

**MAY 07, 2020
MEETING MINUTES
BYRAM TOWNSHIP
PLANNING BOARD**

CALL TO ORDER

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

ROLL CALL

	Mr. Chozick	Mr. Gallagher	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			A								
EXCUSED											
LATE											

Also present: Attorney Alyse Landano Hubbard, Esq.
 Engineer Cory Stoner, P.E., C. M.E.
 Secretary Cheryl White

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 prohibits all gatherings of more than ten people and requires social distancing. In an effort to continue Planning Board business, the regularly scheduled meeting for May 7, 2020 is being held by remote audio connection only. This service allows the Board, it's professionals, applicants and members of the public to participate. Participation is taking place via telephone conference. Access information was posted on the Township's Website under Planning and Zoning, Meeting Agendas.

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.

This meeting has also been electronically sent to the newspapers and uploaded to Byram's website at:

https://www.byramtwp.org/useruploads/docs/planning/Agenda_for_May_07,_2020_Audio_Call_Meeting_Material.pdf at not less than 48 hours in advance of the meeting. In addition,

a copy of this notice is on file in the office of the Planning Board Secretary.

FLAG SALUTE led by Chairman Shivas

MEETING MINUTES

A motion to approve the April 16, 2020 meeting minutes as written was made by Mr. Kaufhold. The motion was seconded by Mr. Morytko. The following vote was taken:

	Mr. Chozick	Mr. Gallagher	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.

NEW BUSINESS

SP1-2020, Tomahawk Lake, Inc., Tomahawk Trail, Block 343 Lots 1, and 2, C-R Zone

Amended site plan with variances to construct a 36’ X 40’ concession stand, to add two new water slide, and relocate a ticket booth.

Because of COVID-19 restricting gatherings of more than ten people, and with the consent of the applicant’s attorney, Mr. William Askin, Esq., a motion to carry this application to June 18, 2020 was made by Mr. Kaufhold. The motion was seconded by Mr. Olson. The following vote was taken:

	Mr. Chozick	Mr. Gallagher	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.

SITE PLAN WAIVER

WOSP3-2020, Byram Adult Day Care, Inc. & 238 Route 206, LLC, 238 Route 206, Block 219 Lot 4, N-C Zone

Change of use – retail to professional services.

Mr. Walsh said the committee reviewed the material submitted and noted that the proposed use is permitted in the NC zone, and that this request meets the criteria for a waiver of a site plan. He said the facility will be open daily and Saturday, with no overnight stays. He said most of the clients are dropped off and picked up and there will be four to five employees, with the potential of a maximum of ten employees per day. Mr. Walsh noted the concerns of the Fire Department with regards to the width of the ingress and egress and said this property is already fully developed. Ms. Ward, Esq., representing the applicant, said that this property complies with the requirements of Byram’s code, 215-30. 2 C (4) (c) relative to the driveways. Mr. Gallagher said he did not recall any issues with fire trucks entering or exiting the site. The applicant answered the other concerns raised by the fire department to the Board’s satisfaction.

A motion to approve the waiver was made by Mr. Walsh. The motion was seconded by Mayor Rubenstein.

Mr. Kaufhold asked if this day care will be a “medical” day care because requirements are different. Ms. Ward said the applicant has no plans for a medical day care center, and added the facility allows families temporary respite care. She said the clients get dropped off, participate in light activities, such as movies, they are served a light lunch and then return home. Mr. Kaufhold added that he also has concerns about restroom facilities because he believes a requirement for this type facility would require one bathroom per every ten people. Ms. Ward said the property has an approved TWA permit. Mr. Kaufhold asked if the TWA permit approval was based on this new use. Ms. Ward assured the Board that the applicant will comply with all DEP, UCC, DCA, and any other regulations required by law. Ms. Hubbard said that language will be incorporated within the resolution if this waiver is granted.

Based on Mr. Kaufhold concerns, Mr. Walsh amended his motion that the resolution include language that all applicable approvals are obtained. The Mayor seconded the amended motion. The following vote was taken:

	Mr. Chozick	Mr. Gallagher	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.

CHANGE OF TENANT - SITE PLAN WAIVERS APPROVED BY THE ZONING OFFICIAL

WOSP2-2020, Elite Trucking & Rigging, 227 Route 206, Block 212 Lot 1, N-C Zone

Office/warehouse to same.

Ms. Hubbard told the Board that this new tenant is under contract to purchase the building and will be submitting a site plan application soon for the storage of vehicles and equipment. This waiver was granted by the zoning officer so that the new tenant can move and open business utilizing the office and warehouse space only.

