

**MEETING MINUTES
BYRAM TOWNSHIP PLANNING BOARD
JUNE 20, 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		H
ABSENT											
EXCUSED										EA	
LATE											

Also present: Attorney, Matthew Posada
 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.
 Chairman Shivas said that the June 6 meeting minutes will be available on July 18th.

RESOLUTIONS

Z07-2019, Dan Sullivan, 84 Lynn Drive, Block 337.01 Lot 71, R-3 ZONE

Variance relief for rear and side yard setbacks to erect a shed in the rear yard and keep pre-existing stairs off the rear deck.

A motion to approve the resolution as presented was made by Mr. Olson. The motion was seconded by Mr. Morytko. 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.

Z06-2019, Kevin & Thomas Dean, 13 Laurel, Block 172 Lot 27, R-5 Zone

Variance relief for insufficient setbacks to add an addition to the first floor and to add a level to a single-family dwelling.

A motion to approve the resolution as presented was made by Mr. Kaufhold. The motion was seconded by Mr. Morytko. 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 (available July 18, 2019)

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

Chairman Shivas said that this resolution will be available at the July 18th meeting.

NEW BUSINESS

Z11-2019, Jeffrey Butterfield, Block 6 Lot 499, 31 Belton Street, R-5 Zone

To install a 12' X 24' above ground pool requiring a variance for a rear yard setback.

Mr. Butterfield, owner and applicant received approval in January 2019 to install an above ground pool in his rear yard which required a setback to a principal structure variance. During installation a large boulder was found which could not be removed. The pool was shifted back which negated the need for a principal structure setback but now requires a rear yard setback variance of 9 feet. Mayor Rubenstein asked how close is the house behind him to his property line. Mr. Butterfield said about 20 ft. and is separated by trees and lawn. The Board had no further questions.

A motion to approve this application was made by Ms. Shimamoto. 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.

708-2019, Timothy & Carolyn Turanick, Block360 Lot 12, 2 Jans Way, R-4 Zone

Mayor Rubenstein stepped down for this application.

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

Mr. Michael Selvaggi, Esq. introduced owner and applicant Mr. Tim Turanick, and he was sworn in. Mr. Turanick said he and his wife purchased the home in 2017 because the area is private and secluded and will be used as a weekend get-away and when they retire maybe make this their permanent residence. Mr. Turanick said the home is 94 years old and in disrepair and the propose to demolish the exiting dwelling and rebuild a modular a home on the existing footprint, like the existing home. He said they proposed a covered porch on two sides of the home and an upper lever loft area to be used as a second bedroom in the future. He said they also propose a walkout basement for storage and mechanicals which encompasses most of the footprint of the house, saying that if they run into ledge rock, they will decrease the size of the basement, or use the area as a crawl space, they will not increase the ceiling height. He said from the lake view the home will appear to be three stories because of the slope of the property, however street view the home appears to be two stories. Mr. Turanick said the lot is triangular and fronts two streets, Jans Way and Rosemarie Lane, and the main driveway, which is on Rosemarie Lane, but there is a small parking area by the mailboxes, which they intend on keeping. He also plans on a paver or stepping stone walkway but cannot use concrete because of the location of the septic and well, noting that in December 2018 they received a Certificate of Compliance from the Sussex County Division of Health for an individual sewage disposal system stating that the house must remain 2 bedrooms, which the applicant is proposing.

In response to the Environmental Commission comments Mr. Turanick said the lot currently has dense ground cover which they intend on leaving but the front of the house they propose landscaping. He said the lot is heavily wooded, two trees may have to be removed for the installation of the home, but any disturbed areas will be stabilized and restored. Mr. Turanick added that the design of the home will be like what exists today, and they plan on using vinyl siding with a cedar impression, brown in color which fits in well with the surrounding homes and neighborhood and said the neighbors are in support of this improvement.

Chairman Shivas pointed out that on the plan is a note by Rosemarie Lane that indicates proposed construction entrance. Mr. Turanick said that area for the demo crew for removal of the existing structure. Mr. Turanick said one tree, possible two, will have to be removed but there's an old driveway giving them access, and Mr. Turanick reiterated said after the house is in place any disturbed areas will be stabilized and restored to its natural state.

