

**MEETING MINUTES**  
**BYRAM TOWNSHIP PLANNING BOARD MEETING**  
**JULY 16, 2015**

**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	Mr. Valentine	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: Attorney Kurt Senesky  
 Planner Paul Gleitz  
 Engineer Cory Stoner  
 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

**MEETING MINUTES JULY 2, 2015**

The Board had no discussion about the minutes. A motion was made by Mr. Kaufhold and seconded by Mr. Chozick to approve the minutes as written. The following vote was taken:

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

Motion carried.

**RESOLUTIONS**

**WOSP7-2015, American Car Lift, LLC, Block 212 Lot 1, SPLT Zone**

**Change of tenant/use**

A motion was made by Mr. Riley and seconded by Mr. Kaufhold to approve the resolution as presented. The following vote was taken:

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

Motion carried.

**SP2-2014, Lake Mohawk Pool & Spa, Marine Terr., Block 293.01 Lots 8.03 & 9 and Block 293.02 Lots 8.03 & 9.01, R-5 Zone**

Amended site plan to pave a tennis court for a parking area, a lot line adjustment to create a parking easement on a residential lot, and to add a slide.

Mr. Senesky advised the Board that changes have to be made to the resolution presented; specifically the septic servicing the properties must remain on the lot they service, and on page twelve, condition number three be removed, and the wording on condition four be changed because the overflow parking area is an easement, not a separate lot. Ms. Shimamoto also said that the number of parking spaces must be consistent with the first set of plans submitted.

Mr. Senesky advised the Board that he will make those changes and have the resolution at the August 6, 2015 meeting.

**Z05-2015, Michael Gilbert, 33 Richmond Road, Block 246 Lot 390, R-5 Zone**

Variance for a front yard setback of 11' and side yard setback of 5' to construct a 40' X 6' covered porch to the front of an existing single family dwelling.

A motion was made by Mr. Kaufhold and seconded by Mr. Morytko to approve the resolution as presented. The following vote was taken:

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

Motion carried.

## **NEW BUSINESS**

Mr. Riley stepped down for this application.

SP4-2014, Cartridge Actuated Devices, Inc. 40 Old Indian Spring Rd., Block 362 Lot 4 and Block 226 Lot 8.01, R-1-Zone

Amended site plan to construct three new buildings and enlarge three existing buildings and to add an electric gate and a gravel path.

Mr. Rob Greenbaum, attorney representing the applicant said that this applicant has been in business in Byram since the mid 1970's, and the previous owner, using the site similarly since 1960's. Mr. Greenbaum introduced Mr. John Grant, General Manager and President who was sworn in and said that he has been employed with C.A.D. for eight years. Mr. Grant said they have two locations, one in Fairfield, N.J., which has a small production facility but is primarily the administrative office and the Byram facility that is mainly production and employs approximately twenty-five people and operates 7:00am – 5:30pm Monday through Thursday, saying that all lights are off by 7:00 pm. Mr. Grant said that C.A.D. produces life saving devices that are pyrotechnic devices such as fire suppressant devices, fuel shut off valves, cable cutters, etc. He added that the entire site is heavily regulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives (**ATF**), the Department of Defense (**DOD**), Occupational Safety and Health Administration (**OSHA**), Environmental Protection Agency (**EPA**), and International Traffic in Arms Regulations (**ITAR**). Mr. Grant said that the metal components are manufactured off site and brought to the site where it is used, stored, tested, packaged and transported and is tightly monitored by the Government. Chairman Shivas asked if the devices are considered explosive, Mr. Grant said some would consider them explosive since they are made of energetic material. Mr. Greenbaum added that it's important to note that the materials at the site are not offensive weapons; they are static devices to save lives and said that about 60% of their business is for the Department of Defense and a large percentage are fire suppression devices.

Mr. Greenbaum introduced Mr. Jim Glasson, P.E., of Civil Engineering who was sworn in and has testified before the Board previously. Mr. Glasson presented Exhibit A1, a Colorized version of Sheet 2 of 5 and described the location and topography of the 96 acre site saying that it is a pre-existing, non-conforming use in the R1-Zone and in the Highlands Preservation area, adding that the closest neighbor is about 1,200' and that about 10 acres are developed. The area is mostly surrounded by a 6' fence with 2' barbed wire on top. It was noted that Mr. Glasson depicted the wrong setbacks on the site plan and will provide revised plans. Mr. Glasson said the site has eight buildings, six sheds, five trailers, and six magazines, saying that the hazardous material is stored in the magazines which are located on the fringes of the site. Mr. Glasson described the buildings and their use adding that the site has a septic and two wells; one potable water, the other non-potable water. Mr. Glasson presented Exhibit A3 which is an enlarged version of submitted sheet 3 of 5 saying that the applicant is seeking approval for three, already constructed new buildings, additions to three existing buildings, to add a gravel access road to a newly added test range area and add an electric gate at the entrance for security purposes. The applicant is also proposing to pave and add low lighting to an existing gravel parking area and to strip forty-one parking spaces which will include one ADA compliant space. The applicant also proposes to pave a portion of the gravel path used by employees to travel between buildings. After Board discussion it was determined that the applicant should consider paving the entire gravel path since it won't affect impervious coverage but would make it safer for vehicles and for plowing. It was said that this would not cause an increase in impervious coverage since this area is gravel. Mr. Stoner added that that paving the gravel path would not affect any storm water run-off.

