

MEETING MINUTES
SPECIAL MEETING OF THE BYRAM TOWNSHIP COUNCIL AND PLANNING BOARD MEETING
APRIL 27, 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
ABSENT										
EXCUSED	EA		EA				EA			
LATE										

Also present: Planner Paul Gleitz
 Engineer Cory Stoner
 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.

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. Paul began by saying the Council and Planning Board completed their review of the NC, VB, and IPR zone, a few minor changes are being made and the Board will have a final review at the May 18, 2017 Planning Board Meeting.

Paul said we are here tonight to review Section 215, Smart Growth Standards, the Form Base Code for the Village Center, and the Highlands Land Use Ordinance. Paul explained that Section 240-59, the Village Center Zone Standards, will become the FBC and section 240-79 and 240-80 will be repealed and that language incorporated into the FBC. He said Section 215-59 will become design standards for the Village Business, Neighborhood Commercial and Industrial Professional Recreation Zones. He added that since Section 240-79 & 240-80 were also the design requirements for commercial development in VB, NC and IRP Zone, all of those elements will be moved to Section 215, Smart Growth Design Standards, which will now allow applicants to seek waivers if they cannot meet the requirements verses requiring a variance. Paul added this section will be applicable and required for all commercial site plan approvals.

The categories for these standards are, landscaping, outdoor design requirements, building structure requirements, loading areas, off street parking requirements, and lighting requirements.

Paul reviewed the categories, and all comments are listed below:

- *215-29 Landscape and Outdoor Design - O. Awnings*
 Ms. Shimamoto believed awnings should be under 215-30 C. *Commercial and multi-family exterior building design.* **Paul will move.**

Paul said 215-30 *Commercial and Multi-Family Structures* was created to provide the Board, Architectural Review Committee, and professionals some direction for commercial and multi-family development site plan development.

- *215-30 Commercial and Multi-Family Structures C. #3. Building materials.*
 Chairman Shivas believed that vinyl siding should be added as a building material element, adding that today's vinyl is better than some products Paul has listed. **Paul will add language like "or alternative materials that meets the intent".**

Mr. Cory Stoner, Township Engineer had a question about the statement in 215-30, A. #1 *"and guidelines established for use by the ARC"*. Cory asked where those guidelines are. Paul said all these guidelines are listed in the Visual Guide, and it may be a good idea to provide a link to the guide in the Code Book.

- *215-30, D. Commercial and multi-family façade treatment. # 2.*
 Mr. Olson believed "front" may be too strong. **Paul will soften/change the language.**

Paul talked about Section 240-37, Residential zone districts, 240-38, Non-residential zone districts, 240-39 Off street loading and unloading space, and 240-40, Off street parking area requirements. Cory said section 37 & 38 will remain in section 240, because if the applicant cannot adhere to those requirements, a variance will be required. Paul reiterated, we want to keep the number of spaces as a variance but how it is designed will be moved to section 215. Paul reviewed these new section requirements.

Cory said with regards to lighting, some towns have a chart for different areas of a minimum and maximum. Cory would like to see that added within this section. Paul said we may want to also incorporate the color and LED standards. Cory will check out standards for LED lighting.

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

Paul reviewed the Village Center – Form Base Code.

Paul began by saying only a few edits were made to the document distributed in March, and the Affordable Housing requirements and additional language was added about it being a "planned development". Paul said the reason it is called a Form Base Code is because you focus more on the physical form of the site verses the uses within the site.

Paul reviewed the maps saying that Maps show the uses, the footprint of the roads and buildings, the district requirements, the densities, and the heights allowed in the zones. He said minor deviations shall be considered within 5% of the land area subject to waiver approval. Major deviations 5% to 20% of the land area, would require a bulk variance, and deviations over 20% would not be allowed.

Paul pointed out that there are two properties, Mavis Tire, and Byram Car Wash that are currently in the Village Center Zone and the Board needs to decide if they should be changed to the VB Zone or leave these properties in the VC zone. He talked about the positive and negative to both. **This item has been tabled.**

Mr. Olson talked about reducing the number of commercial uses within the Village Center and increasing residential density. Mr. Olson believes 90,000 sq.ft. of business space is excessive. Chairman Shivas believed it was best to leave as is, saying that once you change that number it is set in stone. Mr. Sabatini said since our Housing Element references these numbers, asked if they can be changed. Paul said, yes it specifically references the mixable units, but Paul said he would have more concerns with regards to the Highlands designation. Paul recommended leaving as is and if market changes, to revisit those numbers.

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- Setback from Lubbers Run – Mr. Olson said since Lubber’s Run is a C1 stream, the required setback is 300 ft. Paul said the minimum 40% of total tract area, under Preserved Open Space will address that.

Under Parking Requirements:

- Cory recommended this section should reference *according to RSIS standards*. **Paul will add.**

Phasing of the development and construction.

- **Paul will eliminate # 1 and # 2.**
- Mr. Olson recommended being consistent using language with regards to one family or single family residential. **Paul will change.**

E. District Standards – Two- to Four Family Residential District

There was some question, under permitted accessory and conditional uses, Garage – Detached is not permitted, and however under parking requirements it talks about detached garages.

