

**MEETING MINTUES
BYRAM TOWNSHIP PLANNING BOARD
MEETING, June 16, 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 Alyse Hubbard, Esq.
 Engineer Cory Stoner, P.E. C.M.E.
 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 June 2, 2022 Meeting Minutes

Mr. McElroy motioned to approve the minutes, 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.

RESOLUTIONS

Historic Preservation Element of the Master Plan

Ms. Shimamoto motioned to approve the resolution, seconded by Mr. Walsh:

	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

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. Walsh said the Subcommittee reviewed two applications from Veolia, both for wells in the East Brookwood area. Regarding the one on Trout Brook, because of the proximity to Lubber’s Run and the propensity for flooding, the Subcommittee wants an Environmental Impact Statement, with potential impacts on the flood zone. The new building will likely be in the riparian buffer, so there will be permitting required. The Subcommittee needs more information about this before deeming the application complete. Mr. Walsh motioned to deem the application incomplete, 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.

SP4-2022 Veolia Water New Jersey Inc, 8 Mountain Avenue, Block 43 Lot 206.02, R-5 Zone

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

Mr. Walsh said this location doesn't have the same potential constraints of wetlands. It's not close to Lubber's Run, so they feel it can be deemed complete. They would like more information including landscaping and lighting details. There was some discussion on potential meeting dates. Mr. Walsh motioned to deem the 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.

WOSP5-2022 ELICC Americas Corporation, 54 Route 206, Block 365 Lot 2, VC Zone

Review of Waiver of Site Plan application to run a curtain window business out of site, with contractor's office and storage of equipment.

Mr. Stoner noted this is a curtain wall business, not curtain window. Mr. Walsh said this would involve storing materials for construction projects. There will be delivery, pick up, and storage, so the Subcommittee felt it's not appropriate to waive the site plan for this, so they can see how this work would be handled on site. Mr. Walsh motioned to deny this application, 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.

OLD BUSINESS

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

Expansion a 4-family dwelling to 6 family.

Mr. Schepis reappeared to represent the applicant. He said they left off with the Planner's testimony. John Leoncavallo reappeared as the Planner, and acknowledged he's under oath and his licenses are current. Mayor Rubenstein and Ms. Franco recused at this time. Mr. Gleitz noted Mr. Leoncavallo talked about positive criteria, and asked about purpose A as general welfare. Mr. Leoncavallo said the project adds to the housing stock, and because of the Highlands Act, a lot of properties have constraints. It's good to have housing that's not just single-family homes. There'd be a visual conformity to what's there already. Mr. Gleitz asked if increasing the use fits with this testimony. Mr. Leoncavallo said in general, these are two-story structures, and the houses around the area are larger. Alterations would make the outside look like a single home. This has been there for a substantial amount of time and its impacts are small. This would improve the area and the functionality of this lot. Mr. Gleitz asked what the Board should look at here; Mr. Leoncavallo said the applicant is being cooperative, and there are some things they can't do. There will be improved aesthetics and utilities.

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

Mr. Gleitz mentioned affordable housing. Mr. Schepis said this is not in the zone for affordable housing. They're pursuing 2 units, and is de facto affordable because of the nature of the units; these aren't high rent. If there's a residential development fee, they're subject to that. Mr. Schepis said there's a lot more testing needed, so they want preliminary site plan approval to get started before getting final approval, and before going to the construction department. Ms. Hubbard asked about

electric vehicle charging. Mr. Gleitz said they'd need two make-ready spaces. Mr. Schepis said they'll agree to what the requirement is. Mr. Stoner said they should designate a spot for charging.

