

**MEETING MINTUES
BYRAM TOWNSHIP PLANNING BOARD
MEETING, June 17th, 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	H
ABSENT							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 June 17, 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

OLD BUSINESS

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.

The attorney Mr. Schepis joined the call with the applicant Lou Coviello and the professionals Craig Stires and Anthony Garrett, whose licenses are current and in good standing, and all of whom remain under oath.

Mr. Garrett modified the architectural plans for this application, including moving door #7 to the back of the building for better access to the garden space. The utility room was added with Door #6, which includes an oil storage tank. Mr. Stoner noted that the drawing Mr. Garrett was showing was different than the date on the packet. Mr. Stoner’s plan was dated 05/26 while Mr. Garrett’s was dated 05/28; Mayor Rubenstein noted the one dated 05/28 shows the door still going to the side. Mr. Coviello noted they did remove the door in question, and Mayor Rubenstein confirmed the plans the Board has are the correct version and proceeded with those.

Mr. Garrett continued with the elevations, where the only change is the addition of signage in the front of the building. Ms. Shimamoto asked if this is an illuminated sign; Mr. Garrett said it’s a flat sign that might have lighting shine down, but is not internally illuminated. Mr. Stoner confirmed the back door was removed; Mr. Garrett said there was a door at the south side that was made a double door for access from the parking lot. Mr. Walsh asked what the hours of illumination will be. Mr. Coviello said they’ll be open until 5pm, but may stay later during the ice cream season, so no later than 9 pm. Mr. Walsh confirmed the illumination would be limited to business hours.

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

Mr. Stires presented the modifications on a colorized site plan, **Exhibit A6**, which shows the landscape island being turned into parking for better access, and flipping storage to the north end and parking on the south end. They still have the landscape materials up top, and they’ll fence that area, and is leaving it to Mr. Coviello about a gate. Moving the parking helps customers access the store. They moved the loading dock further south, and by moving the bins, they’ve opened the entrance to help with truck circulation. The plans show sample trucks being stacked behind the building.

Mr. Schepis asked Mr. Stires if he could relocate the trash enclosure in the loading area to the next parking space over to keep the loading area free. Mr. Stires confirmed this can be done, noting he placed the dumpster there at first to maximize the parking, but losing one spot won't be a big deal. Mr. Schepis asked how many parking spaces are required; Mr. Stires said 21, and they have 24 proposed. Mr. Schepis also asked about the existing trail on the map; Mr. Stires said that goes up to the remainder of the property.

Mayor Rubenstein asked if they'd need to enumerate the dumpster relocation; they show it in a loading space at the moment. Mr. Stoner said it should be moved, probably back to the trail, unless they want to leave the trail open, then to the parking space suggested. Chairman Shivas asked about the use of the trail. Mr. Stires said Mr. Coviello wants to maintain his access to the upper portion. They confirmed it's a private trail for the landowner, and not meant for public access. Ms. Shimamoto asked if the dumpster will be enclosed; Mr. Stires confirmed it will be. She also asked about the areas behind the bins; it is a steep-slope area, and wants to know how they'll handle that. Mr. Stires noted that area is not steep; after that point where the sales occur it jumps up, but the sales area is flat. Mr. Stoner confirmed the existing trail won't be used for equipment storage or anything related to the landscape business. Mr. Schepis said there is a flat area up there that the applicant may want to grow plants for future sales. Mr. Stoner said if they start to re-grade the trail, put stones there, make it pervious, etc., they violate the Highlands Exemption. Mr. Schepis said they agree not to do that. Mr. Gleitz said it'd be nice for future reference to indicate all of this on the plans. Mr. Coviello said the road is dirt right now and they can get the equipment up it; they don't need to improve it.

Mr. Stoner asked what the purpose of the fencing in the back is; Mr. Coviello said it's for animal and human security. Mr. Coviello noted he wants to put the gate in. The fence will be black vinyl coated chain-link, and they asked for a variance to have it be eight feet high. Mr. Stoner asked about the second planting area at the top of the trail; Mr. Coviello said those plantings will be more deer-resistant, like trees that are taller. Mr. Stoner noted the upper area where customers look at plants; he said they need a fence across the top of that wall for safety. Mr. Coviello asked if they could bring the fence to the property line on the far side of the building, to provide more room within the fence. No one objected.

