

MEETING MINUTES
THE BYRAM TOWNSHIP PLANNING BOARD
NOVEMBER 2, 2017

CALL TO ORDER

Chairman Shivas called the meeting to order at 8:00 p.m.

ROLL CALL

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
HERE	H	H	H	H	H	H	H	H	H	H
ABSENT										
EXCUSED										
LATE										

Also present: Attorney Kurt Senesky
Secretary Cheryl White

STATEMENT BY CLERK

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.

MINUTES

Approval of the October 19, 2017 Meeting Minutes

A motion was made by Mr. Kaufhold to approve the minutes as written. The motion was seconded by Mr. Riley. There was no discussion. The following vote was taken:

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
Motion					√					
Seconded	√									
Aye	√	√		√	√	√	√	√		√
Nay										
Abstain			√						√	
Absent										

Motion carried.

RESOLUTIONS

Z09-2017, Frank & Sally Greenhalgh, 7 Tartan Court, Block 337.01 Lot 89, R-3 Zone

Variations to permit already constructed accessory structures that do not meet setbacks to each other, and the principal dwelling. Side yard setback variance to construct a cellar entrance. Variance to exceed principal building coverage, and to permit a second driveway with less than 200 linear feet of road frontage.

The Board had discussion as to whether the easement was a NJP&L or JCP&L easement. Mr. Senesky said if necessary he will revise the resolution but he believes, based on the map provided, it is a NJP&L easement.

A motion to approve the resolution was made by Mr. Riley, the motion was seconded by Mr. Morytko. The following vote was taken:

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
Motion	√									
Seconded		√								
Aye	√	√		√			√	√		√
Nay										
Abstain										
Absent										

Motion carried.

APPEAL OF ZONING OFFICER VIOLATION

Byram Land Development, 9 Lackawanna Drive, Block 226 Lot 16, IPR Zone

This matter was adjourned to November 16, 2017. A motion to carry this matter was made by Mr. Walsh, the motion was seconded by Ms. Segal. The following vote was taken:

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
Motion							√			
Seconded						√				
Aye	√	√	√	√	√	√	√	√	√	√
Nay										
Abstain										
Absent										

Motion carried.

COMPLETENESS REVIEW

Z18-2017, Andover Wine & Liquors, 8 Route 206, Block 42 Lots 113 & 115, V-B Zone

Variance to erect a L.E.D. sign that is prohibited, and exceeds height and size allowed.

At 7:30p.m., prior to the regular Planning Board meeting a completeness review meeting was held by the Site Plan Subcommittee to review the material submitted for a new sign for the Liquor Factory. The committee met and deemed the application complete and a motion was made by Mr. Walsh to hear the application this evening, Nov. 2, as requested by the applicant. The motion was seconded by Ms. Shimamoto. The following vote was taken:

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
Motion							√			
Seconded									√	
Aye	√	√	√	√	√	√	√	√	√	√
Nay										
Abstain										
Absent										

Motion carried.

SITE PLAN WAIVER

WSOP8-2017, 276 Route 206, LLC, 276 Rt. 206, Block 225 Lot 15.01, NC-Zone

To expand office space in a pre-existing space currently used for storage space.

Ms. Segal said the subcommittee met with the applicant and they propose to expand their office space in an area that was previously used as storage space. Ms. Segal said the current square footage of the office space is 3,600 sq. ft. but with the expansion the office space square footage will become 4,830 sq. ft. She said this application meets the criteria to be considered for a waiver of a site plan. Ms. Segal added that the committee reviewed the parking requirements and the applicants proof showed that they exceed the parking requirement and will have two additional parking spaces. She said that no external changes are proposed.

A motion to approve the site plan waiver was made by Ms. Segal, the motion was seconded by Ms. Shimamoto. The following vote was taken:

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
Motion						√				
Seconded									√	
Aye	√	√	√	√	√	√		√	√	√
Nay										
Abstain										
Absent										

Motion carried.

NEW BUSINESS

Z18-2017, Andover Wine & Liquors, 8 Route 206, Block 42 Lots 113 & 115, V-B Zone

Variance to erect a LED sign that exceed is prohibited in the V-B Zone, and exceeds height and size allowed.

