

**TOWNSHIP OF BYRAM SPECIAL JOINT MEETING OF THE BYRAM  
TOWNSHIP PLANNING BOARD AND TOWNSHIP COUNCIL**

**THURSDAY, APRIL 13, 2017 – 7:00 P.M.**

**MEETING CALLED TO ORDER**

**OPEN PUBLIC MEETING STATEMENT**

Adequate notice of this meeting has been made in accordance with the Open Public Meetings Act, NJSA 10:4-6.

**PLANNING BOARD ROLL CALL**

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

Attorney Kurt Senesky, Planner Paul Gleitz, Engineer Cory Stoner and Zoning Officer Tom Dixon were also present.

**TOWNSHIP COUNCIL ROLL CALL**

Councilwoman Raffay, here; Councilman Gray, absent; Councilman Olson, here; Councilwoman Kash, here; Mayor Oscovitch, absent. Township Manager Joe Sabatini and Municipal Clerk Doris Flynn were also present.

**FLAG SALUTE**

**DISCUSSION**

Planning Workshop for zoning ordinance amendments review of Neighborhood Commercial Zone, the Village Business Zone, and the Village Center Planned Development Mixed-Use Form Based Code Zone (VC Zone).

Chairman Shivas turned the meeting over to Township Planner Paul Gleitz. The board has been working on the Neighborhood Commercial and VB Zone for a few months. Paul commented that it was nice to have the Township Council join in this workshop session this evening.

Paul stated that he took the Form Based Code which was drafted in 2009, and used the new footprint that the Highlands approved to provide a new draft.

Paul stated that he pulled out the design standards that were in the zoning chapter and moved them in Chapter 215, Subdivision and Site Plan. This allows the applicant to apply for a waiver instead of a variance when they are not able to meet a design standard.

Paul stated that the Highlands Land Use ordinances were looked at several years ago. He is in the process of some minor edits and will present it to the Planning Board and Council at the next workshop. These ordinances are for property outside the Village Center.

Module 7 is for updating the zoning maps. During the last re-exam, it called for removing the small N-C areas located in areas around Byram. These changes will be reflected when we update the map, which will be done in July/August.

**Neighborhood Commercial Zone Amendments** (north section of Route 206)

- Scott asked if there were any changes in the definitions of Bed and Breakfast and Hotels. Paul stated there are new definitions for these as well as for an Inn.
- Paul reviewed permitted and conditional uses. He stated that if an applicant cannot meet all the conditions stated in the conditional use, then it would be a D variance.
- Ken Kaufhold questioned the parking calculation. Paul explained how this was calculated.
- Cory questioned the zone bulk requirements and suggested adding lot coverage as a definition which will clarify No. 10 under bulk requirements – Lot coverage.
- Paul purposely repeated the lot coverage in the conditional uses so that if they could not meet it they would need a D variance instead of a C variance from not complying with the bulk requirements.
- Paul stated that all the conditional uses for all zones will be listed in Chapter 240-62, Conditional Uses.
- Joe questioned Outdoor Recreation and the possible need for outdoor storage related to some of the uses. There was some discussion, and Paul will have to review and come up with a way to address this. He will add “Accessory Standards”, which will become F.

Chairman Shivas opened to the public for comments on the Neighborhood Commercial amendments.

Mr. Tufaro, 276 Route 206, was looking for clarification and asked if professional offices are permitted. Paul stated that it is proposed as a permitted use in the new ordinances.

Jeanne Moran, 7 East Waterloo Road, referred to a Bed and Breakfast, why are we being restrictive saying that only breakfast is served. She stated that some B & B's serve brunch. Paul explained the difference between a B & B and an Inn. She asked about the

length of stay. Paul explained that it is not a boarding house—you can book by the night or week, but you can't book by the month or year. Paul will add breakfast/brunch.

Skip Danielson, 18 Hunter Lane, asked if “by the week” will clarify the definition. Paul will look into it.

Joe Sedivy, 262 Route 206, has had his business for 40 years. He stated that people who have looked at buying his business, and they have come to town to find that the uses are not permitted, and they would have to go to the planning board. He asked how this ordinance will help. Paul explained that this ordinance is allowing businesses like his and other retail sales establishments under a conditional use.

Joe Sedivy asked about the prohibited use of automobile dealership. He has a dealer's license because he sells trailers. Paul stated that only the sale of automobiles are prohibited—not trailers or boats.

Jim O'Connor, business owner on Route 206, commented on the discussion about having to go to the planning board to change from selling trailers to boats, and he asked why. Paul explained some differences and stated that it most likely could be handled as a waiver and he explained that process.

### **Village Business Amendments**

Paul will move Byram Car Wash and Mavis Tire from the VC zone into the VB zone. It makes more sense to be in Village Business. Paul will add definition of lot coverage so that No. 9, Maximum Lot Coverage, is clear.

### **Conditional uses**

- Car Wash -1 acre required. The existing car wash actually has .975 now because of the taking from the State for the Route 206 widening.
- Regional Shopping Centers - Discussed #6 – Paul wanted to restate that the storage of shopping carts shall not interfere with the minimum of 5 feet sidewalk clearance. Paul will remove snow removal equipment and outdoor vending machines.
- Outdoor dining & sidewalk cafes - Paul stated that you can't have any of the conditional uses without a principal building. You can't have a sidewalk café without a restaurant. They can't be in parking lots or on lawn area. It has to be on a sidewalk or a patio area.
- Scott asked where a special event with cooking outdoors fit in. Paul stated that it would fall under special events which is a stand-alone conditional use, and it would also need a permit through the zoning officer.