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Mr. Walsh asked regarding the dumpster; if it was located at the northern-most spot, it would be shielded by the building to avoid being seen. He wondered if that would cause circulation issues. Mr. Coviello thinks there'd be enough room. Chairman Shivas requested to review the variances for this application; Paul listed them as well as the waivers. Mayor Rubenstein confirmed the revisions to the plan with Ms. Hubbard. Chairman Shivas asked about fence near the garage; Mr. Coviello said it'll roll across the driveway. Mr. Gleitz noted that there were labels missing for plant identification, so it needs to be corrected with the approval.

Mayor Rubenstein motioned to approve this application based on the discussion points, 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.

MINUTES

Approval of the June 3rd, 2021 Meeting Minutes

Mr. McElroy motioned to approve the minutes from June 3rd, 2021, 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.

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

Eric Wilson and Barbara Bolen remain under oath from the last hearing, and Mr. Wilson’s credentials haven’t changed and are current. Mr. Wilson provided an overview of the application and the updates since their last hearing. They’ve changed their approach from a two-phase plan to a single phase, and modified the house so the rear wall will be thick blocks to support retaining soil against the back of the structure. This allowed them to reduce the height of retaining walls and minimize steep slope and site disturbance. The original cabin’s fireplace and structure will be kept, a porch will be added to the front, a bedroom will be added on the west side, and to the rear will be a kitchen, dining room, and garage space. The main garage below will be used to store a boat. The back half of the house will have a second story with bedrooms and bathrooms.

The elevation of the garage hasn’t changed; there was a previous question about the height, and the dimension was shown to the peak instead of the middle of the gable, so that was updated. They’ve added measurements for the overhangs of the structures for more clarity. The disturbance has been reduced from 42% to 37% of the property. They demonstrated a 20ft turning radius area of the driveway. There will be a rain garden to slow down the runoff from the hill. There’s a hole in the back of the garage, which they will turn into a door. Mayor Rubenstein confirmed the only changes to the variance tables would be the lot disturbance being reduced. Mr. Wilson updated some of the relating measurements.

Ms. Bolen discussed the aesthetics. The original color was brown, and they saved the cedar siding and will use that along with white trim and green shutters. Ms. Shimamoto asked if they got approved by the Lake Mohawk Aesthetic Committee; Ms. Bolen said she got initial approval and they’ll show them the additional changes. Ms. Shimamoto asked about landscaping in the disturbed areas; a new septic and leech field will be installed, so trees will need to be removed. She confirmed Ms. Bolen will replant; she’s trying to keep as many trees as possible. Mr. Stoner asked what the materials behind the garage will be; Mr. Wilson said it’ll be used for turn-around space and access to the garage, and will be grass. Mr. Stoner added they need a soil conversation district permit, and Mr. Wilson confirmed they have one and will send them an update plan. Mayor Rubenstein noted that he likes the project and thinks it’ll fit into the area well. He showed a Google street-view of the property, **Exhibit B2**. He asked about the propane tank in the image, **Exhibit B3**; they confirmed it’s not there anymore and used to be for the house. Ms. Bolen noted they’re now going to use natural gas.

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

Ms. Shimamoto motioned to approve this application, 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.

REPORTS FROM COMMITTEES

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

Building Committee: Mayor Rubenstein said a site plan was presented to the Council for the municipal building, and at the next Planning Board meeting there will be a courtesy review. The architect and engineer will present the plan.

Environmental Commission: Ms. Shimamoto said there is a meeting next week.

Open Space: Mr. Morytko said they reviewed preliminary plans for the dog park and recommended the Council go ahead with grant and loan applications. They discussed upcoming actions regarding forest stewardship and trails expansion for Cranberry Overlook. Mayor Rubenstein added the dog park was discussed at the Council meeting and they approved a resolution to proceed with the engineering.

