

**MEETING MINTUES
BYRAM TOWNSHIP PLANNING BOARD
MEETING, November 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
ABSENT											
EXCUSED											
LATE							L				

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

MEETING MINUTES

Approval of October 21, 2021 Meeting Minutes

Mr. Chozick motioned to approve these minutes, seconded by Mr. Walsh. The following vote was taken:

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

Motion carried.

Approval of the November 4, 2021 Meeting Minutes

Mr. McElroy motioned to approve these minutes, seconded by Mr. Morytko. The following vote was taken:

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

Motion carried.

RESOLUTIONS

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

Amended site plan to add two new water slides, to permit parking on Lots 1 & 2, to install a 10' X 20' ticket booth, and to construct a 36' X 40' building for retail sales.

Mr. Walsh motioned to approve this resolution, seconded by Mr. Chozick. The following vote was taken:

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

Motion carried.

Z11-2021-George Bukos, 5 Brookwood Drive, Block 54, Lots 20, R-5 Zone

To keep an existing shed that doesn't meet right and rear yard setbacks.

Mr. Walsh motioned to approve this resolution, seconded by Mr. Morytko. The following vote was taken:

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

Motion carried.

Mr. Serrilli joined the meeting at this time.

Z06-2021 Dennis Fornarucci, 3 Opa Pass, Block 142 Lot 102, R-5 Zone

Construction of an accessory structure for a workshop.

Mr. Morytko motioned to approve this resolution, seconded by Ms. Franco. The following vote was taken:

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

Motion carried.

SP5-2021 Center for Humanistic Change, 12 Route 206, Block 42 Lot 110, VB Zone

Interior renovations and addition of exterior elevator.

Mr. Walsh motioned to approve this resolution, seconded by Mr. Chozick. The following vote was taken:

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

Motion carried.

COMPLETENESS REVIEW

SP8-2021 Goksun Goksu, 12 Ghost Pony Road, Block 361 Lot 2.03, R-3

Expansion of a 4-family dwelling to a 6-family dwelling with site and building improvements

Mr. Walsh said they met prior to this meeting, and noted there are many items missing, primarily the Highlands Exemption approval and a current survey that shows the setbacks to the road and right-of-way. They also need topographic information, a potential EIS, and other items listed in Mr. Stoner's memo.

Mr. Walsh motioned to deem this application incomplete at this time, seconded by Mr. McElroy. The following vote was taken:

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

Motion carried.

NEW BUSINESS

SP2-2021 Matthew Akerman, 34 Route 206, Block 40 Lot 15, VB Zone

Variances for outdoor storage, conducting wood sales, and using land for a non-permitted use.

This application needed to be carried to 12/02/21 to have more time to submit the requested Environmental report.

Mr. Morytko motioned to carry this application without further notice, seconded by Mr. McElroy. The following vote was taken:

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

Motion carried.

Z14-2021 Patricia and Fausto Brito, 37 Lockwood Avenue, Block 26 Lot 352.01, R-4 Zone

Approval for an existing deck not meeting the left and right side setbacks.

Patricia and Fausto Brito of 37 Lockwood Avenue were sworn in. Ms. Brito said they bought the house about 2 months ago and when inspections were done, they were told the deck’s footing was off, and found out the deck never got a permit. Ms. Hubbard asked if the contractor will put in footings without removing any of the deck. Ms. Brito said she was told they can do the footings without hurting the deck integrity. Ms. Raffay asked what variances would be needed. Mr. Stoner said the side yard setback needs a variance, and the house is a pre-existing nonconforming structure. They can memorialize the house in the resolution. Mr. McElroy asked how long ago the deck was built; Ms. Brito said about 2.5 years ago. Mr. Brito said it’s sitting on blocks at the moment. Ms. Hubbard said the lot is narrow, which is the hardship for the application.

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

Mayor Rubenstein motioned to approve this application, seconded by Mr. Walsh. The following vote was taken:

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

Motion carried.

SP4-2021 DeRosa Enterprises, 262 Route 206, Block 216 Lot 2, NC Zone

Merging of 2 lots into a single lot, and use variance for expansion of existing marina for service and sales.

Mayor Rubenstein and Ms. Franco stepped down for this application, as this is a D3 variance. Mr. Cohn represented the applicant; Paul DeRosa of 262 Route 206 was sworn in. He is the owner of DeRosa Enterprises, and operates Cranberry Lake Marina on the property. They are a full-service marina that does repairs, storage, sales of new and used boats and trailers, and repair of snowmobiles and corresponding trailers, as well as storage of those. They’ve been there since around December of 2017. They received approval from the Board for a site plan to operate this business. They primarily store boats, with snowmobiles in a snowmobile trailer. The boats are mostly on their own trailers, some are on blocks for the winter; in the summer they store trailers for the boats. They have previous approval for this storage.

