

**MINUTES - 8:00 P.M. MARCH 3, 2011  
THE BYRAM TOWNSHIP PLANNING BOARD**

**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>Ms. Raffay</i>	<i>Mr. Valentine</i>	<i>Ms. 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	A	H	H	H	H	H	H	H	H

Board Secretary                      Cheryl White  
 Township Attorney                  Kurt Senesky  
 Township Planner                    Ryan Conklin for Paul Gleitz  
 Planning Board Engineer          Lou Slaby

**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.

**MINUTES: February 17, 2011**

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

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

Motion Carried

**RESOLUTIONS**

Center for Humanistic Change – Block 42 Lot 110 – 12 Rte 206

Take space from training room and add clothing thrift store.

A motion was made by Mr. Valentine and seconded by Mr. Walsh to approve the resolution with two minor corrections. The following vote was taken:

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

Motion Carried

Z5-09 Osgood, Monica & Meyers, Dan – 241 Lake Dr Block 255 Lot 225

Extension for 1 year for rear and lake setbacks for renovation & addition

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

Planning Board Member	Mr. Chozick	Mr. Kaufhold	Mr. McElroy	Ms. Raffay	Ms. 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
Nay											
Abstain	X										
Absent			X								

Motion Carried

**COMPLETENESS**

SP1-2010 First Hartford Realty Corp/CVS Pharmacy/Barone's - Block 34 Lot/s 14 & 15 Preliminary/Final Site Plan, Minor Subdivision, Use Variance

A motion was made by Mr. Valentine and seconded by Mr. Kaufhold to deem the application complete with stipulation that the applicant provide a complete and clear list of requested variances and waivers when noticing paper and adhere to items outlined in Mr. Slaby's Feb. 24<sup>th</sup> letter and Mr. Gleitz Feb. 23<sup>rd</sup> letters. A date of April 21<sup>st</sup> was set for the first hearing of this application.

The following vote was taken:

Planning Board Member	Mr. Chozick	Mr. Kaufhold	Mr. McElroy	Ms. Raffay	Ms. 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
Nay											
Abstain							X				
Absent			X								

Motion Carried

**OLD BUSINESS**

SP3-2010 - Lakeland Bank – 80 Route 206 Block 226 Lot 15.01 – Amended site plan w/variance - change of parking area, exit/entrance and pylon sign

Attorney for the applicant, Mr. Jim Shepard confirmed that the Board received amended plans dated 2/14/2011 which were modified to include items addressed by Mr. Slaby and Mr. Gleitz. At that time Mr. Shepard introduced applicant's Engineer, Mr. Ken Dykstra who was already sworn in. Mr. Dykstra presented *Exhibit A5, Site Layout Plan* which is a colorized version of the plans with proposed lighting and landscaping along with other changes. Mr. Dykstra reviewed some of the lighting details and noted that the applicant will be using 6 lighting fixtures recommended by the ARC, *King Luminaries Ornamental Fixtures, Exhibit A6* and pointed out their location. He also indicated that some existing wall-pack units will remain along with a shoebox fixture, 27 feet in height, 250 watts which will be moved to the exit to the Byram Plaza site. Mr. Dykstra also talked about the foot candles and the applicant will be using lower lighting standards as suggested by the Township Planner, Paul Gleitz.

Landscaping was added to the plan and Mr. Dykstra reviewed the different types of planting materials to be used and their location. Mr. Dykstra noted that the DOT landscaping along the Lakeland Bank site is substantial and pointed out how one sidewalk was eliminated and replaced with landscaping.

He then provided response to Township Engineer Lou Slaby's letter dated February 24, 2011 pointing out that all outlined items were addressed such as the stacking of vehicles at the drive up window, how signs, marking and striping were added to direct vehicles around the building, a sign was added to direct people to Rt. 206 south, and the applicant expanded hairpin striping to the site parking spaces. In addition site line issues were addressed, dimensions of the sidewalk widths were added to the plan, handicap signs will meet requirements and curbs that are remaining and curb being removed were labeled more clearly. He concluded that the dumpster enclosure on the south side will have evergreens as a buffer and Lakeland will provide ornamental grasses along other sides with board on board vinyl on three sides with a board on board gate. Mr. Dykstra added that a final plan will be submitted that will include all changes.

