

**MEETING MINTUES
BYRAM TOWNSHIP PLANNING BOARD
MEETING, MARCH 18, 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	H
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

REORGANIZATION

Chairman Shivas opened the nomination for Secretary for the Byram Planning Board. Mr. Walsh nominated Caitlin Phillips, seconded by Ms. Raffay. No other nominations were made. Mr. Serrilli motioned to close the vote, seconded by Mr. Walsh. The following vote was taken:

	Mr. Chozick	Ms. Franco	Ms. Raffay	Mr. McElroy	Mr. Morytko	Mayor Rubenstein	Mr. Serrilli	Ms. Shimamoto	Mr. Smith	Mr. Walsh	Chairman Shivas
MOTION											
SECONDED											
AYE	√	√	√	√	√	√	√	√	√	√	√
NAY											
ABSTAIN											
ABSENT											

Motion carried.

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, the regularly scheduled meeting for March 18, 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.byramtwp.org/index.php/meetings/committees/planning_board and has been forwarded to those persons requesting notice.

FLAG SALUTE led by Chairman Shivas

MINUTES

Approval of the February 18, 2021 Meeting Minutes.

A motion to approve the February minutes as written was made by Mr. McElroy. The motion was seconded by Mr. Morytko. The following vote was taken:

	Mr. Chozick	Ms. Franco	Ms. Raffay	Mr. McElroy	Mr. Morytko	Mayor Rubenstein	Mr. Serrilli	Ms. Shimamoto	Mr. Smith	Mr. Walsh	Chairman Shivas
MOTION				√							
SECONDED					√						
AYE	√	√	√	√	√	√	√	√	√	√	√
NAY											
ABSTAIN											
ABSENT											

Motion carried.

TOMAHAWK LAKE

Ms. Hubbard explained that the Tomahawk Lake application was scheduled to be heard on 03/04. Prior to the hearing, the applicant received a letter from the police chief that raised some concerns. They requested to carry their application to no specific date. There was a conference call to discuss their concerns, and Ms. Hubbard suggested the application be dismissed without prejudice. They were asked for an extension through May 6th, at which point they will be scheduled for a hearing or they will be dismissed at the May 6th hearing. They will need to re-notice once they receive a date.

COMPLETENESS REVIEW

SP1-2021, 16RT 206 Stanhope NJ, LLC (Skylands Surgery Center), Block 41/42 Lot 95, 109.01 & 109.02, VB Zone Preliminary and final site plan. Proposed surgery center, doctor's office, residential apartment, and retail/office.

Mr. Walsh said the Subcommittee met prior to this meeting, and the plan encompasses two lots: the farm stand and the lot next door. When Mr. Stoner originally reviewed this, there were several outstanding items that needed to be addressed. Based on his memo and the applicant's work revising the plans to address Mr. Stoner's comments, the Subcommittee recommended this application be deemed complete. A date of 06/03 was proposed for their hearing.

Mr. Walsh motioned to deem this application complete and schedule the hearing for June 3rd. This was seconded by Ms. Shimamoto. The following vote was taken:

	Mr. Chozick	Ms. Franco	Ms. Raffay	Mr. McElroy	Mr. Morytko	Mayor Rubenstein	Mr. Serrilli	Ms. Shimamoto	Mr. Smith	Mr. Walsh	Chairman Shivas
MOTION										√	
SECONDED								√			
AYE	√	√	√	√	√	√	√	√	√	√	√
NAY											
ABSTAIN											
ABSENT											

Motion carried.

RESOLUTIONS

Z17-2020, Lukich Kevin, 27 Deer Run, Block 284 Lot 211, R-5 Zone

Application to expand to a two-car garage and master bedroom expansion on the second story.

A motion to approve the resolution was made by Mr. Walsh. The motion was seconded by Ms. Raffay. Chairman Shivas clarified that this is a resolution to deny the application. The following vote was taken:

	Mr. Chozick	Ms. Franco	Ms. Raffay	Mr. McElroy	Mr. Morytko	Mayor Rubenstein	Mr. Serrilli	Ms. Shimamoto	Mr. Smith	Mr. Walsh	Chairman Shivas
MOTION										√	
SECONDED			√								
AYE	√	√	√	√	√	√	√	√		√	√
NAY											
ABSTAIN									√		
ABSENT											

The motion carried

Z01-2021, Warden Trevor, 115 Lake Drive, Block 249 Lot 101, R-5 Zone

Setback to a body of water to keep an already erected shed.

