

MEETING MINUTES
BYRAM TOWNSHIP PLANNING BOARD MEETING
NOVEMBER 19, 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	H	H	H
ABSENT											
EXCUSED						EA					
LATE											

Also present: Attorney Kurt Senesky
 Engineer Cory Stoner
 Planner Paul Gleitz
 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 NOVEMBER 5, 2015

A motion was made by Mr. Kaufhold and seconded by Ms. Segal 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

Z07-2012, Catherine Trader, 55 North Shore Road, Block 157 Lot 272, R-5 Zone

Request to grant a one year extension of approval for a variance for front yard and left side setback for addition to single family home. This is the final extension permitted.

A motion was made by Ms. Segal 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.

OLD BUSINESS

Superior Structures, LLC, 44 Birch Parkway, Block 308 Lot 1823, R-5 Zone

To construct a second story addition this requires relief for a setback to a body of water and to intensify a pre-existing, non-conforming structure.

(The applicant requested to be carried to Dec. 3, 2015

A motion was made by Mr. Walsh and seconded by Mr. Chozick to carry the application to Dec. 3, 2015 with no further notice required. 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.

SP2-2015, School Village Apartments, 55 Lackawanna Drive, Block 226 Lot 21, M-F Zone

Preliminary and final site plan with variances for the conversion of the former Consolidated School into twenty one residential apartments.

Mr. Senesky reminded the Board that Mr. Careaga and Mr. Simeone were still under oath. Mr. Careaga presented Exhibit A1 – Revised Sheets pages, 4 of 11, 5 of 11, 10 of 11 and 11 of 11, dated 11/18/2015. Mr. Careaga reviewed the revisions with the Board:

- Potable storage water tanks were modified to two 16,000 gallon tanks.
- Fenced area enlarged to house a pad and 30KW generator for the well and sewer pumping station in the event of a power outage.
- Removed one dumpster, changed the location of the remaining dumpster, and it will be enclosed. The new location is under the recommendation of the trash hauler.
- Provided a lighting and landscaping plan.
- Total number of parking spaces is now 42, and the slant of the parking spaces changed.

- The circulation was changed so that the driveway on the easterly side of the site is access only and on the westerly side of the site if ingress and egress access. There was Board discussion regarding exit and entrance arrows depicted on the plan inside the site on the westerly end of the property along with a *Do Not Enter* sign which they found confusing. Mr. Careaga said it directs people to the overflow parking area where only maintenance workers can park. The Board recommended changing that so that tenants or visitors know they cannot park in that area. Mr. Careaga will remove the entrance arrow and leave the *Do Not Enter* sign.
- Fencing along the lower parking area will be replaced.

Mr. Careaga reviewed Sheet 5 of 11.

- Electric conduit is depicted for the generator to the sewer pump station.
- The grading in the parking area was revised to allow for a 2% slope for a handicap access sidewalk. Mr. Stoner asked about the upper parking area and grading and Mr. Careaga said the County is asking the applicant to dedicate five feet of the County roadway, which may change the proposed site plan. There was a lengthy discussion about this and Mr. Careaga said it is likely that this will happen and the only change is that it will push everything back 5'. Other than grading, the front yard setback will change to 9.1'. Mr. Stoner believes that if this does happen, it will be field changes but if the parking space sizes changes or something that triggers a variance, the applicant will have to return to the board.

Mr. Careaga continued to review the revision:

- Added a no parking fire lane and turning radius for pump engine for fire suppression.
- Added 6,000 gallon fire storage tank water. This tank will either have its own generator or diesel power in the event of a power outage and will be located outside and will be depicted on revised plans.

Mr. Careaga reviewed Sheet 6 of 11 which was part of the original plans submitted.

- Lighting and Landscape plan provided. Mr. Careaga said some of the asphalt was removed to add tress throughout the parking lot. A row of Arborvitaes were added along the property line to buffer neighbors.
- Lighting locations are depicted in red on the plan and a detail of the lighting is provided on Sheet 10 of 11.

Mr. Gleitz found the plan confusing and asked Mr. Careaga to separate the landscape and lighting plan. The applicant agreed. Mr. Gleitz added that the lights should be motion sensor.