Paul said detached garages are not permitted and he will clarify.

Village Core Mixed-Use Districts

Paul reviewed the permitted and prohibited uses. He said he generalized retail sales, and retail services verses identifying specific types of retail sales and retail services. Mr. Olson asked the difference between retail sales and service, and general retailers. Paul said there is not a difference. Mr. Senesky suggested if there is not a difference, they are either permitted or conditional, they must be the same. **Paul will clarify.**

Paul said most of what is permitted in the VB, NC and IPR will be permitted in the VC zone. Other Prohibited uses are defined below, and Paul will check to ensure they match the other zones:

- Drive-through – Prohibit
- Indoor Recreational Uses – Prohibit
- Bed and Breakfast – Prohibit
- Veterinary Offices – Prohibit
- Hotel Condominiums – Prohibit
- Funeral Homes – Prohibit

Wellness Centers/Spa and Live/Work uses – **Paul will add definitions.**

Conditional uses in the VC zone should be Outdoor dining, outdoor display and special events.

- Under Parking Requirements - Paul will add – **On site residential off street parking prohibited.**

Civic Use District

#1 – Paul will change to “**One** civic building, 12,000 sq. ft.

Park District

Permitted, Accessory and Conditional Uses – **Paul will add for Civic Use and Park District.**

F. Affordable Housing –

- Affordable Housing Parameters: #3 “minimum” should be maximum. **Paul will check and correct if needed.**

Location of Affordable Housing.

- #1 – **Paul will check if apartments vs. single family in the settlement agreement have to be in a specific location.**

G. Architectural Design Standards

- 4. b. Mr. Sabatini said this should be consistent with the changes to façade treatments in the NC zone. **Paul will correct.**

Chairman Shivas opened to the public.

David Romano, Partner of Gordon Byram Associates had some concerns with regards to Cory Stoner’s memo dated April 25, 2017, saying that many of the items listed would mean that Shop Rite Plaza would not be in compliance. Mr. Romano asked if he had to make changes, would he have to re-develop his entire site in accordance with the Smart Growth Standards. Paul said no, his site is pre-existing. Mr. Romano ask the Board to read the letter sent to Mr. Sabatini today with regards to outdoors sales, dining and display saying that he hopes the Board would give positive thought to this because permitted them would help business succeed today.

Joe Sedivy, Owner of Trailerama had concerns about the 50ft. setback in the NC zone, and one row of parking. Paul explained the reason is too keep outdoor storage off the highway, and Paul said two rows of parking in the front are permitted. He also had concerns about the Economic Development Advisory Committee, and the Township not helping businesses succeed.

Monica Osgood, 241 Lake Drive had concerns as to what the Township was doing to encourage business in Byram and believes our ordinances should make it easier for business, not harder. She also has concerns about the Economic Development Advisory Committee concluding. Ms. Raffay encouraged Ms. Osgood to bring her concerns to the Township Council, that this was not the proper venue to address some of her concerns.

Paul De-Rosa, prospective business owner in Byram asked what the timeline was for these Ordinances being discussed tonight to be part of the Township Code. Mr. Sabatini outlined the process for Mr. DeRosa.

Mary Benson, Western World said zoning has evolved over the years and she believes this is more restrictive. Paul explained how this site would have been deemed undevelopable in the preservation zone, and by zoning it VC allows for development and believes that these changes are more liberal, not restrictive. She also hopes that the Township

should offer an incentive for developers with regards to this property. Mr. Sabatini said that market value has a lot to with attracting developers.

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

Paul reviewed the Highlands Area Land Use Ordinance saying this document is a “crosswalk” between the original 2011 document, and the revised 2015 document. Paul said he will be meeting with Judy Thornton, our Highlands Council liaison for comment. Paul said after his review with Judy, he will get out a final document to the Board for review.

Paul added that this document turns over the administration of the Highlands Council regulations to the Township. It will be added as a new Article, as the Highlands Land Use Ordinance. Paul talked about the various sections saying that the Township will have to review these standards if development is in certain areas, such as non-exempt properties in the preservation areas. Mr. Sabatini said he and the zoning official will be looking at the language for 240-16, Accessory buildings and structures in connection with agricultural activities, and Article V, 240-30, Article V, Nonconforming Buildings and uses, continuance of nonconforming uses. He said he will get that information out to the board prior to May 4 so that the Board can talk about it.

Chairman Shivas opened to the public.

Mr. Romano asked why so much of Byram Township is in the preservation area. Paul explained it was done by legislation and based on an analysis and it was found that Byram Township is an important resource for watershed. Mr. Romano said that the population in New Jersey, specifically Sussex County is diminishing and believes that any increase to costs will cause more people to leave.

Drafts of all documents being discussed are available for viewing in the Planning Office at Town Hall.

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 10:35 p.m. by Ms. Segal, and seconded by Mr. Kaufhold. All were in favor. Motion carried. The meeting was adjourned.

ADJOURN: Motion by Councilwoman Raffay, second by Councilman Olson, to adjourn the meeting at 10:35 p.m. All members in favor. Motion carried.

Respectfully submitted: Doris Flynn

Respectfully submitted: *Cheryl White*