

**MEETING MINTUES
BYRAM TOWNSHIP PLANNING BOARD
MEETING, MARCH 25, 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
ABSENT		A	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 special meeting for March 25, 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

OLD BUSINESS

SP3-2019, 263 Route 206 Real Estate LLC, 251 Route 206, N-C Zone

Preliminary Major Site Plan with Variances to demolish an existing structure and construct a 7,500 sq. ft. retail/office building and a restaurant with a drive thru.

Mr. Walsh recused himself from this application.

John Ursin and Jason Dunn appeared to speak about this application. Mr. Ursin thanked the Board for taking the time to hold a special meeting. He recapped the previous discussion between himself and Board, in which he answered questions from the Board and received enough feedback to submit the amended plans being presented at this meeting. He also reminded the Board why they're asking for special relief and accommodations: this is unusual in that the building is dilapidated and they're looking to re-do the site, and until they get some kind of approval it's difficult to get businesses interested in leasing the properties. They originally asked for a preliminary site plan approval, and have since spoken to Ms. Hubbard, and are now looking for a bifurcated approval so the use variance for a neighborhood shopping center can be approved. Mr. Ursin noted that right now a neighborhood shopping center is defined as a single building, but he feels that their proposed changes could be defined as a neighborhood shopping center as well. Rather than rebuild on the same footprint, they want to split the footprint in two for a restaurant, café, or coffeeshop with a drive thru and a strip center that would have around 3 tenants, likely retail. If they get the use variance approved, it would be fixed and show that they are proposing the 3 buildings on site and the parameters of the concept plan, and allow them to get the plan in the stream of commerce. Once they gather interest, they believe the tenants will have specific architectural requirements. They hope to come back before the board with a preliminary site plan that would unify the buildings with the architectural designs and expectations from the Board regarding stormwater, landscaping, lighting, loading zone, garbage, etc.

Ms. Hubbard reminded Messrs. Ursin and Dunn that they are still under oath. Mr. Ursin showed the Board the revised site plan. He noted that the comments from the Board pointed to issues with the north end of the lot, being too congested for cars. The first change to address this is that the 2,200 sq. foot building labeled as a restaurant has been pushed back further from Route 206. Doing so allowed for the second change, which is instead of the drive thru approaching from the north, it can now go around the proposed commercial strip building. This allows for less driver confusion, lessens the chance of drivers getting stuck in the drive thru lane, less cars will stack up on Route 206, and creates a higher rate of stacking capacity behind the commercial building. The third change has been that by pushing the building back, there is more symmetry along Route 206 so there's parking in front of both buildings. He noted that another comment of the Board was to include a sidewalk so that people can walk from one business to the other.

By splitting the buildings in two, this gives more visual interest, providing a view to Cranberry Lake. Mr. Ursin noted they have added landscape islands that will be a central focus between both properties. Right now, the site is asphalt, so the landscaping areas on either side of the commercial building will increase the aesthetic appeal. By moving the restaurant back, it created an area on the north for a small patio overlooking Cranberry Lake. They have spoken to the Cranberry Lake

Association and believe that when they come back for a preliminary site plan, they will incorporate specific things requested by the Cranberry Lake Group, including pedestrian crossing and addressing a historic stone nearby.

Mr. Dunn noted that he believes this amended plan is an improvement. They received a letter from Mr. Stoner that asked how loading would be handled. Mr. Dunn noted that the concern was that the loading would occur in the back of the commercial building. They don't anticipate frequent loading behind the building; most of it would occur at the front and side during off hours. Behind the building is intended to be paved without landscaping, so if there needed to be a small vehicle there, there could still be people using the drive thru.

Chairman Shivas asked about the dotted line that goes around and through the main building. Mr. Dunn said that's the flood hazard area line. Chairman Shivas confirmed that more than half the building is in that zone. Mr. Ursin added that as a result, the proposed commercial building will be a single story at grade level, and the space underneath will not be useable. Mr. Dunn added that on the architectural elevations it shows louvers/opening so that if there are floodwaters, they would go through the building without damaging it. Mr. Stoner said it's likely they'll need a flood hazard permit, and any approval is subject to them getting the necessary DEP approvals or waivers.

