

**MEETING MINTUES  
BYRAM TOWNSHIP PLANNING BOARD  
MEETING, July 21, 2022**

**CALL TO ORDER:** Chairman Shivas called the meeting to order at 7:30 p.m.

**ROLL CALL:**

	Mayor Rubenstein	Chris Franco	Andrew McElroy	Lisa Shimamoto	Marie Raffay	John Morytko	Robert Chozick	Eric Serrilli	Greg Smith	Michael Walsh	George Shivas
Present	√		√	√	√		√				√
Absent									√		
Excused		√				√		√		√	
Late											

Also present: Attorney Andrew Brewer  
 Engineer Thomas Knutelsky  
 Planner Paul Gleitz, P.P. AICP  
 Secretary Caitlin Phillips

**OPENING STATEMENT:** 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

**MEETING MINUTES:** Approval of July 7, 2022 Meeting Minutes  
 Mr. Chozick motioned to approve the minutes, seconded by Mr. McElroy:

	Mayor Rubenstein	Ms. Franco	Mr. McElroy	Ms. Shimamoto	Ms. Raffay	Mr. Morytko	Mr. Chozick	Mr. Serrilli	Mr. Smith	Mr. Walsh	Chairman Shivas
Motion							√				
Second			√								
Aye							√				√
Nay											
Abstain	√		√	√	√						
Absent		√				√		√	√	√	

Motion carried.

**RESOLUTIONS**

SP8-2021 Goksun Goksu, 12 Ghost Pony Road, Block 361 Lot 2.03, R-3 Zone

Expansion a 4-family dwelling to 6 family

Chairman Shivas noted that on page 13, a note about preliminary and final site plan should be added to reflect what was agreed to. Ms. Shimamoto motioned to approve the resolution, seconded by Mr. McElroy:

	Mayor Rubenstein	Ms. Franco	Mr. McElroy	Ms. Shimamoto	Ms. Raffay	Mr. Morytko	Mr. Chozick	Mr. Serrilli	Mr. Smith	Mr. Walsh	Chairman Shivas
Motion				√							
Second			√								
Aye			√	√	√		√				√
Nay											
Abstain	√	√									
Absent						√		√	√	√	

Motion carried.

Z12-2022 Emily and Zachary Levin, 15 Mayne Avenue, Block 28 Lot 305.02, R-4 Zone

Approval for side yard setback for porch enclosure

Mr. Chozick motioned to approve the resolution, seconded by Mayor Rubenstein:

	Mayor Rubenstein	Ms. Franco	Mr. McElroy	Ms. Shimamoto	Ms. Raffay	Mr. Morytko	Mr. Chozick	Mr. Serrilli	Mr. Smith	Mr. Walsh	Chairman Shivas
Motion							√				
Second	√										
Aye	√						√				√
Nay											
Abstain			√	√	√						
Absent		√				√		√	√	√	

Motion carried.

Z09-2022 Anthony and Kelly Ioffredo, 25 Ranger Trail, Block 301 Lot 2338, R-5 Zone

Approval to enclose a bilco door and an addition to a single-family home

Mr. Chozick motioned to approve the resolution, seconded by Mayor Rubenstein:

	Mayor Rubenstein	Ms. Franco	Mr. McElroy	Ms. Shimamoto	Ms. Raffay	Mr. Morytko	Mr. Chozick	Mr. Serrilli	Mr. Smith	Mr. Walsh	Chairman Shivas
Motion							√				
Second	√										
Aye	√						√				√
Nay											
Abstain			√	√	√						
Absent		√				√		√	√	√	

Motion carried.

Z09-2021 Barbara Bolen, 89 Glenside Trail, Block 312 Lot 2050, R-5 Zone

Extension of approval to renovate home and add detached garage.

Mayor Rubenstein motioned to approve the resolution, seconded by Mr. Chozick:

	Mayor Rubenstein	Ms. Franco	Mr. McElroy	Ms. Shimamoto	Ms. Raffay	Mr. Morytko	Mr. Chozick	Mr. Serrilli	Mr. Smith	Mr. Walsh	Chairman Shivas
Motion	√										
Second							√				
Aye	√						√				√
Nay											
Abstain			√	√	√						
Absent		√				√		√	√	√	

Motion carried.

