

MEETING MINUTES
BYRAM TOWNSHIP PLANNING BOARD MEETING
JUNE 7, 2018

CALL TO ORDER

Chairman Shivas called the meeting to order at 7:30 p.m.

ROLL CALL

	Mr. Chozick	Mr. Dixon	Mr. Gonzalez	Ms. Raffay	Ms. Kash	Mr. Kaufhold	Mr. Morytko	Mayor Rubenstein	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
HERE		H	H			H		H		H	
ABSENT											
EXCUSED	EA						EA		EA		EA
LATE				L	L						

Also, present: Attorney Kurt Senesky
 Attorney Larry Wiener
 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

MINUTES

Approval of the May 17, 2018 Meeting Minutes

A motion was made by Mr. Kaufhold to approve the minutes as written. The motion was seconded by Mr. Dixon. The following vote was taken:

	Mr. Chozick	Mr. Dixon	Mr. Gonzalez Alt. 1	Ms. Raffay Alt. 2	Ms. Kash	Mr. Kaufhold	Mr. Morytko	Mayor Rubenstein	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
Motion						√					
Seconded										√	
Aye		√				√		√		√	√
Nay											
Abstain			√								
Absent	√			√	√		√		√		

Motion carried

Ms. Kash arrived at the meeting at 7:40 p.m.

RESOLUTION

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

A request for relief from a condition of prior approval in the Resolution dated July 2016.

A motion was made by Mr. Kaufhold to approve the resolution as written. The motion was seconded by Mr. Dixon. The following vote was taken.

	Mr. Chozick	Mr. Dixon	Mr. Gonzalez Alt. 1	Ms. Raffay Alt. 2	Ms. Kash	Mr. Kaufhold	Mr. Morytko	Mayor Rubenstein	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
Motion						√					
Seconded		√									
Aye		√				√		√			√
Nay											
Abstain											
Absent	√						√		√		

Motion carried.

NEW BUSINESS

SP3-2018, Timothy & Lynne Meade, 1 Pine Point Lane, Block 255 Lot 174 R-5 Zone

Variances for front yard setback, setback to a body of water, and to exceed principle building coverage to construct a handicap ramp and to keep a pre-existing hot tub, shed and pool.

Mr. Edward L. Bonnefond, the contractor representing the Mr. & Mrs. Meade was sworn in. Mr. Bonnefond said that Mr. Meade suffered a stroke last year and he is renovating the home so it is handicap accessible. He said as well as interior renovations that are required for Mr. Meade to use a wheelchair in the home, a front handicap ramp, which violates the front yard setback, and the relocation of the front door is needed to accommodate his wheelchair. The applicant is also requesting relief for a shed, hot tub and pool erected without permits that violate the property setbacks, and a setback to a body of water. Mr. Dixon also noted that the decks which did receive previous approval was constructed larger than permitted. Mr. Bonnefond said Mr. Meade told him that the pool, shed and hot tub were existing when the home was purchased. Chairman Shivas said that a vegetative buffer will be required since this property abuts a lake. Chairman Shivas asked if the ramp will have a rail, and Mr. Bonnefond said he will meet all ADA requirements.

The Board had no further questions.

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

Mr. Walsh made a motion to approve this application with the setback variances for the pool, hot tub, and shed, a front yard setback for the handicap ramp, and a variance to intensify a pre-existing, nonconforming structure. Mr. Walsh noted that a vegetative buffer will be required. The motion was seconded by Mr. Kaufhold. The following vote was taken:

	Mr. Chozick	Mr. Dixon	Mr. Gonzalez Alt. 1	Ms. Raffay Alt. 2	Ms. Kash	Mr. Kaufhold	Mr. Morytko	Mayor Rubenstein	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
Motion										√	
Seconded						√					
Aye		√	√		√	√		√		√	√
Nay											
Abstain											
Absent							√				

Motion carried.

Z21-2017, Harry Bouquet, 18 Fieldstone Trail, Block 337.08 Lot 38.45, R-3 Zone (carried from May 3, 2018)

Mr. Bouquet requested to carry this application to July 19, 2018

Variance for a front yard setback and critical lot disturbance to construct a two-story single-family dwelling.