Chairman Shivas asked if they're looking for a use approval, and if this is a conceptual drawing, because there could be a lot of changes depending on the tenants. Mr. Ursin responded that given they need the use variance, this site would work well with the proposed 3 buildings and square footage, which is less than the current square footage. They are seeking approval for the use variance, and this would all be conditioned on coming back with a preliminary site plan, demonstrating the buildings could be built in the proposed way or something similar. Until they can say they have use variance approval, they're not sure what the exact dimensions will be. Chairman Shivas also asked if they have seen the agreement between the previous owners and Cranberry Lake. Mr. Ursin said they had seen it, and there was a section of the Adam Todd lot they agreed to keep open for Cranberry Lake, and in meetings Mr. Ursin had with Cranberry Lake, he is thinking to have the limits of his property pulled back and work with Cranberry Lake on what they want to see. On the right side where the lane comes in, there is an arch, and Mr. Ursin stated that in his discussion with Cranberry Lake they feel that this arch has some historical significance, so they'll likely accommodate an arch with a walkway that goes towards the bridge and perhaps to the proposed sidewalks.

Ms. Hubbard asked about parking between the lake and the lot, and Mr. Ursin noted the agreement mainly talked about the arch and keeping access open to the north section. The most northern entrance from Route 206 onto the lot has had a fence for a long time that didn't provide access to the lake. Where the split rail fence is, they'll likely work with Cranberry Lake so they can add a number of parking spaces close to the clubhouse. Ms. Hubbard also asked what is at the rear of the building, where there is a dot behind the proposed restaurant. Mr. Ursin explained that Adam Todd was using the property across the split rail fence, so they're looking to reverse it so Cranberry Lake gets access back.

Mr. Gleitz added that there is a conditional use variance required for the self-storage; there was testimony at the last hearing on the conditions not met for self-storage on the existing building, so those would be the two D variances that would be voted on. Additionally, he asked Ms. Hubbard that she would add a basic definition of what's included and the concept plan would be attached as an exhibit, not as a site plan for approval. Ms. Hubbard agreed that the approval has to indicate this is the general layout of the site and the proposed buildings, and the applicant will come back with a preliminary site plan. If there are significant changes that impact the use, they'll revisit the use variance. Mr. Gleitz added that if the Board acts favorably and the applicant comes back with a site plan, given the testimony about Cranberry Lake, it would be good to see the rear of the buildings treated as a second front. This way patrons can walk out on a porch and access the rear of the building, so it's not just a service or loading area, but an area to appreciate the lake. Mr. Ursin responded that the most southern part of the 7,500 sq. foot building is a likely loading place, and the views there are really nice, so they'll take that into consideration.

Ms. Raffay asked, regarding the Land Development application variances, if the front and rear yard variances will be part of the approval of this meeting or is it part of the preliminary site plan. Ms. Hubbard responded that any bulk variance is attached to the preliminary site plan, since it might change. The Board is not considering aspects other than the layout and what they are proposing as far as the buildings.

Ms. Shimamoto asked if the use variance includes the drive thru portion. Ms. Hubbard responded that as part of the proposal and concept the 2,200 sq. foot building will have a drive thru, and they could come back at the preliminary site plan approval and say they don't need one, but that's part of what's proposed.

Chairman Shivas opened to the public.

Larry Niech was sworn in, stating he is a Byram resident and on the board of Cranberry Lake, and everything Mr. Ursin stated regarding the club is correct.

No one else from the public joined, and Chairman Shivas closed to the public.

Mr. Smith motioned to approve the use variance based on the concept plan presented, and what conditions Ms. Hubbard would attach to this proposal are what Mr. Smith gives to this approval. Mr. Morytko seconded the 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.

Mr. Ursin thanked the Board and its professionals for taking the time for this meeting.

VARIANCE REPORT

Chairman Shivas called for a motion to submit this report to the council. Ms. Raffay motioned to approve, seconded by Mr. Chozick. All were in favor.

Ms. Hubbard asked the procedure for this report. Chairman Shivas noted that this is a report that the council will review with the suggestions given, and take them into account.

OPEN TO THE PUBLIC

Chairman Shivas opened to the public.

Jeanne Moran asked if the audio recordings for Planning Board meetings of last year could be added to the webpage to be expanded from this year’s recordings.

Mayor Rubenstein noted that we only have available the recordings from when the Board started hosting Zoom meetings. Chairman Shivas noted last year’s recordings will be posted.

Chairman Shivas closed to the public.

ADJOURNMENT

A motion to adjourn the meeting was made at 8:25 by Mr. Morytko. The motion was seconded by Ms. Raffay. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted,
Caitlin Phillips