

MINUTES
BYRAM TOWNSHIP PLANNING BOARD
October 7th, 2010

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>Mrs. Raffay</i>	<i>Mr. Valentine</i>	<i>Mrs. Segal</i>	<i>Mr. Walsh</i>	<i>Mayor Oscovitch</i>	<i>Mr. Gonzalez</i>	<i>Ms. Shimamoto</i>	<i>Mr. Shivas</i>
Roll Call	X	X	X	X	X	X	X	E	X	X	X
	Attorney					Kurt Senesky					
	Planner					Paul Gleitz					
	Engineer					Lou Slaby					
	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 Meeting Act.

FLAG SALUTE led by Chairman Shivas.

HIGHLANDS PLAN CONFORMANCE PLAQUE

Councilwoman Marie Raffay spoke about the meeting with the Highlands Council on 9/23/2010 and that the council unanimously voted for Byram Plan Conformance to the Regional Master Plan and designated Byram's first Highland Center. A plaque was presented to Byram which Marie shared with the Board. Marie spoke about the meeting and how the Council discussed how progressive Byram was and that all combined efforts, hard work and contributions from professionals, committees, boards and volunteers made this possible. They Council recognized Chris Hellwig's hard work and contribution and that a tree was donated by the Highlands Council to be planted in memory of Chris.

Paul Gleitz, Byram Township Planner added that on Nov 5th and 6th, during the New Jersey Chapter Planning Conference awards dinner they will have a memorandum for Chris. Paul encouraged any members that have a personal remembrance that they would like to share to please provide your comments to Paul.

Paul also discussed that Byram will be doing a follow-up grant to achieve all the other items that need to be done from an implementation standpoint. Upfront they will be working on a checklist Ordinance, and a Petition Ordinance. The Check list Ordinance will require applicants to get their compliance determination prior to coming before the Planning Board until the Ordinances are in place. Two more jobs to be done within 6 months, one being the Highlands Master Plan element and the other the Highlands Ordinance. The Highland Ordinance will incorporate; all the work done on the form-based code, which will become essentially the Village Center Ordinance for that area and then incorporating the growth and non growth areas as seen on the map. After going thru the Planning Board process it will go to the Council for approval which should be in a six month time frame. To follow will be a re-look at the Land Use Plan as requested by the Chairman which will encompass a review, amend and adopt the Land Use Plan taking into account all those things that the Highlands brought up so there are no inconsistencies, this way the Land Use Plan element and Master Plan will agree based on the Highlands. In addition, stormwater management plan amendments and ground water allocation planning will be completed.

Mr. Shivas questioned if the Highlands Reexamination process changed and does not have to be reviewed until 10 years. Paul commented that has only been passed by the Assembly committee, that it hasn't been passed by the Senate or signed by Governor yet. Paul advised that we should still continue with the reexamination process. He feels it will not be effort lost and believes it's a useful exercise if they are going to be revisiting the Land Use Plan.

MINUTES:

September 16th, 2010

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

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

Motion Carried

Let the record show that Councilwoman Raffay stepped down because the Application was a use variance.

OLD BUSINESS

JTK ASSOCIATES, LLC - BL226 L16 - 9 Lackawanna Drive SP2-2010

Board Attorney Kurt Senesky asked Mr. Kron, Attorney for Applicant about comments raised from the Byram Township Environmental report and Mr. Senesky stated that the EC would hope that the Commission recommends that the Board postpone hearings until a variety of issues are resolved. Mr. Senesky pointed out that since the application was deemed “Complete” by the Site Plan Subcommittee the Board does not have the power to postpone hearings on the application. It must go forward or the Board exposes itself to an application for statutory approval which the Board doesn’t want to happen.

Mr. Kron presented a Traffic Engineer, Mr. Joseph Staigar of Staigar Engineering, LLC. Mr. Staigar was sworn in and gave testimony to his 30 years of experience and is a licensed Engineer in the State of New Jersey. The Board accepted Mr. Staigar as an expert.

Andrew McElroy, Board member wanted confirmation that since the Board was not given advance opportunity to review the Traffic Study presented by Mr. Staigar and that they would have the opportunity to question the witness in the future should they have further questions or comments.