Chairman Shivas asked how tenants on the ground floor, below grade exit the building in the event of an emergency. Mr. Simeone presented Exhibit A2 and A3, dated 11/19/2015 which is a three dimensional model that shows how the three street view bedrooms will have raised floors, bringing the floor closer to the window for safe exit, the distance from the floor to the window is 2.5'. Ms. Shimamoto asked about adding a more decorative wall so tenants in these apartments do not have to look at a cinder block wall. The applicant agreed. It was also recommended that this area be lighted with emergency lighting for safe exit.

Mr. Gleitz said the applicant should provide a mark out on the plans of the building entrances and the applicant should add some landscaping by the building entrances. There was Board discussion about the building entrances. He added that the applicant should add more bike racks with separate lighting and landscaping.

Mr. Careaga said sheet 8 of 11 shows the fence changes and will mark on the plans which fence is being upgraded.

Mr. Careaga reviewed Sheet 11 of 11

- Details of the water system were provided. An application has been made to the DEP. One well is proposed next to the water tanks, the other existing well is between the two buildings.

Mr. Simeone talked about the AC units saying they will not be visible from the street. Mr. Gleitz said the AC units should be depicted on the plan. The applicant agreed. Mr. Simeone said he is working on extra sewer allocation through the town. He's trying to see if edu's can be transferred from commercial properties that may have excess or from Stanhope Sewer Authority.

Mr. Stoner added that it should be clearly depicted on the plans what paving will be sealed vs. replaced. He would like as much curbing added to the site as possible. Mr. Careaga said with the revisions the impervious coverage will be at 22% if the County requires the 5' road dedication, the impervious coverage will be at 23.2% but said no matter what they will keep it under the 25% required by ordinance. He also reviewed the setback measurements should the County take 5' of the property.

Mr. Gonzalez said the Historic Society is looking at putting historic markers on historic sites in Byram and since this site has historic value would the applicant be willing to allow for an historic marker on the site. The applicant agreed.

Chairman Shivas asked about a picnic area for the tenants. Mr. Simeone said it is depicted on the plan.

Chairman Shivas opened to the public.

Mr. James Braun, 51 Lackawanna Drive was sworn in and had concerns that the lighting will spill onto his property. Mr. Careaga said that with the proposed landscaping and the lighting changes it should improve. Mr. Stoner suggested removing the proposed lighting close to the property line. The applicant agreed and said that if lighting affects the neighbors the applicant will adjust the lighting.

Jennifer Braun, 51 Lackawanna Drive was sworn in and had concerns about stormwater run off. Mr. Careaga said that water run-off should improve. She also had concerns about the safety of the access. Mr. Careaga said it should be as safe as it is today. Mr. Gleitz and Mr. Stoner believe it will be safer than the existing driveway with crosswalks and arrows.

Mr. James Meyers, 64 Lackawanna Drive was sworn in and had concerns about

- The previous Soil Erosion and Sediment plan called for a fertilizer that is illegal. Mr. Meyers wants to be sure that will not be used.
- He also had concerns about the time of trash pickup and wanted to know if the time of pick up can be restricted. Mr. Careaga said the applicant will agree to 7:00 am – 3:00 pm pickup.
- Mr. Meyers asked if a new well has to be drilled and if so when that will occur. Mr. Careaga said yes and, in accordance to DEP approval and requirements. Mr. Meyers asked about the disturbance for the well drilling. Mr. Careaga said it will be limited disturbance. Mr. Meyers asked if new well does not meet requirements, what are the options. Mr. Careaga said they would have to drill another well. Mr. Careaga said that the water system is a critical issue for this project.

- Mr. Meyers asked about the sewer allocation, if the applicant had other options. Mr. Simeone said there are no other options.
- Mr. Meyers had concerns about the back-up fuel storage for the diesel engine. Mr. Careaga said about 77 gallons will be stored and should last two days which is a requirement.
- Mr. Meyers asked about the height of lighting and the separation distance. Mr. Careaga said 16' from base to lighting.

