

MEETING MINUTES
BYRAM TOWNSHIP PLANNING BOARD
JULY 18, 2019

CALL TO ORDER

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

ROLL CALL

	Mr. Chozick	Mr. Dixon	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											
EXCUSED					EA				EA		
LATE											

Also present: Attorney, Kurt Senesky
Engineer, Cory Stoner
Planner, Paul Gleitz
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

MINUTES

Approval of the June 06, 2019 Meeting Minutes.

Mr. Kaufhold pointed out that on June 6th he recused from the Sullivan application and the minutes reflected a vote. The Board secretary will correct the mistake.

A motion to approve the minutes with that correction was made by Mr. Kaufhold. The motion was seconded by Mr. Olson. The following vote was taken:

	Mr. Chozick	Mr. Dixon	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.

Approval of the June 20, 2019 Meeting Minutes

A motion to approve the minutes as written was made by Mr. Kaufhold. The motion was seconded by Mr. Olson. The following vote was taken:

	Mr. Chozick	Mr. Dixon	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

Z08-2019, Timothy & Carolyn Turanick, Block360 Lot 12, 2 Jans Way, R-4 Zone

To demolish an existing 1,528 sq. ft footprint dwelling and constructing a new 1,008 sq. ft. dwelling with a 585 sq. ft. porch and a walkout basement requiring variances.

A motion to approve the resolution as written was made by Mr. Kaufhold. The motion was seconded by Mr. Olson. Mr. Dixon said that on Page 7, Condition #5 should read that the drains should not be directed towards the septic. Mr. Kaufhold and Mr. Olson agreed with the change and amended their motion. The following vote was taken:

	Mr. Chozick	Mr. Dixon	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.

SP4-2019, Heller Property Partners, LP, 17 Route 206, Block 27 Lot 380.01, V-B Zone

Amended site plan – approval for a freestanding sign.

A motion to approve the resolution as written was made by Mr. Olson. The motion was seconded by Mr. Chozick. The following vote was taken:

	Mr. Chozick	Mr. Dixon	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.

SP1-2019, Chinab Corp. (Exxon), Block 18.02 Lot 388, 1 Route 206, V-B Zone

Amended site plan for new signage for gas pumps and an LED price sign.

A motion to approve the resolution as written was made by Mr. Kaufhold. The motion was seconded by Mr. Chozick. Mr. Dixon pointed out that on page 5, Condition #3 that the intensity of the L.E.D. lighting shall be subject to the approval of the Planning Board Engineer, and not Byram’s Zoning Official. Mr. Kaufhold amended his motion to reflect the correction. Mr. Chozick agreed, and the following vote was taken:

	Mr. Chozick	Mr. Dixon	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

Mr. Dixon stepped down for this application.

Z13-2019, Mark & Debra Spaldo, 10 Broad Avenue, Block 26 Lot 367, R-4 Zone

Relief for a setback of an accessory structure to a principal structure.

Mr. Mark Spaldo, owner and applicant, and he was sworn in and said when he purchased the house twenty-five years ago there was an existing above ground pool. The pool was removed several years ago, and he recently decided to install a new pool in the same location, which requires a separation distance of ten feet from the principal structure (house/deck) to the accessory structure (swimming pool). Mr. Spaldo hopes that the Board grant his variance. Chairman Shivas asked about access to the pool from the deck and yard and Mr. Spaldo said the pool will have a ladder with a locking gate and he will comply with all building code regulations. The Board had no further questions.

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

A motion to approve this application was made by Mr. Walsh. The motion was seconded by Mayor Rubenstein. The following vote was taken:

	Mr. Chozick	Mr. Dixon	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.

Mr. Dixon returned to the dais.

Z12-2019, Michael & Emily Crispino, 136 North Shore Road, Block 126 Lot 2, R-5 Zone

512 sq. ft. addition to a single-family dwelling requiring a variance for a front yard setback.

Owner and applicant, Mr. Michael and Emily Crispino were sworn in and said they purchased the home 9 years ago and they wish to add a 512 sq. ft. addition on the right side of the home over an existing raised concrete patio.

Mr. Peter Kalafut, Project Manager was sworn in and gave a summary of the proposed project which requires relief from a front yard setback from Weaver House Road saying that this property has three front yards. Mr. Crispino said they will be relocating rooms; the addition will be a family room and bedroom and the rest of the home will be undisturbed. Mr. Crispino did receive County Division of Health approval in May 2019 and has a septic adequate for three bedrooms. Mr. Kalafut said the addition will have 8ft. ceiling and the space above will be attic space; the house has no basement. Mr. Olson asked that applicant if they received a copy of Byram’s Environmental Commission concerns. They said yes, the addition will have gutters and they will ensure that does not run off to the roadway and will consider a rain garden if water erosion becomes a problem. The Board had no further questions.

