

The Planning Board Meeting for June 18, 2020 to begin at 7:30p.m., (Eastern Standard Time) will be held via Zoom, a remote video and telephone conferencing service. The public may connect using a computer or smart device by clicking the following link:

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/87099175139>

Or by calling one of the following numbers:

US: +1 646 558 8656; or 888 788 0099 (Toll Free) or 877 853 5247 (Toll Free) to participate. When prompted, enter the Webinar ID: 870 9917 5139 followed by the pound (#) sign.

Member of the public will have the opportunity to participate at the appropriate time during the meeting.

The meeting material is attached hereto.

**AGENDA
TOWNSHIP OF BYRAM
REGULAR MEETING OF THE PLANNING BOARD
JUNE 18, 2020
7:30 p.m.**

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **OPENING STATEMENT** - 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. In an effort to continue Planning Board business, the regularly scheduled meeting for June 18, 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.
4. **FLAG SALUTE**
5. **MINUTES**
Approval of the May 07, 2020 Meeting Minutes
6. **RESOLUTION**
WOSP3-2020, Byram Adult Day Care, Inc. & 238 Route 206, LLC, 238 Route 206, Block 219 Lot 4, N-C Zone
Change of use – retail to professional services

7. **NEW BUSINESS – THIS APPLICATION WILL BE CARRIED TO AUGUST 20, 2020**
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 ticket booth.
8. **BILLS**
Harold Pellow & Associates, Inc. (5 bills) \$4,961.70
Law Office of Larry Wiener, (6 bills) \$1605.00
CP Engineers, (1 bill), \$770.75
9. **OPEN TO THE PUBLIC**
10. **ADJOURNMENT**

Next Meetings:

- July 02, 2020 – Michael Gilbert, 33 Richmond Road
Raimo of Stanhope, Inc.
- July 16, 2020 –

The Board Engineer, Board Planner and Board Attorney are sworn in at the beginning of each year and are deemed to be under oath on a continuing basis.

**MAY 07, 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 Alyse Landano Hubbard, Esq.
 Engineer Cory Stoner, P.E., C. M.E.
 Secretary 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 May 7, 2020 is being held by remote audio connection only. This service allows the Board, it's professionals, applicants and members of the public to participate. Participation is taking place via 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_May_07_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 April 16, 2020 meeting minutes as written 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.

NEW BUSINESS

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 slide, and relocate a ticket booth.

Because of COVID-19 restricting gatherings of more than ten people, and with the consent of the applicant’s attorney, Mr. William Askin, Esq., a motion to carry this application to June 18, 2020 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.

SITE PLAN WAIVER

WOSP3-2020, Byram Adult Day Care, Inc. & 238 Route 206, LLC, 238 Route 206, Block 219 Lot 4, N-C Zone

Change of use – retail to professional services.

Mr. Walsh said the committee reviewed the material submitted and noted that the proposed use is permitted in the NC zone, and that this request meets the criteria for a waiver of a site plan. He said the facility will be open daily and Saturday, with no overnight stays. He said most of the clients are dropped off and picked up and there will be four to five employees, with the potential of a maximum of ten employees per day. Mr. Walsh noted the concerns of the Fire Department with regards to the width of the ingress and egress and said this property is already fully developed. Ms. Ward, Esq., representing the applicant, said that this property complies with the requirements of Byram’s code, 215-30. 2 C (4) (c) relative to the driveways. Mr. Gallagher said he did not recall any issues with fire trucks entering or exiting the site. The applicant answered the other concerns raised by the fire department to the Board’s satisfaction.

A motion to approve the waiver was made by Mr. Walsh. The motion was seconded by Mayor Rubenstein.

Mr. Kaufhold asked if this day care will be a “medical” day care because requirements are different. Ms. Ward said the applicant has no plans for a medical day care center, and added the facility allows families temporary respite care. She said the clients get dropped off, participate in light activities, such as movies, they are served a light lunch and then return home. Mr. Kaufhold added that he also has concerns about restroom facilities because he believes a requirement for this type facility would require one bathroom per every ten people. Ms. Ward said the property has an approved TWA permit. Mr. Kaufhold asked if the TWA permit approval was based on this new use. Ms. Ward assured the Board that the applicant will comply with all DEP, UCC, DCA, and any other regulations required by law. Ms. Hubbard said that language will be incorporated within the resolution if this waiver is granted.