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

Mr. Shimamoto asked if all windows meet egress requirements. Mr. Simeone said that all windows, other than the ones referenced in the model meet egress requirements.

Ms. Raffay asked about prior deed restrictions and Mr. Simeone said that all of the deed restrictions have been lifted on the property and have been recorded.

Chairman Shivas asked about the COAH requirements. Mr. Gleitz said four units are required and the applicant will have to go to the DCA to apply for a waiver of the three bedroom requirement. A developer's agreement will be in place.

Regarding signage, Mr. Gleitz will review the sign proposed. If the proposed sign changes or does not meet the ordinance requirements, the applicant will have to come back to the Board. There was Board discussion about this and Chairman Shivas said that since the applicant agreed to keep the current sign, which will be used for Township announcements, the applicants proposed sign should be the only one under review. Mr. Gleitz said whatever is outlined in the resolution of approval and on the site plan, stands. If that changes, the owner must come back.

Mr. Stoner said the emergency access corridor should be considered part of the structure and recommends the applicant confirm that 4' meets the fire code requirement.

Mr. Careaga reviewed the following:

Proposed

Acreage 5.39
 Front yard setback 14' (variance required)
 Bldg. coverage 7%
 Lot coverage no more than 25%
 Lot disturbance 55.1%

County 5' road dedication

Acreage 5.32
 Front yard setback 9.1' (variance required)
 No change
 No more than 25%
 56.2%

Variations required:

Tract disturbance
 Off street loading/unloading
 Driveway grade
 9X18 parking spaces
 Front yard setback

Mr. Gleitz recommended more landscaping to the rear and side and would like to see foundation plantings and plantings in the courtyard. He said the applicant should consider tenant amenities such as grills, more bike racks, and benches around site.

Mr. Careaga said that based on the site specific restrictions, wetlands, and slopes and grading the applicant is limited and most variances are a result of the site.

Mr. Stoner believes that most of the outstanding items are field changes. It was decided the applicant return on Dec. 3 with a lighting plan, a landscape plan with species types and signage details and Mr. Stoner and Mr. Gleitz will review.

A motion was made by Mr. Kaufhold to carry this application to Dec. 3 with a favorable resolution that states a 9' front-yard set-back. The motion was seconded by Mr. Riley. 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.

DISCUSSION ITEMS

Amendments to Chapter 240 – Zoning

- Revise Lot Disturbance for the R-4 & R-5 zones, and add cluster development requirements as a footnote.
- Cap on Lot Disturbance for over-sized lots
- Delete/modify setback of a structure to a body of water.
- Revise real estate signs in the VB/VC zones.
- Revise building height and façade height.
- Revise parking space requirements.
- Define accessory structures prohibited in a front yard.
- Revise accessory structure ordinance.

The Board reviewed the recommendations and found them acceptable. The accessory structure recommendations prompted a lengthy discussion and during the course of the testimony for School Village Apartments, Mr. Careaga recommended that the Board consider retaining walls and if they are considered accessory structures. Mr. Gleitz said he will look at other ordinances and provide more options at the Dec. 3 meeting. Ms. Shimamoto asked about impervious coverage being added. Mr. Gleitz said that item was not included in a scope of work he and Mr. Stoner provided to Mr. Sabatini but he will take a look at it. The Board added that portable storage units need to be addressed in the future.

HOUSING ELEMENT AND FAIR SHARE PLAN WORKSHOP

Mr. Gleitz said he provided the “build-out” to the Highlands. He should have a draft document at the Dec. 17 meeting. He added we may have to do a vacant land adjustment but he is not certain at this point.

REPORTS FROM COMMITTEES

- Township Council – Nothing to report
- Environmental Commission – Meeting next week.
- Architectural Review Committee – Nothing to report.
- Open Space – No meeting.
- Board of Health – Meeting next week.

ANY OTHER BUSINESS THE BOARD DEEMS NECESSARY

No other business

BILLS

No bills submitted.

PUBLIC COMMENT

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 11:45 p.m. by Mr. Walsh and seconded by Mr. Kaufhold. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: *Cheryl White*