

**MEETING MINUTES**  
**BYRAM TOWNSHIP PLANNING BOARD MEETING**  
**MAY 17, 2018**

**CALL TO ORDER**

Chairman Shivas called the meeting to order at 7:30 p.m.

**ROLL CALL**

	Mr. Chozick	Mr. Dixon	Mr. Gonzalez	Ms. Raffay	Ms. Kash	Mr. Kaufhold	Mr. Morytko	Mayor Rubenstein	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
HERE	H	H		H		H	H	H	H	H	H
ABSENT			A		A						
EXCUSED											
LATE											

Also, present: Attorney Kurt Senesky  
 Engineer Cory Stoner  
 Planner Paul Gleitz  
 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 May 3, 2018 Meeting Minutes

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

	Mr. Chozick	Mr. Dixon	Mr. Gonzalez Alt. 1	Ms. Raffay Alt. 2	Ms. Kash	Mr. Kaufhold	Mr. Morytko	Mayor Rubenstein	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
Motion						√					
Seconded							√				
Aye	√	√		√		√	√				√
Nay											
Abstain								√	√	√	
Absent			√		√						

Motion carried

**COMPLETENESS**

SP4-2018, Tomahawk Lake, Inc., Block 343 Lots 1, 2 & 3, Tomahawk Trail, C-R Zone

Amended site plan and variance approval to permit the construction of various additions to the existing water park and to include grass overflow parking areas.

Ms. Shimamoto said the subcommittee met and reviewed the material submitted and the engineers report and made a motion to deem the application complete with a June 21, 2018 public hearing date. The motion was seconded by Mr. Chozick. The following vote was taken:

	Mr. Chozick	Mr. Dixon	Mr. Gonzalez Alt. 1	Ms. Raffay Alt. 2	Ms. Kash	Mr. Kaufhold	Mr. Morytko	Mayor Rubenstein	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
Motion									√		
Seconded	√										
Aye	√	√		√		√	√	√	√	√	√
Nay											
Abstain											
Absent			√		√						

Motion carried.

**OLD BUSINESS**

SP2-2015, School Village Apartments, Block 226 Lot 21, 55 Lackawanna Drive, M-F Zone

A request for relief from a condition of prior approval in the Resolution dated July 2016.

Mr. Gerard Simeone, Owner, said that he is seeking relief from a 2016 condition of approval, specifically on Page three, Condition Number 8, which would allow him to obtain Temporary Certificate of Occupancies for the apartments that are complete. Originally the resolution stated he must complete all work before any Certificate of Occupancies can be issued. Mr. Simeone said he asked the Governing Body to amend the Developer's agreement, which is more restrictive than the Planning Board Resolution, and on May 15, 2018 the Council granted his request. Mr. Simeone said that allowing TCO's to be issued is necessary for him to receive financing to finish this project. Mr. Simeone told the Board that before full Certificate of Occupancies can be issued there are a few outstanding items, primarily amenities for the tenants such as; benches, a bike rack, a grill and the enclosure around the trash, none of which are life hazard items. He said the Council approved his request with the condition that the TCO's will expire after August 1, 2018, and Mr. Senesky said if the Board amends the resolution, it will mimic the Council's resolution. Mr. Simeone agreed. Mr. Stoner said this is not an unusual request. The Board had no further questions.

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. Morytko to amend the 2016 resolution of approval. The motion was seconded by Mr. Rubenstein. The following vote was taken.

	Mr. Chozick	Mr. Dixon	Mr. Gonzalez Alt. 1	Ms. Raffay Alt. 2	Ms. Kash	Mr. Kaufhold	Mr. Morytko	Mayor Rubenstein	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
Motion							√				
Seconded								√			
Aye	√	√		√		√	√	√	√		√
Nay											
Abstain										√	
Absent			√		√						

Motion carried.

**PLANNING WORKSHOP**

Zoning Map

Mr. Paul Gleitz said updating the zoning map is the final step to Highlands Plan Conformance. He said in the 2012 Master Plan Re-Examination report it recommends eliminating split zones in the Township and the report listed many split zoned lots and their recommended zoning. Paul said that other lots on the list are a result of mapping errors on the previous Zoning Map saying that ten years ago when going through the process of updating the Township’s map in GIS it created slivers and overhangs, assigning small portions of some lots the adjacent zoning. Lastly, he said that some split zoned lots are on this list because the lots have narrow areas of frontage with larger portions of the parcels behind, or the lots have multiple frontages.

Paul reviewed the spreadsheet saying that sheet one identifies properties that were a result of mapping errors or were incorrectly zoned. Sheet two are properties that were identified in the 2012 Master Plan Re-Examination Report. Sheet three are lake bed lots, Paul said originally lake bed lots were to be zoned R-1 but after further review it was decided to zone them alike the parent lot. Sheet four are the quarry lots, and sheet five are remaining split zoned properties that required review by the Board. Paul said on sheet one there are two errors, saying that Block 4.01 Lot 1 should be zoned R-5, not R-3, and Block 222.01 Lot 5 should be zoned R-2, not R-4. Paul said Insert Map A depicts the Planning and Preservation areas, and Insert Map B depicts the Village Center, Development and Re-development areas, and the Highlands Environmental Resource Sites. Paul said the Highlands Council reviewed and approved the draft Zoning Map.

