

**MEETING MINTUES
BYRAM TOWNSHIP PLANNING BOARD
JANUARY 07, 2021**

CALL TO ORDER

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

ROLL CALL

	Mr. Chozick	Ms. Franco	Mr. McElroy	Mr. Morytko	Ms. Raffay	Mayor Rubenstein	Mr. Serrilli	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
HERE	H	H	H	H	H	H	H	H	H	H
ABSENT										
EXCUSED										
LATE										

Also present: Attorney Alyse Hubbard, Esq.
 Engineer Cory Stoner, P.E. C.M.E.
 Planner Paul Gleitz, P.P. A.I.C.P.
 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 limits the number of people allowed to gather, and requires social distancing. To continue Planning Board business, the regularly scheduled meeting for January 07, 2021 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.

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 is on file in the office of the Planning Board Secretary, posted on the main door, and on the bulletin board in the Municipal Building, and on the Township website at: https://www.byramtwp.org/index.php/meetings/committees/planning_board and has been forwarded to those persons requesting notice.

FLAG SALUTE led by Chairman Shivas

REORGANIZATION

Nomination of Board Chairman

Mr. Walsh made a motion to open the nomination for The Planning Board Chairman. The motion was seconded by Mr. Morytko. George Shivas Jr. was nominated for Planning Board Chairman by Mr. Walsh; the nomination was seconded by Mr. Morytko. There were no other nominations. A motion to close the nomination was made by Mr. Mr. Walsh, the motion was seconded by Mr. Morytko. All were in favor. Motion carried.

Nomination of Board Vice-Chairman

Mr. Walsh made a motion to open the nomination for the Planning Board Vice-Chairman. The motion was seconded by Mr. Morytko. Mayor Rubenstein made a motion to nominate Mr. Walsh as Vice-Chairman. The motion was seconded by Mr. Morytko. There were no other nominations. A motion to close the nomination was made by Mr. Walsh. The motion was seconded by Mr. Chozick. All were in favor. Motion carried.

Nomination of Board Attorney

Mr. Walsh made a motion to open the nomination for the Planning Board Attorney. The motion was seconded by Mr. Mr. Morytko. Ms. Alyse Landano Hubbard, Esq., from the Law Office Larry I. Wiener was nominated for Planning Board Attorney by Mr. Morytko, the nomination was seconded by Mr. Mr. Walsh. There were no other nominations. A motion to close the nomination was made by Mr. Walsh, the motion was seconded by Mr. Chozick. All were in favor. Motion carried.

Nomination of Board Engineer

Mr. Walsh made a motion to open the nomination for the Planning Board Engineer. The motion was seconded by Mr. Chozick. Mr. Cory Stoner, P.P. C.M.E., from Harold Pellow & Associates was nominated for Planning Board Engineer by Mr. Walsh, the nomination was seconded by Mr. Chozick. There were no other nominations. A motion to close the nomination was made by Mr. Walsh, the motion was seconded by Mr. Morytko. All were in favor. Motion carried.

Nomination of Board Planner

Mr. Walsh made a motion to open the nomination for the Planning Board Planning Consultant. The motion was seconded by Mr. Chozick. Mr. Paul Gleitz, P.P. AICP, from L&G Planning was nominated for the Planning Board Planning Consultant by Mr. Walsh, the nomination was seconded by Mr. Chozick. There were no other nominations. A motion to close the nomination was made by Mr. Morytko, the motion was seconded by Mr. Chozick. All were in favor. Motion carried.

Nomination of Secretary

Mr. Walsh made a motion to open the nomination for the Planning Board Secretary The motion was seconded by Mr. Morytko. Ms. Cheryl White was nominated for Planning Board Secretary by Mr. Walsh, the nomination was seconded by Mr. Chozick. There were no other nominations. A motion to close the nomination was made by Mr. Walsh, the motion was seconded by Mr. Mayor Rubenstein. All were in favor. Motion carried.

Nomination of Newspaper

Mr. Walsh made a motion to open the nomination for the official newspaper of the Township. The motion was seconded by Mr. Chozick. Mr. Walsh nominated the NJ Herald and Strauss Newspaper as the official newspapers, the motion was seconded by Mr. Chozick. No other nominations were made. A motion to close the nominations was made by Mr. Walsh. The motion was seconded by Mr. Chozick. All were in favor. Motion carried.

Chairman Shivas welcomed the new Board members and that he looks forward to working with them in the future.

MEETING MINUTES

A motion to approve the Dec. 17, 2020 minutes as written was made by Mr. Chozick. The motion was seconded by Mr. Morytko. The following vote was taken:

	Mr. Chozick	Ms. Franco	Ms. Raffay	Mr. McElroy	Mr. Morytko	Mayor Rubenstein	Mr. Serrilli	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
MOTION	√									
SECONDED					√					
AYE	√	√	√	√	√	√	√	√	√	√
NAY										
ABSTAIN										
ABSENT										

Motion carried.

