

**MEETING MINTUES
BYRAM TOWNSHIP PLANNING BOARD
MEETING, July 1, 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. Smith	Mr. Walsh	Chairman Shivas
HERE		H	H	H	H	H	H		H	H	H
ABSENT	A							A			
EXCUSED											
LATE											

Also present: Attorney Alyse Hubbard, Esq.
 Engineer Cory Stoner, P.E. C.M.E.
 Planner Paul Gleitz, P.P. AICP
 Secretary Caitlin Phillips

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, this regularly scheduled meeting for July 1, 2021 is being held by remote video or audio connection only. This service allows the Board, its 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.byrantwp.org/index.php/meetings/committees/planning_board and has been forwarded to those persons requesting notice.

FLAG SALUTE led by Chairman Shivas

SCHEDULING UPDATE

Chairman Shivas announced that John Petersen, 6 Ascot Lane, has withdrawn his application.

COMPLETENESS

SP6-2021 Matthew Akerman, 34 Route 206, Block 40 Lot 15, VB Zone

Variances for outdoor storage, conducting wood sales, and using land for a non-permitted use.

Mr. Walsh said there is an existing firewood business operating. A few checklist items weren't included, but some aren't applicable (e.g., they're not changing much of the property or constructing a new building) so those could be waived. However, checklist item #25 is needed, to define parking and loading area and show deliveries, pick-ups, and their operations. They also need an Environmental Impact Statement; this property is near Lubber's Run, and there are questions about buffers for waterways. Those two items cannot be waived.

Mr. Walsh motioned to deem this application incomplete for the discussed reasons, seconded by Mr. McElroy. The following vote was taken:

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

Motion carried.

RESOLUTIONS

SP1-2021, 16RT 206 Stanhope NJ, LLC (Skylands Surgery Center), Block 41/42 Lot 95, 109.01 & 109.02, VB Zone

Preliminary and final site plan. Proposed surgery center, doctor's office, residential apartment, and retail/office.

Ms. Hubbard noted she received comments back from the attorney’s office later in the day about the resolution, and thinks the Board should review them before voting.

Mr. Smith motioned to move this resolution to the next meeting, seconded by Mr. Serrilli. The following vote was taken:

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

Motion carried.

SP5-2020 Mountainside Country Store and Garden Center, 198 State Highway Route 206, Block 226 Lot 3, N-C Zone

Conversion of a restaurant to a retail store and garden center and associated site improvements.

Mr. Smith confirmed this resolution also had mark-ups earlier and that this is the most current and correct one. Chairman Shivas noted that during the meeting for this application, they discussed an area at the end of the trail, and that in the resolution it was meant to designate that there will be a road up there.

Mr. Morytko motioned to approve this resolution, seconded by Mr. McElroy. The following vote was taken:

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

Motion carried.

SP2-2019, Anty Trucking, 9 Lackawanna Drive, Block 226 Lot 16, IPR Zone

Amended site plan approval for an office trailer, two pole barns, reconfigured trailer parking, and outdoor storage.

Mr. Walsh motioned to approve this resolution, seconded by Mr. Serrilli. The following vote was taken:

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

Motion carried.

Z07-2021 Kevin Lukich, 27 Deer Run, Block 284 Lot 211, R-5 Zone

Addition of a third story for a master bedroom.

Mr. Morytko motioned to approve this resolution, seconded by Mr. Walsh. The following vote was taken:

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

Motion carried.

Z09-2020 Barbara Bolen, 89 Glenside Trail, Block 312 Lot 2050, R-5 Zone
Renovation of the existing single-family dwelling and garage.

Mayor Rubenstein motioned to approve this resolution, seconded by Mr. Smith. The following vote was taken:

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

Motion carried.

OLD BUSINESS

Z02-2021 Eric Schuffenhauer, 271 Lackawanna Drive, Block 344 Lot 2.03, R-2 Zone

Addition of a pole barn, attached garage, front porch, and pool deck on property with critical lot disturbance.

Chairman Shivas noted this application was scheduled for this meeting, but they didn't meet the requirements to submit any revisions, so Ms. Hubbard wrote them a letter noting that in order to proceed, they'll need to submit more informative documents that show the current and proposed conditions clearly. They were given 60 days to assemble the documents, and told Ms. Phillips that they'd be able to get the documents in by 08/20, and would be available for the 09/16 meeting. Chairman Shivas noted if they don't have these documents by that time they'll be dismissed without prejudice. There was further discussion clarifying the situation. Mr. Stoner suggested a possible site meeting, which would need to be noticed. Ms. Raffay said it might help to go in small groups to avoid a quorum. Mr. Walsh noted that they need updated plans before any site visit.