Mr. Daniel Benkendorf, Esq. from Heymann and Fletcher representing The Liquor Factory introduced Mr. Robert and William Tobin, owner and applicants. They were sworn in. Mr. Robert Tobin said they originally proposed an LED display sign but was told by the zoning department LED signs are prohibited so they submitted an application for an interchangeable “letter” sign. After meeting with the Architectural Review Committee, it appeared that the committee was more favorable to the LED sign, so the applicant amended their application. Mr. Tobin stated that the location and size of the sign remain the same as the original sign proposed; it is only the type of sign that will change. There was Board discussion about LED signs and asked the applicant if the sign will flashes, or scroll, how frequent will it change, and how bright the sign will be. Mr. Tobin said it will not flash or scroll and said they are willing to work with the Board as to the frequency the message changes. After Board discussion it was determined that every sixty seconds would be sufficient time for each message. The Board had concerns because LED signage is relatively new and there are no standards for the Board to refer to regarding timing, content, brightness, intensity, hours of operation and logos. Mr. Senesky said most engineers are familiar with them and if the Board approves this application the Board could impose a condition that the Planning Board engineer review the level of brightness and intensity of the sign, and if the applicant disagrees with the engineer’s findings, they return to the Board for further relief. The applicant agreed. There was a discussion about the content of the sign, Mr. Robert Tobin said it will be mostly text message for example if they are holding a wine tasting event, or if they have a special sale on certain products. Mr. Tobin added that the sign will be double sided and only used by The Liquor Factory. He said they want something that looks nice and is easy to read while traveling Route 206, nothing that flashes or distracts travelers. Mr. Senesky asked what hours will the sign be lit and Mr. Robert Tobin said it will be on during open hours of the store, the latest being 11p.m. The applicant also proposes an identification sign “Acorn Plaza” at the top that is not LED or changeable.

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

A motion was made by Mr. Walsh to approve this application with the conditions that the image stays steady for one minute, however ordinance rules prevail, and the condition that the brightness and intensity be checked by the Planning Board Engineer. The motion was seconded by Mr. Riley. The following vote was taken:

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
Motion							√			
Seconded	√									
Aye	√	√	√		√	√	√	√	√	√
Nay				√						
Abstain										
Absent										

Motion carried

Z19-2017, John & Robyn Gallagher, 78 Birch Parkway, Block 308 Lot 1840, R-5 Zone

Relief from a side yard setback and to exceed allowable size of accessory structure to reconstruct a boat house.

Mr. John Gallagher, owner and applicant was sworn in and said the current boathouse, built in 1940 is in disrepair and too small to accommodate the Gallagher’s boat so he wants to demolish and replace the dock, and boathouse which will a deck for sitting on top. He said if the support structure is in good shape, he will keep as much as possible. Mr. Gallagher said they are maintaining the current footprint of the dock, which will have a landing, and the boathouse will have a deck on top, but the new deck will have an overhang and extend further than the existing deck. Mr. Gallagher said overall the dock will be reduced; the boathouse enlarged, and the boathouse will extend further into the lake by four feet. He added that the boathouse will have electric but no water. Ms. Raffay asked about the materials/colors proposed for the boathouse and Mr. Gallagher said the dock will be grey, and the boathouse will be a mixture of vinyl and wood and will be Kodiak brown, with vinyl windows. Ms. Shimamoto shared the Environmental Commissions comment about the lake front buffer requirement and it was noted that Mr. Gallagher submitted a landscape plan and he is aware that it must be approved by the Planner.

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

A motion to approve this application with the condition that the lakefront buffer be approved by the planner was made by Mr. Riley. The motion was seconded by Mr. Chozick. The following vote was taken:

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
Motion	√									
Seconded			√							
Aye	√	√	√	√	√	√	√	√	√	√
Nay										
Abstain										
Absent										

Motion carried

EXTENSION OF APPROVAL

Z06-2016, Jose Goncalves, Carpenter Road, Block 238 Lot 208, R-3 Zone

Request to grant a one year extension of a prior approval to construct a single family dwelling.

There was no Board discussion. A motion was made Mr. Walsh to grant the extension. The motion was seconded by Mr. Kaufhold. The following vote was taken:

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
Motion							√			
Seconded					√					
Aye	√	√	√	√	√	√	√	√	√	√
Nay										
Abstain										
Absent										

Motion carried.

REPORTS FROM COMMITTEES

Township Council – Ms. Raffay said the committee head meeting on Oct. 30 was attended by a member of the Open Space Committee, Board of Health, Recreation Committee, Environmental Commission, and the Planning Board. She said they discussed overlapping roles, and how one committee’s actions may affect another committee. Ms. Raffay added that the Township hired a forester. She said that Ramos property was sold but the activity will remain the same. She said that the Recreation Director, Janet Meisner is retiring at the end of the year. She said that the fire department has requested a new washer and dryer, and lastly that the Council just bonded for a new fire truck but the specs came back and the truck was more expensive than originally planned.

Environmental Commission – Ms. Shimamoto said there is trails clean up on Sunday, November 5 from 12:30 – 3:30 pm. Volunteers are needed. They are meeting at the Tamarack Park.

Open Space – No meeting was held.

Architectural Review Committee – Mr. Morytko said he was absent at the meeting but said the committee held a special meeting to review the proposed Liquor Factory Sign. Mr. Morytko added that since LED signs are prohibited and it appears they will become more prevalent, the Board should look at the current ordinance and standards.

Board of Health – No meeting was held.

BILLS

Harold Pellow & Associates, Inc. (11 bills) \$4,699.90

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

OPEN TO THE PUBLIC

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

ADJOURNMENT

A motion to adjourn the meeting was made at 9:45 p.m. by Mr. Walsh, and the motion was seconded by Mr. Kaufhold. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: Cheryl White