Mr. Glasson presented Exhibit A2, Highlands Exemption plan and said C.A.D. received a violation from the DEP and that C.A.D. was required to restore the disturbed test range area with vegetation. Mr. Glasson said that C.A.D. received DEP/Highlands compliance approval in May 2014.

Mr. Greenbaum introduced Mr. Ed Soohoo, who was sworn in and said he had been employed for 42 years by C.A.D., and the former owner's, Energy Technology. Mr. Soohoo said improvements done at the site will not cause an increase of production or employees. Mr. Soohoo provided testimony on deliveries at the site, site lighting and security regulations administered by DOD and other Government Agencies. Mr. Soohoo said they must follow required safety and security measures for employees and visitors that are required by the DOD. He added that water at the site is inspected by the State of New Jersey and the DOD conducts inspections at the facility to ensure they are compliant with all regulations. Ms. Shimamoto asked if the testing material they use is hazardous. Mr. Soohoo said no and after testing there is no more byproduct than a firecracker and that the soil and air quality is fine. Mr. Soohoo said that all products that are disposed of must follow strict DOD guidelines.

Mr. Greenbaum introduced Mr. Charles McGroarty, PP, AICP who presented his education and experience and the Board accepted him as an expert in his field. Mr. McGroarty was sworn in and reviewed the variances required with this application. He said that with a D2 variance they must provide the positive and negative criteria but because this use is pre-existing, non-conforming the applicant is not required to reconcile why this request is not consistent with the Master Plan. Mr. McGroarty presented Exhibits A4, A5, A6, A7 and A8 which are photos of the buildings that were constructed and the existing buildings with the added improvements. He reviewed the positive criteria saying that this location is suited for this type use and has existed since 1978 and said that the current use on the site is less hazardous than the previous use, which made explosive materials. He added that it is located in a vast, wooded area in the Highlands Preservation so it is not likely to be developed, and that this use meets an important public need. As far as negative criteria, it will not be detrimental to the public good since it has coexisted with public properties for forty years.

The Board discussed the uniqueness of the site, and the fact it has multiple buildings, and what building should be the considered the principle structure. It was recommended by Mr. Gleitz that it may be beneficial to the applicant by virtue of the resolution to state that because of the unique use of the site there is no principle structure. The Board agreed. The Board also discussed what is considered the front, side and rear yard on this site and the Board would like that outlined in the resolution and that the Board considers the front where the road enters the plant.

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

Mr. David Krueger, Environmental Technology Inc., was sworn in and provided his experience and education to the Board and the Board accepted him as an expert in his field.

Ms. Shimamoto asked what segments of Lubber's Run were tested that are noted in the Environmental Impact Statement. Mr. Krueger said he wasn't sure. Ms. Shimamoto asked why the septic is in close proximity to the well. Mr. Glasson said it meets the requirements. Mr. Glasson added that the well was cased and is deeper and Mr. Krueger added there has been no contamination at the site and that the wells are tested monthly. Ms. Shimamoto asked about burning on the site. Mr. Krueger said they obtain a burning permit which is regulated by the State.

The Board had no questions for Mr. O'Brien, Architect.

A motion was made by Mr. Morytko and seconded by Mr. Chozick to approve the application with the conditions that all structures on the site are considered accessory structures; there is no principle structure, also that the plan be revised to include the correct setbacks, and to outline in the resolution the front, side and rear yards. Also the revised site plan should depict the gravel area to be paved and the handicap parking space in the parking lot. The following vote was taken:

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

Motion carried.

**REPORTS FROM COMMITTEES**

- Township Council - No representative was present at this meeting.
- Environmental Commission said they reviewed the C.A.D. application and provided comment to the Board.
- Architectural Review Committee – Mr. Morytko said the committee met with a representative from Jeff Lake and reviewed some color and façade changes to the proposed buildings. The committee was in agreement with the changes.
- Open Space had no meeting held
- Board of Health – no representative was present at the meeting.

**BILLS**

Harold E. Pellow & Associates, Inc. (6 bills) \$1,470.01

A motion was made by Mr. Chozick, and seconded by Mr. Kaufhold to approve Mr. Stoner's bills. All were in favor. Motion carried.

**PUBLIC COMMENT**

Chairman Shivas opened to the public.

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

**ADJOURNMENT**

A motion to adjourn the meeting was made at 11:00 p.m. by Mr. Kaufhold and seconded by Mr. Chozick. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: *Cheryl White*