Based on Mr. Kaufhold concerns, Mr. Walsh amended his motion that the resolution include language that all applicable approvals are obtained. The Mayor seconded the amended motion. 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.

CHANGE OF TENANT - SITE PLAN WAIVERS APPROVED BY THE ZONING OFFICIAL

WOSP2-2020, Elite Trucking & Rigging, 227 Route 206, Block 212 Lot 1, N-C Zone

Office/warehouse to same.

Ms. Hubbard told the Board that this new tenant is under contract to purchase the building and will be submitting a site plan application soon for the storage of vehicles and equipment. This waiver was granted by the zoning officer so that the new tenant can move and open business utilizing the office and warehouse space only.

WOSP4-2020, 16 Rt. 206, LLC, DBA Skylands Health, 16 Route 206, Block 41 Lot 95, V-B Zone

Professional Services/Apartments to same.

This new owner of the property was granted a temporary waiver by the zoning official with the restriction that one commercial unit must remain vacant because of inadequate parking. The owner intends on returning to the Board with a new site plan and proposed changes to the building. One change would be the building color, which does not require Board approval, however colors of commercial buildings in the Village Business Zone require the review of the Architectural Review Committee. Ms. Shimamoto said the ARC reviewed the proposed color; however it was the consensus of the committee that the color was not favorable. Ms. Shimamoto said since this waiver was already granted by the zoning officer, what assurance does the committee have that the applicant will not make a color change. It was noted however, in Mr. Dixon’s memo that the applicant would not make any color changes without the full approval of the committee.

The Board had concerns that the owner would rent the space without Board approval. Mayor Rubenstein pointed out that the inadequate parking was a result of the Route 206 realignment project. Mr. Dixon agreed but said even the angle of the parking was changed without site plan approval and that the property has more parking on site the site than originally approved, not less. The new owner committed to return to the Board soon and will comply with the conditions imposed by the zoning official. There was no further discussion.

CONSISTENCY REVIEW

An Ordinance Amending Chapter 240 Zoning of the Township of Byram Code

Section 240-40 General requirements; driveways were repealed by Ordinance 10-2017 and requirements were placed in Section 215-30.2. Inadvertently, the change omitted any reference to residential zones for which it was previously intended. This ordinance corrects the omission by adding Section 240-40, General Requirements; residential driveways.

Mr. Stoner said as a result of a recent zoning complaint, and after speaking with the Board attorney, it was called to attention that Section 215 applies to commercial and multifamily development and was not the appropriate section for residential driveway requirements since a site plan is not required for residential applications. Mr. Stoner added that for the zoning official to enforce requirements for residential driveways, Section 240-40 is being reinstated with a minor addition that provides guidance on the surface and base course for driveways.

Mayor Rubenstein said the Council introduced this ordinance on May 5, 2020. The Board had no questions.

A motion was made by Mr. Olson that the ordinance is not inconsistent with Byram Township’s Master Plan. The motion was seconded by Mr. Kaufhold. There was no 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.

BILLS

Harold Pellow & Associates, Inc. (9 bills) \$3092.80

A motion to approve Mr. Stoner's bills was made by Mr. Kaufhold. The motion was seconded by Mr. Olson. All were in favor. Motion carried.

Law Office of Larry Wiener (5 bills) \$1,095.00

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

CP Engineers (1) bill \$357.50

A motion to approve CP Engineer bills was made by Mr. Kaufhold. The motion was seconded by Mr. Olson. All were in favor. Motion carried.

PUBLIC COMMENT

Chairman Shivas opened to the public.

Mr. Jack Moran, 7 East Waterloo Road expressed about the ordinance whereas it does not address driveways at a dead end. He believes the ordinance should contain verbiage like Stanhope Borough's ordinance 100-137 A. (3) Driveways " Driveways shall be constructed so as to be perpendicular to the traveled way of the public road for a distance at least 15 feet from the edge of the traveled way and shall intersect the traveled way at the perpendicular." *Mr. Moran believes that Byram's ordinance as written would allow a property owner on a dead-end road to construct a driveway whereas the driveway would appear to be a continuation of the road.*

