

**MEETING MINUTES**  
**BYRAM TOWNSHIP PLANNING BOARD MEETING**  
**FEBRUARY 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	H
ABSENT										
EXCUSED							EA	EA		
LATE										

Also present: Engineer Cory Stoner  
 Paul Gleitz Planner  
 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 2, 2017 Meeting Minutes

A motion was made by Mr. Kaufhold, and seconded by Mr. Morytko 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.

**INTERPRETATION OF ORDINANCE 20-2016 - ACCESSORY STRUCTURE**

Robert Freeman, Jr., Block 348 Lot 2, 101 Amity Road, R-2 Zone

Mr. Robert Jr. and Mrs. Kelly Freeman, owners of the property were sworn in. Mrs. Freeman said on the property is a 28 'X 30' two story accessory building and they propose to use the building for personal space for a media room, music room, and a gym. She said the home on the property is old, the rooms are small, and the basement has low ceilings so the home does not provide sufficient space, so they decided to use their accessory building for these activities. In preparation for this use, they installed a second septic on the property, which was approved by the County Division of Health and obtained a permit from the Township for a water line to be installed to the building. She said since the principle building is approximately four hundred feet from the accessory structure, they planned to add a bathroom and kitchen. After applying for a building permit the construction application was sent to zoning for review and the Township Zoning Official advised them that this use would require a variance. The Freeman's requested an interpretation of the Zoning Ordinance relating to Accessory Structures.

There was Board discussion as to whether the proposed accessory use is subordinate to the principle use, and of minor significance. The Freeman' contends it is not for business or rental purposes and believes it is minor in nature. Mr. Joseph Sabatini, Township Manager was sworn in and read *Ordinance 240-16.A (3) No accessory building or structure shall be used for human habitation.* After a lengthy Board discussion, the majority of the Board believed that the proposed use is not customarily incidental and subordinate to the principle use, which is residential, and believed that a use variance would be required. The Board did say that restrictions/conditions may be imposed such as the accessory building cannot be used as a dwelling or for a business.

A motion was made by Ms. Segal that Ord. 240-16, *Accessory Building and Structures* would not include this use as customarily and subordinate to the principle use. The motion was seconded by Mr. Kaufhold. The following vote was taken:

Mr. Senesky advised the Freeman's of the appeal process of the Board's conclusion and that the resolution will be drafted for the March 2, 2017 meeting.

	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

Mr. Gleitz said that as a result of our Module 6 of the Highlands Land Use Ordinance revisions, and while we are going through that process, which includes revising the Form Base Code for the Village Center (VC, the towns Highlands Center Designation), and adopting the Highlands Ordinance as it pertains to the remaining areas of the Township, the town is taking this opportunity to review and revise certain key elements of our zoning as it relates to the commercial areas. Mr. Gleitz added as recommended in the adopted Sustainable Economic Development Plan, which is also part of our Highlands Plan Conformance, workshops, discussions, a market study, a consumer reference study, the residents study, and research that was done on the market area the Board was charged with looking at the NC, VB and VC zones and perform a zoning review. The Board is looking at the existing uses, and potential new uses and, if warranted, to come up with new zoning standards for these zones. Mr. Gleitz said that this evening the Board will be looking at the Neighborhood Commercial (NC) zone.

Mr. Gleitz said that the pocket NC zones that were identified during the 2012 re-exam were recommended to be removed with the exception of one. Mr. Gleitz drafted a Neighborhood Commercial zoning review document which showed the existing uses in that zone today, and he reviewed those uses. He reviewed the list of proposed, permitted uses, conditional uses, and prohibited uses adding that the permitted list is more broadminded.

Mr. Senesky asked about design standards, specifically Number 2. Mr. Gleitz said this section references Smart Growth Design Standards adding that A, B, C D, E, Q, U, and V are not applicable to the Neighborhood Commercial Zone. F,G,H,I, J,K,LM,N,O,P parts of Q, R, S, and T are design standards about windows, doors, signs, etc., and could be handled as a waiver. Mr. Gleitz added that moving forward the Board will be rezoning the Village Center into a Form Base Code, and out of the design sections.

