

MEETING MINTUES OF THE BYRAM TOWNSHIP PLANNING BOARD: June 20, 2024

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

ROLL CALL: Mayor Rubenstein, Ms. Raffay, Messrs. Proctor, Serrilli, Smith, Chairman Shivas

Members Absent: Messrs. McElroy, Morytko, and Walsh

Also Present: Engineer Cory Stoner, Attorney Alyse Hubbard, 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

MINUTES: June 6, 2024. Mayor Rubenstein motioned to approve the minutes, seconded by Ms. Raffay.

Ayes: Mayor Rubenstein, Ms. Raffay, Messrs. Smith and Chairman Shivas

Abstaining: Messrs. Proctor and Serrilli

Absent: Messrs. McElroy, Morytko, and Walsh

None opposed. Motion carried.

RESOLUTIONS

SP1-2024 Byram Waterloo LLC (Starbucks of Byram), 33 Route 206, Block 36 Lot 40, VB Zone

Application for preliminary and final site plan for development of Starbucks coffeehouse with drive-through

Mr. Proctor motioned to approve the resolution, seconded by Mr. Serrilli.

Ayes: Messrs. Proctor, Serrilli, Smith, Chairman Shivas

Abstaining: Mayor Rubenstein, Ms. Raffay

Absent: Messrs. McElroy, Morytko, and Walsh

None opposed. Motion carried.

Z25-2023 Ryan Tiernan, 11 Ranger Trail, Block 300 Lot 2345, R5 Zone

Resolution for dismissal without prejudice of application

Mr. Smith motioned to approve the resolution, seconded by Ms. Raffay.

Ayes: Mayor Rubenstein, Ms. Raffay, Messrs. Smith and Chairman Shivas

Abstaining: Messrs. Proctor and Serrilli

Absent: Messrs. McElroy, Morytko, and Walsh

None opposed. Motion carried.

Z07-2024 Dana Taylor, 16 Weaver House Cove Road, Block 109 Lot 2, R-5

Correction to Lot listed in resolution

Ms. Phillips said this needed to be amended because the lot number was incorrect. Ms. Raffay motioned to approve the resolution, seconded by Mr. Proctor.

Ayes: Ms. Raffay, Mayor Rubenstein, Messrs. Proctor, Smith, Chairman Shivas

Abstaining: Mr. Serrilli

Absent: Messrs. McElroy, Morytko, and Walsh

None opposed. Motion carried.

SUBCOMMITTEE MEETING

SP6-2023 Tomahawk Lake, 155 Tomahawk Trail, Block 343 Lots 1, 2, and 3, CR Zone

Application for amended site plan and use variance approval to use Lot 3 for additional parking, reconfigure the overflow parking area and employee parking area, construct a slide and merry-go-round, and modify a ticket office for larger square footage

Chairman Shivas said they requested to move their meeting, so it will be on 07/18.

SP6-2024 Highland Avenue Properties, Block 212 Lot 1, NC Zone

Application for proposed use of a landscape and irrigation contractor business

Ms. Raffay said the application is sufficient to schedule for a hearing. There are a few things they want, including a steep slope analysis; construction details including drainage, structures, curbs, guiderails and lighting; an update to the plan to add a co-applicant of the Fire Department since some of the improvements are on their property; and the notice needs to include the firehouse property. Mr. Stoner noted they also need details for the fence and their salt storage building. Ms. Raffay motioned to deem the application complete and schedule it for a hearing on 08/15, seconded by Mr. Serrilli.

Ayes: Mayor Rubenstein, Ms. Raffay, Messrs. Proctor, Serrilli, Smith, and Chairman Shivas

Absent: Messrs. McElroy, Morytko, and Walsh

None opposed. Motion carried.

NEW BUSINESS

Z09-2024, Daniel Scully, 33 Allamuchy Trail, Block 144 Lot 135 and 136, R-5 Zone

Application to construct 3-bedroom dwelling on a property with three front yards

Ms. Phillips noted their engineer was not available so they requested to carry this meeting. Mr. Proctor motioned to carry the application 08/01, seconded by Mr. Serrilli.

Ayes: Mayor Rubenstein, Ms. Raffay, Messrs. Proctor, Serrilli, Smith, Chairman Shivas

Absent: Messrs. McElroy, Morytko, and Walsh

Motion carried.

