

**MINUTES**  
**BYRAM TOWNSHIP PLANNING BOARD**  
**JANUARY 5, 2012**

**CALL TO ORDER**

Chairman Shivas called the meeting to order at 8:00 p.m.

**ROLL CALL**

	<i>Mr. Chozick</i>	<i>Mr. Kaufhold</i>	<i>Mr. McElroy</i>	<i>Mrs. Raffay</i>	<i>Mr. Valentine</i>	<i>Mrs. Segal</i>	<i>Mr. Walsh</i>	<i>Mayor Oscovitch</i>	<i>Mr. Gonzalez</i>	<i>Ms. Shimamoto</i>	<i>Mr. Shivas</i>
Roll Call	H	H	H	H	H	H	H	H	H	H	H

Attorney	Kurt Senesky
Planner	Paul Gleitz
Engineer	Lou Slaby
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 Meeting Act.

**FLAG SALUTE** led by Chairman Shivas.

**REORGANIZATION:**

- Nomination of Chairman  
Mr. George Shivas was nominated by Mr. Kaufhold and seconded by Ms. Segal. There were no other nominations. A motion to close the nomination was made by Mr. Valentine and seconded by Mr. Walsh. All were in favor.
- Nomination of Vice-Chairman  
Mr. Ken Kaufhold was nominated by Ms. Segal and seconded by Mr. Valentine. There were no other nominations. A motion to close the nomination was made by Ms. Raffay and seconded by Mr. Gonzalez. All were in favor.
- Nomination of Attorney  
Mr. Kurt Senesky of Schenck, Price, Smith & King was nominated by Mr. Kaufhold and seconded by Mr. Valentine. There were no other nominations. A motion to close the nomination was made by Mr. Walsh and seconded by Ms. Segal. All were in favor.
- Nomination of Engineer  
Mr. Lou Slaby of Slaby Engineering & Associates was nominated by Mr. Valentine and seconded by Ms. Segal. There were no other nominations. A motion to close the nomination was made by Mr. Walsh and seconded by Mr. Chozick. All were in favor.
- Nomination of Planning Consultant  
Mr. Paul Gleitz of Heyer, Gruel & Associates was nominated by Ms. Segal and seconded by Mayor Oscovitch. There were no other nominations. A motion to close the nomination was made by Mr. Walsh and seconded by Mr. Valentine. All were in favor.
- Nomination of Secretary/Administrative Officer  
Ms. Cheryl White was nominated by Ms. Segal and seconded by Mr. Valentine. There were no other nominations. A motion to close the nomination was made by Mr. Walsh and seconded by Mayor Oscovitch. All were in favor.
- Nomination of Newspaper  
The New Jersey Herald was nominated by Mayor Oscovitch and seconded by Mr. Kaufhold. There were no other nominations. A motion to close the nomination was made by Mr. Walsh and seconded by Mr. Valentine. All were in favor.
- Adoption of 2012/2013 Calendar  
A motion to adopt the annual 2012/2013 calendar was made by Mr. Walsh and seconded by Mr. Valentine. All were in favor.

**APPOINTMENT FOR COMMITTEES:**

- Site Plan Subdivision Subcommittee  
Chairman George Shivas appointed Mr. Wayne Valentine, Mr. Andrew McElroy, Mr. Mike Walsh and Ms. Caryn Segal.

- Ordinance Subcommittee  
Chairman Shivas appointed Mr. Ken Kaufhold, Mr. Robert Chozick, Ms. Lisa Shimamoto and Mr. George Shivas.
- Master Plan Subcommittee  
Chairman George Shivas appointed Mr. Frank Gonzalez, Ms. Marie Raffay, Mr. Ken Kaufhold and Mr. George Shivas.

**MINUTES:**

**December 15<sup>th</sup>, 2011**

A motion was made by Ms. Segal and seconded by Mr. Walsh to approve the minutes. The following vote was taken:

Planning Board Member	Mr. Chozick	Mr. Kaufhold	Mr. McElroy	Mrs. Raffay	Mrs. Segal	Mr. Valentine	Mr. Walsh	Mayor Oscovitch	Mr. Gonzalez	Ms. Shimamoto	Mr. Shivas
Motion					X						
Second							X				
Aye	X		X	X	X	X	X	X	X	X	X
Nay											
Abstain		X						X			
Absent											

Motion carried.