A motion to carry this application to July 19, 2018 without further notice was made by Mr. Walsh. The motion was seconded by Mr. Kaufhold. Chairman Shivas said if Mr. Bouquet is not ready for the July 19 meeting, he will be required to repeat the public notification. The following vote was taken:

	Mr. Chozick	Mr. Dixon	Mr. Gonzalez Alt. 1	Ms. Raffay Alt. 2	Ms. Kash	Mr. Kaufhold	Mr. Morytko	Mayor Rubenstein	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
Motion										√	
Seconded						√					
Aye		√	√		√	√		√		√	√
Nay											
Abstain											
Absent	√			√			√		√		

Motion carried.

CONSISTENCY REVIEW

Mr. Gleitz said changes to the Land Use ordinance is a two-part process, saying that at the last Council meeting the Zoning Map was introduced and is here before the Planning Board for a consistency review with the Byram Township Master Plan. He said the map is two parts, one part is the insert to the map showing the Highlands Center and Planning and Preservation area, which is all part of the Highlands Conformance process and the other part was correcting and updating any split zone lots or other mapping errors.

A motion was by Mr. Walsh that the Board finds the zoning map consistent with the Byram Township Master Plan. The motion was seconded by Mr. Dixon. The Board secretary will draft a memo to the Mayor and Council stating that. The following vote was taken:

	Mr. Chozick	Mr. Dixon	Mr. Gonzalez Alt. 1	Ms. Raffay Alt. 2	Ms. Kash	Mr. Kaufhold	Mr. Morytko	Mayor Rubenstein	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
Motion										√	
Seconded		√									
Aye		√	√		√	√		√		√	√
Nay											
Abstain											
Absent	√			√			√		√		

Motion carried.

OTHER BUSINESS THE BOARD NEEDS NECESSARY

Mr. Senesky, Board attorney gave a brief update on the Quick Chek appeal saying that the appellants, Heller Property Partners and Quick Chek may be close to a settlement.

REPORTS FROM COMMITTEES

Township Council – Nothing to report.

Environmental Commission – No representative present at the meeting.

Open Space - No representative present at the meeting.

Architectural Review Committee – No representative present at the meeting.

Zoning Officer's Report – Mr. Dixon provided the May 2018 Zoning Report.

- 6 Zoning permits were issued, none were a result of a Planning Board application.
- 1 Site Plan Waiver was issued for the expansion of Byram Beverage (Shop Rite Liquors).
- 32 Notices of Violations were issued, 8 were cleared.
- 1 Summons was issued.
- 10 Signs were removed from the roadway.

PUBLIC COMMENT

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

BILLS

Harold Pellow & Associates (4 bills) \$884.90

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

Law Office of Larry I. Wiener (2 bills) \$2,340.00

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

OLD BUSINESS

Ms. Kash and Mayor Rubenstein stepped down for this application.

SP2-2018, Anty Trucking Inc., Block 226 Lot 16, 9 Lackawanna Drive, IPR Zone (carried from May 3, 2018)
Preliminary and final site plan to construct a 20' X 40' addition and loading dock to existing building, construct two 12,800 sq. ft. equipment storage buildings, outdoor storage and associated site improvements for the operations of a trucking and rigging company.

Mr. Lavigne, Esq. representing Anty Trucking said the plans were revised based on Board comments and Mr. McClellan, who still under oath will review those changes with the Board, and added that Mr. Booth will review details of the proposed signs later this evening.

Chairman Shivas asked about the change to the northeasterly portion of the site saying that at the first meeting any development to that area was withdrawn and now the applicant has proposed parking for sixty-six trailers and he would like to know what changed to warrant parking for sixty trailers. Mr. Lavigne agreed with Chairman Shivas that the initial plan did have outdoor storage proposed in this area and recognizes that the applicant withdrew that development from the plan however recent circumstances for Mr. Antonucci have changed and he will provide testimony later tonight to explain the reason for the change.

Mr. Lavigne called the project engineer, Mr. McClellan and reminded him he is still under oath. Mr. McClellan presented Exhibit A20 – Titled *Site Rendering* dated June 7, 2018. He said the exhibit is one page and is sheet 2 of the submitted plans with notes and color. He also provided the Board with 11" X 17" copies of the exhibit. Mr. McClellan discussed the changes to the plan saying the addition of a sixty-trailer parking area to the east side was added to the plan along with a six-foot-high berm and twenty-seven trees for screening on top of the berm. He said the green areas on the exhibit depict areas to be re-vegetated.

