is taking place via webinar connection and telephone conference. 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.

This meeting has also been electronically sent to the newspapers and uploaded to Byram's website at:

https://www.byramtwp.org/useruploads/docs/planning/Agenda_for_July_02,_2020_Audio_Call_Meeting_Material.pdf

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 June 18, 2020 meeting minutes as written was made by Mr. Olson.

The motion was seconded by Mr. Chozick. 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

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 (This application was carried from April 16, 2020 and is now scheduled for a public hearing on September 17, 2020.)

Because of COVID-19 limiting the number of people attending indoor gatherings, and with the consent of the applicant’s attorney, Mr. Charles Sarlo, Esq., a motion to carry this application to September 17, 2020 without further notice was made by Mr. Kaufhold. 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.

Michael Gilbert, 33 Richmond Road, Block 246 Lot 390, R-5 Zone

To erect an 18’ diameter pool, shed and 6ft. fence in the front yard. (This property has two front yards).

Relief sought:

Shed:

- 240-55 C (2) front yard setback
- 240-55 C (3) Side yard setback
- 240-16 B (2) Accessory structure in the front yard

Fence:

- 240-16 B (2) Six-foot fence in a front yard

Pool

- 240-16 B (2) Accessory Structure in the front yard

Mr. Michael Gilbert, owner and applicant was sworn in and said because of COVID-19 limiting public activities, and to provide enjoyment at home for his children Mr. Gilbert wishes to install an 18’ diameter above ground pool, to keep an already existing 6ft fence, and a shed. Mr. Gilbert said he was not aware that what he considered his rear yard is a front yard and was told by the zoning officer that the pool, fence and shed are prohibited and requires Planning Board approval.

Chairman Shivas asked where Mr. Gilbert’s well was located and he indicated it is near his driveway. He also asked about portions of the fence that are in disrepair. Mr. Gilbert said portions were damaged last year and he intends on replacing damaged sections in the future. To soften the look Mr. Kaufhold suggested plantings along the outside of the fence along Richmond Road, however after further thought, since neighbors are not close by, Mr. Kaufhold said that would not be necessary. Mr. Kaufhold also had concerns about the condition of the fence and keeping children away from the pool. Mr. Gilbert said that according to construction code a 54” pool does not require a fence but added that he will have a combination locking ladder. Mr. Gilbert explained that his hardship, as it relates to the property, is the fact that he has 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 grant this variance was made by Mayor Rubenstein. The motion was seconded by Mr. Gallagher. The Board had no further discussion. 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 – Ms. Shimamoto said the meeting is next week.

Board of Health – No meeting was held.

Building Committee – Mr. Morytko said at the last meeting the Nadar Group received approval to move to the next phase, which is to provide a more detailed plan, showing the building façade, building finishes, etc. He said this should take about six to eight weeks.

Environmental Commission – Ms. Shimamoto said at the last meeting she reviewed the Gilbert application and the commission had no comment.

Open Space - Mr. Olson said at the July 16 Planning Board meeting Mr. Ben Spinelli, from Greener by Design will present the 2020 update to the Open Space and Recreation Plan. He added that the Township recently retained a new forester from Gracie and Harrigan Consulting Foresters, to provide guidance and support to the Township with regards to forestry.

Township Council – Mayor Rubenstein said the Council will discuss the new chicken ordinance on July 6, 2020 meeting which will be held virtually via Zoom.

Zoning Report for May 2020 – the Board had no comment.

BILLS

Law Office of Larry Wiener – (4 bills) \$1,260.00

A motion to approve Ms. Hubbard bills was made by Mr. Walsh. The motion was seconded by Mr. Olson. 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.

BOARD BUSINESS

Ms. Hubbard, Board attorney said that the Board secretary received a letter from Mr. Wallace regarding the Tomahawk Lake application which is tentatively scheduled for August 20. The letter stated that their engineer was making travel plans to attend the meeting. Ms. Hubbard said previously it was decided that a commercial application, that in the past has had many objectors, would not be a good candidate for a virtually meeting and at the present time, the Municipality does not have a facility large enough to hold a meeting and provide room for social distancing. It was recently discovered that Tomahawk Lake will not open this season so the urgency for a public hearing is unclear. Ms. Hubbard said she would reach out to Mr. Askin, Tomahawk Lake's attorney to talk about a consent to a continuance.

Mayor Rubenstein said Ms. Flynn, Township Clerk reached out to Lenape Valley Regional High School to see the Planning Board can use their facility to hold public meetings. Unfortunately, they cannot accommodate the township's request. Ms. Flynn also reached out to Byram's Intermediate School but has not heard back yet.

Mr. Chozick suggested the Cranberry Lake Fire House and Mr. Gallagher said currently the building is closed.

Mr. Olson said he is not comfortable being in a room with someone traveling from a state that is under strict quarantine, many Board members agreed. There was no further discussion.

ADJOURNMENT

A motion to adjourn the meeting was made at 8:30 p.m. by Mr. Kaufhold. The motion was seconded by Mr. Walsh. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted,
Cheryl White