**RESOLUTIONS:**

To grant a Site Plan Waiver for Tamaracks Country Villa, Block 360 Lot 40, 85 Tamarack Rd., Zone R-2 - Amended site plan to install generator.

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

Planning Board Member	Mr. Chozick	Mr. Kaufhold	Mr. McElroy	Mrs. Raffay	Mrs. Segal	Mr. Valentine	Mr. Walsh	Mayor Oscovitch	Mr. Gonzalez	Ms. Shimamoto	Mr. Shivas
Motion						X					
Second					X						
Aye	X		X	X	X	X	X	X	X	X	X
Nay											
Abstain											
Absent											

Motion carried.

**BILLS**

Lou Slaby & Associates \$823.30 (2 bills)

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

At 8:10 p.m. Mayor Oscovitch and Ms. Raffay stepped down for the First Hartford/CVS application.

**OTHER BUSINESS THE BOARD DEEMS NECESSARY**

- Chairman Shivas discussed the Smart Growth workshop dates and asked for a census on preferred dates. A finalized date will be announced soon.
- Paul Gleitz asked Board Members to inform him ASAP language they want added/changed in the Master Plan Re-exam.
- Chairman Shivas will be holding a Master Plan Subcommittee meeting within the next few weeks to do another review of the document before scheduling a public hearing, which will probably happen the seconded week of February.

**REPORTS FROM COMMITTEES**

TC – No Report

EC - No Report

ARC – Meeting next week.

OS - No Report

## **OLD BUSINESS**

SP1-10 First Hartford Realty Corp/CVS Pharmacy/Barone's, B 34 Lot 14 & 15, 77 Rt. 206, VB-Zone – carried from 12/15/2011

Preliminary & Final Site plan & Use Variance

Mr. Selvaggi from Courter, Kobert and Cohen, who was previously sworn in, gave a brief summary of the amended site plan which proposes a stand-alone application for CVS Pharmacy. He noted that all other development for Lot 15 and building number three at the rear of Lot 14 have been eliminated. Mr. Selvaggi noted that proposing the development of CVS only dramatically reduces the number of required variances but also explained that there is be an agreement designating an easement or right of access for Lot 15 for future development and that CVS/First Hartford is prepared to provide that access. Township Attorney Kurt Senesky noted that the applicant did notice for both lots because of the access point for Lot 15.

Mr. Selvaggi introduced the applicant's engineer, David Caruso, who was previously sworn in. Mr. Caruso began to describe the revisions that were made, noting that CVS was moved slightly to the south and east but that the basic footprint of the building remains unchanged. The major changes to the plan are the elimination of buildings two and three. The main access into the site did not change except that the "T" intersection was eliminated.

Mr. Caruso reviewed the Byram Township Planner's report dated Dec. 28, 2011 and reviewed what variances and waivers are being requested. Mr. Caruso presented Exhibit A15, Layout & Materials Rendering, Sheet CR-1 dated 1/5/2012. He noted that the rear of the building fronts Route 206, as it has done from the onset of this application. He explained that CVS prefers the entrance and main parking field be in close proximity to each other to accommodate customers.

Mr. Gleitz wanted to know why the applicant did not change the orientation of the building after making significant changes to this application. He noted that the Township's Village Business Zone calls for buildings to face the street, incorporating pedestrian access with loading areas in the rear, and noted that none of that was achieved with the revised plans. Mr. Caruso stated they were trying to comply with the ordinances, which would require parking to the south and the rear, and that CVS designed the lot so that neighboring residents would be least impacted. Mr. Gleitz suggested adding a row of parking to the front and sited the previous application approved for CVS at the Route 206 and Brookwood Road site. Mr. Gleitz added that facing the rear of the building to the street made some sense when other buildings were proposed for this development but it does not make sense with one building proposed. Mr. Gleitz agreed that based on topography and other factors there will be some variance relief needed but the applicant should try other options.