Ms. Raffay arrived at the meeting at 9:05p.m.

Mr. McClellan said the outdoor storage area and the proposed accessory structure areas were defined with a macadam base. Mr. McClellan added some site grading is shown because the structures must be on a level pad. He said they added some ornamental trees at the westerly edge of the outdoor storage area and explained that the trees are there to delineate the area of outdoor storage and are situated so that a fork lift can maneuver between the trees. Mr. McClellan said that painted strips were added for further delineation at the west end of the buildings. He said of the forty-three parking spaces proposed they designated the twenty-five spaces that will be constructed and the eighteen that will be banked for future use, and that the twenty-five spaces will have a numbered post at the head of the parking space. Mr. Stoner also said that the access drive to the quarry must follow the filed easement and be demarcated. Mr. McClellan understood and added that if regrading is necessary the applicant will comply.

Mr. McClellan said the plan also depicts the new three signs; one at the entrance way, one off the access road and one on the building façade. Mr. McClellan said Mr. Booth will review the sign details later this evening. Mr. McClellan said the applicant is proposing, which is noted on the plan, to supplement the screening along the westerly property line. Mr. McClellan presented Exhibit A21, a series of six photos on three sheets of paper which were taken on June 6, 2018. He said the photos are numbered, corresponding with the plan so that you can match the photo to the plan to understand the location where the photos were taken from. Mr. McClellan reviewed the photos with the Board. Mr. McClellan said the propane storage tank location was added to the plan with bollards for protection and lastly, they indicated four locations on the two-proposed accessory structure for the "trussed roof" advisory signs.

Mr. Walsh asked about the trees to the west of the structures and if the forklift will have to traverse on the meadow mix area between the five proposed trees. Mr. McClellan said the trees were situated so that the forklift could maneuver between them if necessary. Mr. Gleitz has concerns and recommended pushing the trees and macadam area back saying that over the course of time the vegetation will be destroyed and the demarcation of the storage area would be of no value. Mr. Walsh said there should be a clear delineation between where vehicles travel and the vegetated area. The pavement is for the accessory structures and the macadam is where vehicles traverse. Mr. Stoner said vehicle or equipment movement should be on the pavement or macadam areas, not on vegetative areas. Mr. McClellan said because of environmental concerns they are limited to the amount of pavement that can be added. After Board discussion the applicant agreed to straighten the line as you enter the gate to the accessory structure area and move the trees back and add more macadam for easier vehicle movement.

Mr. Stoner talked about the fenced area to the south side of the accessory structures where the fence is. He said this area has large trees, which should remain for screening but is overgrown and should be cleaned. Mr. McClellan said it will be cleaned, and the trees will remain.

Mr. Stoner said since pavement was added under the accessory structures he has concerns about the grading and water run-off. Mr. McClellan said they will construct a swale or whatever is necessary to direct any water run-off. Mr. McClellan said the applicant would agree to infiltrate some water into the ground and a condition that at the time of construction perform soil testing to find a location where the percolation would be best. Mr. Stoner recommends putting a note on the plan, and a condition in the resolution that the means of infiltration to be verified and modified as required by construction. Mr. Stoner asked the composite of the meadow mix and amount of soil needed. Mr. McClellan said he will provide details.

Mr. Gleitz asked about additional foundations plantings around the existing building and buffering he spoke about at the last meeting on the south end of the existing building which will provide screening the outdoor storage area from Lackawanna Drive. Mr. McClellan said they need to leave some area for access to the rear but they will add some screening close to Lackawanna Drive. Mr. Gleitz added that foundation plantings around the building to soften the look should be included. The applicant agreed.

Mr. Booth, who is still under oath provided some details about the proposed signs. He presented Exhibit A22 which is a rendering of the modified existing Tilcon sign saying it will be 6ft tall, with a panel of 4.4' in width with a total area of 24 sq. ft. and complies with regulations for a freestanding sign. He presented Exhibit A23, a rendering of the proposed 24" X 42" building façade sign to be affixed to the north face of the building, by the door and lit with a shielded gooseneck lighting. He said the signs will all duplicate the Anty Trucking colors and logo which were presented at a previous meeting on Exhibit A17. Mr. Booth said at the last meeting they discussed the sign on the gate which is a 3' X 5' panel with the Anty Trucking logo and colors. He said a variance is required for two freestanding signs.

