

MINUTES
JANUARY 6, 2011
8:00 P.M. 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	H	H	H	H	H	E	H	H	H

Board Secretary	Cheryl White
Township Engineer	Lou Slaby
Township Attorney	Kurt Senesky
Township Planner	Paul Gleitz

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: December 16, 2011

A motion was made by Ms. Segal and seconded by Mr. Valentine 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	X
Nay											
Abstain		X									
Absent							X				

Motion Carried

SITE PLAN WAIVER REQUEST - Block 226 Lot 15.02 - Christine Braun – 7 A Lackawanna Drive
Change of Use from Office to Retail

A motion was made by Mr. Valentine and Seconded by Mr. Chozick to approve the waiver with the condition that if the use changes or they acquire a new tenant they must appear before Board.

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	X
Nay											
Abstain											
Absent							X				

Motion Carried

RESOLUTIONS

SP-03-06 & SP-03-06B Extension for Variance – WGB Properties, LLC and James Weichert – Bl 41 90.01, 90.02 & 94 Route 206

A motion was made by Mr. Kaufhold and Seconded by Ms. Segal to grant a 1 Year Extension of Final and Preliminary Site Plan Approval, Variance Relief and Approval of Waiver requests.

Chairman Shivas recommended that the Board direct Township Attorney Mr. Senesky to draft a letter instructing the applicant when the extension expires the owner/s must appear before the Board before another extension be granted. 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	X
Nay											
Abstain											
Absent							X				

Motion Carried

NEW BUSINESS - Z10-10 Alex Rubenstein Bl 234 L1.04 - C Variance – Partridge Rd. - To construct 6 Bay Garage

A Motion was made by Mr. Chozick and Seconded by Mr. Walsh to carry the Application without further notice to January 20, 2011. 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	X
Nay											
Abstain											
Absent							X				

Motion Carried

OLD BUSINESS

Adoption of Open Space and Recreation Plan

The TLC provided a summary of changes to the Board. The Board was satisfied with the summary and the document. A motion was made by Mr. Valentine and Seconded by Ms. Segal to adopt the Open Space and Recreation Plan. 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	X
Nay											
Abstain											
Absent							X				

Motion Carried

Councilwoman Marie Raffay stepped down at 8:12PM due to JTK Application.

SP2-10 JTK ASSOCIATES, LLC – 9 Lackawanna Dr. BL 226 Lot 16 –

Site Plan with Variance for prohibited use, minimum distance for parking to building and outdoor storage.

Mr. Senesky distributed a list of proposed conditions as requested at the 12/16/2010 meeting. The Board and Mr. Kron review the list. Below are some minor changes that were requested.

- Condition #4 – Second sentence “Trucks shall be parked overnight only in designated outdoor storage areas, and shall not be left running”. This condition should read “Trucks other than passenger type vehicles, (2 axle/4 wheels) shall be parked overnight only in designated outdoor storage areas, and shall not be left running”. The Board agreed to this clarification. In addition the Board also agreed the first sentence should read; to the extent possible, truck arrivals, departures and loading activities shall be limited to the hours of operation shown on the plans (cover sheet), strike the last sentence of this condition. Township Planner Paul Gleitz recommended that on the site plan have the Board designate parking as follows:
 1. Bldg. A, passenger type, 2 axle fleet vehicles parked overnight be parked in the rear by the one-way parking area.
 2. Bldg. B, passenger type, 2 axle fleet vehicles parked overnight is parked between Bldg. B and the outdoor storage area.
 3. Bldg. C passenger type, 2 axle fleet vehicles parked overnight is parked in the area between Bldg. C and that outdoor storage area.
 4. Employee/passenger type vehicles are parked in front.
 5. All heavy, 3 axle or more be parked inside the fence, inside the outdoor storage area.

The Board and the Applicant were in agreement with this parking designation.

- There was some discussion about Condition 3a, type of fencing. Board member Lisa Shimamoto recommended a higher, slatted fence. There was some discussion amongst the Board about the fencing and it was noted anything higher than 6’ would require a variance. The Board didn’t see the need for slats and felt that would not provide any benefit. The Applicant’s Planner reiterated the fence is for edging purposes only, not security. This item will be tabled until the owner could be reached.
- Chairman Shivas commented on 3b regarding construction crane booms. He would like the condition to read that this approval for a maximum of four (4), fifty feet (50’) in height cranes will be granted **to this owner only, not to the property**. If the property changes ownership the condition is revoked. The Applicant is in agreement with this restriction. A relief from the condition would have to be sought before the Board if a new owner wanted the same exception.

Township Planner Paul Gleitz mentioned in other towns it is routine to incorporate Title 39 which allows police the right to go on site, this does not obligate the police to provide security. The Applicant’s Planner agreed this is standard and the owner would be okay with that.

The Planner, Mr. John McDonough previously sworn in provided testimony regarding Mr. Gleitz’s letter dated August 31st, 2010. Mr. McDonough commented on *variances* and noted that two more variances have been sought; Height variance for the water tower which triggers a setback to the property line. The setback variance would be of equal distance to the size of the structure. Since the proposed tower would be 70’ in height, it would require a 70’ setback, but the Applicant would request a variance to match the size of the height of the tower. Mr. McDonough added the Board needs to make a decision on the use variance, whether they need relief from this variance or not because of the fact that they have multiple buildings and multiple tenants on this property and it is justifiable because they are dealing with an industrial park which is referenced in the Master Plan and the Ordinance as well. Does the Applicant qualify for the exemption?

