

**NOVEMBER 05, 2020
MEETING MINUTES
BYRAM TOWNSHIP
PLANNING BOARD MEETING**

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											
LATE											
EXCUSED	E										

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

STATEMENT BY THE SECRETARY - 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 twenty-five people and requires social distancing. To continue Planning Board business, the regularly scheduled meeting for November 05, 2020 is being held by remote video or audio connection only. This service allows the Board, it's professionals, applicants, and members of the public to participate. 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. Notice of this meeting has also been electronically sent to the newspapers and uploaded to Byram's website, 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

Meeting minutes for October 29, 2020 will be available for approval at the November 19, 2020 Meeting.

NEW BUSINESS

SP6-2020, Cranberry Lake Fire Department, 225 Route 206, Block 212 Lot 7, N-C Zone

To add an LED freestanding sign

Mr. John Hebble, President Cranberry Lake Volunteer Fire Department was sworn in said that Christmas decorations installed by Byram's DPW fell during a winter storm and damaged the existing sign, this proposal is for a new sign however it requires a variance of 7.2' for a front yard setback. He said other than the setback the sign meets all code requirements and added that the message will not flash or scroll and is timed to change every minute. The LED sign, which is permitted in the N-C Zone is double sided and internally lit. He said that the message display will be related to fire house functions only, i.e. fundraisers, Christmas Tree lighting ceremony, emergency announcements, etc. Mr. Hebble said the sign is installed on a platform, supported by block and will be filled in with white stone and he presented Exhibit B1, a street view photo of the sign location, and B2, a photo of the sign. It was noted by the Board Engineer, once the sign is lit, will inspect the sign for brightness to ensure it follows the sign ordinance.

Chairman Shivas opened to the public.

Mr. Eskil Danielson, 18 Hunters Lane said this is a positive improvement to the department and he supports all efforts of the Byram Fire Department.

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

A motion to approve this application was made by Mr. Morytko. The motion was seconded by Mayor Rubenstein.

Mr. Walsh asked what hours the sign will be lit. After discussion it was decided the sign will be lit from 6:00 am. to 8:00 pm., however if an emergency announcement is made, it can remain lit for 24 hours.

Mr. Morytko amended his vote to include the hours the sign can be lit. Mayor Rubenstein agreed with the amendment.

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.

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

To add two new waterslides, to construct a 36' X 40' retail building, and to relocate and install a 10' X 20' ticket booth.

In 2019 when Tomahawk Lake filed an application for improvements to their site Seneca Lake Club hired an attorney because they objected to the classification of this application, believing the use was not a permitted use in the C-R zone. After much testimony from the objector's Attorney, the Board's attorney's, the professionals, and the public, the Board decided that this use was not listed as a permitted use in the zone, and over the course of time has evolved into more than family swimming and picnic grounds. On September 5, 2019 a vote was taken by the Board and most of the Board believed that this application should be considered a D1 use variance. However in December 2019 Tomahawk withdrew their application before that decision could be memorialized, and a new application was filed in January 13, 2020.

Ms. Hubbard, Esq. representing the Board wanted to explain that the Board's decision of September 5, 2019 was never memorialized and that the Board needed to reconsider the new application. The attorney representing Tomahawk Lake, Mr. William Askin, Esq., sent a letter dated March 11, 2020 objecting to that decision and affirming that this application should proceed without the need for a use variance.

Mr. Askin, Esq., begin by providing his reasoning why he believes it should not be considered a use variance saying this use has been in existence for 70 years, the use has not changed, it has been previously approved as a permitted use by this Board 8 times, and the issues presented by the public are site issues, and not related to the activities that happen on the site. He said issues identified by the public are enforcement issues and can be handled by controls outlined in the resolution if this application is approved.

Ms. Hubbard provided guidance to the Board saying this application should not be considered a D1, that would be inappropriate since this use has been in existence for so long, and if the Board believed the use has become more than what originally approved for, the Board could consider a D2 variance, however she believes the issues are site issues, not related to the use. After a lengthy Board discussion a vote was taken as to whether this application should be considered as a use variance.

A motion that this application be heard as a site plan with a bulk variance was made by Mr. Walsh. The Motion was seconded by Mr. Kaufhold. 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.

Tomahawk Lake continued.

Mr. Kolody, from Kolody Engineering was sworn in and he provided his education and experience to the Board and the Board recognizes him as an expert in his field. At this time It was found that page 2 of the submitted plan was not available for public view so the meeting had to be carried. A special meeting was set for Thursday, December 10, 2020.

A motion to carry this meeting without further notice to December 10, 2020 was made by Mr. Olson. The motion was seconded by Mr. Kaufhold. 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.

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

REPORTS FROM COMMITTEES

Committee reports were not discussed at this meeting.

Architectural Review Committee – No meeting was held.

Board of Health – No Meeting was held.

Building Committee – No meeting was held.

Environmental Commission - Nothing to report.

Open Space – No meeting was held.

Township Council – Nothing notable to report.

BILLS

Law Office of Larry Wiener, (7 bills) \$2,070.00

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

CP Engineers, (1 bill) \$217.50

A motion to approve CP Engineer’s bill was made by Mr. Olson. The motion was seconded by Mr. Morytko. All were in favor. Motion carried.

OPEN TO THE PUBLIC

Chairman Shivas opened to the public.

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

ADJOURNMENT

At 9:30 pm. a motion to adjourn the meeting was made by Mr. Walsh. The motion was seconded by Mr. Kaufhold. All were in favor. Meeting was adjourned. Respectfully submitted,

Cheryl White