Below, in red are recommendations by the Board during the review of the Neighborhood Commercial zone.

Mr. Gleitz said the section that was sent out with regards to **Outdoor Activities and Special Events** will be discussed at a later date. Paul will do some research.

Under **Prohibited uses**, Mr. Stoner believed that *Junkyard or environmentally destructive or contaminating use* the language was too strong. **There was Board discussion and Mr. Stoner recommended adding Salvage Yard. Mr. Gleitz will combine junkyard/salvage, and removing environmentally destructive or contaminating use.**

#### **Outdoor sales and storage**

1. The sale and storage of goods may be permitted outdoors as accessory to a permitted principal use provided that all of the following requirements are complied with. (a to be replaced with the).
3. All outdoor sales and storage shall be in the rear or side yard and screened from view of all public streets by buildings and/or a twenty-five (25) foot buffer of dense evergreen plant material and/or fences as deemed necessary by the Board to achieve the intended buffer.  
**Mr. Riley said if the primary nature of the business is outdoor sales, creating a screen for these products would be detrimental to the business. The Board felt there should be buffering (the Board recommended Mr. Gleitz look at the setback vs. buffer or a combination of both).**
5. Landscaping, **Construction, Demolition or other such Contractors** - Outdoor Equipment Storage such as construction equipment, trucks, chippers, mulch piles and stockpiles of clean materials shall be permitted, provided the equipment and materials are limited to a single area of the site and this area does not exceed fifty percent (50%) of the lot area. Under no circumstances shall any stored material leave the site by natural causes or forces such as wind or water. **The Board recommended removing Construction, Demolition or other such Contractors and to add language about requiring a landscape buffer and height limit because of adjacent residential properties. There was Board discussion about home improvement contractors and that some may have small work equipment. Mr. Gleitz will look at some language with regards to landscaping and home improvement contractors.**

#### **Outdoor Dining**

1. The service of foods and beverages may be permitted outdoors as accessory to a permitted principal use provided that all of the following requirements are complied with. (a to be replaced with the).
2. Outdoor seating shall be included in any calculation of on-site parking requirements. **The Board recommended in lieu of a percentage it be required that parking, sewer, or septic requirements must be met.**
3. Outdoor seating shall not exceed 50% of the total seating of the facility. **The Board recommended in lieu of a percentage it be required that parking, sewer, or septic requirements must be met.**

#### **Outdoor Entertainment**

4. No live music may exceed 80 dB at the source.
5. No live music may exceed 40 dB at the property line  
**Since the Township has no way of measuring decibels of sound it was recommended this be changed. In addition the Board believed this number was too low. Mr. Gleitz said he would look at state regulations.**

#### **Automobile repair shop**

3. Front yard: not less than 20 feet. There shall be no more than two rows of off-street parking within the front yard.
7. No parking shall be permitted between the front building line and the street right-of-way.
10. All paved areas within the property shall be at least 10 feet from a property line, 20 feet from a street right-of-way line and 50 feet from a residential zone boundary or use and bounded by concrete curbing at least six inches above the surface. **For 3, 7, &10 Paul will re-visit this language**
11. All yard areas shall be attractively landscaped with grass lawns, trees and shrubs or other vegetation  
The Board recommended **Mr. Gleitz will re-visit the 20 feet setback requirement.**
9. No part of any automobile repair shop operation or paved area shall be conducted within 50 feet of a residential zone boundary or use. A six-foot high board on board or similar fence shall be installed along any residential zone boundary or use.
10. All paved areas within the property shall be at least 10 feet from a property line, 20 feet from a street right-of-way line and 50 feet from a residential zone boundary or use and bounded by concrete curbing at least six inches above the surface.
11. All yard areas shall be attractively landscaped with grass lawns, trees and shrubs or other vegetation  
**For 9, 10 & 11 Paul will look at buffering**
16. No unlicensed motor vehicle or part thereof shall be permitted on the premises of an automobile repair shop. Moreover, no more than six motor vehicles may be located upon any automobile repair shop premises outside of a closed or roofed building for a period not to exceed seven days.  
**The Board recommended the first sentence stand alone. Mr. Sabatini had questions about limiting the number of vehicles, saying that it would be hard to enforce. A buffer or designated area of storage may be a better approach. Mr. Gleitz will revisit.**