**SUBCOMMITTEE MEETING**

SP3-2022 Veolia Water New Jersey Inc, Trout Brook Road, Block 58.01 Lot 1, FP Zone

Approval for new structure to house new water supply treatment equipment.

Mr. McElroy said they reviewed the updated plans and review from the engineer. Mr. McElroy motioned to deem this application complete and schedule it for 08/04, seconded by Ms. Shimamoto:

	Mayor Rubenstein	Ms. Franco	Mr. McElroy	Ms. Shimamoto	Ms. Raffay	Mr. Morytko	Mr. Chozick	Mr. Serrilli	Mr. Smith	Mr. Walsh	Chairman Shivas
Motion			√								
Second				√							
Aye	√		√	√	√		√				√
Nay											
Abstain											
Absent		√				√		√	√	√	

Motion carried.

**NEW BUSINESS**

SP2-2022 Byram Donuts, LLC, 25 Route 206, Block 29 Lot 201, VB Zone

Approval for drive thru, new driveway, parking expansion, loading space, and new signage

Mr. Hefele spoke on behalf of the applicant. The application is meant to address a queuing problem on Route 206, which is a health and safety problem, and to better the building and signage; Dunkin’ Donuts was recently sold, so it’s being rebranded to D&D. They now need to comply with those upgrades. This application is improving the situation for traffic and appearance.

Frank Truilo was sworn in as the architect. He was licensed in 1986; has testified for NJ Boards including Newton, Sparta, Andover, and Ledgewood; and has worked on Dunkin’ projects for 29 years. He was deemed an expert. He discussed the floor plan; the only thing they’re adding is a walk-in box in the back, which will have a charcoal-grey finish to match the rest of the building. They’re replacing the roof with charcoal-grey, and they’ll remove the stucco and put up hardie plank in tan. Below the eave will be a medium-grey color. The stone base will be wrapped around the building. The sign facing Route 206 will be re-branded to Dunkin’. Inside the eave will have a replacement of hardie plank. The sign over the drive thru will be replaced to say DD. They have a sign that says, “America runs on Dunkin’;” if that’s too much signage, they’re okay removing it. Mr. Hefele said it could be changed to “Byram runs on Dunkin’.” He confirmed with Mr. Truilo that this will improve the aesthetics. Mr. Chozick confirmed the only change to the footprint is the walk-in. Mr. Truilo said there will be a foundation and no access from the outside. Ms. Raffay asked where the walk-in is now; there are single-door fridges and freezers in the basement and first floor, so they want to consolidate that. Mayor Rubenstein asked about the mechanics. Mr. Truilo said they will have a split system; there will be four AC condenser units behind the building, two for the walk-in box and two units for the rest of the building. Mayor Rubenstein confirmed there’s an office upstairs; it’s not for sleeping. Mr. Truilo doesn’t think there’s a bathroom up there. Mr. McElroy discussed signage. Mr. Hefele submitted **Exhibit A1**, a photo of the existing building. He noted most of the signs are existing. The sizes are close to what’s there; they’re internally illuminated. Ms. Shimamoto asked about the awning sign. Mr. Truilo said there will be a prefabricated canopy, which will stick out around 3.5 feet. It’s mainly for rainy days.

Chairman Shivas opened to the public and no one spoke so he closed to the public.

