

**MEETING MINUTES**  
**BYRAM TOWNSHIP PLANNING BOARD MEETING**  
**MARCH 16, 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		
LATE										

Also present: Engineer Cory Stoner  
 Planner Paul Gleitz  
 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.

**FLAG SALUTE** led by Chairman Shivas

**MINUTES**

Approval of the February 16, 2017 Meeting Minutes

A motion was made by Mr. Morytko, and seconded by Mr. Walsh to approve the minutes as written. The following vote was taken:

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

Motion carried.

**RESOLUTION**

Z01-2017, Tanya Diorio, Block 293 Lot 6.02, 566 East Shore Trail, R-3 Zone  
 169 sq. ft. addition to the rear of the home

A motion to approve the resolution with the correct setbacks was made by Mr. Morytko, the motion was seconded by Mr. Walsh. The following vote was taken:

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

Motion carried.

**PLANNING WORKSHOP**

Neighborhood Commercial, Village Business, and Village Center Zoning Review

**Neighborhood Commercial Zoning Review**

Mr. Paul Gleitz, Planning Board Planner reviewed the revised NC Zone and made the following changes/additions based on the Feb. 16 discussion:

B. Permitted uses.

#9 - Brewpubs & microbreweries – Paul said that the state standards allow brewpubs to serve food and function more like a restaurant, and microbreweries can sell growlers and take-a-way products.

#15 - Landscaping & home improvement contractors –

#17 - Mixed-use buildings containing a combination of permitted uses. Chairman Shivas asked if this was for a strip mall/shopping center. Paul said yes. Joe Sabatini, Township Manager suggested articulating that in the definition section. He believes a shopping center may indicate more than one building on the site. Paul said the intent was to allow strip malls in the NC Zone, not shopping centers; because the parcels in the NC Zone are not large enough to support a shopping center. Paul recommends permitting strip malls in the NC Zone, and shopping centers in the VB Zone. The Board agreed. Paul will amend the language for shopping center for VB Zone, maybe “multi-tenant retail”.

C. Conditional Use – no change

D. Prohibited uses:

Paul combined Junkyard or Salvage Yard, and he will remove *#9 any environmentally destructive contaminating use* per the Board’s recommendations.

E. Zoning Bulk requirements -

#3 - Front Yards: Not less than 45 feet and not more than 55 ft. There was Board discussion and Paul said he copied the VB standards, and instead of one row of parking he put two rows of parking. It was the consensus of the Board to change to not more than **80 feet, and two rows of parking.**

#9 - Lot coverage: a maximum of 50% was changed to **70%** of property. This was increased because parcels in the NC Zone are small, and this will allow for building and parking area.

# 10 - Off street parking:

b. Off street parking is not permitted in the side yards.

d. Paul added the language about a buffer when commercial properties abut residential neighborhoods -

Where commercial land uses abut residential uses, a landscaped buffer strip of 20 feet shall be required; however, the buffer shall not exceed 10% of the lot depth, in no case shall the buffer be less than 10 feet.

NC review cont.

#11 - Landscape Buffer - Where commercial land uses abut residential uses, a landscaped buffer strip of 20 feet shall be required; however, the buffer shall not exceed 10% of the lot depth, in no case shall the buffer be less than 10 feet.

#12 - Trash collections. There shall be an area or areas in the rear yard which is concealed from sight by a permanent structure for the orderly deposit and pickup of trash and recyclable materials.

#13 - Affordable Housing. Affordable Housing obligations shall be regulated by Article XIV of this chapter, as well as all those set forth in this section and Chapters 45 and 215.

#### G. Design Standards

Paul talked about changes to the Design Standards section saying he removed it from zoning, this way an applicant can ask for a waiver vs. a variance. He said 240-79 & 240-80 are Village Center sections and Purpose and Intent and 240-80 are all standards and requirements. Paul said the goal is to eliminate 240-79 & 240-80 entirely, and it will be replaced with the Form Base Code. The design standards that the Architectural Review Committee uses when reviewing commercial site plans will reference a new Chapter, 215-38.03 (this number assigned to this chapter may change), which will be our Smart Growth Design Standards. Paul said with regards to signs the Board will rely on the sign ordinance, so signs will be removed from this section. Paul said he also added standards for the lighting in this section.