After much discussion amongst the Board, the applicant's engineer, and the professionals, the applicant agreed to changing the orientation of the building, rearranging some parking, changing the loading area and bringing a revised plan back to the Board" February 2<sup>nd</sup> 2012 meeting.

Mr. Caruso reviewed other comments from Mr. Gleitz's report as follows:

#'s 7 & 8 - May be resolved with a revised plan.

# 9 - The Applicant will comply.

# 10, 11, 12 & 13 - Testimony will be provided by the sign consultant at a later time..

# 14 - The applicant will comply.

# 15 - A waiver will be requested.

Mr. Caruso reviewed Mr. Slaby's report dated Dec. 29, 2011 and indicated they would comply with Mr. Slaby's requests and address these issues with him. The Board accepted this. Mr. Caruso did note that because of the bedrock on this site a letter was written to the DEP asking for the DEP for a waiver of the requirement for ground water recharge; they are awaiting the DEP's response. If they have not received an answer by the next meeting date, they will look at other options for ground water recharge.

There was discussion about the proposed exterior and interior fire suppression, a report from the Fire Department has not been received. The Board secretary will follow up with the Fire Department.

There was discussion about stormwater discharge into the DOT stormdrain; the applicant will address with Mr. Slaby. The applicant believes the sewer capacity on Lot 14 is sufficient for the proposed development.

Lighting was discussed. Mr. Gleitz believes overall it is a good lighting plan, but in some areas illumination should be brought closer to the four-and five-foot candles. The Board may be okay with higher levels near the drive thru.

The applicant also provided testimony about the proposed sidewalks.

Chairman Shivas opened to the public.

*Early Riley, 5 Louis Drive* asked about landscaping for the undeveloped portion of the rear of Lot 14. Mr. Caruso indicated there will be some grading and seeding and some landscaping to provide stabilization. Mr. Riley has concerns that his house is now exposed to Route 206 because landscaping and the fence was removed from the also proposed plan. Mr. Caruso said since the retaining wall was eliminated the fence was removed, but CVS will add more landscaping if needed. Mr. Riley wanted to know who will own Lot 14; the applicant responded that CVS will be purchasing the lot.

*Ed Brice, 3 Louis Drive* asked what trees will remain and what size trees will be used to buffer his property. Mr. Caruso indicated that approximately 13 evergreens will be replanted along with some new eight-to-ten foot trees. Mr. Caruso indicated they will do whatever they can to provide screening and privacy for the residents and will mound the trees to ensure survival if that is needed. Mr. Senesky indicated that a condition of approval can be imposed regarding the residential landscape buffer to ensure tree survival and that they remain as permanent plantings. Mr. Brice also questioned the previous site plan on which an area that was designated as "wooded" was deforested before this application was presented. Mr. Brice also asked whether the compactor could be relocated. Chairman Shivas noted that the loading area should not impact the residents if trucks back into the loading area. Mr. Caruso indicated they normally do that.

Board member Mr. Walsh asked if the plans Mr. Brice spoke about could be presented to the Board for review. The Board secretary will follow up. No one else from the public came forward. Chairman Shivas closed to the public.

The applicant's architect Mr. Gehr, who was previously sworn in, presented Exhibit A16 – Exterior, colored elevations of Sheet A4.1C. Mr. Gehr provided testimony regarding the overall building design and building materials and noted there are four more windows. Mr. Gehr will provide locations of other similar CVS sites that the Board can visit and will bring pictures so that the Board can get a better visual understanding of the building. Mr. Gehr also talked about the roof and mechanicals. Mr. Gleitz indicated a waiver for a flat roof should be included and a roof plan should be submitted to the Board secretary for the permanent file. Mr. Gehr will comply and will include dimensions to ensure the mechanicals are not visual. Board members also requested that some of the architectural features that were added to the rear remain.

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

A motion to adjourn the meeting was made at 10:30 p.m. by Mr. Valentine and seconded by Mr. Kaufhold. The meeting was adjourned.

Respectfully submitted:  
*Cheryl White*