Z10-2024 Edward Baumgarten, 387 Springbrook Trail, Block 315 Lot 2143, R-5 Zone

Application for addition to existing home

Edward Baumgarten was sworn in. He would like to expand the attic and raise the current head space 4 feet to make the room usable. Mayor Rubenstein said a portion of the property is in Sparta, and asked how that works. Ms. Hubbard said they have a letter from Sparta saying they have no interest, and they noticed both lots. Chairman Shivas confirmed they have two bedrooms and it will remain two bedrooms. He asked if there's a letter from the Health Department. Mr. Stoner said they need verification from the County Health Department that they're okay with the addition. Making the attic a livable space turned it into a third story. Chairman Shivas noted they have an approval from Lake Mohawk. Mr. Stoner said the variance is for the height in stories. Mr. Baumgarten said the attic is finished, but there's no headroom for a usable office. It's used as a quasi-office space now. Mayor Rubenstein confirmed they're adding a bathroom and shower. He confirmed the stairs are remaining. Mr. Baumgarten said everything is existing except they're extending the roofline over the entry for an awning. Chairman Shivas confirmed this is not bringing them closer to any property lines. Mr. Baumgarten said it's all within existing setbacks. Mr. Proctor confirmed they do not intend to convert this into a bedroom. Mayor Rubenstein confirmed they're ok if the resolution stipulates that if cannot be a bedroom

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

Mr. Proctor motioned to approve the application as presented, seconded by Mayor Rubenstein.

Ayes: Mayor Rubenstein, Ms. Raffay, Messrs. Proctor, Serrilli, Smith, Chairman Shivas

Absent: Messrs. McElroy, Morytko, and Walsh

Motion carried. Ms. Hubbard explained the appeal period.

SP5-2023 Rudy & Vania LLC, 2 Tamarack Road, Block 216 Lots 3 and 3.07, NC Zone

Amended application for change in outdoor dining location

Paul Mitchell from Lavery Selvaggi and Cohen represented the applicant. This project was approved about a year ago and the outdoor dining was in the back of the building. The applicant is proposing to move the outdoor dining to the front. Rudy Carrera, the owner and applicant, was sworn in. He said the building is all finished, and he decided that it would be better to have the dining in the front. In the back, they'd only be seeing a house on the side street, and it may be annoying to the neighbors to have dining out there. Having it in the front would give the restaurant a better look, and be more inviting. On 2 Tamarack there's more traffic than on Little Paint Way, so it'd be better for business to see people dining outside. Mr. Mitchell confirmed this would not change the number of seats. Mr. Carrera said the resolution set the number of seats. Mr. Mitchell confirmed the parking will also not be impacted. Mayor Rubenstein confirmed this is in the area under the roof; he asked where it was. Mr. Stoner said it was in the back; there was a patio on Little Paint Way. Mr. Carrera said that patio will stay open, but there won't be seating. This site was approved around 2004-2005, and they had this space in the back as outside dining.

Chairman Shivas said the plans show 56 seats inside and 18 seats outside. Mr. Carrera said the total is 78.

Chairman Shivas said he is counting 10 outside. Ms. Raffay asked about the patio in the back. Mr. Carrera said it was built as a deck, but is just a place outside. They can open the door for fresh air. There is no roof or walls; it has patio pavers. It's a step above the ground floor, and level with the main floor of the dining room. It's meant to be for people out to dinner who want fresh air; there will be no seating or storage. Ms. Raffay asked if there's enough parking to make that a seating area as well. She likes the idea of the seating in the front. Mr. Carrera said later on it could be a place for a fire pit, which he'll get approval from the Board for.

Chairman Shivas asked about the placement of the coolers. Ms. Hubbard noted that's the bar. He asked about fitting in 18 seats for outdoor dining—there not a lot of room, and the doors may be open. Mr. Carrera said the porch is 10 feet wide. Chairman Shivas said there are three openings to the porch area; he doesn't see how there's room to fit four more tables for 8 extra people. Mr. Stoner confirmed there should be 78 seats total. Mr. Carrera said the outdoor dining will be part of those 78 seats, it's not additional. Mr. Stoner said the architectural plan should show 78 seats. Chairman Shivas confirmed with Mr. Carrera he agrees he will not exceed the 78 seats. Mr. Stoner asked what the maximum is for outside. Mr. Carrera said realistically it's twelve. Ms. Raffay asked about the porch, saying there is a wall. Mr. Carrera said it has a retaining wall. Ms. Raffay said there's a stucco wall around it. Mr. Carrera said this has been changed, so it's just a deck with pavers.