Ms. Hubbard noted that she did not add the relief granted on the first page of the resolution and asked to adopt it as amended. A motion to approve the resolution as amended was made by Mr. Walsh. The motion was seconded by Mr. Serrilli. The following vote was taken:

	Mr. Chozick	Ms. Franco	Ms. Raffay	Mr. McElroy	Mr. Morytko	Mayor Rubenstein	Mr. Serrilli	Ms. Shimamoto	Mr. Smith	Mr. Walsh	Chairman Shivas
MOTION										√	
SECONDED							√				
AYE	√	√		√	√		√	√	√	√	
NAY											
ABSTAIN			√			√					√
ABSENT											

Motion carried.

SP2-2020, Byram Route 206 Developers, LLC., (Wawa) 75-77 Route 206, Block 34 Lots 14 & 15, V-B Zone

To construct a 5,585 sq. ft. food market with fueling stations, and associated site improvements; parking, lighting, landscaping, and utilities.

Mr. Smith noted that on page 7 item 9, there needs to be a space between Matthew Sharo's first and last name. A motion to approve the resolution as amended was made by Mr. Walsh. The motion was seconded by Mr. Chozick. The following vote was taken:

	Mr. Chozick	Ms. Franco	Ms. Raffay	Mr. McElroy	Mr. Morytko	Mayor Rubenstein	Mr. Serrilli	Ms. Shimamoto	Mr. Smith	Mr. Walsh	Chairman Shivas
MOTION										√	
SECONDED	√										
AYE	√			√			√		√	√	√
NAY											
ABSTAIN		√	√		√	√		√			
ABSENT											

The motion carried.

OLD BUSINESS

Raimo of Stanhope, Inc., 49 Route 206, Block 35 Lot 36 & Block 37 Lot 26, V-B Zone
Preliminary & Final site plan to add new structures and make site improvements.

Frank Nemeth, the attorney Charles Sarlo, and the engineer Jeffery Morris were in attendance. Charles Sarlo addressed the Board, stating that they are down to 3 principal buildings and limited accessory buildings, and as a result they have reduced the number of variances. They have also moved their car-crushing operation from the northern lot to the southern lot in response to Board and Environmental Commission comments. He noted that Mr. Nemeth has owned the property for a few years now and this is a voluntary application by Mr. Nemeth to improve the facility by installing the proposed structures that would bring most of the active operation inside the buildings. They have addressed many of Mr. Stoner's comments, and Mr. Morris revised the plans and had an interim review with members of the Board and Mr. Stoner to address all the comments.

Ms. Hubbard confirmed with Mr. Morris that his licenses are still current. Mr. Morris shared **Exhibit A4** with the Board: a rendering of the site that has been colored for clarity. He noted that entering the site on Netcong Avenue, there is a parking lot with 14 spaces around the accessory building (the office), and there are two principal buildings. Further down there will be a gravel area with roll-off containers and the primary drop-off area will be paved. To the north will be more stockpile areas and roll-off containers, and four regular containers. The colored rendering now shows what parts are gravel or concrete. The south lot, which contains the car-flattening building and accessory building, is a left off Netcong Avenue through a gate. The entry to the car-flattening building will be a series of doors on the west side with four additional containers. Mr. Stoner had asked to make a change to the restoration area, in which they will now move the fence to the limit of that restoration area.

Additionally, the streetscape out front has been mimicked from the southerly portion of the streetscape which has various trees and a brown fence. On the north side of Netcong Avenue, they will show something similar, with a berm and trees, as well as a brown vinyl fence. They will extend this fence closer to the Avenue and wrap it down Netcong Avenue, adding additional landscaping. Mr. Stoner has also asked them to replace the fence on the south, so they will put in a similar brown vinyl fence.

Mr. Stoner read through his report, noting the site plan is better defined now. Before, it was not clear what was grass, concrete, or pavement. One of the bigger changes was the front of principle buildings 1 and 2, now being concrete rather than gravel, giving it more stability. Mr. Stoner also commented on the stockpile areas; they are now proposing a maximum height of 25 feet, which will be about the same height as Route 206 rather than higher. He noted that on Netcong Avenue they have a fence in gravel on that lot, and he recommended to pull it out of the right-of-way line, as that lot should be lawn instead of gravel. Part of the existing concrete wall on Netcong Avenue is in the proposed right-of-way line, and Mr. Stoner noted they need to perfect the right-of-way, recommending to move it down a few feet and adjust the wall location.