Mark Gimigliano was sworn in as the engineer. He appeared in front of this Board before and is licensed in New Jersey. He's been an engineer for over 25 years. He was deemed an expert. Mr. Hefele submitted **Exhibit A2**, a package of signs for the site. Mr. Gimigliano described the site; right now there's only room for about 5 cars for the order window and end of the driveway. When talking to the owner, they noted it takes about 2 minutes to prepare orders; they need more room for the pick-up spots. Mr. Gimigliano said the town's concern seemed to be the driveway entrance. He submitted **Exhibit A3**, a colored rendering of the site. They moved the order window further back into the site, so that at least eight cars can queue there. They're proposing to expand the parking into the undeveloped area. The drive isle will also be extended. Eight cars could then fit between the pick-up and order section. They removed two parallel parking spaces to help with circulation. They've added a pick-up only space for larger orders. They added three additional employee spaces in the back. In professional reports, it suggested to eliminate spaces on the north side for green space and reduce the impervious coverage. It's not something they can do because those 5 spaces are the most important. If the drive-thru is full, this allows people to park. This also helps with larger vehicles. By expanding the pavement, the impervious coverage would increase to 83%. The main concern is stormwater, so they've proposed a subsurface detention basin that drains to the back of the site. Chairman Shivas confirmed the drainage system is beneath the parking lot. The walk-in cooler will increase the efficiency of the employees, because right now they have to walk downstairs for supplies. The existing signs will be replaced with the new Dunkin' brand information. Mr. Gimigliano reviewed the sign information. There are two directional signs for the entrance and exit, which will be replaced. They will comply with the ordinance requirements. It was requested that the exit sign be moved back because currently it blocks the view. Mr. Gimigliano said the parking setbacks will be the same; they'll add landscaping including shrubs along the edge of the property, and some in front of the condenser unit in the back. Chairman Shivas confirmed they'll repave the entire site. Mr. Chozick asked how the employee parking will be indicated; Mr. Gimigliano said signage.

Mr. Gimigliano said right now the building is open 24 hours; they're reducing that to 5am-11pm. They're proposing additional lighting for the added parking in the back. The building lights will be turned off an hour after everything has closed. The parking lot lights are proposed to be kept on for security. Mayor Rubenstein asked why the hours are changing. Mr. Hefele said the demand isn't there. Mr. Gimigliano said they're relocating the dumpster to the back corner of the property. Pick up is before anyone arrives. The bypass lane will be used for the pickup. Deliveries other than donuts are on Fridays at 5:30 am; no 18-wheelers or tractor trailers are used, just box trucks. Donut deliveries are between 3-4am, and that's by box truck, in the same location. The truck would block the parking, but it's in the morning before things get going. The truck is usually there for about half an hour. Mr. Gimigliano discussed the vehicle maneuvering plan; one comment from the engineer was to adjust the islands in the back to make the turn easier. Mr. Knutelsky said they're amenable to having the back portion of the island paved and hatched so that a portion is striped rather than relying on the radius of the curb. A concern is cars clipping the corners. There is a height bar to clear the canopy. Mayor Rubenstein emphasized the concern for constraints when turning. As you round the corner, the curb should be softened or striped. Mr. Gimigliano said they can do a combination of softening it and pulling the islands back. Mr. Hefele liked the idea of a beveled curb. Ms. Raffay confirmed the parking spots in the back are 18 feet deep. There is about 5 feet of additional space behind them. Mr. McElroy asked the difference in sales between the drive-thru and walk-ins. Mr. Gimigliano said before Covid it was a 60-40 split, but now it's around 90-10, mostly drive-thru. Mr. McElroy said he wonders why there's such emphasis on parking, if most business is from the drive-thru. Mayor Rubenstein said he goes into the store, and is often trapped from the drive-thru. He suggested rearranging the front parking so that people can pull through to the exit rather than going around. Mr. Gimigliano said at some point it becomes infeasible to rearrange too much of the site. There are typically 5 employee cars on site.

Mr. Gleitz noted that there are other issues with the impervious coverage beside stormwater runoff. The other main reason is the landscaping required. There isn't a lot of landscaping and buffering. The whole back corner of the property is mature trees, which are proposed to be removed. Mr. Hefele said they can't address the queuing without going over on the coverage. Mr. Gleitz said some parking spaces are problematic or not used; why are these being kept. It's the front half of the site that is the problem. Those spaces could be torn up and replaced with shade trees. Chairman Shivas said he likes the Mayor's idea of having the front spaces as pull-through spots. Mr. Gleitz said he's not sure it's legal to have spaces that can be driven through. Mr. Chozick said a wider driveway would help people looking to park enter the site. If a few front parking spaces were lost, maybe there would be more space for queuing. Ms. Shimamoto asked why they need 19 spaces if 8 are required, if most business is drive-thru. Mr. Gimigliano said not all the spaces are needed. Once sidewalk and curbs are rearranged, the costs keep going up. Mayor Rubenstein said a lot of money is already invested in signage, building improvements, and repaving, so a little bit of sidewalk should be able to be included. Mr. Hefele said 90% of the business was drive-thru during Covid—it's a little less now, but

still mainly drive-thru. Mayor Rubenstein said then the focus should be optimizing the site for this. Mr. Gimigliano said the owner is willing to give up the spaces up front; they want to keep the handicap space that's there. It would be turned into an outdoor patio area with green space. The northern five spaces would be removed, and that would provide more room for queuing. Mr. Gleitz said shade trees would help soften the look of the site.