Mr. Staigar stated that traffic studies are broken into three parts;

- *Part 1* is a study based on the evaluation of existing conditions, inventory of traffic control devices, traffic counts, and establishes a base line of traffic conditions.
- *Part 2* determines amount of new traffic that would be generated by the redevelopment being proposed.
- *Part 3* is based on work with the site Engineer as far as site parking, access, site circulation, site traffic and types of traffic, i.e. cars, trucks and to be sure traffic is operating efficiently and safely on site and accessing the roadway.

Mr. Staigar stated they did data collection and investigating due to DOT changes on Route 206 and Lackawanna Drive which is the main access point for vehicles using the site. They contacted the NJDOT consultants, RBA Group, to get a look at the new intersection layout of Rt. 206 and Lackawanna Drive, and they looked at an old study done by DOT in which indicated a 10 year projection and they compared their numbers to the DOT study to be sure they were in line.

Mr. Staigar conducted traffic counts during “peak” hours and concluded based on the study that traffic volume decreased from the DOT counts, which they felt was due to the economy. Mr. Staigar said to get their based conditions they “bumped” those numbers up to a higher volume, which would represent a “pre-recession” period. Mr. Staigar discussed the amount of traffic generated by the proposal. Mr. Staigar discussed the study in depth. Chairman Shivas questioned the “peak” hours used in the study and the Board agreed that “normal peak” hours are very different due to buses from the school. The Board also agreed that traffic volume increases on Route 206 at 3:30P.M. Mr. Staigar agreed but didn’t feel that the site traffic generated in the P.M. hours would be high. Mr. Staigar said if the traffic report is “amiss” they

would perform another study but felt whatever the numbers are the DOT is improving the safety of the Lackawanna and Rt. 206 intersection for a larger capacity.

Mr. Staigar discussed the next step and that was to see how much traffic the site would generate. They used the "Institute of Transportation Engineers "TRIP" generation manual to develop projected volumes of those type uses such as flex space, industrial and warehouse. Mr. Kaufhold asked if this study included the traffic generated by the outdoor storage usage and Mr. Staigar indicated it was more generic since they don't know the amount of truck traffic going in and out. The Board reiterated since a large portion of the site will be used for outdoor storage which will generate a substantial amount of truck traffic the Board needs to look at how these types of vehicles which will impact traffic flow.

Mr. Walsh said the ITE rates used are for general industrial and general warehousing and wanted to know if there is a separate ITE standard for outdoor storage use. Mr. Staigar answered "no". Mr. Kron called Mr. Jacobson, principal owner to answer these specific questions. Mr. Jacobson, previously sworn in stated that typically at the current site, which is proportionality smaller than the proposed site, generates 5 to 10 loads a day and the movement of heavy equipment is done on "off peak" hours, heavy equipment moves are usually done after 9AM. Mr. Walsh pointed out that these numbers do not include leased space to contractors and Mr. Jacobson agreed. Mr. Kaufhold asked if these types of movement are typical to the contractors he will be leasing space to and Mr. Jacobson answered "yes". Mr. Kaufhold said the Board would like some estimates of anticipated volumes for heavy equipment moving in and out and projected time frames. Mr. Jacobson felt that based on the type of business, commercial contractors, they typical work earlier than the normal 8:00 AM to 4:30 P.M. Paul Gleitz, Township Planner, asked if there was a number that Mr. Staigar could use that the Board can rely on to get an idea of traffic generated. Mr. Staigar further discussed the study and described "peak hours" and how they collected the data. He went on to talk about the Quarry activity and the effects of traffic generated from the Quarry. The Applicant felt that the Route 206 improvements would improve the flow of traffic at the intersection of Lackawanna and Route 206.