Mr. Stoner noted that any Board approval should be conditional upon him doing a final review of the full stormwater management system and maintenance plan. He also commented regarding the landscaping; they added additional trees around 206 and the residential area. The lighting plan shows basic lighting on each building; Mr. Stoner has no objection to this. He did ask that a light shining out on Netcong Avenue be adjusted and there was no issue with that. Mr. Stoner asked that the utilities be shown fully on the plans. He also noted one larger issue that needed to be addressed was the weigh scale, which is in the area that needs to be vacated, so it's important that Netcong Avenue be perfected because that ties into their license for the junkyard. Because the plan includes the reconstruction of Netcong Avenue, Mr. Stoner also recommended there be a developers' agreement, and that will be a condition of approval. If they don't change the turns on Netcong Avenue, Mr. Stoner doesn't believe they will be required to obtain a DOT approval, but if they do change that access point, they will need approval.

Mr. Morris commented on the curvature Mr. Stoner mentioned, saying that they were part of the reconstruction of 206 a few years ago and they are in good shape, so there's no need to replace them. Mr. Stoner confirmed that for the north property by 206, there was a note to propose a curb and sidewalk to meet what's existing, which is to close up the old driveway. He noted that the concrete will need to be done in the same grade pattern as what is out there today.

Ms. Hubbard asked that for the note that reads "install new curb," if the curb still needs to be installed. Mr. Stoner confirmed that they need to install the curb near Netcong Avenue, but the curb at the intersection will be reconstructed unless they do some modifications to the plan. They will need DOT access permit for the depressed curb.

Ms. Shimamoto thanked the applicant for resubmitting the site plan, as it is complete and addresses everything that was asked. She asked about handicapped parking, and Mr. Morris confirmed it will not affect their parking plan, as they can expand the concrete to add the 5ft isle.

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

Mr. Stoner commented that they have some items on Millstream Lane in the right-of-way, and that should be part of the encroachments that should be worked out as part of the vacation or they should

modify this. The containers they have on site are the maximum amount, which Mr. Stoner confirmed with Mr. Nemeth. Mr. Stoner also addressed the property on the south side; on the west side of that parcel is a grass area used for storage of equipment. Mr. Nemeth confirmed they would like to increase the size of that area to use for parking, mainly for roll-offs and trucks. Chairman Shivas confirmed that would be gravel.

Mr. Morytko motioned to approve the application with the noted updates and changes from this meeting. Ms. Shimamoto seconded this motion. The following vote was taken:

	Mr. Chozick	Ms. Franco	Ms. Raffay	Mr. McElroy	Mr. Morytko	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 they had no meeting but received and reviewed updates for Mountainside’s signage, nothing being substantial.

Building Committee – Mr. Morytko said there was no meeting. Mayor Rubenstein added that they engaged the architect to develop a site plan and they are working on that.

Environmental Commission – Ms. Shimamoto said there was no meeting.

Open Space – Mr. Morytko said there was no meeting, and there is one next month.

Township Council – Mayor Rubenstein said the council may be asking the Planning Board to check for a consistency review on an ordinance within the next month or so regarding marijuana.

Zoning Report- Everyone received a copy of the report.

BILLS

Harold Pellow & Associates, Inc. (6 bills) \$2,481.19.

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

Law Office of Larry Wiener, Esq. (10 bills) \$5,820.00

A motion to approve the bills was made by Mr. Morytko. The motion was seconded by Mr. Serrilli. All were in favor. Motion carried.

Chairman Shivas opened to the public.

Jack Moran asked if the audio for the meetings will be posed online. Mayor Rubenstein asked the Board if they’d like the audio posted. Chairman Shivas recommended to post them online and called for a motion. Mr. Smith motioned to put the audio up online, seconded by Mayor Rubenstein. The following vote was taken:

	Mr. Chozick	Ms. Franco	Ms. Raffay	Mr. McElroy	Mr. Morytko	Mayor Rubenstein	Mr. Serrilli	Ms. Shimamoto	Mr. Smith	Mr. Walsh	Chairman Shivas
MOTION									√		
SECONDED						√					
AYE	√	√	√	√	√	√	√	√	√	√	√
NAY											
ABSTAIN											
ABSENT											

Motion carried.

Jack Moran also asked about the hazard mitigation plan’s status. Mr. Stoner noted that Mr. Sabatini’s office handles that and he receives comments from the various departments regarding updates and changes. It hasn’t come to the Planning Board yet.

Chairman Shivas closed to the public.

ADJOURNMENT

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

Respectfully submitted,
Caitlin Phillips