Chairman Shivas open questioning of this application to the public. No one from the public came forward. Chairman Shivas closed to the public.

Mr. Shepard concluded that if not for the DOT Route 206 project Lakeland Bank would not be before the Board today. He added that this will be an improvement to the site, and will provide a better and safer traffic flow and he hopes that the Board approves the application.

Township Attorney, Kurt Senesky asked about an easement with Gordon Byram. Mr. Shepard indicated they have recorded deeds of easements at present and once this application is final plans that Mr. Dykstra drafted will be submitted and the applicant will file a second amended deed of easement. A motion was made by Mayor Oscovitch and seconded by Mr. Walsh to approve the application. The following vote was taken:

Planning Board Member	Mr. Chozick	Mr. Kaufhold	Mr. McElroy	Ms. Raffay	Ms. 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			X								

Motion Carried

### OTHER BUSINESS

#### Soil Importation Ordinance Review

Some discussion took place about drafting a Soil Importation Ordinance which brought forth many ideas and obstacles. It was determined that an ordinance is important and how it is communicated to the public that an ordinance exists is just as important. After a lengthy discussion Chairman Shivas asked that the Ordinance Subcommittee to meet and include Dave Gray, a member of the Environmental Commission, and work on a draft ordinance for the Planning Board's review before recommending the ordinance to the Town Council. It was also determined that cost factors need to be clarified and to add penalty and punitive action as an item. A suggestion was made to the subcommittee to contact other towns that have a soil importation ordinance to see if it is effective and how it is handled.

#### Zoning Permit Review

Item tabled

#### Right to Farm Ordinance Review

Item tabled

#### Jones Lane Preliminary Design Review

Mayor Oscovitch noted that this parcel, recently purchased for open space was on the Town Council consent Agenda for a PSA of \$2,000.00 to have a preliminary design plan done by Township Engineer, Cory Stoner. Councilwoman Raffay, also a Class III Member of the Planning Board suggested to the Council that the Planning Board be given the opportunity to review the preliminary design plan and Ms. Raffay reiterated this is in the **preliminary stages**. It was noted that Cory Stoner will have a pre-application meeting with the NJDEP because of the wetlands on the property, there were some question as to whether the meeting was with the Highlands or NJDEP. Further discussion took place about the plan and Chairman Shivas was appreciative the Board had the opportunity to review the plan in the early stages, and he hopes this happens more often. Chairman Shivas asked Board Member Caryn Segal who is also a Member of the Open Space Committee to provide updates and status on the project as necessary.

Chairman Shivas opened the meeting to the public.

Early Riley, 5 Louis Drive agreed that the importance of communicating information to the public about soil contamination is crucial and recommended that if an ordinance is adopted, keep it be simple. Mr. Riley added that the Open Space and Recreation Plan is in place not only for the acquisition of open space but to promote and support both active and passive recreation.

Chairman Shivas closed the meeting to the public.

### **BILLS:**

#### Lou Slaby Associates \$4308.44 (2 Bills)

A motion was made by Mr. Walsh and seconded by Mr. Valentine to approve Mr. Slaby's bills. All were in favor. Motion Carried

#### Heyer, Gruel & Associates \$2635.00 (4 Bills)

A motion was made by Mr. Walsh and seconded by Mr. McElroy to approve Heyer Gruel's bills. All were in favor. Motion Carried

### **ADJOURNMENT:**

At 10:15PM Mr. Valentine made a motion to adjourn, Mr. Kaufhold seconded the motion. All in favor. Motion Carried

Chairman Shivas adjourned the meeting.

Respectfully submitted; *Cheryl E White*