Township Council: Mayor Rubenstein said the cannabis ordinance was approved with a 4 to 1 vote, and Byram is now a cannabis-free town. They added a supporting resolution that explained why the Council disagreed with the consistency review of the Planning Board.

Zoning Report: Mayor Rubenstein review the contents of the report.

DISCUSSION ITEM: Consistency review of CO Johnson Park improvements

Ms. Raffay recused from this discussion. Mayor Rubenstein noted that as part of the French and Parrello CO Johnson field conceptual drawings, they came up with the idea of a dog park. There was a discussion from the public about interest in a dog park, reflected in the survey taken. The Council thought this project stands alone and is of benefit for the town. French and Parrello provided a cost estimate of a little over \$300,000 when all the elements are factored in, but Mayor Rubenstein noted that’s not what it’s going to cost. The Green Acres has come up with a grant/loan ability for towns to get low-interest financing on these types of projects. One of the items needed for the application is the consistency review from the Planning Board, and a letter of support that this is good for the town. There are some elements in the estimate that they may not do, such as lighting and electrical. They reviewed other parks including Mount Olive and Vernon and didn’t see any lighting, and a lot of them close at dusk anyway.

Mr. Walsh clarified that they’re focusing on the dog park and not the project as a whole; he thinks it’s a great idea and it’s consistent with the Master Plan. Mr. Gleitz asked about the surfacing, and Mayor Rubenstein noted it’s mulched. Mr. Gleitz noted that dogs dig, so they should consider how to manage that surfacing, and if any of it is grass or turf, then they’ll need fallow areas to let the surface recover. They should ask about French and Parrello about that type of maintenance. Mayor Rubenstein said they’ll likely be back to the Planning Board for further guidance as this progresses. Mr. Chozick asked about the existing trails. Mayor Rubenstein explained the expansion of parking to access the trails as well as the dog park. Ms. Shimamoto added that a lot of people park and walk across CO, so it’d be great to have parking for both. Mr. Gleitz added they should have a crosswalk; and Mr. Stoner said they’d need to do that by ordinance. Mayor Rubenstein said the water will be determined later; Mr. Gleitz strongly suggested for the health and safety of the dogs there be a water supply. Mr. Chozick asked if then dogs would be banned in the park, and Mayor Rubenstein said he’d bring that point back to the Council. Mr. Smith added that he’d support a bathroom facility of some kind for the people visiting the trails and park.

Mr. Smith motioned to deem this consistent, 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.

DISCUSSION ITEM: Planning Board Hard Copy Packet preference

The Board discussed who prefers paper copies versus digital, and who would have it mailed or picked up from the building, as the Police Department is stopping the deliveries. Mr. Smith said he’d be okay with only digital, and Mr. McElroy confirmed they’d have access to wifi at the municipal building. Ms. Raffay asked if they’d need to bring a computer with them if they don’t get a packet. Mayor Rubenstein said they don’t have a way to project the plans. Mr. Gleitz said the alternative is to review everything electronically and have hard copies at the meeting. Mayor Rubenstein said the Sharepoint usage will continue. Mr. Walsh asked if they could have an “opt-out” option to lessen the copies the applicant makes. Chairman Shivas said he’d like to have real paper to look at the drawings. Mr. Chozick said he’d prefer reduced-size copies. Mr. Gleitz said some of this needs to be done via ordinance; the checklist has set parameters. Mr. Smith said the changes to the checklist need to be sustainable to account for Board member changeover. The Board noted that submitting electronic copies should be added to the checklist.

BILLS

Harold Pellow and Associates- (6) \$3,309.88

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

Law Office of Larry Weiner- (3) \$1,320.00

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

Vogel, Chait, Collins, Schneider- (1) \$1,485.00

Chairman Shivas challenged this bill because he thinks it belongs to the Council. Mr. Stoner said it's not related to the Board application, but the developer's agreement is needed. The Board decided to table this until they get more detail.

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 9:20 by Ms. Raffay. The motion was seconded by Mr. Morytko. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted,
Caitlin Phillips