The primary structure on the property is a 40 x 80 dual purpose building for retail/shop space, as well as a wooden structure in the front with the appearance of a house, but was granted approval as office space, and isn’t used. They’re looking to remove this structure; it’s become unsightly and they don’t need more office space, and is too costly to fix. They’re proposing an addition to the primary structure that’s 50 x 70 feet, used for shop space. They’d do repairs within the existing and new buildings; the door heights and the depth of the shop space now isn’t good for the larger boats, so they need better access. They’ve also become busier and need room to move things in and out of the bays. They’re looking to increase their outdoor storage onto lot 2.01, acquired two years ago. The proposed building

carries onto lot 2.01 by about 18 feet; Mr. DeRosa defers to his attorney regarding merging the lots. Mr. Cohn suggests merging because there's a building on both lots. Spring, summer, and fall, the business is open Monday through Friday 8-5 pm, and on Saturday 8-12. They extend their Saturday hours if needed or if there is a client's request. In the winter they're open 8-4 pm Monday to Friday, and 8-12 pm on Saturday. They're not looking to change these hours. In terms of employees, Mr. DeRosa works full time, and there's one part-time employee, as well as Mr. DeRosa's parents who help in the store. He hopes to have more employees later on. Mr. DeRosa explained the boat treatment process. The engines are within the hull of the boat, so the oil is pumped out into a sealed container, but putting the oil in is similar to oil changes in a car, using a funnel. There's more containment for boat service than there is for car oil changes. There is a used-oil storage tank within the building, serviced by a used oil handler, who takes it to the refineries for recycling.

Mr. Cohn submitted **Exhibit A1**, sheet 2 of the site plan revised 11/18/21, with added dimensions. Mr. DeRosa is looking to display boats along the front of the property of Route 206. Mr. DeRosa noted that people still ask about the previous business, so he wants to use the fact that he's near a highway as a point of advertising, so the boats along the front could be displayed for sale. The displays would include new and used boats and some trailers. On the plan, they put individual blocks to delineate the set-up, to indicate that it's not storage but sales. Ms. Hubbard asked what the proposed number of boats for this display would be; Mr. DeRosa said 14 are proposed, from the southern to the northern end. Mr. Stoner confirmed they'll never go over 14 boats or trailers in the spaces indicated. Mr. Gleitz asked that in the approval he wants the ability to display both types of trailers. He doesn't anticipate snowmobiles being displayed, so in the display area it'd be boats, boat trailers, snowmobile trailers. Mr. Stoner noted this will be easy to enforce, since they'd just confirm it doesn't exceed 14. Mr. Stoner confirmed that the boats on the trailers count as one together. Mr. Cohn asked if there is an existing easement to lot 2.02 to use the drive area. Mr. DeRosa said there's no easement; Mr. DeRosa received information from various people that when lot 2.02 was developed, they cut the curb in to access 2.01. Mr. DeRosa doesn't have an opinion either way to keep or remove it; they left it on the plans in case the Board wanted it as an emergency access point, or if the Board wants it removed and landscaping to replace it.

Mr. Cohn went over parking. They're proposing 10 new spaces on the north side and adding one more parallel spot with the removal of the wooden structure. Mr. DeRosa feels this exceeds the number of parking required. They're maintaining existing signage, which was a transition from the previous business. He had two permits that are open for 2 additional signs for the ends of the existing buildings that they were unable to put back up. Mr. Chozick asked if there will be any banners on the boats for sale; Mr. DeRosa said he hadn't thought about it. Mr. Gleitz noted that he would need to come in for permits for these if he wanted to do this; when past applicants came in, sign packages were proposed. Ms. Raffay asked what happens to the display boats during the winter. Mr. DeRosa said any unsold boats would be residual display, and would be clear shrink-wrapped so it can be seen. The boat sizes are 20-28 foot boats, as well as boats around 30 feet. He plans for the boats to not exceed 28 feet in length. Mr. Smith asked the height of boats; Mr. DeRosa said it shouldn't be more than 12 feet. Chairman Shivas confirmed that snowmobile oil changes are done the same way as a boat.