RESOLUTIONS

PB1-2021 Annual Notice of the Calendar Dates of the Scheduled Regular Meetings of the Byram Township Planning Board.

A motion to approve the resolution as presented was made by Mr. Morytko. The motion was seconded by Mr. McElroy. All were in favor. Motion carried.

TOWNSHIP OF BYRAM, COUNTY OF SUSSEX, STATE OF NEW JERSEY

RESOLUTION NO. PB1-2021

ANNUAL NOTICE OF THE CALENDAR DATES OF THE REGULARLY SCHEDULED MEETINGS OF THE BYRAM TOWNSHIP PLANNING BOARD FROM 01/01/2021 UNTIL 12/31/2021

WHEREAS, the Legislature of the State of New Jersey has passed into law Chapter 231, P.L. 1975m the Open Public Meetings Act; and

WHEREAS, Section 13 of the above-mentioned law requires a posting of regularly scheduled meeting dates for the benefit of the public.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram, County of Sussex and State of New Jersey, that said Board shall meet as follows during calendar year 01/01/2021 UNTIL 12/31/2021

**REGULAR MEETINGS
2021 PLANNING BOARD MEETING DATES**

JANUARY	07 Reorganization Mtg.	21
FEBRUARY	04	18
MARCH	04	18
APRIL	01	15
MAY	06	20
JUNE	03	17
JULY	01	15
AUGUST	05	19
SEPTEMBER	02	16
OCTOBER	07	21
NOVEMBER	04	18
DECEMBER	02	16
JANUARY	06 (2022)*	

(*Denotes 2022 Reorganization Meeting)

All the above meetings shall begin at 7:30 p.m. prevailing time. Both the Federal and State governments have declared a state of emergency in response to the outbreak of the Covid-19 Virus, that limits the number of people allowed to gather, and requires social distancing. All meetings are being held remote using the zoom platform, by video and audio connection only. Access information for each meeting will be posted on the Township’s Website under Planning and Zoning, Meeting Agendas. Official action may be taken.

BE IT FURTHER RESOLVED that certified copies of the Resolution be forwarded to the New Jersey Herald and the Township Journal and shall be posted on the bulletin board in the Byram Township Municipal Building.

BYRAM TOWNSHIP PLANNING BOARD

Attest:

I certify that the foregoing resolution was adopted by the Byram Township Planning Board at a meeting held on January 07, 2021, and official action may be taken. Cheryl White, Board Secretary

A motion to approve Resolution PB1-2021 was made by Mr. Morytko. The motion was seconded by Mr. McElroy. The following vote was taken:

	Mr. Chozick	Ms. Franco	Ms. Raffay	Mr. McElroy	Mr. Morytko	Mayor Rubenstein	Mr. Serrilli	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
MOTION					√					
SECONDED				√						
AYE	√	√	√	√	√	√	√	√	√	√
NAY										
ABSTAIN										
ABSENT										

Motion carried.

Z12-2020, Edward King, 16 Chestnut Street, Block 26 Lot 370.02, R-4 Zone

To permit a 6ft. fence in the front yard, this property has two front yards.

A motion to approve the resolution as presented was made by Mayor Rubenstein. The motion was seconded by Mr. Morytko. The following vote was taken:

	Mr. Chozick	Ms. Franco	Ms. Raffay	Mr. McElroy	Mr. Morytko	Mayor Rubenstein	Mr. Serrilli	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
MOTION						√				
SECONDED					√					
AYE	√		√		√	√		√	√	√
NAY										
ABSTAIN										
ABSENT										

Motion carried.

NEW BUSINESS

SP3-2019, 263 Route 206 Real Estate LLC, 251 Route 206, N-C Zone

Preliminary Major Site Plan with Variances to demolish an existing structure and construct a 7,500 sq. ft. retail/office building and a restaurant with a drive thru.

Ms. Hubbard said Byram’s Code in the Neighborhood Commercial District allows for neighborhood shopping centers however this application calls for three principal uses on one lot which would fall under a regional shopping center which is not listed as a permitted use in the N-C Zone so a use variance is required for this application, which the applicant did not notice for a use variance, therefore the application must be carried.

A motion to carry this application to February 18, 2021 was made by Mr. Morytko. The motion was seconded by Mr. Chozick. The following vote was taken:

	Mr. Chozick	Ms. Franco	Ms. Raffay	Mr. McElroy	Mr. Morytko	Mayor Rubenstein	Mr. Serrilli	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
MOTION					√					
SECONDED	√									
AYE	√	√	√	√	√	√		√		√
NAY										
ABSTAIN									√	
ABSENT										

Motion carried.