WOSP4-2020, 16 Rt. 206, LLC, DBA Skylands Health, 16 Route 206, Block 41 Lot 95, V-B Zone

Professional Services/Apartments to same.

This new owner of the property was granted a temporary waiver by the zoning official with the restriction that one commercial unit must remain vacant because of inadequate parking. The owner intends on returning to the Board with a new site plan and proposed changes to the building. One change would be the building color, which does not require Board approval, however colors of commercial buildings in the Village Business Zone require the review of the Architectural Review Committee. Ms. Shimamoto said the ARC reviewed the proposed color; however it was the consensus of the committee that the color was not favorable. Ms. Shimamoto said since this waiver was already granted by the zoning officer, what assurance does the committee have that the applicant will not make a color change. It was noted however, in Mr. Dixon’s memo that the applicant would not make any color changes without the full approval of the committee.

The Board had concerns that the owner would rent the space without Board approval. Mayor Rubenstein pointed out that the inadequate parking was a result of the Route 206 realignment project. Mr. Dixon agreed but said even the angle of the parking was changed without site plan approval and that the property has more parking on site the site than originally approved, not less. The new owner committed to return to the Board soon and will comply with the conditions imposed by the zoning official. There was no further discussion.

CONSISTENCY REVIEW

An Ordinance Amending Chapter 240 Zoning of the Township of Byram Code

Section 240-40 General requirements; driveways were repealed by Ordinance 10-2017 and requirements were placed in Section 215-30.2. Inadvertently, the change omitted any reference to residential zones for which it was previously intended. This ordinance corrects the omission by adding Section 240-40, General Requirements; residential driveways.

Mr. Stoner said as a result of a recent zoning complaint, and after speaking with the Board attorney, it was called to attention that Section 215 applies to commercial and multifamily development and was not the appropriate section for residential driveway requirements since a site plan is not required for residential applications. Mr. Stoner added that for the zoning official to enforce requirements for residential driveways, Section 240-40 is being reinstated with a minor addition that provides guidance on the surface and base course for driveways.

Mayor Rubenstein said the Council introduced this ordinance on May 5, 2020. The Board had no questions.

A motion was made by Mr. Olson that the ordinance is not inconsistent with Byram Township’s Master Plan. The motion was seconded by Mr. Kaufhold. There was no discussion. The following vote was taken:

	Mr. Chozick	Mr. Gallagher	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.

BILLS

Harold Pellow & Associates, Inc. (9 bills) \$3092.80

A motion to approve Mr. Stoner's bills was made by Mr. Kaufhold. The motion was seconded by Mr. Olson. All were in favor. Motion carried.

Law Office of Larry Wiener (5 bills) \$1,095.00

A motion to approve Ms. Hubbard bills was made by Mr. Olson. The motion was seconded by Mr. Kaufhold. All were in favor. Motion carried.

CP Engineers (1) bill \$357.50

A motion to approve CP Engineer bills was made by Mr. Kaufhold. The motion was seconded by Mr. Olson. All were in favor. Motion carried.

PUBLIC COMMENT

Chairman Shivas opened to the public.

Mr. Jack Moran, 7 East Waterloo Road expressed about the ordinance whereas it does not address driveways at a dead end. He believes the ordinance should contain verbiage like Stanhope Borough's ordinance 100-137 A. (3) Driveways " Driveways shall be constructed so as to be perpendicular to the traveled way of the public road for a distance at least 15 feet from the edge of the traveled way and shall intersect the traveled way at the perpendicular." *Mr. Moran believes that Byram's ordinance as written would allow a property owner on a dead-end road to construct a driveway whereas the driveway would appear to be a continuation of the road.*

Mr. Stoner said that language may be worthy to add to the draft ordinance, but he did not believe it would resolve Mr. Moran's concerns. Mayor Rubenstein said he should direct his comments to the Town Council. After further discussion, Mayor Rubenstein said at the next Council meeting he will take Mr. Moran's comments back to the Council but was not sure Mr. Moran's recommendation had enough traction for the Council to consider. Mayor Rubenstein said at the next Council meeting he will take Mr. Moran's comments back to the Council, but he was not sure Mr. Moran's recommendation had enough traction for the Council to consider

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

ADJOURNMENT

A motion to adjourn the meeting was made at 9:00 p.m. by Mr. Kaufhold. The motion was seconded by Mr. Walsh. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted,
Cheryl White