Mr. Gleitz discussed the variances being requested, and the details for storage. He confirmed the storage will be contiguous; Mr. DeRosa said it can be viewed as one area around the sides and back of the building. Mr. Stoner asked how many boats would be there; Mr. DeRosa said it's hard to calculate because it changes across the years, but on the existing lot it's 105. Ms. Shimamoto asked about circulation and spacing of the boats from a safety standpoint. Mr. Cohn said there's a delineation line for the storage. Mr. Stoner asked if there will be isle-ways for navigation. Mr. DeRosa said there's a dashed green line that shows the storage; he wants to store all the way to the property line. He tries to group like boats together and keep 1-2 feet between each boat, keeping the same distance front to back, to get around the boats and help during snow. He tries to have the storage in straight lines, building off of one boat in different directions. On lot 2.01 there could be something like 15 rows. Ms. Shimamoto confirmed there's no drive isles proposed. Her concern is the size of the lot because that would be a lot of boats to be filled in. The winter season is October through June first for storage. Mr. Cohn noted the Fire Department reviewed this application. Mr. DeRosa tries to stack the boats based on the order they'll be taken out of storage. Mr. Walsh asked what percentage of the storage is stacked well in the provided grid. Mr. DeRosa isn't sure, guessing around 70%. He tries to work with 12-foot-wide storage areas, and a lot of boats are smaller than that. Mr. McElroy asked if they want to continue the same storage method on the other lot. Mr. DeRosa is hoping for a more straight, rectangular area. Mr. Gleitz asked if there's an amount of buffering they'd be comfortable with. Mr. DeRosa noted lot 2.02 is a doctor office's parking, and there's parking areas nearby. Mr. Gleitz said these areas could come in with their own application amending their parking areas, so that doesn't help with a buffer for DeRosa's property. Mr. DeRosa said he's alright providing a buffer, but wants it less than 25 feet. There would be vegetation for the buffering, and screening. Along the driveway and proposed parking area, they plan to have arborvitae. The only area visible to the public would be the display area. Chairman Shivas said the Environmental Commission recommends a different plant since this one attracts deer. Mr. DeRosa said the green giant variety is deer resistant. Mr. Gleitz asked regarding the dumpster area, since the building screening it will be removed, could he put it near the loading area.

Mr. DeRosa said he's concerned about that because it's the access point for the loading zone. Mr. Walsh asked how tall the trees get; Mr. DeRosa said they can keep growing as much as they're allowed. In front of the wood structure there are evergreens and bushes, and once the structure is removed, there will be a 6-foot gap where they'll plant the arborvitae and privacy fence.

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

Joseph Golden, a licensed planner and professional engineer in New Jersey, was sworn in. Mr. Golden discussed the questions about safety. Typical parking areas have cars stacked, and a firehose has a long reach. He also noted firetrucks can use the businesses around the area (lots 2.03 and 3) to help with a fire because they can use any emergency methods. Ms. Shimamoto said other properties could change their layout at any time so they can't rely on others to help. Mr. Golden said in urban areas things are more packed and there are few issues; he's comfortable with the safety of this. Mr. DeRosa noted the tanks for the boats are full, to create less air space. Their batteries are removed in storage so there's no electricity. Mr. Golden noted that to store the boats a trailer needs to get in to leave the boat, so they can maneuver. He discussed the plantings; the green giant is considered least vulnerable to deer. Mr. Stoner asked where the equipment is stored on site. Mr. DeRosa said he tried to put them in the most secluded spaces, and stored in storage areas, not in parking spaces. Mr. Golden discussed the screening; there are plantings to screen the boats and block the storage areas. He and Mr. Gleitz discussed screenings and buffers. Mr. Gleitz noted the current vegetation is too thin. He noted the importance of the setbacks is to keep the storage contained on the site. Mr. Chozick thinks the importance is more the visual buffer. Mr. Golden thinks the 10-foot buffer is helpful because the separation allows the trees to grow, and they'd still have the linear screening. Mr. Cohn noted Mr. DeRosa doesn't object to a 20 ft setback, and they can discuss plantings that will go within this. Chairman Shivas said the enhanced buffer allows for an aisleway to drive. Mr. Cohn plans to have the vegetation go along the property line. Ms. Raffay is concerned that as the plants grow they'll take up the 20 ft buffer. Mr. Walsh noted the items can't be seen from the highway because of the existing trees, and on the sides there's a fence, existing buffer on the neighboring property, and then what's proposed is even more buffering. Mr. Morytko said it's unfair to tell other lots that the buffering relies on them; they could change over time too, and the applicant has to take responsibility for their screening. Mr. McElroy thinks what's provided is satisfactory. Chairman Shivas noted that the apartments nearby are in a business zone, so they have to expect business to be conducted. Ms. Raffay noted that they have the opportunity to improve the aesthetics. Mr. Walsh noted this business isn't an eye-sore, the boats are not unpleasant to look at. Ms. Hubbard note that there are other aspects to buffering like noise; this business closes around 5 so there doesn't seem to be a noise detriment. Mr. DeRosa noted that the boats are for display, so there's not much noise from the products. Ms. Raffay asked if the use carries with the property. Ms. Hubbard said this is a conditional use—if the use of the boat and snowmobile sales changes, the new applicant would need Board approval.