Mr. Walsh motioned to carry this application until 09/16 with no further notice to a live meeting, seconded by Ms. Raffay. The following vote was taken:

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

Motion carried.

NEW BUSINESS

Z05-2021 Alissa Macmillan, 6 Fox Trail, Block 116 Lot 19, R-5 Zone

Approval for existing sheds, 2 gazebos, stone patio, hot tub, and paved driveway in the right-of-way, and approval to extend their front porch to make it enclosed.

Ms. Franco recused from this application. Alissa and Scott Macmillan of 6 Fox Trail joined the meeting and were sworn in. They added two sheds that they'd like to keep; they noted their house itself is not 35 feet from the setbacks. There used to be a stone patio near the back, and they decided to add a ground-level deck over it, as well as two gazebos with a jacuzzi underneath one. Mayor Rubenstein confirmed that the survey submitted shows the current conditions, though Ms. Macmillan added that it doesn't show the concrete extension. Mayor Rubenstein asked what they were violated for; it was the sheds, the patio in the back, the covered gazebos, the asphalt driveway that was extended, and the edge of pavement in the right-of-way. Mayor Rubenstein showed a Google Map of the property from 2021, **Exhibit B1**. Mr. Macmillan said the paved area in the right-of-way fits about 1.5 cars. Mayor Rubenstein confirmed the Planning Board doesn't have the authority to authorize the paved section of the right-of-way. Ms. Raffay asked how many cars fit in the paved driveway; Mr. Macmillan said 6 cars, 3 wide and 2 deep. Mr. Stoner noted that the street was paved a few weeks ago, and Mr. Macmillan said the road was paved up to the section the right-of-way in question, not over it.

Ms. Macmillan said the wood patio extends through that whole back area, and the other items are on top. Mayor Rubenstein confirmed the wood deck has a permit. Mr. Macmillan noted the wood patio has no footings, and is built on 2x12's with treks on top. Mr. Smith confirmed the stone benches near the patio, which has river rock underneath it. Submitted photos of the application were reviewed to help clarify the positioning. Mayor Rubenstein asked if they got a permit for the replacement fence;

Mr. Macmillan said he didn't know he'd need one since the fence was existing already and was changed from chain-link to vinyl. Ms. Hubbard confirmed past the river rock is grass. Mr. Smith asked about the heights for the sheds and gazebos; the gazebos are 10x10x13, 13 being the highest part, the shed on the left of property is 10 ft, and the shed by the driveway is 10.5 ft. Chairman Shivas noted it seems like they have a woodshed; Mr. Macmillan said it was a dog kennel that he put 4x4s on top for a roof.

Ms. Raffay asked if there was anything they can do to reduce the accessory coverage on the property. She noted the right-of-way pavement doesn't count because it's not their property. Mr. Macmillan said the sheds are for storage, and the garage is too small to park a car, but their son's motorcycle and fridges and freezers are in there. Mr. Macmillan said he could give up the left-side shed. Mr. Macmillan said there's septic in the center of the backyard so he can't put anything there.

The applicants are also looking to add a mudroom to their home; they don't have closet space, and they'd like to have that space heated and air conditioned. Chairman Shivas confirmed it will be enclosed.

Chairman Shivas opened to the public. No one spoke, so Chairman Shivas closed to the public.

Chairman Shivas confirmed there will be grass where they'll remove the shed. Ms. Hubbard asked about the block wall, which is a flower box that will be removed with the shed. Mr. Stoner confirmed they park a boat nearby as well in the winter. Ms. Raffay confirmed that their building coverage conforms right now, but won't if they add the porch. She doesn't want to see that added to the front since there's already a lot of coverage. Mr. Morytko confirmed the current porch is a concrete block.