#### Conditional Use Standards Review

#1 - Assisted living facilities & nursing homes Paul said he edited the previous # 5 and split assisted living facilities and nursing homes, and applied different standards.

#5 - Apartments as second principle uses on the second floor - Paul updated apartments as second principle uses on the second floor, which was recently updated due to Affordable Housing Plan and Settlement Agreement. Paul still needs information about when an elevator is required. Paul thought another approach the Board could take would be to allow as a waiver. If it is found that ADA requires a first floor apartment, it would be permitted in order to comply with ADA.

#8 Change from **Borough** to **Township**

#### Outdoor Sales & Storage

Paul corrected "a" to "the".

#3. Retail sales and services - Paul removed rear yard, side yard and buffer requirements and added language to create a border around the storage to define the area of storage.

#4. Landscaping and home improvement contractors - Paul added language for height limits, and a screening buffer.

Paul said the zoning officer provided some recommendation for this section, with special regulations. Joe Sabatini, Township Manager believes the way outdoor storage is being defined, is too specific. He believes it should be permitted if it is an accessory use to the type of business, and prohibited if it is not an accessory to the business. There was Board discussion about this and Paul will add general merchandise. Paul said that #1 covers this because it states "accessory to the permitted use". Paul said #3 is designed to deal with uses like Trail-a-rama, home and garden centers, etc. Paul said he may add a new #5, or #6, and come up with a new definition for general merchandise. Chairman Shivas said years ago gas stations started stacking soda outside and he would like to avoid that from happening again. Mr. Sabatini said when the sub-committee looked at this section; they felt anything that is outdoors that can be brought back inside the establishment would be outdoor sales, vs. products that remain outside. Mr. Chozick felt that should be called outdoor display and sales. Mr. Cory Stoner, Planning Board Engineer recommended adding temporary sales and storage. Paul will look at that. Paul said the right approach may also be to exclude shopping centers from the NC Zone, and permitting strip malls. Perhaps only permitting shopping centers in the VB Zone and define different types of accessory uses. Paul said he would relook at #3, and leave #4 the same, and possibly add #5 with language that talks about other general merchandise related to the accessory use of the principle use and in limited amounts, example; temporary sales and storage is limited to 10% of the site area, and must be under a overhang, but basically add some language that limits where, and how much. Mr. Sabatini said the subcommittee was taking a different approach and looking at it as sidewalk sales and if you have a sidewalk, and take the product in at night, it would be permitted.

After a lengthy discussion Paul will look at changing this language, saying that #3 gets new language, keep "retail sales and services" but add new term, such as storage and display of items such as lumber, building supplies, boats and trailers would follow rules under #3.

#4 Landscaping and home improvement contractors stay the same.

#5 would be outdoor display during business hours is permitted, not overnight storage, and outdoor storage is prohibited.

Paul said for shopping centers he will provide a new definition for sidewalk sales, outdoor storage and special events.

Mr. Morytko has concerns that if business will be permitted to display products outside; some business may take advantage of that. Mr. Sabatini said the Board could assign perimeters that would only allow certain business for example; the property must have a sidewalk. The Board agreed.

#### Outdoor dining

Paul said the Board should consider adding "only permitted if the principle use provides dining services",

#2 - Outdoor seating was changed based on the Feb. 16 meeting discussion.

Mr. Sabatini believes a side walk café should be handled separately as a conditional use in the VB Zone. Maybe having outdoor dining in the NC Zone, not sidewalk cafés, and applying conditional use standards to sidewalk café in the VB Zone.

#### Outdoor Entertainment

There was Board about adding recorded music. Based on a discussion at the Feb. 16 meeting, Paul will remove #3 # and #4 and referring to the Township's noise ordinance. The Board believed there was no reason to differentiate between live and recorded.