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

A motion to approve the application was made by Mr. Chozick. The motion was seconded by Mayor Rubenstein. The following vote was taken:

	Mr. Chozick	Mr. Dixon	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.

Mr. Dixon and Mr. Rubenstein stepped down for this application.

SP7-2019, Elite Automotive, 254 Route 206, Block 216 Lot 3.04, N-C Zone

Amended Site Plan to re-locate the main entrance, architectural improvements to the building height and façade, and the addition and rearrangement of parking on the site.

Mr. Michael Selvaggi, Esq. representing the owner and applicant, Mr. Dave Hergert, said that Mr. Hergert has a long standing, successful business in Byram and was granted site plan approval in the mid 90's. He said his business today is consistent with the approval he received which consists of vehicle repairs, towing and the sale of six used vehicles and is here this evening for approval for some changes to the site.

A question was raised as to whether this application warrants a D variance and Mr. Senesky said some aspects of the application do not comply with the conditional use standards, however the applicant is not exasperating what was previously approved; the foot print of the building is not changing and the conditions on the site are pre-existing.

Mr. Hergert was sworn in and talked about the hours of operation, number of employees, site lighting, parking, vehicle movement on the site, trash removal, hazardous waste removal, outdoor storage and deliveries to the site. He explained what typically happens when a vehicle is either towed in or dropped off by customers saying that he or his employees are constantly moving vehicles around to keep parking organized and the site free flowing. Mr. Gleitz asked if Mr. Hergert has any long-term parking. Mr. Hergert said when vehicles are towed in for repair or dropped off, they are on the site for about two or three weeks. He said if he is requested by the police to tow an abandoned vehicle to the site, he must keep the vehicle for at least thirty-days.

Mr. Hergert said a few years ago he changed the direction of parking along the south boundary line from parallel to angled parking so that vehicle movement is easier within the site. He added that originally there was curbing along the southerly property line which over the years disintegrated he added stone because when people park their vehicles often extend over the edge of the pavement which is a soggy. He said the stone stabilizes that area. Mr. Hergert did not realize because of the wetlands that area should not be disturbed. There was Board discussion about the wetlands along the property line and Mr. Selvaggi said applying to the DEP for permits is costly and time consuming, and there is no guarantee a permit would be issued so Mr. Hergert will remove the stone and restore that area. Mr. Gleitz recommended planting tall grasses to delineate the edge of pavement. Mr. Hergert agreed, and he will draft a planting plan to be reviewed and approved by the Board Planner. Mr. Gleitz said the fence surrounding the rear storage area needs repair. Mr. Hergert agreed to repair the fence as needed. The Board had no further questions.

Chairman Shivas opened to the public. No one from the public had questions for Mr. Hergert. Chairman Shivas closed to the public.

Mr. Selvaggi introduced Mr. Joseph Marra, Architect and Planner and he provided his education and experience to the Board and the Board accepted him as an expert in his field. Mr. Marra reviewed the plans submitted and proposed parking on the site in detail with the Board. Mr. Marra talked about the changes to parking and pointed out that parking space #29 shown on the site plan will be removed so that vehicles will not have to back out into the right-of-way. He talked about the proposed handicap space in the rear which prompted Board discussion and Mr. Chozick recommended relocating the handicap parking space and it was determined the best location would be in front of the building, closer to the entrance.

Mr. Olson asked if he received a copy of the comments from the Environmental Commission regarding the contents of the drums stored outside. Mr. Hergert said the metal drums were empty scrap metal and have since been removed and added that no drums are stored outside.

Parking Summary:

Approved by resolution NO. 95-01: Fifteen Spaces

Six spaces for used car sales on southerly side of the property

Nine parking spaces in the rear parking area

Twenty-Five cars in fenced gravel outdoor storage area

Proposed Off Street Parking: Twenty-nine spaces

Five customer parking on the front south side of property

Six spaces on the southerly side of the property for used cars

Six customer parking on southerly side of property

Five stacked employee parking in rear

One handicap space in rear (during meeting it was decided to move to the handicap space to the front)

Two customer parking spaces in rear

One employee parking space in rear

Three tow truck parking spaces in rear

Twenty-five vehicles in the rear, fenced storage area

Mr. Marra noted that parking space #29 on the plan has

been removed to protect cars from backing into the R.O.W.