Mr. Cohn confirmed there's a wetlands boundary on the property. There's an application to the DEP for a waiver for the buffers, as well as permits for the work; any approval of the Board would be subject to approval of these waivers. They're not planning on building in the wetlands area. Mr. Golden discussed the drainage of the property. From a Highlands perspective, they have 3,900 less square feet of impervious after the proposed work; the building is already in an impervious area, and there are plantings. Mr. Golden noted they're improving the area by doing the proposed work. They're only removing trees in the building area; no trees will be removed in the storage area. Mr. Golden discussed the parking, as well as the curb cut. They're proposing to leave the curb as an access point for emergency vehicles. There was further discussion about parking. They're required to have additional parking, and wanted to comply with the Highlands and green planning. They've designed the parking to remove the bad millings, and are paving the new parking area. Employees would park in the further spot. The outdoor storage area is grass.

Mr. Golden reviewed Mr. Stoner's report. He doesn't anticipate a negative impact from this plan, and the zone is accustomed to this use in the area. They're providing 20 parking spaces, 12 being the minimum. Mr. Chozick asked if they would rather have larger spaces with less parking, because of the size of the boats. Mr. DeRosa is fine changing it to 10' wide with 9 spaces. Mr. Stoner confirmed oils and coolants will be stored within the building. The parking is striped for pedestrians. They don't have security lighting proposed; Chairman Shivas confirmed the doors have lights around them. Ms. Shimamoto noted there's no delineated fencing, but instead an open storage area with landscaping as the deterrent. She expressed the concern about having limits and spacing defined. Mr. Gleitz said people typically use fence posts or survey stakes to indicate the setback lines for a visual marker for the Zoning Officer. Ms. Shimamoto asked if there's a staging area for boat drop-offs. Mr. DeRosa said people drop off the boats in a parking area and customers never go in the driving area. The staff parks the boats; the area is not self-serve.

Chairman Shivas opened to the public. John Garrity noted that he's a firefighter in Byram Township and he doesn't think the application would have issues if there was a fire. Chairman Shivas closed to the public.

Mr. Gleitz asked about aesthetics of the proposed application. Mr. DeRosa said their intent is continuity, to match the primary blue color and grey trim with metal sheathing. The addition should be the same height and pitch. There will be an interior door to connect the addition. The building will have concrete flooring. The intent is to have the addition look like the existing building.

Mr. Brian Cramer, who has practiced environmental consulting for around 20 years, was sworn in. He prepared the wetlands delineation for this plan, and he was deemed an expert. They applied for a letter of interpretation and a special activities transitional waiver for redevelopment, which is for the redevelopment of a previously disturbed transition area. The application was submitted July 22nd and was deemed complete on the 27th of July and is pending DEP approval. They also received the Highlands Exemption letter. There are no other environmental issues the Board should be aware of. There will be less impervious and more vegetative areas from the proposed work; the vegetation will come up to the back of the building.

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

Mr. Gleitz referenced his memo to identify the variances and conditions needed for approval of this application. He recommended various plantings, including a mix of holly and spruce. Mr. DeRosa added **Exhibit A2** to the record to depict the display of the boats. There was further discussion about the display area.

Mr. Smith motioned to approve this application with the discussed conditions, seconded by Mr. Chozick. The following vote was taken:

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

Motion carried.

Ms. Franco and Mayor Rubenstein returned to the Board

RESOLUTION AMENDMENT

SP1-2021, 16RT 206 Stanhope NJ, LLC (Skylands Surgery Center), Block 41/42 Lot 95, 109.01 & 109.02, VB Zone

Amendment from the 2021 resolution to obtain permits while sewer documentation is pending.

Mr. Askin appeared on the behalf of this application. He requested an amendment to two pieces of the resolution regarding sewer allocations, to help with permitting and closing on loans. Ms. Hubbard noted the changes would postpone the sewer allocations to allow for permitting; any C.O cannot be issued until the sewer allocations are approved.

Mr. McElroy motioned to approve these amendments to the resolution, seconded by Mr. Chozick. The following vote was taken:

	Mr. Chozick	Ms. Franco	Mr. McElroy	Mr. Morytko	Ms. Raffay	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 there's no meeting.

Building Committee: Mr. Morytko said there's no meeting.

Environmental Commission: Ms. Shimamoto said there is nothing to report.

Open Space: Mr. Morytko said there's no meeting.

Township Council: Mayor Rubenstein said they're buying a plow truck.

Zoning Report: Everyone has a copy.

BILLS

Harold Pellow and Associates (16)- \$8,958.92

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

OPEN TO THE PUBLIC

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

ADJOURNMENT

A motion to adjourn the meeting was made at 10:15 pm by Mr. McElroy. The motion was seconded by Mr. Chozick. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted,
Caitlin Phillips