Variance #2. Parking in front yard should go away, that was a decision the Board made at the first hearing, that there is not parking in the front yard. The front yard is being defined as the closest building point to the street which is Building A, (the existing building) there is no parking closer than that building to the street.

Waivers – (Number 7 will be discussed when the Applicant’s Engineer provides testimony).

Most of Mr. Gleitz’s issues outlined in the letter were addressed and the Applicant was found to be in compliance. Some issues that required further discussion or are outstanding are:

Item # 12 - Ms. Shimamoto questioned what they did to be in compliance with regards to impervious coverage. The Planner indicated they added more “green” space and adjusted the arrangement of the site.

Regarding Design Guides, Exterior Design and Façade Treatment, Planning Board Member Andrew McElroy indicated that the Architectural drawings were submitted after the ARC met and he feels the ARC would like the opportunity to review the drawings and provide any comment. It was determined that the committee is meeting on Jan. 19th and would review the drawings at that time and provide quick feedback before the Jan. 20th Planning Board meeting.

Item 16 - Mr. Gleitz reiterated the roofs are not flat and he elaborated on the pitch.

Item 25 - Mr. McClellan, Applicant’s Engineer indicated that the Applicant hired a new lighting expert and will be providing a new lighting plan which will take into account the

ARC comments. The ARC will have the opportunity to review the plan and it would be subject to approval by the Board.

Item 27 - The Applicant has provided additional landscaping but will be looking for some relief with regards to islands every ten spaces. They feel they mitigated that by adding more landscaping on the perimeter.

Item 28 - Chairman Shivas asked if they would use different material such as stamped concrete or brick in crosswalk areas. Mr. McDonough feels the Applicant would be in agreement with that.

Item 29 - Applicant submitted Exhibit A21, pg. 1 **Site/Monument Signage**, pg. 2 **Bldg. Signage**. There was some discussion about the signs, based on the last meeting the large directory sign was reduced by 20% and moved back 40' from the street. Each building would have a smaller directory sign in front of the building and a 4 sq ft sign on the door or window of each tenant. The lettering for the directory signs will be consistent but on the door or window it could be different. Building C should have some identification on overhead doors or personnel doors.

9:30PM Planning Board Member Mike Walsh had to leave.

Item 39 – Looking for partial waiver, no island for every 10 spaces.

Item 41 – Retaining wall plans still must be approved by Engineer.

Item 42 – Applicant will comply

Mr. Kron called Mr. McClellan, Applicant's Engineer, who was previously sworn in. Mr. McClellan reiterated that the Engineers will work together regarding Stormwater.

Number #7 - Width of the road - The Applicant provided Exhibit A22, & A23 which were letters and reference material to substantiate the need for a 40' road. The road will have a double strip down the center and white line on the outside and they will extend the curbs all the way through the site. There was some discussion about the need for the wide road and the Board reviewed these documents and agreed that a 40' road was acceptable.

- *Condition 3a* - The Applicant was reached and the Applicant prefers a 6' chain link fence without slats. The Board agreed that it would remain a 6' fence without slats.

Mr. Gleitz pointed out that one additional one way sign be added to the transformer pad (concrete area). Applicant agreed.

Mr. Gleitz reviewed the positive and negative criteria for the development of this site with the Applicant's Planner, Mr. McDonough who summarized that this development will improve the site appearance aesthetically and will offer employment and growth to the community. Mr. McDonough asked the Board to look at this application as a whole and that this development offers clean industrial use that will comply with the intent and purpose of the Master Plan.

Chairman Shivas opened to the public for questions or comments. No one from the public came forward. Chairman Shivas closed to the public.

Planning Board Member Bob Chozick asked for an updated list of Conditions. Mr. Senesky said he can update the list.

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

A motion was made by Mr. Valentine and Seconded by Mr. Chozick to carry the application to January 20, 2011. 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	
Nay											
Abstain											
Absent				X			X	X			

Motion Carried

OTHER BUSINESS

Mr. Senesky handed out a preliminary draft of the new Site Plan Waiver Application. He asked the Board to review the document for comment. This will be a discussion item on a future agenda.

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

BILLS:

Heyer Gruel & Associates	\$ 776.25 (2 Bills)
Lou Slaby & Associates	\$ 3,300.70 (3 Bills)

A motion was made by Ms. Segal and second by Mr. Chozick to approve Heyer Gruel & Assoc. bills. All were in favor. Motion Carried.

A motion was made by Ms. Segal and second by Mr. Kaufhold to approve Mr. Slaby's bills. All were in favor. Motion Carried

ADJOURNMENT:

At 10:45PM Mr. Valentine made a motion to adjourn; it was seconded by Mr. Kaufhold All were in favor. Motion Carried

Chairman Shivas adjourned the meeting.

Respectfully submitted; *Cheryl E White*