Mr. Gleitz feels that the numbers generated in Mr. Staigar's report are not "way out of whack" and asked if there would be any change in their testimony or analysis if they assigned some additional truck traffic. Mr. Staigar stated no. Mr. Gleitz asked if they had an actual number of truck trips in and out, he feels the truck traffic is the major concern. His question is the development as proposed and given the fact they don't have any definitive numbers of truck traffic on the peak hour based on the outdoor storage, will there be significant issues with the gaps for ingress and egress of heavy vehicles on Lackawanna. Mr. Staigar stated they were suppose to meet with Sussex County Engineering Department but due to rain it was postponed but this has be done to measure site distance for the trucks. Mr. Gleitz asked about a dedicated left in and Mr. Staigar indicated there are certain warrants for a left turn lane which is decided by level of service indicated. Mr. Gleitz asked if there is enough shoulder space to make a bypass on Lackawanna Drive when trucks are turning left. Mr. Shivas indicated no, he did not believe so. Mr. Staigar indicated they needed County approval and if a left turn lane is warranted they will know.

Mr. Shivas reiterated that this Traffic Study is open to recall.

Mr. Shivas open to the public. No one from the pubic came forward.

Mr. Kron called Mr. McClellan for testimony. Mr. McClellan was already sworn in.

Mr. McClellan presented 3 exhibits;

1. *A6 Sidewalk Exhibit* which is a response from the last meeting. They highlighted the sidewalks that were originally proposed with red shading, and they added sidewalks in front of parking area in Bldg. B and to proceed out to Lackawanna Rd.
2. *A7 - Mezzanine Exhibit* which depicts yellow sections of mezzanine areas will be constructed initially, purple areas will be future construction and "banked" parking spaces correspond with the purple areas.
3. *A8 Phases of Construction* depicts the three separate phases of construction which will be
 - I. Depicts proposed access road from Lackawanna Drive thru to quarry, includes Building B, outdoor storage behind building B, parking around building B, and the four detention basins. Mr. Shivas requested that the detention basins must look good and wants to know if they are wet or dry ponds. Mr. McClellan stated the basins will be dry ponds, small in size with landscaping, nice walls and they will be well maintained. They will not be the typical, overgrown weeded ponds. All drains will be incorporated into the system; the system serves three purposes, to reduce the rate of runoff, to provide clean water in compliance with the DEP standards and finally ground water recharge.

II. Addition to building A, parking around building and infrastructure items.

III. Construction on C – grading, outdoor storage, parking and access to Building C.

Mr. Jacobson indicated the equipment that is currently on site that has been there for years in the current owner's equipment and will be removed during the first phase of construction. The scale house will be removed and security fencing will be provided. A comprehensive fence plan will be incorporated into the plan.

Mr. McClellan indicated landscaping will happen as each section is being built. Mr. Slaby asked about sewer allocation, stream encroachment and water permit/applications and Mr. McClellan indicated they were waiting from the verdict of the Board before applying to the State. They have already submitted an application to Sussex County for a soil erosion permit and are actively in a review for that at this time. They will provide report back to Board.

Wetlands are delineated by the Wetland Specialist and a LOI has been issued in 2002 and an extension in 2007 was provided. Mr. Slaby asked about stormwater management, Mr. McClellan will contact Mr. Slaby and provide to the Board exactly what is needed. Mr. Shivas indicated that the approval of the application cannot incorporate a lot of "subject to's". The Board wants answers on a lot of subjects that are of concern. The Board understands the sewer allocation is an issue and that will be a "Subject to". There was further discussion about various reports required to be submitted such as a drainage report.

Mr. Gleitz spoke about his report dated August 31st, 2010, which addressed necessary variances, and waiver requests. Some of Mr. Gleitz's concerns will be addressed when the applicant's Planner provides testimony.

Item # 11 - Perimeter parking and the necessity of it, Mr. Gleitz feels the site is "over parked". Mr. Jacobson said he will look at square footage and see if some can be banked, he has no problem banking spaces.

Item # 13 - Water source and infrastructure. Mr. McClellan spoke about a preliminary report and they have high confidence water will not be an issue on site. The applicant would like the water report to be deferred. The applicant will follow building code requirements regarding fire protection and water storage tank. Mr. Walsh asked if a water storage tank is a requirement, will it impact the site plan they are presenting today, Mr. McClellan indicated no. Mr. Shivas stated the Board needs to know about the water supply and how water will be distributed to each building. Mr. McClellan will provide a plan of water line distribution and design but cannot provide testimony on yield of well water. At that time they will also address the Fire Protection concerns.