Mr. Stoner reviewed the required variances:

- Maximum lot disturbance 63.76% exceeds permitted disturbance of 50%
- Minimum front yard setback is not exasperated, on Jans Way what exists today is 19 ft. and the applicant propose 19 ft. Mr. Turanick said the porch side facing the lake is being pushed out however the side facing the neighboring property is will be reduced. Mr. Selvaggi said the front yard setback on Rosemarie Lane now is 71 ft. after construction the setback will be 66 ft. but still meets the requirements.
- Building height 27.41 ft. where 25 Ft. is permitted
- Number of stories 2.5 stories permitted, 3 stories proposed.
- Façade height is 35.5 ft. where 35 ft. is permitted.

Mr. Selvaggi introduced Mr. James Glasson, Civil Engineering and he was sworn in. Mr. Glasses as testified before the Board previously and they accept him as an expert in his field.

Mr. Glasson presented Exhibit A1, dated 6/20/19, a colorized sheet 3 of 4 of the submitted plan and he reviewed the plan saying the existing footprint 864 sq. ft. and the proposed home will be 1,008 sq. ft., increasing the house footprint of 144 sq. ft. The existing porch today is 674 sq. ft. and the proposed porch is 585 sq. ft., saying the overall net increase is approximately 55 sq. ft. Mr. Stoner said the proposed construction is only an inch from requiring a D6 variance and asked if there is there a way to bring that number down? Chairman said since this is a modular home, that makes it difficult, which justifies the need for the variance.

Mr. Glasson reviewed Sheet 2 of the submitted plan depicting the slope of the property saying that the property is already sloped, and any further disturbance will be stabilized and there will be no negative environmental impacts, however a variance is required. Mr. Glasson noted that an application was made to the Sussex County Soil Conservation District for this project.

Mr. Dixon asked about water runoff from leaders and will the water be discharge? Mr. Glasson said the area is heavily wooded and there should be no problems. Mr. Stoner said it should be directed to the East corner of the house, not towards the septic or lawn area. The applicant agreed. Mr. Stoner said if the water run off cause's future problems a drywell must be installed. The Board has no further questions. Chairman Shivas opened to the public. No one from the public came forward. Chairman Shivas closed to the public.

Mr. Stoner reviewed the discussed conditions:

- Roof leaders must be directed to the east corner, directed towards the wooded area.
- Basement height cannot change.
- A drywell must be installed if water erosion occurs.
- The temporary driveway gravel will be removed and will be revegetated.
- No sidewalk or parking area shall encroach on the septic or well setbacks.
- If issues occur with the foundation or height the Board engineer shall be notified.

A motion was made by Mr. Morytko to approve this application. 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.

Mayor Rubenstein returned to the dais.

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.

Ms. Linda Herlihy, Esq., representing the Heller Property Partners who owns a multi-tenant shopping strip at 17 Rt. 206, in the Village Business zone said they are here this evening for site plan and variance approval to remove the existing pole

mounted, freestanding sign and replace it with a new architectural designed, two-sided, freestanding sign. She said the variances are required for:

- Sign area of 102.7 sq. ft.
- Sign height proposed at 18.9 ft.
- Front yard setback. She said the plan submitted indicates a front yard setback of 0.3 ft. however testimony tonight will show the sign location changed and was moved back about 3.5 ft.

Ms. Herlihy said there seems to be some disagreement as to whether this application involves a freestanding or directory sign however either way variances are required but for the purposes of this application the applicant will take the more conservative approach.

Ms. Herlihy introduced the professionals providing testimony tonight, the architect, Mr. Louis Brandt, a professional planner, Mr. David Karlebach, and Mr. Robert Streker, Site Engineer. They were all sworn in.