REPORTS FROM COMMITTEES

Architectural Review Committee – No meeting was held. Mr. Morytko said that the committee has three vacancies if you know someone who is interested, please let him know.

Building Committee – The January 12 meeting was canceled, and the new date for the joint meeting will now be held on February 9th.

Environmental Commission – Ms. Shimamoto said the EC is getting ready to present lot coverage as a line item to the zoning ordinance and wanted to know if the Board was interested in reviewing the ordinance before being presented to the Council. It was the consensus of the Board they would like to review the ordinance. Lisa said the EC secretary will provide a copy for Board distribution.

Open Space – Mr. Morytko said the next meeting is February 1. He also said the OS committee has one vacancy if anyone is interested.

Township Council – Mayor Rubenstein said on January 5th, the Council had their re-org and Ms. Franco was appointed as the Class III PB member, Mr. McElroy was appointed as the Class II member, and Mr. Serrilli was appointed to the Board as the Alternate 1 member, and he welcomed them to the Board. The Mayor reminded the Board that the Council is always willing to hear recommendations to Byram’s zoning ordinances, and if they feel something needs to be added or modified, please let him know.

Chairman Shivas added that in February he will present his 2021 annual report to the Council which summarizes the type of applications heard by the Board, and the variances required. He said he includes recommendations within the report and if any Board member have a recommendation, please let him or the Board secretary know, and he will include it in his report. He added that if the Board professionals have recommendations, please let him know.

COMMITTEE APPOINTMENTS

Chairman Shivas reviewed the committees and members and named Mr. Walsh as the Chairman of the Site Plan Subcommittee. The members of this committee include Mr. Walsh, Mr. McElroy, Ms. Shimamoto and Ms. Raffay.

Chairman Shivas named Mr. Chozick as the Chairman of the Master Plan Committee. The members of this committee include Mr. Chozick, Mr. Shivas, Mr. Serrilli and Mr. Morytko.

Chairman Shivas opened to the public.

Jack Moran, 3 East Waterloo Road asked Chairman Shivas to include in his annual report to the Council the importance of Byram's code and the lack of regulations relating to livestock and the harboring of. Mr. Moran explained that he provided an OPRA request to the Township Clerk and was told that a page was missing, and they cannot locate the ordinance, and Mr. Moran wanted to know if the Township can enforce a code whereas the ordinance that supports the code is not found. Ms. Hubbard said she would have to check and get back to him. Mr. Gleitz recommended the Clerk check the County because by MLUL requires that the County maintain a copy. He also recommended checking with the newspaper that published the ordinance. Mr. Moran said that the Township Clerk is checking with the County and he is awaiting for her reply.

Mr. Moran also asked if Chairman Shivas would include in his report the need for an alternate access route for the East Brookwood Section of Byram. He added that if funding is a problem perhaps Mr. Sabatini can investigate a grant or funding thru the County Hazard Mitigation Plan. Mr. Stoner said Mr. Sabatini is following up on that possibility. Mayor Rubenstein reminded Mr. Moran and the Board that the Alternate Access Route for East Brookwood is a Council issue.

Jeanne Moran, 3 East Waterloo Road said asked the Board if the meeting recordings can be posted on Byram's website. Mayor Rubenstein said the data is quite large and within the next several weeks they may have a solution. He said we want the public to have access to all public documents, it's a matter of technology and storage space and they are working on it.

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

Mayor Rubenstein said several weeks ago an application was approved by the Board and when the resolution was being memorialized a condition was added to the resolution by the request of a Board member without the applicant or their attorney being present, and they had no knowledge of this change. Mayor said this condition was substantial and could have been costly to the applicant and he recommends that any change, other than a typo, made to a resolution without the knowledge of the applicant or their representative being informed, should not happen. The resolution should be carried and voted on after proper notification of the change is made and agreed upon by the applicant or their representative. The Board agreed.

Ms. Shimamoto said at times the EC receives grants for trees that are not accepted because there is no where to plant the trees, and would the EC be permitted to offer the trees to applicants that require the installation of a buffer. Ms. Hubbard said you must be careful because some grants have strict guidelines on where the trees can be planted. Some grants carry a guarantee for a life cycle of the plants and if they are planted on private property, that could be an issue. If the grant or source of the trees does not have specification or rules, then that may be helpful. Ms. Shimamoto said she would check into it and get back to the board.

BILLS

Law Office of Larry Wiener (11 bills) \$2,595.00

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

Harold Pellow & Associates (12 bills) \$4,335.80

A motion to approve Mr. Stoner's bills was made by Mr. Walsh. The motion was seconded by Mr. Chozick. 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 8:30 p.m. by Mr. Serrilli. The motion was seconded by Mr. Chozick. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted,
Cheryl White