Chairman Shivas confirmed there's one apartment upstairs. Mr. Carrera said there's an office space. Chairman Shivas said there's also storage. He asked if there is a wall there. Ms. Hubbard asked if they have to go through the apartment to get to the office. Mr. Carrera said there is a wall between the office and apartment. Chairman Shivas confirmed there are two bathrooms, and there is apartment storage. Mayor Rubenstein confirmed the resident will need to go through the restaurant storage area to get to their storage area. Chairman Shivas asked who is living in the apartment. Mr. Carrera said it could be anyone, but preferably an employee. Ms. Hubbard confirmed this has already been built. Mr. Stoner said he issued a memo a few days ago allowing for a Temporary CO, and the only item left is landscaping. They are in the process of having the deed filed with the County. He confirmed they got the TCO. Mayor Rubenstein confirmed they plan to open next week. Mr. Stoner said they should make sure the numbers discussed are updated on the plans.

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

Mayor Rubenstein motioned to approve the application with the stipulation that the total remains 78 seats for the entire restaurant, seconded by Mr. Proctor.

Ayes: Mayor Rubenstein, Ms. Raffay, Messrs. Proctor, Serrilli, Smith, Chairman Shivas

Absent: Messrs. McElroy, Morytko, and Walsh

Motion carried. Chairman Shivas said the work looks very nice.

BILLS

Harold Pellow (11): \$3,175. A motion to approve the bill was made by Mayor Rubenstein, seconded by Mr. Serrilli. All were in favor. Motion carried.

Maraziti and Falcon (13): \$8,185. A motion to approve the bill was made by Ms. Raffay, seconded by Mayor Rubenstein. All were in favor. Motion carried.

REPORTS FROM COMMITTEES

Architectural Review Committee: No one was there to represent this.

Environmental Commission: No one was there to represent this.

Open Space: Ms. Phillips said they did the deer hunting parcel allocation, and discussed forest management.

Township Council: Mayor Rubenstein said liquor licenses were renewed. They will now allow for residents to pay their property taxes with credit card. There is a 2.95% fee for this. They passed the resolution for deer hunting. They accepted the grant for the Completely Inclusive Playground (CIP) at CO Johnson Park, which was for \$464,000. For the 25% that was not granted they will use American Rescue Plan (ARP) funds. They are reconstructing the tennis courts at the municipal building. There was a local recreation improvement grant for this of \$65,000, and the balance will be paid using ARP funds. They passed the bond ordinance for the fire truck. They signed paperwork for a deed. They issued an ordinance to allow title 39, which is for police activity for traffic control at the Wawa lot. They decided to proceed with the CO Johnson Field 8 improvements, including stripping the dirt layer off and putting drainage in. Miss Byram attended the meeting.

Zoning Report: Everyone has a copy.

OPEN TO THE PUBLIC

Chairman Shivas opened to the public. Patricia Moschella said she lives along Woods Edge. The medical buildings were put in, and she is surprised they were not required to put a tree line buffer between her development and the back of their building. She and her neighbors have more traffic noise and lights from 206, which shines directly in to the backs of the houses along Woods Edge. Mr. Stoner said there's no landscaping proposed in the back; they had a wooded buffer there. Chairman Shivas asked if they tore the buffer down. Ms. Moschella said they did, and you can see out to 206. Mr. Stoner said they did work in that area; there's a tank there and they did some grading. It was inside the limit of disturbance on the application. He doesn't think additional landscaping was discussed. Ms. Moschella asked why; most other applications seem to be required, including QuickChek. Mr. Stoner said that was required because the public came out and asked for it. Ms. Moschella said they would be there 3-5 in the morning. Chairman Shivas said those are existing buildings, so the back area had trees, and thought that was going to stay that way. Mayor Rubenstein said they can look through the minutes and see what was discussed. Mr. Stoner said they probably cleared out underbrush and that's likely how they're seeing through. Robert Moschella said it looks nice because they cleared a lot of stuff out, but unfortunately there's no buffer. He noted some neighbors don't think coming here would help. Mayor Rubenstein said when the QuickChek application was here, there were hundreds of people with a huge amount of input, and it made a large impact on how that site was developed. Ms. Moschella said they did work on weekends, and asked who you're supposed to call. Mayor Rubenstein said the Zoning Officer when they're in on Monday, or the police department. Mr. Stoner said the town ordinances says they can't start before 7am. Ms. Moschella said they did deliveries in the middle of the night. Mayor Rubenstein said they'll look at the minutes to make sure they did what they were supposed to. He noted the site next to QuickChek is likely coming in the next couple months. Chairman Shivas

said they were found complete but don't have a date yet because they need other items submitted first. He reviewed the completeness process.

Chairman Shivas closed to the public.

ADJOURNMENT

A motion to adjourn the meeting was made at 8:30pm by Mr. Serrilli, seconded by Mr. Proctor. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted by Caitlin Phillips