- **Eliminate #3 & #4 and defer to noise ordinance.**

#### Auto mobile repair

#3 Front yard - Paul removed the parking standard and added 40 feet. Mr. Sabatini believes it should be left at 45 feet. Paul will change to **45 ft.** Paul added that some of these standards would result in a d variance vs. a c variance to ensure there are enough space on the property, and not too much lot coverage.

#8 - Any outdoor storage or supplies - added based on Feb. 16 discussions. Ms. Shimamoto asked if there was a setback, and noted that a setback for a fence is less. **Paul will add 10 feet from property line.**

#### Lawn and garden centers

#3 Front yard - **Paul will strike front yard, and add an attractive border.**

#7 only small engine repair facilities will be permitted. **Paul will add permitted only inside the shop. Paul said he would use the same language as #9 under auto repair.**

#### Self-storage facility

#8 **Paul will add not more than 30% of the site and stacking is prohibited, to limit the height.** Paul will look at other codes with regards to "stacking prohibited".

The consensus of the Board was that a fence was not necessary.

Definitions (will be a stand-alone section 240-3, the Village Center will have its own set of definitions))

Paul changed Junkyard/Salvage yard based on Feb. 16 discussion)

Paul will add a definition for brew pubs

Bar and Taverns – Paul will change the language.

Cory had a question about the Smart Growth Design Standards, Paul said the intent is to simplify, and make it a single set of design standards.

### **Village Business & Village Center Zoning Review**

The Board reviewed the existing uses in this Zone.

A. Purpose and intent, Paul revised.

The Board reviewed the permitted uses in the VB Zone.

#12 – Commercial recreation facilities. There as Board discussion whether outdoor recreation would be the goals and intent of the VB Zone. The consensus of the Board was that NC and IPR Zone should allow for outdoor recreation and the VB Zone could permit VB Zone. **Paul will separate and change definition.**

#16 – Landscaping & home improvement contractors - Remove and make it prohibited.

#17 - Lawn & Garden Centers – Make conditional, and Paul will expand this to include **design and build services.**

The Board recommended adding Shopping Centers as a permitted use in the VB Zone.

Conditional Use

#2 – Outdoor sales & storage – Paul will revise based on Board discussion.

#6 – Automobile repair – make prohibited

#7 – Automobile dealership – make prohibited.

#8 – Automobile car wash – make conditional only if on sewer

#9 – Lawn and garden center – keep conditional

#10 – Self-storage facility – make prohibited.

Prohibited Uses.

#9 – Any environmentally destructive or contaminating use – **remove**

E. Zoning bulk requirements

1. Tract size – change from 40,000 sq. ft. to 20,000 sq. ft.

Chairman Shivas announced that the VB discussion will continue at a special meeting with the Township Council on April 13, 2017 at 7:00 p.m.

Chairman Shivas opened to the public.

*Georgette Schroeder, 9 Briar Lane* has concerns about creating more traffic thru the town. She also expressed her difference of opinion with the speed limit along the Route 206 corridor and believes the speed limit should be increased. The Board explained the goal and intent and that that slower traffic provides motorist the opportunity to see business in Byram, which will encourage people to shop in Byram.

*Jim Scott, Attorney for Gordon Byram Associates* express his appreciation to the Board that they are looking at making some changes to make it easier for businesses in Byram to succeed, and is excited about this discussion.

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

### **REPORTS FROM COMMITTEES**

Township Council – Nothing to report.

Environmental Commission- Meeting next week.

Open Space – No meeting was held.

Board of Health – Ms. Segal reminded the Board about the April 8 rabies clinic.

Architectural Review Committee – No meeting held.

### **BILLS**

Schenck Price, Smith & King, LLC (4 bills) \$1,575.00 A motion was made by Mr. Walsh, the motion was seconded by Ms. Segal Mr. Senesky's bills. All were in favor. Motion carried.

### **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 11:10 p.m. by Ms. Segal, and seconded by Mr. Walsh. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: *Cheryl White*