Ms. Raffay asked the height of the deck; Mr. Macmillan said it's about 7.5 ft off the ground. Ms. Macmillan said the owners before added the garage and a floor above it. They use the space under the deck for storing the garbage and recycling cans. Mayor Rubenstein noted that he'd like to know more about the complaint that brought them to the Board; Ms. Macmillan thinks it was to make sure they were up to code, and they were building the patio at the time. Mr. Gleitz confirmed the gazebos are made of aluminum, and there's no maintenance on them. Ms. Raffay confirmed they have a firepit under the second gazebo; there's an opening at the top of the gazebo and the firepit is propane. Mr. Gleitz said a suggestion would be to convert the patio back to stone.

Mayor Rubenstein confirmed that the shed and block wall will be removed. Mr. Smith said he's alright with the enclosure, as it doesn't dramatically increase the footprint. Mr. McElroy added that the difficulty of this is in the violations of the ordinance, and that it's hard to accept that people just say they didn't know. Chairman Shivas added that the enclosure is adding to an already overloaded property. Mr. Walsh noted his issue is the number of accessory structures; if the shed on the northwest was taken away it would open things up. He noted on the Fox Trail side there's not much crowding, so the enclosure doesn't have an adverse impact because the issues are with the accessory structures, not the primary dwelling. Ms. Hubbard asked if they could move the wood patio slats away from the setback; Ms. Macmillan said probably the top ones but not the bottom because there's not enough space between the deck and fence-line. Ms. Hubbard noted that when looking at an application, the Board should be viewing it as if it's not been constructed yet. Mr. Serrilli noted they should have checked with the town before doing so much. Mr. Macmillan said he put the sheds in 20 years ago; Ms. Macmillan said she wasn't told about the setbacks at that time. Mr. Smith said he'd be more comfortable if he heard from the person who complained, and Mayor Rubenstein added that they had the opportunity to be at the meeting and speak up.

Mayor Rubenstein motioned to remove the shed and block wall and approve the application otherwise as presented, with the addition on the house, seconded by Mr. Serrilli. Mr. Stoner added that some structures don't have building permits, so Mayor Rubenstein said as a condition of approval they need to get building permits if needed. Ms. Hubbard said regarding the right-of-way pavement that they either need to get Council approval or remove it. The following vote was taken:

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

Motion did not carry.

Mr. McElroy motioned to approve the application, removing the shed without the expansion of the front porch. He noted he'd be okay with the porch if it was in the footprint, and Ms. Macmillan said

they'd want to enclose the existing porch. This was seconded by Mr. Morytko. The following vote was taken:

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

Motion carried.

Chairman Shivas noted that they'll need to remove the shed by the time they get the permit for the porch.

REVIEW ITEM: Municipal Building Site Plan presentation

Mayor Rubenstein said the Council authorized site plan work from the Nader Group for the municipal building. The Council wants the Planning Board to review the plan and provide any comments. Wassim Nader from the Nader Group, 111 Mill Street Hackettstown, and Paul Couvrette, same business and address, were sworn in.

Mr. Nader presented the site plan, indicating an administration building in the front done by preserving the existing building and adding a "t" segment on top. To the left of that is a new police building. They modified the site to allow better flow of traffic and distinguish between the buildings more easily. They're preserving the tennis courts, and drafted one drive that will concentrate the traffic for better direction. The first parking lot is being preserved for the administration building; the police parking is found further down the drive. There are also sidewalks to link the buildings. There is a gate near the salt box to enhance safety for the DPW. The rear gate in the back stops the public from going further than the parking. The Nader Group was requested to add parallel parking for the police station so police personnel can get out again quickly. There will also be signage to direct people around the site.

Mr. Couvrette discussed the drainage plan; there isn't much change with the grading. The only real change was adding high and low spots in the driveway to channel drainage to inlets. The electric service comes from Mansfield Drive, and the next pole would be in the middle of the driveway, so they're relocating it to the curved peninsula and bringing the electric service underground. Water is provided by a new well. They're collecting the stormwater in the inlets and pipes and sending it to Lubber's Run. Mr. Couvrette continued with the lighting plan, which includes colonial-style lampposts for the parking and around the building. Mr. Nader added they're also proposing some landscaping which includes foundation plantings like boxwoods and ornamental trees. Mr. Couvrette continued that some of the plantings include weeping cherries, flowering dogwoods, mountain boxwood shrubs, weeping dwarf Japanese maples, other shrubs, and Colorado spruces. Chairman Shivas asked them to review the entrances to the buildings, and Mayor Rubenstein went through the layout.