- Outdoor Displays & sidewalk sales – Cory asked if the landscaping items that Shop Rite sells are allowed to be left overnight. Paul stated no. They would need to come for a variance if they want to keep the materials outside over night.
  1. Outdoor display areas may not be located along the curbside. Tom suggested putting this also in the sidewalk café section. Paul agreed.
  2. Lisa talked about the columns and if the 5 feet would be from the columns or the curb. Paul stated that it would be from the column.
  3. #5 Height – Discussion took place – Gordon Byram wanted 7 feet, our ordinance stated 6. The board agreed to change to 7 feet.
- Tent sales & special events
  1. No tent sale or special event shall operate for more than 3 days – Joe asked to reword it to three consecutive days.
  2. The applicant can come in one time to show where the special events will occur, and then go to the zoning officer for a permit each time they want an event.
  3. Earl talked about Nissan erecting a tent. If they put a tent over the area they sell cars, it's a marketing ploy and it isn't an actual tent sale. If they have a radio station come, that would be a special event and need a site plan and permit.
  4. Ken asked if Shop Rite wanted to have a tent to sell hotdogs and hamburgers on certain weekends, can they apply one time for multiple weekends. Tom Dixon stated yes.
  5. Marie Raffay commented that the last sentence in #3 should say 'whichever is less' instead of 'greater'. Paul agreed and will make the change.
  6. There was a lot of discussion regarding tent sales/special events occurring at permitted/non-permitted uses – on grass or parking lot – Paul will need more time to review and talk with Kurt.

Chairman Shivas opened to the public for comments on this ordinance.

Jeanne Moran, 7 E. Waterloo Road, asked if you have to bring items that are decorative inside at night. Paul stated that some items such as lights and signs are covered in our sign ordinance.

Skip Danielson, 18 Hunter Lane, asked to define the difference between permitted and conditional uses. Paul explained that a permitted use has bulk requirements. If you can't make these, you ask for a C variance. Conditional is permitted if you can meet all of the

conditions. If you don't meet all the conditions, you need to get a D variance. It is different than a prohibited use, because you only have to ask for variance for the one condition that you can't meet.

David Romano, Gordon Byram Associates, asked about the requirement about having to bring all items in each night. He stated that it makes it very onerous to bring it in. He feels that they should be allowed to keep items that can't be moved by wind, etc. He asked the board to reconsider. Kurt stated that their request to change the height from 6 to 7 feet has been taken into consideration and changed to 7 feet. David Romano said that anything we can do to bring people into our community is helpful. Gordon Byram is very appreciative of the board's desire to make changes.

Jeanne Moran, 7 East Waterloo Road, asked why you can't have signs at the sidewalk sales area. Paul stated that we only allow pricing signs; i.e. 70% off, clearance, etc. It can get very cluttered with other signs. Paul said that there are special event signs allowed under our sign ordinance.

Chairman Shivas closed to the public.

#### **Industrial Professional Recreational Zone Amendments**

- Remove Community residence for the developmentally disabled. There will be no residential housing in this zone.
- Paul will add definition of lot coverage so that No. 9, Lot Coverage, is clear.
- George would like auto rental as conditional. Scott suggested only allowing a maximum of 20 cars – small scale – with small building. Paul agreed and will make this change.
- Lisa asked if this zone would be appropriate for a solar field/farm. Kurt read from the statute that renewal energy facility with a minimum of 20 acres is permitted in an industrial area. Paul isn't sure if we want to list it.

Conditional Uses - Remove assisted living facilities and nursing homes

#### Prohibited Uses

- Warehousing – Paul gave this a lot of thought and decided to put this as a prohibited use.
- After some discussion, it was suggested to add manufacturing to prohibited. Scott asked about data storage – asked if that falls under warehousing. Paul could separate them out.
- Paul will add Record Storage/Data Storage/Records Processing as a permitted use and add a definition.

- Scott asked if a business like CAD would be able to be in the IPR zone. It would because it would fall under light industry.
- Paul will remove #11 under performance standards.
- There was discussion about 80% lot coverage. Cory thought it could be a problem with the Highlands. Paul will talk with Judy about this.

#### Next Steps

- Tom Collins made some suggestions to Paul Gleitz prior to the meeting to reference the MLUL in Form Based Code.
- Smart Growth Standards – remove reference to signs
- Cory would like to look at existing design standards – Paul will work with Cory, and Kurt had questions about “shalls and shoulds” and Paul will speak to Kurt.
- Incorporate recommendations from NJFutures

Chairman Shivas opened to the public. No comments were made. Chairman Shivas closed to the public.

Motion by Ms. Shimamoto, second by John Morytko to adjourn the Planning Board meeting at 10:18 p.m. All members in favor. Motion carried.

Motion by Ms. Raffay, second by Ms. Kash to adjourn the Township Council meeting at 10:18 p.m. All members in favor. Motion carried.

Respectfully submitted,

Doris J. Flynn