

**MEETING MINUTES**  
**BYRAM TOWNSHIP PLANNING BOARD MEETING**  
**APRIL 5, 2018**

**CALL TO ORDER**

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

**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											
EXCUSED			EA								
LATE					L						

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 March 15, 2018 Meeting Minutes

A motion was made by Mr. Kaufhold to approve the minutes as written. The motion was seconded by Mr. Chozick. Mr. Dixon pointed out that on Page 3, Site #3 the zone should be V-B, not N-C. The Board Secretary will make the correction. Mr. Kaufhold amended his motion to include this change. 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.

**NEW BUSINESS**

Mr. Kaufhold stepped down for this application.

David Ruppert, 55 Lynn Drive, Block 337.10 Lot 25.29, R-3 Zone

26' X 12' addition to the rear of the home which requires relief from a left-side yard setback, and to allow to keep a pre-existing shed that requires relief from a right-side yard setback.

Mr. Ed Dippel, Contractor and Mr. David Ruppert, owner was sworn in. Mr. Dippel said currently there is a 40 ft. X 12 ft. deck across the back of the home and Mr. Ruppert would like to use 26 feet of the deck and convert it into living space. The remaining 14 ft. will remain a deck. The deck currently has two sets of existing steps; the steps on the right side, which are not depicted on the survey submitted will not change, and the steps on the left side, which are shown on the plan as they exist today will be turned to run parallel with the deck, so not to encroach into a setback.

This addition requires a variance of 4.5' from the left-side property line and Mr. Dippel said the neighbor's home to the left is about 25 feet from the property line, and do not object to this application. Mr. Dippel said they are not expanding the footprint of the home, and they will follow the same roof line. Mr. Dippel verified that measurements provided were taken from the eve/or gutter overhang. Mr. Ruppert testified that there is no change to the number of bedrooms, currently the home has three bedrooms. He added that this addition will enable them to enlarge the living and dining room space.

The Board asked if approval was obtained from the Sussex County Division of Health and Mr. Dippel said he submitted a concept plan showing the relocation of the septic tank and received preliminary approval. The applicant agreed to a condition that that if this application is approved this evening, SCDOH approval must be obtained.

Mr. Dippel said there is an existing 8' X 10' shed on the property that was not permitted and the applicant would like approval for the shed, so that it is on record. The shed requires a variance for 3.2' from the right-side property line. He said the shed is used to store lawn equipment and toys.

There was Board discussion about the relocation of a window to the second-floor bedroom. Ms. Shimamoto believes the window size could be an issue for egress. Mr. Walsh said whether the window is sufficient for egress would be under the purview of the building official. The applicant said they will comply with all building code regulations. 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. Walsh to approve the application with conditions that approval is obtained from the appropriate agencies. 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.

**REPORTS FROM COMMITTEES**

**Township Council** – Mayor Rubenstein said there have been several inquiries as to the Townships position with regards to cannabis and changes in legislature. The Board needs to start looking at how or if they will regulate cannabis.

**Environmental Commission** – Ms. Shimamoto said they provided comments/concerns to the Board Secretary regarding the Anty Trucking application. Their concerns focused on stormwater runoff, the riparian buffer on the site, and site remediation.

**Open Space** – Mr. Morytko said they have a meeting on April 9.

**Architectural Review Committee** – Ms. Shimamoto said a representative from Anty Trucking will be returning to the ARC on April 11. The committee will provide feedback as to the outcome of the meeting prior to the public hearing date of April 19.

**DISCUSSION ITEMS**

**SIGNS**

The Board discussed standards relevant to LED signs. Below are some standards to consider.

- Brightness
- Quality
- Auto-dimming
- Allowable Use
- Size of lettering
- Maintenance
- Multi-tenant use
- No white background
- If Monochromatic, what color
- Pixel Standards
- Content/message/logo/pictures
- Location
- Size of sign
- Hours of operation
- Color
- If L.E.D. signs are permitted, what zone would they be allowed.

Ms. Shimamoto said that the Franklin Borough ordinance was a great example. Mr. Morytko said it seems that LED signage is the more modern way to advertise and as a town we want businesses to succeed however we want to reduce sign clutter. Ms. Raffay said it is very important to make sure the language is correct regarding how to measure lumens, and added that we do not want Route 206 to look like the Las Vegas Strip. Mayor Rubenstein said controlling size may be a way to control and limit the impact of LED signs. Mr. Kaufhold said the Board needs to also consider the impact to abutting property owner’s, especially if the commercial property abuts a residential zone. The Board discussed having the ordinance committee provide a list of standards and start language for an ordinance. The ordinance subcommittee consist of Ken Kaufhold, John Morytko, Bob Chozick and Chairman Shivas. The committee will meet and provide feedback to the Board at the May 3 meeting.

**EXECUTIVE SESSION**

Pending Litigation

A motion was made by Mayor Rubenstein to go to closed session. The motion was seconded by Mr. Kaufhold. All were in favor. Motion carried.

A motion to return to open session was made by Mr. Kaufhold. The motion was seconded by Mr. Chozick. All were in favor. Motion carried.

**PUBLIC COMMENT**

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

**BILLS**

Harold Pellow and Associates, Inc. (6 bills) \$2,955.83

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

Schenck, Price, Smith & king, LLC (2 bills) \$280.00

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

L&G Planning (3 bills) \$1,050.00

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

**ADJOURNMENT**

A motion to adjourn the meeting was made at 9:15 p.m. by Mr. Walsh, and seconded by Mr. Kaufhold. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: Cheryl White