Mr. Stoner said that language may be worthy to add to the draft ordinance, but he did not believe it would resolve Mr. Moran's concerns. Mayor Rubenstein said he should direct his comments to the Town Council. After further discussion, Mayor Rubenstein said at the next Council meeting he will take Mr. Moran's comments back to the Council but was not sure Mr. Moran's recommendation had enough traction for the Council to consider. Mayor Rubenstein said at the next Council meeting he will take Mr. Moran's comments back to the Council, but he was not sure Mr. Moran's recommendation had enough traction for the Council to consider

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

ADJOURNMENT

A motion to adjourn the meeting was made at 9:00 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

In the matter of Byram Adult Day Care Center, Inc.
Case No. WOSP3-2020

BYRAM TOWNSHIP

PLANNING BOARD

RESOLUTION OF MEMORIALIZATION

RELIEF GRANTED:

- **Waiver of Site Plan**

WHEREAS, Byram Adult Day Care Center, Inc., t/a Claremont and 238 Route 206 LLC have applied to the Planning Board of the Township of Byram for Waiver of Site Plan Approval to permit the use of an existing structure as an adult day care center on the premises located at 238 Route 206 and known as Block 219, Lot 4 on the Tax Map of the Township of Byram which premises are in a “NC” Neighborhood Commercial Zone;

WHEREAS, by ordinance adopted by the Township Council of the Township of Byram under statutory authority, the Planning Board and Zoning Board of Adjustment were combined into one Board which Board possesses and may exercise all powers granted to the Planning Board and Zoning Board of Adjustment pursuant to the Municipal Land Use Law, N.J.S.A. 40:55B-1, et seq., said single Board being known as the Planning Board of the Township of Byram; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant and having conducted a public hearing has made the following factual findings:

1. Applicants are 238 Route 206, LLC, the contract purchaser and Byram Adult Daycare Center, Inc., the future tenant of the subject property, and are commonly owned by Fe Caliolio. The subject property is owned by J. Robert Kaprelian and April M. Kaprelian, who consent to the application.

2. Applicants are proposing to operate an adult daycare center on the premises, with only cosmetic changes proposed on site and are therefore seeking a waiver of site plan pursuant to Section 215-55.B(1) of the Byram Township Ordinances.
3. The Board received the following:
 - a. A complete application for Waiver of Site Plan Approval filed on April 15, 2020.
 - b. A memorandum from Thomas Dixon, Zoning Officer, dated April 21, 2020, with attachments.
 - c. Alterations and Addition to Frogmore Country Store prepared by Elizabeth Reeves DeFabritis, dated June 30, 1997, sheets A-2, A-3 and A-4.
 - d. An email from the Police Chief with no comment on the application dated April 29, 2020
 - e. Comments from the Fire Department dated May 4, 2020.
 - f. Comments from the Fire Marshall dated May 6, 2020.
4. A duly noticed public hearing occurred on May 7, 2020 via Zoom telephone conferencing service, consistent with Executive Order 103 issued by Governor Phil Murphy and the statewide ban on public gatherings, as authorized by the Consent Order of Remand and by P.L. 2020, ch. 11, and in accordance with the Municipal Land Use Law, the Open Public Meetings Act, and the guidance document entitled “Planning Board and Zoning Board of Adjustments Operational Guidance – COVID-19: N.J.S.A. 40:55D-1: Recommendations for Land Use Public Meetings in New Jersey” issued by the Department of Community Affairs, Division of Local Government Services.
5. The subject property is a regular shaped lot with frontage of 155 feet along the easterly side of Route 206 and a depth of approximately 494 feet. The lot area is 100,900 square feet. There is a two-story commercial structure on the property, which also contains two residential apartments on the upper floor. There are 37 spaces on site, located in the front and rear of the commercial building, with 3 ADA compliant stalls. There is one-way

vehicular circulation around the building, turning right from the two-way driveway on Route 206. It was noted that a fire truck can circulate throughout the site.

6. The prior use of the commercial building was the Frogmore Country Store. The Applicant proposes to operate an adult daycare facility on the first floor and maintain the apartments on the upper floor. The existing free-standing sign will be repainted and used. The exterior of the building will be re-painted. A kitchenette is the only modification planned for the interior and permits will be obtained. There will be no changes to landscaping or lighting on site.
7. The hours of operation will be 7:00 a.m. to 7:00 p.m., Monday through Friday and 7:00 a.m. to 3:00 p.m. on Saturday. There will be no overnight accommodations. There will be 4-5 full time employees and they anticipate having as many as 5 part time employees in the future. It is anticipated that there will be up to 40 clients per day.
8. Clients will be dropped off/picked up by private vehicles or transported to and from the site by van or similar vehicles. Accordingly, the parking on site is sufficient for this particular use.
9. The lower level of the structure is at grade in the front of the building and the second story is grade in the rear of the building. There will be no changes to loading area, the refuse and recycling enclosure, or the site that require changes to stormwater runoff or drainage facilities. There is a TWA permit for 1,521 GPD septic system and an on-site well that is adequate for this use.
10. An adult day care center is subject to approval of the New Jersey Department of Community Affairs.