Ms. Raffay asked about stormwater drainage; the edges of pavement near Lubber's Run have flush curbs on them, so the water can run into the grass and into the river without being dumped into the storm drain. She wanted clarification about the stormwater regulations. Mr. Couvrette noted this project is likely to be exempt from the Highlands Act because they are redeveloping a site within 125% of its current impervious area. The stormwater regulations have changed to encourage this sort of redevelopment, removing clean impervious coverage like roofs and sidewalks and focusing on motor vehicle surfaces that trigger water quality. This project reduces the motor vehicle surface, so water quality measures aren't needed. Ms. Raffay asked what they're doing with the roof run-off. Mr. Couvrette said it'll be tied into the storm drain system. Mr. Stoner noted this is still considered a major project, and Mr. Couvrette went into the buffers and needed permits. Mr. Stoner asked why many aspects seemed to be in the back or tucked away in regard to parking. Mayor Rubenstein said when they were designing the buildings, they wanted to consider how to phase the project to not interrupt building operations. This provides the opportunity to construct the police department without tearing down the trailers. Ms. Raffay asked about putting electrical wires underground; Mr. Couvrette said the second pole connection to the building will be underground.

Mr. Gleitz noted that they should consider replacing the cultivars with native species, since the residents of Byram are asked to do that same, so this would be a good way to lead by example. He noted that .03% of the project is landscaping. He'd like them to replace the weeping cherry with black cherry, the boxwoods with holly, the Japanese maple with redbud or dogwood, and the spruce with native pines. He also noted rain gardens would be a good example for the town, especially in areas with sheet flow, to help with buffering Lubber's Run.

Mr. Gleitz also noted that he doesn't see a flagpole, bike racks, benches, picnic tables, or anywhere outside for the community to gather. He noted a lot of times there would be a monument area at the municipal building. Benches are encouraged, and employees may want to eat lunch outside. He also noted the light pole in the visitor parking area should be moved to the end and put a curb around it or add plantings around it, or even lose some parking spaces for safety. Mr. Nader said they proposed eliminating 2 parking spaces, keep the light pole where it is, and have a cross-hatch area for visitors to walk. Mr. Gleitz reiterated that less than \$12,000 for the project is budgeted for the landscaping materials at the moment. He also noted a letter is typically drafted with the comments and given to the Council. Ms. Raffay asked that typically for applicants they have people check their work, and asked how that works for this project. Mayor Rubenstein noted the municipality isn't required to have a Planning Board application for approval.

REPORTS FROM COMMITTEES

Architectural Review Committee: Mr. Morytko said there has been no meeting.

Building Committee: Mr. Morytko said there was no meeting.

Environmental Commission: Ms. Shimamoto was absent for this meeting.

Open Space: Mr. Morytko said they have a meeting next month.

Township Council: Mayor Rubenstein said there's a meeting next week.

DISCUSSION ITEM: Decision from Board members on their preference of digital packets and/or paper packets, and of receiving paper packets prior to or at the meeting.

Mayor Rubenstein said there are three groups of people; those who don't want any paper copies, those who will review documents digitally but want paper at the meeting, and those who want paper from the start. Mr. Walsh added that there should be a group for those who want paper and will pick it up. Ms. Franco said using Sharepoint is okay for her as long as there is a paper copy at the meeting. Mr. McElroy and Mayor Rubenstein don't want any paper. Mr. Morytko said he doesn't need his own paper at the meeting and doesn't mind sharing, and digital is fine before the meeting. Ms. Raffay and Mr. Walsh want the paper copy delivered. Mr. Serrilli said he may change his selection later; for now he doesn't want paper but may want a hard copy of the plans later. Mr. Smith doesn't want paper, but wants the option to change to a paper copy at the meeting. Chairman Shivas will pick his paper copy up. Mayor Rubenstein said there will be wifi at the building if needed.

BILLS

Law Office of Larry Weiner- (2) \$1,950.00

A motion to approve the bills was made by Mayor Rubenstein. The motion was seconded by Mr. Walsh. All were in favor. Motion carried.

OPEN TO THE PUBLIC

Chairman Shivas opened to the public. No one spoke, so Chairman Shivas closed to the public.

ADJOURNMENT

A motion to adjourn the meeting was made at 10:00 by Ms. Raffay. The motion was seconded by Mr. Morytko. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted,
Caitlin Phillips