#### **Lawn and garden centers**

3. Front yard: not less than 20 feet. There shall be no more than two rows of off-street parking within the front yard. **Mr. Gleitz will re-visit front yard setback.**

#### **Self Storage Facility**

8. All material being stored shall be stored inside the building(s) including boats, motor vehicles, trailers, bulk items, and any and all other material. **Mr. Gleitz will change to read in rear yard or as designated on a site plan.**

### **Zoning bulk requirements**

- 2 Mr. Gleitz recommended changing the Building footprint: a maximum of 5,000 square feet to **Building footprint to a maximum of 40% of the property**, saying that if you have a larger lot, you should have a larger building footprint.
- 3 Front yard: not less than 10 feet and not more than 20 feet. There shall be no more than two rows of off-street parking within the front yard. **There was Board discussion, Mr. Gleitz will look at the Village Business standards for front yard, and make recommendations.** Mr. Stoner asked about the pre-existing buildings and Mr. Gleitz said the idea is to transform the look over time, and as new construction occurs to improve the quality of the site design, and bring building closer to the highway. Mr. Gleitz added that allows for shared driveway access as well.
11. Off-street parking is permitted in the rear yard, no closer than ~~four~~ **ten** feet to any building or property line. Parking is allowed up to the side property line when adjacent properties share an alley for access to rear parking.
12. Landscaping shall be regulated as in Chapter 215, Subdivision and Site Plan Review, A(~~Article V~~).<sup>[2]</sup> 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.** **Ms. Shimamoto thought that the language in Number 12 should be repeated in Number 11 to avoid confusion.**

### **Conditional Use Standards**

Mr. Gleitz reiterated, if an applicant meets the conditions, the use is permitted. If there is a condition that the applicant does not meet, they would have to get a conditional use variance, however the burden of proof relates only to the one condition they cannot meet, and their testimony focuses on the negative aspects, not the positive. Adding that the use itself would not be detrimental to the zone, but in order to accommodate the use, some conditions apply.

Ms. Segal said depending on the level of care, not all assisted living facilities have kitchenettes. **Mr. Gleitz will look at that language, and maybe adding and nursing.**

Apartments as second principal uses on the second floor - Recently updated per the Affordable Housing Plan and Settlement Agreement.

**Ms. Shimamoto had a question about apartments only permitted on the second floor saying that with ADA compliant regulations that would mean applicants would require to install an elevator which could be costly. There was Board discussion, and Ms. Shimamoto will research and get Mr. Gleitz the updated standard and maybe he can add language that for ADA compliant only, a limited number is allowed on the first floor.**

### **REPORTS FROM COMMITTEES**

Township Council – Ms. Raffay had nothing to report.

Environmental Commission- Ms. Shimamoto said they have a meeting next week.

Open Space – Mr. Morytko said the town is looking into hiring a forester to manage the Township's Stewardship Plan.

Board of Health – Ms. Segal said the Board has a new member.

Architectural Review Committee – Meeting next week.

### **BILLS**

Schenck, Price, Smith & King, LLP (4 bills) \$3,097.50

A motion was made by Ms. Segal, the motion was seconded by Mr. Chozick to approve Mr. Senesky's bills. All were in favor. Motion carried.

Latini & Gleitz Planning (3 bills) \$3,480.00

A motion was made by Ms. Segal to approve Mr. Gleitz's bills. The motion was seconded by Mr. Chozick. All were in favor. Motion carried.

### **OPEN TO THE PUBLIC**

Mr. Bob Ramella, 12 Brookwood Road wanted to know when the Board would be discussing the Village Business zone. Mr. Gleitz said in a few months.

### **ADJOURNMENT**

A motion to adjourn the meeting was made at 10:55 p.m. by Ms. Segal, and seconded by Mr. Kaufhold. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: *Cheryl White*