Chairman Shivas opened to the public for comments and questions. Joan Salvas of 25 Ghost Pony Road acknowledged she remains under oath. She asked if this is allowed to be expanded because it's been around since 1975. Ms. Hubbard said no, they're in front of the Board seeking permission to expand it now. It's an existing use and the standard is for an expansion of a non-conforming use. Mr. Gleitz said if this was a single-family home and they wanted to convert it, this would be a much different application and would be a D1 variance. Because it's been in existence for years and it's been approved for the use, it's a lesser burden. The neighborhood has had time to adjust and it's operated the same way, so the expansion is different than introducing something new. Ms. Salvas said in 1975 there was one other structure on the road, and all the land was owned by the same family, so there would be little objection to a multi-family unit. This is also a small road, so there is concern about expansion of a parking lot. It's a quiet area, so expanding the area may change this. Mr. Walsh said he was interested to hear additional concerns other than the stormwater, so is glad this was brought up. Barbara Matthews was sworn in at 20 Ghost Pony Road. She's lived in the area for 23 years and is near the apartments. She prefers it not be expanded; they don't know who will be living there at any given time; it's been taken over by various owners and the upkeep has varied. Mr. Walsh confirmed they don't want this expanded because of the traffic, and more and unknown people. Vicky Finn of 22 Ghost Pony Road remains under oath. She noted they've heard how things will be better with this application approved, but things haven't been improved yet. What's happening currently sets the tone for what's to come. Chairman Shivas said with the preliminary approval, they're not going to start work. They wouldn't want to put in work and money with the preliminary approval just to find out the stormwater testing and other work doesn't pass. Ms. Finn said they should be showing things are improved first before asking for more. Mike Finn of 22 Ghost Pony Road remains under oath. He said these are renters, and they've put up with people moving out and issues with garbage associated with it. There are sometimes more people in one unit than should be; there are police there sometimes—adding more won't be good for the neighborhood. He asked who's to say people don't expand this more across the years. They can't ask the Board to tell them to improve what's there now, but can ask them not to approve expanding this. Ms. Salvas asked if the water issue can't be resolved, what happens. Ms. Hubbard said they can't build and won't get final approval. They have to satisfy the Board and Mr. Stoner that they meet the requirements, and then get final approval. Chairman Shivas said in the meantime nothing is being changed. They don't have to fix the water issue if the application gets denied. Ms. Salvas noted that she's been there since 1976 and to her recollection no improvements have been made to the structure. Ms. Hubbard noted if it's a property maintenance issue, it goes to the town because that's a zoning issue. There was discussion about parking. Chairman Shivas closed to the public.

Mr. McElroy asked how long the applicant has owned the property; Mr. Schepis said since 2020. Mr. McElroy asked if there's any restriction on the number of cars a tenant can have, and if the applicant is committed to making sure the parking is taken care of. Mr. Schepis said they can include it in a lease provision or in a warning to current tenants. The parking is not striped now, leading to issues with parking. With improved parking, they should be able to fit more cars.

Mr. Schepis noted the effective date for the MLUL is August 1976. This means this site was previously not approved under this statute. Right now the site is uncontrolled; if this application is denied, what's there is what will remain. The applicant can't improve or expand the area much without Board approval. One of the benefits of approving this is subjecting the site to site plan approval. The resolution would include conditions for stormwater, parking, landscaping, and maintenance. The biggest investment is the stormwater improvements the applicant is willing to make. If approved, there would be an obligation to improve the stormwater. What is presented is also the extent of what can be developed because the Highlands Exemption is maxed out. He further explained the benefits of the project. He also noted this is a great opportunity for families who may not have the financial capabilities to buy a home in the area, to live in a nice area. Mr. Chozick asked about the variances. Mr. Gleitz said site plan approval, D2 expansion, minimum front yard setback, and design waivers. There was discussion about lighting.

Ms. Shimamoto said she's torn on this application because she feels for the neighbors, but knows if this doesn't get approved they're stuck with the current issues. She noted stormwater issues are common in other locations. She motioned to deny the application, seconded by Mr. Smith. He can't disagree this is an opportunity to improve issues, but understands the concern of adding units. Ms. Raffay confirmed voting yes means voting to deny. She intends to vote no because she thinks this is a good opportunity to improve the area. There's a lack of apartment housing in Byram, and people are moving to different towns to find a place to live. The following vote was taken:

	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 did not carry.

Ms. Raffay motioned to approve this application for preliminary site plan approval with specified variances. Ms. Hubbard went through the conditions, including ADA parking, plantings, deed restrictions, County approval for the septic, egress windows, preliminary approval and then for final approval there will be stormwater management, no on-street parking in further lease agreements, EV conditions, and landscaping. This was 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. Mayor Rubenstein and Ms. Franco re-entered the meeting.

REPORTS FROM COMMITTEES

- Architectural Review Committee:* Mr. Morytko was not there.
- Building Committee:* Mayor Rubenstein said there's no meeting yet.
- Environmental Commission:* Ms. Shimamoto said there's no meeting.
- Open Space:* Ms. Phillips said they discussed trails information and forest stand improvements.
- Township Council:* Mayor Rubenstein said there's nothing to report.
- Zoning Report:* Everyone had a copy.

BILLS

Harold Pellow and Associates (9): \$1,900.05
 A motion to approve the bills was made by Mr. Walsh, seconded by Mayor Rubenstein. All were in favor. Motion carried.

OPEN TO THE PUBLIC

No one was in the public.

Chairman Shivas checked in on the discussion from the last meeting about the septic issues from a member of the public. It has since been handled.

ADJOURNMENT

A motion to adjourn the meeting was made at 9:00pm by Mr. McElroy. The motion was seconded by Ms. Franco. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted,
Caitlin Phillips