Variations:

- Front yard setback (The front yard setback will be eliminated with the removal of the front overhang)
- Parking in the side yard is not permitted.
- No loading space provided.
- No Landscape buffer strip as defined in Section 240-57. E (10)
- No Trash enclosure provided
- Setback to a body of water

Waivers:

- Landscape in parking areas
- To permit two-way traffic along the drive isle

Conditions:

- Southerly side plantings must be reviewed and approved by Board Planner.
- Revised lighting plan to show existing and proposed site lighting.
- Additional landscaping to be added to the front of the building, to be reviewed and approved by Board Planner.
- Rear fence surrounding the outdoor storage area will be replaced as needed.
- Revised plan to depict tire storage container location.
- Revised plan to show proposed ADA compliant parking location, sidewalk.
- Revised plan to show parking space #29 removed.

Signage: Mr. Marra presented *Exhibit A1*, "Tire Cover" which is a plastic cover pulled over tires with advertisement, and *Exhibit A2*, a "Flag/feather sign" Mr. Hergert uses to advertise event sales.

In closing Mr. Marra said this has been a successful business that provides a service to Byram for years.

The site is surrounded by dense vegetation, mostly being wetlands so the probability this area will be developed is unlikely. The site improvements will be an improvement to the NC Zone. The parking changes will allow for more organized parking and there is no detriment to the public good or the zone district.

Chairman Shivas opened to the public.

Mr. Thomas Dixon, zoning said that some signs on the site are not permitted and Mr. Hergert may want to address those signs tonight. Mr. Gleitz pointed out that the signs presented in the Exhibits are not permitted and the zoning officer can ask that they be removed. Mr. Hergert said he will submit a sign package and if any of the signs he proposes are not allowed, he will come back to the Board for approval. Mr. Dixon also wanted to confirm that the proposed handicap parking space will not be used for regular parking. Mr. Senesky said only handicap marked vehicles can park there. No one else from the public came forward. Chairman Shivas closed to the public.

A motion was made by Mr. Olson to approve the application with the conditions and waivers discussed.

The motion was seconded by Mr. Walsh. The following vote was taken:

	Mr. Chozick	Mr. Dixon	Mr. Gonzalez	Mr. Kauffhold	Mr. Morytko	Mr. Olson	Ms. Raffay	Mayor Rubenstein	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
MOTION						√					
SECONDED										√	
AYE	√		√	√		√	√			√	√
NAY											
ABSTAIN											
ABSENT											

Motion carried.

Mr. Dixon and Mayor Rubenstein returned to the dais.

REPORTS FROM COMMITTEES

Township Council – Mayor Rubenstein said a portion of Stag Pond Road was vacated and he gave a brief summary of that unique development. Mr. Olson mentioned that on August 9 the Habitat for Humanity will be building a home on 14 Belton Street which will fill one of Byram’s affordable housing requirements.

Environmental Commission – Mr. Olson said there was a trail/park clean up at the East Brookwood Park. The Environmental Commission is working on a plan to clean Byram’s trails and parks.

Architectural Review Committee – No representative was present at the meeting.

Open Space – The meeting next week.

Zoning Office – Mr. Dixon said he issued 5 permits, 1 was denied, he issued 13 Notice of Violations, and 12 Violations were cleared. He removed 10 signs from the roadway, and 5 summonses were issued.

BILLS

Harold Pellow & Associates (12 bills) \$5,059.95

A motion was made by Mr. Olson, the motion was seconded by Mayor Rubenstein to approve Mr. Stoner’s bills. All were in favor. Motion carried.

OTHER BUSINESS

Mr. Gleitz said he drafted an ordinance for L.E.D. and message boards and he asked the Board to review the draft and provide any comments or suggestions to the Board secretary. It will be on the agenda sometime in August for a consistency review. He said the Council is still working on the 5G ordinance.

Mr. Senesky announced his retirement at the end of the year and expressed his pleasure working for Byram Township and the Planning Board members.

PUBLIC COMMENT

Chairman Shivas opened to the public. Mr. Pinkham, 22 Beech Street asked about health risks with 5G. Mayor

Rubenstein said that is a concern the Council is looking into however the FCC set forth guidelines and the township has limits as to what the town can regulate. The Mayor encourage the public to provide feedback to wireless companies about their concerns.

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

ADJOURNMENT

A motion to adjourn the meeting was made at 10:30 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*