Ms. Raffay noted that on the map Amity Road is labeled as Roseville Road. Paul said he will correct that error. Ms. Shimamoto asked if Paul could work with the colors since some were so close they are difficult to differentiate one zone from another. He said he would take consider that but added that color for the Highlands Insert Map B are set by the Highlands.

There was a question about four lots on page one that still need clarification and Paul will discuss them with the tax assessor. He said these lots did not appear on the Highlands GIS however they are on Byram’s Maps, on the County’s GIS and in Byram’s Tax System.

It was the consensus of the Board that properties on page one and page four receive a courtesy notice explaining to residents that this is for clarification purposes only. He said he would work with Byram’s staff on the content of the notice. Paul said the notice needs to be clear that the zone is not changing for these properties, and that the Township is not rezoning but applying the correct zone making easier for the property owner should they wish to develop their land in the future. He said the Council will have the first reading on June 4, then a consistency review by the Board on June 7 and then on June 19 the Council will have the second reading and the adoption the zoning map.

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

Signs

Mr. Kaufhold said the subcommittee met and discussed LED signs and researched how they are handled in other towns. He said items to be considered for LED signs are size, color, brightness, maintenance, background color, and the overall appearance. He said that signs permitted today allow for name, logo and address of the business. He said allowing LED signs would give merchants the ability to present marketing type information. He said they should only be permitted in non-residential districts and should be limited to Directory, Freestanding and Wall signs. He said the Board may want to consider allowing each business one LED Freestanding sign and one LED wall sign. The committee recommends that for LED freestanding signs they can only be 50% of the 32 square feet permitted today and should only be permitted in the VC, VB, and NC Districts, the CR or IPR zones were not discussed. Animation, flashing or scrolling LED signs should be prohibited, and if the business wants an LED message board, the Board needs to consider how often the message should change.

He added they should not be distractive to motorists on the road, or cause glare to adjacent residential neighborhoods, and only lit during business hours. Paul said because of the First Amendment the message should be content neutral and the Board needs to make sure the standards are quantifiable. The Board discussed measuring the brightness of the signs and since this is new to the Board it was recommended to invite a sign company to a future Planning Board workshop meeting to provide guidance and education on LED signs. Mayor Rubenstein said he would work with the Board Secretary to coordinate this.

**OTHER BUSINESS THE BOARD NEEDS NECESSARY**

Paul said the Council needs to look at removing 240-26 - Outdoor Storage, from the Code since it is addressed under Conditional Use, and keep Outdoor Storage as prohibited in residential zones.

## **REPORTS FROM COMMITTEES**

*Township Council* – Mayor Rubenstein said at the May 15 Council Meeting an amendment to Chapter 186, Property Maintenance of the Township of Byram Code was adopted to stipulate that these structures (membrane structures) must be maintained in good condition. He added that amendments purposed to Chapter 240 Zoning of the Township of Byram Code to add a definition of a membrane structure was tabled because of public concerns expressed at the Council. Mayor Rubenstein said that residents believed, based on an anonymous flyer that was circulated in several areas of the Township, that the Township would be policing properties for these structures and making property owners remove the structure or make them compliant. Mayor Rubenstein asked the Board if they would be receptive to a streamlined process with regards to accessory structures, for example using a tax map verses a survey, or any other way that would make the process easier, and less expensive to the resident. Mayor Rubenstein asked Mr. Senesky if a template resolution for accessory structures could be drafted, the Board Secretary would populate the information relative to each specific application and the Board Attorney could do a final review, which should reduce cost. Mr. Senesky said yes. Mayor Rubenstein directed Mr. Senesky to look at other towns ordinances dealing with accessory structures/membrane structures.

*Environmental Commission* – Ms. Shimamoto said on June 2, 2018 at 9:00 a.m. the EC is having a trail/hike clean up. They will be meeting at Tamarack Park.

Ms. Shimamoto added that they have a new EC member, Casey McGuffy. Ms. Shimamoto said she is euthanasic and excited to be on the commission.

*Open Space* – Mr. Morytko said the next meeting is June 11.

*Architectural Review Committee* – No meeting held.

*Zoning Office* – Mr. Dixon, Byram's zoning official gave the following report.

- 2 zoning permits were issued (no denials).
- 1 application for a zoning permit was submitted but did not require a permit.
- 0 summons were issued.

Chairman Shivas asked Mr. Dixon to include in his report the number of zoning permit issued that were a result of Planning Board approval. Mr. Dixon said yes.

## **PUBLIC COMMENT**

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

## **BILLS**

Schenck, Price, Smith & King (3 bills) \$817.50

A motion was made by Mr. Walsh to approve Mr. Senesky's bills. The motion was seconded by Mr. Chozick. All were in favor. Motion carried.

## **ADJOURNMENT**

A motion to adjourn the meeting was made at 10:30 p.m. by Mr. Walsh, and seconded by Mr. Kaufhold. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: *Cheryl White*