Mr. Gleitz asked about the menu board and canopy. There was discussion about the notes on the sign exhibit. There was further discussion about the heights and the menu board. Mr. Gleitz noted there are requirements for advertising on boards; Mr. Hefele said it'll be digital but static. Chairman Shivas said there are businesses where the menu board is ahead of where you order, to help make up your mind ahead of time. Mr. Hefele said Dunkin' requires this specific layout for the menu board. Mr. McElroy confirmed that the app is being used more. Mr. Gimigliano said they can submit a landscaping plan to Mr. Gleitz for his approval. Mr. Gleitz is looking to have some shrubs and trees added, particularly some evergreens. Ms. Shimamoto asked where they'll put the snow. Mr. Gimigliano said there's space between the shrubs. Mr. Hefele said they'll put it where they can on site, and then the owner may need to get a bucket loader to take it off site. Mayor Rubenstein mentioned the retaining wall; the distances were discussed. Ms. Shimamoto asked to explain why it's designated as an NJEMS site. The Environmental Commission isn't sure what this is other than it relating to the DEP. Mr. Hefele said there were no contamination issues when it was purchased, and no compliance issues now. Mr. Gimigliano said one thought is when it was a Dairy Queen, there was a septic system, so there are state permits needed for that.

Ms. Raffay asked about the sign on the side. Mayor Rubenstein said he likes the idea of it saying "Byram Runs on Dunkin'." Mr. Truilo confirmed they can do that. Mayor Rubenstein asked about the EV ordinance. Mr. Hefele said he's aware and they'll comply. Mr. Hefele said they can make the modifications, and would like to move the application tonight. Mayor Rubenstein noted they have to correct the well on their plans. Mr. Gleitz confirmed the exterior parking is most important. He reviewed the variances and relief, including preliminary and final site plan, landscape buffers, lot coverage, parking in the side yard and rear, signage, shade trees, and screening. Ms. Shimamoto asked about lighting. Mr. Gimigliano said there's proposed lighting in the back. Mr. Knutelsky said the existing and proposed lighting should be the same Kelvin scale. Mr. Gimigliano said it'll all match. Ms. Raffay confirmed the sign will not be illuminated overnight. Chairman Shivas noted at the end of this they want a final site plan. Mr. Gleitz asked that they incorporate the sign plans.

Chairman Shivas opened to the public and no one spoke so he closed to the public.

Mr. McElroy motioned to approve this application with the variances and waivers Mr. Gleitz outlined, seconded by Mr. Chozick, who added this is subject to final review by professionals:

	Mayor Rubenstein	Ms. Franco	Mr. McElroy	Ms. Shimamoto	Ms. Raffay	Mr. Morytko	Mr. Chozick	Mr. Serrilli	Mr. Smith	Mr. Walsh	Chairman Shivas
Motion			√								
Second							√				
Aye	√		√	√	√		√				√
Nay											
Abstain											
Absent		√				√		√	√	√	

Motion carried.

**REPORTS FROM COMMITTEES**

- Architectural Review Committee:* Mr. Morytko was not there.
- Building Committee:* Mayor Rubenstein said there was no meeting.
- Environmental Commission:* Ms. Shimamoto said there's a meeting next week.
- Open Space:* Ms. Phillips said there's a meeting next month.
- Township Council:* Mr. Gleitz said he read the previous meeting minutes, noting the recommendations from the Council and Board. Mayor Rubenstein said Chairman Shivas should direct this action. Chairman Shivas said this includes accessory structures. Mr. Gleitz said he'll discuss this with the Zoning Officer and Township Manager.
- Zoning Report:* Everyone had a copy.

**OPEN TO THE PUBLIC**

No one was in the public.

**ADJOURNMENT**

A motion to adjourn the meeting was made at 9:15 pm by Mr. McElroy, seconded by Ms. Shimamoto. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted,  
Caitlin Phillips