WHEREAS, the Board has determined that the relief requested the Applicant is in accordance with the Ordinances of the Township of Byram relative to site plan waivers.

1. The Board further finds that all of the requirements of the Township's Waiver of Site Plan Ordinance, as set forth in Section 215-55.B:

- a. Applicant's occupancy of the premises will not require or involve any structural alteration to the exterior of the building.
- b. There is no increase to the number of parking spaces, the parking demand for the use can be accommodated on site.
- c. No storm drainage installation will take place as a result of Applicant's occupancy of the premises and there is not a need for same in connection with Applicant's use.
- d. There will be no increase in stormwater runoff which cannot be dealt with by existing stormwater drainage facilities.
- e. There will be no redirection of stormwater runoff.
- f. No change in vehicular traffic circulation pattern will take place as a result of Applicant's occupancy.
- g. There will be no elimination or change in landscaping, buffering, or lighting.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the 18 day of June 2020 that the approval of the within application be granted subject, however, to the following conditions:

1. Payment of all fees, sureties, and escrows required by ordinance.
2. The Applicant shall be bound to comply with the representations made before this Board by the Applicant at the public hearing and the same are incorporated herein and are representations upon which this Board has relied in granting the approval set forth herein and shall be enforceable as if those representations were made conditions of this approval.
3. The Applicant shall comply with all applicable building codes in the occupancy of the premises and it shall obtain all necessary permits including construction permits or certificate of occupancy as may be required.
4. The Applicant's occupancy of the premises shall take place in accordance with the application submitted and the terms and provision of the within resolution.
5. The Applicant shall obtain the necessary approval from the Department of Community

George Shivas

On motion of:

Seconded by:

The vote on the Resolution was as follows:

AYES:

NAYS:

ABSTAINING:

ABSENT:

I certify that the above Resolution is a true copy of a Resolution adopted by the Planning Board on June 18, 2020 and is in effect for one year.

Cheryl White, Planning Board Secretary

Dated:

Prepared by: Alyse Landano Hubbard, Esq.

JUNE18, 2020 PLANNING BOARD BILLS LIST

<u>HAROLD PELLOW & ASSOCIATES, INC</u>	DATE	AMOUNT
Inv. 70955 Review of 263 Rt 206 Plan	Apr-20	\$682.50
Inv. 70950 Review plan, prepare memo - Wawa	Apr-20	\$1,771.00
Inv. 70948 Review plan and drainage - Raimo	4/30/2020	\$1,272.40
Inv. 70947 Review of final plan- Quick Chek	4/30/2020	\$1,170.80
Inv. 70949 PB Engineering Services	4/16/2020	\$65.00
Harold Pellow total		\$4,961.70
<u>LAW OFFICE OF LARRY WIENER</u>	DATE	AMOUNT
Inv. 2020-14 Driveway Ord. review	5/2/2020	\$165.00
Inv. 2020-15 Tomahawk Lk. Conference call re: application	5/5/2020	\$645.00
Inv. 2020-16 Review of attorney ltr. Re: DeFilippi and Rowe property	5/5/2020	\$105.00
Inv. 2020-17 Mtg attendance May 7, 2020	5/21/2020	\$450.00
Inv. 2020-18 - DeFilippi Review	5/26/2020	\$165.00
Inv. 2020-19 Sewer review - Wawa	5/26/2020	\$75.00
Larry Wiener Total		\$1,605.00
<u>LATINI & GLEITZ, PLANNING</u>	DATE	AMOUNT
No bills submitted		
Paul Gleitz total		\$0.00
<u>Vogel, Chait, Collins and Schneider</u>	DATE	AMOUNT
Inv. 15883-017	4/30/2020	\$770.75
CP Engineers Total		\$770.75
<u>GRAND TOTAL</u>		\$7,337.45