

**JUNE 18, 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
ABSENT			A		A						
EXCUSED											
LATE											

Also present: Attorney Alyse Landano Hubbard, Esq.
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 June 18, 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_June_18,_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 May 07, 2020 meeting minutes as written was made by Mr. Kaufhold. 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

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 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 August 20, 2020 was made by Mr. Walsh. 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.

RESOLUTIONS

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.

A motion to approve the resolution as written was made by Mr. Chozick. 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.

BILLS

Harold Pellow & Associates, Inc. (5 bills) \$4,961.70

A motion to approve Mr. Stoner’s bills was made by Mr. Walsh. The motion was seconded by Mr. Kaufhold.

All were in favor. Motion carried.

Law Office of Larry Wiener, (6 bills) \$1605.00

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

All were in favor. Motion carried.

CP Engineers, (1 bill), \$770.75

A motion to approve CP Engineer 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.

Mr. Jack Moran, 7 E. Waterloo Road asked if the Planning Board can request to review an Ordinance introduced by the Council, which does not require a consistency review by the Board. Ms. Hubbard, attorney representing the Board said this Board only reviews Land Use Ordinances. Mayor Rubenstein explained that as the result of a complaint administration reviewed the section of code that pertains to “animals”, Chapter 87 and amended this section to add Section 87.20, which allows up to five chickens on any single-family lot. Mr. Moran said in 2013 when the Council was considering amending Chapter 215 regarding the keeping of chickens, that draft ordinance was presented to the Planning Board for a courtesy review. Mr. Moran would like to know why that has changed and is not taking place today. He said many Board members did not agree

with the ordinance and Mr. Moran believes that the Council does not have as an extensive background about chickens as the Planning Board and added that he believes the proposed ordinance conflicts with zoning laws.

Mr. Olson said that on July 6 the Council will discuss this ordinance and the public will have the opportunity to comment. Mr. Moran expressed his concerns on health issues relating to chickens. He said dogs and cats must be licensed and asked if there will be provisions of “tagging” chickens so they can be identified, if they escape their habitat. Mr. Moran also asked if a “chicken coop” is considered an accessory structure. Ms. Hubbard said yes, she believes it would be and they would have to meet code for an accessory structure.

Mr. Moran said he believes chickens should be considered “livestock” and that allowing chickens will change the character of small neighborhoods, and for the small few that want chickens they should be required to apply for a variance. He added they are dirty, messy and pose a health hazard.

Mr. Olson reiterated that this ordinance is under the purview of the Council, not the Planning Board. He added that he does not agree with the ordinance in its entirety but will address his concerns to the Council.

Mr. Sabatini said when staff researched the ordinance in Chapter 215 the R-1 zone was not regulated and when referencing the Agriculture Section of 215 the zoning officer could interpret that chickens would be allowed today and added that the five-acre minimum is subject to interpretation.

Mr. Moran said in smaller neighborhoods chickens will attract wildlife and could present a problem. Chairman Shivas reiterated that he needs to bring his concerns to the Council.

Jeanne Moran, 7 E. Waterloo Road said they did go to the Council and asked the Council to allow the Planning Board to have an opportunity to review the ordinance with no effect. Ms. Moran said ordinances such as this one should not be discussed during a pandemic, when the public is reluctant to come out, or when meetings are held virtually. She said she is sure most of the public is unaware of this ordinance. Ms. Moran added that many people don’t follow the rules and has personally had an experience in the past with a neighbor and chickens and it resulted in a dispute with the neighbors because they did not follow the rules. Ms. Moran urged the Planning Board members to read the ordinance and attend the Council meeting to share their comments or concerns.

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

Mr. Olson said the Open Space and Recreation Plan was recently sent to all members and reminded them to review the plan and provide any comments to Joe Sabatini.

Mr. Olson commended Byram staff, specifically Joe, Doris and Tom, on their hard work and quick response to follow thru on the Executive Order which allows outdoor dining for restaurants. Through their efforts Byram restaurants were able to open temporary outdoor dining during CVOID19 since in-door dining is not allowed.

Mr. Olson also advised the Board members to listen to the end of the June 16 Council recording where some Council members discussed Planning and Zoning functions.

Ms. Shimamoto had concerns that some restaurants cannot support outdoor dining and that they are supposed to apply for a conditional use variance. Mr. Sabatini said this is a result of an Executive Order and is only temporary while indoor dining is closed. He added that the EO even allows business to extend into neighboring properties. Mr. Olson said the Council website has each restaurant plan and said this was well thought out.

The Board had 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. Gallagher. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted,
Cheryl White