Mr. Streker has provided testimony before the Board previously and the Board recognizes him as an expert in his field. Mr. Streker reviewed Sheet C-01 of the submitted plan and described the property location, the site layout and surrounding properties to this site. He said the building is 7,619 sq. ft. and there are 42 parking spaces, which include 2 ADA compliant spaces, saying that Byram's ordinance requires 31 spaces. He said currently located at the southerly end of the property is an 18 ft., pole mounted, freestanding sign with Quick Chek as a single tenant. Mr. Streker said the plan is to remove the existing sign and replace it with a new sign that addresses ascetics, tenants in the building and improves visibility from the highway. Mr. Streker presented Exhibit A1, dated 6/20/19, a drawing of the sign and he reviewed the details of the saying that most of the sign is allocated to the aesthetics of the sign. He said the tenant identification portion of the sign is 30.85 sq. ft. and the site name portion of the sign, "Lockwood Plaza" is 4.3 sq. ft., saying the total advertising portion of the sign is 35.2 sq. ft. Mr. Streker said the sign is internally lite with a translucent material, probably white with black lettering. The base of the sign will be landscaped to the approval the Board Planner.

Mr. Streker presented Exhibit A1, dated 6/19/19 titled "Truck Sight Distance Exhibit" and said because of concerns expressed by the Board engineer, particularly for delivery trucks, they eliminated one parking space and moved the sign further in from the roadway, but still meeting the parking requirements. Mr. Streker said to the north and south the property is landscaped with trees that belong to adjacent property owners, so moving the sign to the center allows for more visibility. Mr. Streker said the required setback is 10 ft. and the proposed sign will be 3.9 ft. from the Right of Way and 15 ft. from the curb. Mayor Rubenstein asked if the space for the sign will be surrounded by curbing. Mr. Streker said yes, however they left a gap in the curbing to allow for proper drainage. Mr. Streker said if exiting the parking lot from the south curb cut and you are looking north, the sight distance is 385 ft. which meets AASHTO requirements for trucks.

Mr. Gleitz asked about the hours of the sign illumination. Mr. Streker said currently there is a tenant that operates 24/7 and they would like the sign to remain lit while the store is open. He said the sign does not allow for separate portions to be lit so the entire sign is off, or on. Mr. Gleitz said by ordinance, if the 24-hour tenant leaves, then the lights are to be turned off when businesses close. It was recommended that the Board engineer check the intensity of the sign when lit to ensure compliance. Mr. Herlihy said the applicant agreed.

Chairman Shivas opened to the public.

Jennifer Jarrar, 7 Chestnut Street said the existing sign is visible from her patio and has concerns the new sign will be brighter and more visible from her home. Mr. Streker said he believes the new sign will be in the center of the property and probably not visible from her residence.

Chairman Shivas said suggested she direct her question to the planner or architect when they provide testimony.

Mr. Gleitz offered some assistance and asked Mr. Streker to show Ms. Jarrar where the existing sign is today and the location of the proposed sign. Ms. Jarrar asked if the sign will be higher than the building? Mr. Streker did not know the height of the building but added that even though this sign is higher, the top several feet of the sign is not lit.

Mayor Rubenstein believes Ms. Jarrar will see less of the sign, if any.

Ms. Jarrar also has concerns that if this sign is allowed, other business will come to the Board for bigger signs and Byram is getting citified, and that the quality of life in Byram has declined.

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

Mr. Olson asked if the applicant would consider interconnectivity between sites so that patrons can travel to properties to the north and south without having to enter the highway. Ms. Herlihy said that is not part of this application and was not discussed with her client. Mr. Olson said he would like her to take that recommendation back to her client. She said she would.

Ms. Herlihy introduced Mr. Louis Brandt, Architect, and he provided his education and experience to the Board and the Board recognized him as an expert in his field.

Mr. Brandt reviewed the sign details with the Board noting the sign is fixed with no moving parts or flashing messages. He said they he designed the sign with the Village Business zone in mind, keeping the sign traditional with brick and pleasing features that complement the building. He said the sign is visible from travelers on Route 206, identifying tenants of the complex.

Ms. Raffay said Byram is trying to minimize the size of signs and this sign moves away from that goal. Mr. Olson disagrees and believes Route 206 is a busy highway and the sign needs to be more visible to motorists and believes that walkability standards should not apply to the VB zone but does believe that smaller signs in the Village Center zone is more applicable, adding that the VC zone's goal is to be a walkable, downtown atmosphere. Mr. Morytko agrees the sign is large however he believes the size of the site, the location of the site and the site having multi tenants warrants a larger sign and added that the sign illumination is soft.