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

Mr. McClellan said Mr. Antonucci will talk to the Board from a business aspect about the change but from an engineering perspective they did have concerns that if he withdrew the proposed development on the right side of the site he may possibly lose his development rights in the future. Mr. Antonucci understands that the Highlands may be receptive that the rights will not be revoked, however the applicant also has concerns from a stormwater management perspective that falls under the NJDEP jurisdiction. He said future development may involve DEP permitted because the environmental issues on site like wetlands, riparian buffer, and open waters and flood plain associated with that. Chairman Shivas expressed his displeasure with the new submission.

Mr. Lavigne called Mr. Antonucci and reminded him he was still under oath. Mr. Antonucci said he recently learned that the property where he currently stores these trailers was sold which initiated a need to use the right side of the property. Chairman Shivas said the new plan shows outdoor storage closer to the road as opposed to the previous application which was further back on the site. Mr. Antonucci said they picked the area closer to the road because it is harder to see from Lackawanna Drive saying that when you drive up Lackawanna Drive that back portion of the lot is more visible. Mr. Stoner agreed but asked why is the area to rear so large. Mr. McClellan said for trailer maneuverability purposes. Mr. McClellan said this also leaves room for future development and addresses the need for reclamation of the site, and negates the need to obtain Highlands or NJDEP approvals. Mr. Gleitz added that keeping that large area on the plan will avoid the loss of impervious coverage. Chairman Shivas asked how many trailers will be parked there and after discussion Mr. Antonucci believes he owns about 40 – 45 trailers, saying that the number of trailers parked daily will vary because they leave the site from time to time. He said the parking of the additional trailers will not affect traffic, the amount of trucks in or out of the site, noise, or hours of operation. Mr. Lavigne said no other outdoor storage is proposed other than the parking of these trailers.

Mr. Gonzalez believes if more truck traffic occurs it will be detrimental to the development of the Village Center, which is a site across the street from this site and he believes this project does not provide economic development. Mr. Antonucci disagrees saying that his employees will visit restaurants, use gas stations and auto repairs shops in town. Ms. Raffay asked if Mr. Antonucci will allow other business to rent space, Mr. Antonucci said no. Mr. Wiener said that would be a condition in the resolution if this application is approved. Chairman asked about the note on the plan that if adjacent properties were developed, Mr. Antonucci will install a sidewalk along Lackawanna Drive.

Chairman Shivas opened to the public.

Ms. Anneliese Tartell, 7 Lackawanna Drive was sworn in and she owns the adjacent day care center and said she walked the subject property with the engineer and believes there is sufficient buffering between the properties. She said she is never disturbed by noise or trucks. She said as a business owner in town she is happy someone is proposing development in Byram and she hopes the Board approves this development. She asked about a tree near the Verizon building that she believes is posing a threat to the power lines. Mr. Dixon, the zoning officer said he will investigate.

No one else from the public came forward. Chairman Shivas closed to the public. The Board identified items to be revised for the next meeting.

- Straighten the delineated area to the west of the accessory structures and move the trees back and add more macadam.
- Infiltration to be verified and modified if needed at the time of construction.
- Addition of foundation plantings around the existing building and screening to be added to the southern area of the site to provide more screening from Lackawanna Drive.
- Truck Turning template for the east side of the site
- Details on meadow mix and quantity of soil needed.
- A plan to show grading and drainage around the proposed accessory structures and vehicle/equipment movement.
- Access points. Mr. Stoner said the applicant should look at a second access point into the accessory structure area if grading works.

Mr. Dixon would like the applicant to agree to a timeline for cleaning and reclamation of the site. Mr. Lavigne said if this application is approved, they would agree to a timeframe.

A motion to carry this application to June 21, 2018 without further notice was made by Mr. Walsh.

The motion was seconded by Mr. Kaufhold. The following vote was taken:

	Mr. Chozick	Mr. Dixon	Mr. Gonzalez Alt. 1	Ms. Raffay Alt. 2	Ms. Kash	Mr. Kaufhold	Mr. Morytko	Mayor Rubenstein	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
Motion										√	
Seconded						√					
Aye		√	√	√		√				√	√
Nay											
Abstain											
Absent	√						√				

Motion carried.

ADJOURNMENT

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

Respectfully submitted: Cheryl White