Items 14 – 24 - Deferred to Planner.

Item # 25 – Lighting should not be substituted and should provide what the lighting design will be. Mr. Gleitz would like plan to show foot candles, point 5, across the site and in pedestrian and parking areas. Mr. McClellan will superimpose on drawings point by point analysis on plan and will clarify security lighting.

Item # 27 - 28 – Mr. Gleitz will review their pedestrian plan, and when the applicant revisits banked parking perhaps that will help with pedestrian flow and some landscaping to go in those areas.

Item # 29 – Plan should indicate site monument signs, tenant signs, façade signs. They should be comprehensive and complementary.

Item 34 – Landscaping could be enhanced, more buffering. A waiver will have to be sought if they are not using an approved New Jersey Landscape Architect to draw plans. The lists of shade trees are not on the approved list and should be amended. There is a specific plant list in the Ordinance that is approved.

Item # 35 – "The applicant reserves the right to alter the plant schedule". Mr. Gleitz recommends striking that note and applicant should agree to the planning schedule as provided.

Item # 37 - Mr. Gleitz noted that are requirements for building planting and the applicant should look at that.

Item 40 – 41 - Details for gate, retaining walls and fencing will be provided.

Mr. Gleitz asked Mr. Jacobson if they would consider added vegetation to specific area of property. Mr. Jacobson indicated this could be DOT property and NJDOT is required by NJDEP to do some mitigation work and this property may use as part of their mitigation plan. The applicant will provide status to the Board of this project.

Mr. Shivas opened questions to the public

Mr. Fred Braun, 26 Bank Street came forward and asked about parking near his building, Creative Kid Care which is a property adjacent to this development. Mr. Jacobson stated he will put in guiderail. The plan will show the guiderail and fencing. Mr. Braun asked for a guarantee

that no hazardous material will be stored on site and any “junk” will be removed. Mr. Jacobson indicated yes.

No further questions from public, Mr. Shivas closed to public.

A motion was made by Mr. Valentine and seconded by Mr. Chozick to carry to December 2nd, 2010. All were in favor.

Planning Board Member	Mr. Chozick	Mr. Kaufhold	Mr. McElroy	Mrs. Raffay	Mrs. 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											
Absent				X				X			

OTHER BUSINESS:

Site Plan Waiver Request Process –

Discussion took place regarding the process for a site plan waiver request and associated costs. Currently, all site plan waiver requests must go before the Board and a resolution made. Mr. Shivas recommended making a change to the Ordinance, having Mr. Senesky create a Site Plan Waiver request form with a check list that can be reviewed and approved by the Zoning Officer, bypassing the Site Plan Committee. If the change is a change of tenant only, for example; retail to retail, or restaurant to restaurant then this could be approved by the zoning officer and upon recommendation of the Zoning Officer the Board would approve the request by way of vote. The form would take place of the resolution and would become part of the record. The form would be pertinent to the specific request. The recommendation for a fee change to \$50.00 as opposed to \$125.00 for a site plan waiver request.

If the change is a is such for example; restaurant to retail then the applicant would be required to submit a site plan application and follow that process.

BILLS:

Heyer Gruel & Associates \$
 Lou Slaby \$ 1,282.50
 Kurt Senesky \$ 2,269.50

A motion was made by Mr. Walsh and second by Ms. Segal to approve Heyer Gruel & Associates bill. All were in favor. Motion Carried

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

A motion was made by Mr. Kaufhold and second by Mr. Walsh to approve Kurt Senesky’s bills. All were in favor: Motion Carried

OPEN TO THE PUBLIC

Chairman Shivas opened the meeting to the public. No one from the public commented. Meeting was closed to the public.

ADJOURNMENT:

At 11:15PM Mr. Kaufhold made a motion to adjourn; it was seconded by Mr. Valentine. All were in favor. Motion Carried

Chairman Shivas adjourned the meeting.

Respectively submitted:
 Cheryl E White