There was a lengthy discussion about the size of the sign and what can be eliminated to reduce the overall size. Most of the Board was okay with the size of the sign since it is a four-lane highway, and a multi-tenant building. Mr. Brandt said the he believes the sign is designed for a safe viewing distance.

Mr. Gleitz said discussed the difference between a freestanding sign and directory sign since it identifies the site and the tenants within the site and said for this application the language in the resolution should reference the sign as a combo of a Freestanding/Directory sign.

Chairman Shivas opened to the public.

Jennifer Jarrar, 7 Chestnut Street asked Mr. Brandt if the sign will be visible from her property. Mr. Brandt believes it will not be visible from her home.

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

Ms. Herlihy introduced professional planner, Mr. David Karlebach and he provided his education and experience and the Board recognized him as an expert in his field. Mr. Karlebach said the sign is an improvement to the site saying that the site name, Lockwood Plaza, focuses on the historic past of Byram. He said the sign is in harmony with the highway, it is easy to see and promotes a desirable, visible environment and poses no deterrents to the residential area. He went on to say this sign is common with multi-tenant sites and is in line with the intent of the zone.

Mayor Rubenstein asked if the applicant would consider adding the address or street number to the sign. The Board and the applicant were receptive to that recommendation. Mayor also asked what if another tenant wants to split the space Quick Chek currently occupies? Mr. Streker said the Quick Chek sign, since it is their anchor tenant, is larger and can be split in the future if needed. The Board had no further questions.

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

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.

RESOLUTION

Z11-2019, Jeffrey Butterfield, Block 6 Lot 499, 31 Belton Street, R-5 Zone

To install a 12’ X 24’ above ground pool requiring a variance for a rear yard setback.

A motion to approve the resolution as presented was made by Mr. Chozick. 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.

REPORTS FROM COMMITTEES

Township Council – Mayor Rubenstein said improvements to the upper parking area and tennis court at C.O. Johnson park was approved using Open Space funds. He added that the stairs to the field house and the bathrooms are being considered for future repair. He said that on Byram’s website, under News and Noteworthy there is a Park and Recreation Survey he encouraged Board members and residents to take a moment and complete the survey.

Mr. Olson said the Township authorized the Board Planner to draft ordinance standards relating to 5G and LED, message Boards.

Environmental Commission – Ms. Shimamoto said the meeting is next week.

Architectural Review Committee – Mr. Morytko said they met and reviewed the sign proposed by the Heller Group.

Open Space – Mr. Morytko reiterated about the Parks and Recreation Survey.

BILLS

Harold Pellow & Associates (8 bills) \$3,433.63

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.

Schenck, Price, Smith & King (6 bills) \$1224.00

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

OTHER BUSINESS

Byram’s Zoning Officer, Thomas Dixon said he would like input from the Board regarding setback requirements for above ground pools. He said the ordinance standards today require a separation distance of 10 feet for an accessory structure to a principal structure. He said often residents want to install their above ground pool next to their deck, which is usually attached to the house. Once a deck is attached to the home, it becomes part of the principal structure. He would like to recommend an amendment to the ordinance that above ground swimming pools are exempt from the principal structure setback. He believes this should also apply if an above ground pool is stand alone in the rear yard, away from the house, a setback of an accessory structure to another accessory structure is 6 feet and he said often people want a deck around the above ground pool for better enjoyment. He said in both situations the setback requirement should also be excluded.

Mr. Gleitz said it could be added as an exception under Swimming Pools which is under Byram’s Code Section 240-16, Accessory Structures. Ms. Shimamoto said language should be included that if the pool is removed, the deck rails must be restored, and if the pool is in the yard, away from the house, the deck around the pool should also be removed.

Mr. Dixon and the Board secretary will research other towns ordinances and draft a memo with the proposed amendments for Council review.

PUBLIC COMMENT

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

ADJOURNMENT

A motion to adjourn the meeting was made at 10:15p.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*