

MINUTES
DECEMBER 16th, 2010
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

	/	/	/	/	/	/	/	/	/	/	/	/
	Mr. Chozick	Mr. Kaufhold	Mr. McElroy	Ms. Raffay	Mr. Valentine	Ms. Segal	Mr. Walsh	Mayor Oscovitch	Mr. Gonzalez	Ms. Shimamoto	Mr. Shivas	/
Roll Call	H	A	H	H	H	H	H	E	H	H	H	/

Interim Secretary	Doris Flynn
Township Engineer	Lou Slaby
Township Attorney	Tom Molica (<i>for</i> 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 2, 2010

A motion was made by Ms. Segal and seconded by Mr. Valentine to approve the minutes. Mr. Walsh asked for some minor corrections in connection with the JTK Application and public comment on the East Brookwood Park Grant.

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				X							
Absent		X						X			

Motion Carried

OLD BUSINESS

Adoption of Open Space and Recreation Plan

Some discussion took place regarding the changes made to the plan. Planning Board Member Andrew McElroy asked if the Recreation and Open Space Committee were satisfied with the changes. Planning Board Member and Member of Open Space Committee Caryn Segal informed the Board that at the Open Space meeting the Committee reviewed the changes and were satisfied. Planning Board Chair George Shivas said he would like to see a summary page outlining any changes that were made.

The Board decided to table the item for discussion later in the evening because a phone call was placed to the Township Manager, Joe Sabatini who is a Member of the Open Space Committee. Mr. Sabatini agreed to come to the meeting to discuss this and hopefully clear up any questions. Item tabled.

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. Valentine and seconded by Ms. Segal to approve the Extension for 1 year to expire on 12/2011. 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

RESOLUTIONS

Gordon Byram Associates, LLC 90 Route 206 - L 226 L14 –

Waiver request for Gordon Byram based on Route 206 improvements, change to parking area and entrance. A motion was made by Mr. Walsh and seconded by Mr. McElroy 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	
Nay											
Abstain											
Absent		X		X			X				

Motion Carried

Z07-07 Extension for Variance – Jean Bouquet (Garrison Holdings) BL 337.08 L38.45

A motion was made by Mr. Walsh and seconded by Mr. Chozick 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	
Nay											
Abstain											
Absent		X		X			X				

Motion Carried

Councilwoman Marie Raffay stepped down at 8:50PM due to JTK Application.

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

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

Planner for the Applicant, John McDonough was sworn in by Attorney Tom Molica. The board accepted Mr. McDonough as a professional in his field. Mr. McDonough presented and discussed new exhibits.

Exhibit A-9 12/16 – 4 pages of aerial 11x17 photos – Planner reviewed in detail what each photo depicted. The site is nine (9) times more than the zoning requirement and the size of site implies a higher intensity of use. He stated that this was a redevelopment application and the applicant would like to develop it as a light industrial park. It is important to understand that it was, is and can still be a quarry.

Exhibit A-10 12/16 – Three Planning reasons why the application qualifies for multi-use exception under section 240-15 of Byram ordinance.

1. The proposed land use is an industrial Park.
2. The Byram Master Plan recognizes industrial parks as a legitimate use in the IPR zone.
3. The Byram Land Use Ordinance exempts industrial complexes from single use.

The applicant's planner does not feel a use variance is required to allow for multiple uses on one property. He reviewed the definition of industrial park and feels this application meets that.

Township Planner, Paul Gleitz stated that the proposed outdoor storage in this development is an accessory use to a light industrial park. The board may want to decide if they want to only have outdoor storage as an accessory use and if they want to restrict future use of this property to not allow leasing to a tenant who would use outdoor storage as a principal use; such as a landscaping company who only uses the site to store equipment and not have a principal use on the site. Our ordinance prohibits outdoor storage which is why they need a use variance.

Chairman Shivas stated that he does not feel the board will want to see the outdoor storage as a principal use – they would want to know what is being stored there. Mr. Jacobson, principal owner confirmed that Nordic would be using outdoor storage as an accessory use.

Exhibit A-11 12/16 – Front elevation color rendering of *Building A* – Existing building with add-on wing to the north. The building was designed with vertical elements with coloring to break up the mass of the building. Planning Board member Ms. Shimamoto asked what the proposed materials were, the owner stated the primary material are on lower section is ground block with brick above, along with metal siding and a standing seam on the roof.

Exhibit A-12 12/16 – A visual of the center of center piece building which is *Bldg. B* – New construction. This building also had vertical elements, similar coloring, Dryvit material (Stucco/EIFS (synthetic Stucco)) that is added to this building but with the same principal materials as the other buildings. *Bldg. B* is the only building that has Dryvit material. The EFIS on *Building B* will be the same coloring as metal walls on *Bldg. A & C*. and the brick face will match on the three buildings.

Exhibit A-13 12/16 – *Bldg. C* – similar to *Bldg. A* – bookends to *Bldg. B* – Standing seam, metal siding and brick run down under office areas.

Windows are going to be tinted glass, metal framed windows --windows will be the same on all 3 buildings.

Roofs

- *Bldg. A* has minimal pitch - mechanicals will most likely be ground level
- *Bldg. B* – office portion has flat roof – other part has pitched roof. Mechanicals will not be visible.
- *Bldg. C* has off-center pitch.

Exhibit A-14 12/16 – Landscape architectural plan

- evergreen belt around entire property
- limits visibility of outdoor storage
- Landscaped heavily around the buildings
- substantial sized trees
- picnic areas

Mr. Gleitz asked to review each building with regard to what they had done with the landscape.

Exhibit A-15 12/16 which contains 6 details. Mr. McDonough handed out reduced copies of *A-14 – 12/16*.

- *Bldg. A* – added small plants (forsythia) behind child care center – Mr. McDonough said they could be flexible as to type of plants – Ms. Shimamoto and Mr. Gleitz suggested juniper. Mr. Gleitz said pallet plants might be better. They accentuated the entry ways and ad

Mr. Gleitz asked if the board should look at designating a spot where mechanicals would go – it is not part of the plans now. There was some discussion as to where the mechanicals should go. Mr. Jacobson agreed to screen the mechanicals with landscape or fence to meet planner's satisfaction.

- *Bldg. B* – Accentuate the entry way, integrated some connectivity between *Bldg. A & B*. They added outdoor seating/eating areas and increased landscaping
- *Bldg. C* – Added outdoor seating/eating areas and increased landscaping

Mr. Gleitz asked Mr. McDonough to address parking. They have future parking spaces on the plan. Mr. McDonough said the owner is looking for flexibility and wants to keep extra parking. If and when they use the future parking spaces, they will have to do some reconfiguration and use some of the outdoor storage space. Mr. Gleitz asked what the future parking area would look like. Mr. Jacobson said that the future parking area would not be striped on the right side – just left as blacktop. He would use the area on the left of the pad for oversized trucks; such as registered pick-up trucks.

Exhibit A-16 12/16 - Directory of Signs

- Detail 1 depicts the master directory sign – approximately 30 feet wide – 5 deep – 16 feet high. Wayne Valentine asked if it would interfere with sight distance. There is an alternate site for the sign – they have to check site distance.
- Chairman Shivas would like to see the applicant use the area more into the site so there isn't any backup onto Lackawanna Drive when people stop to read sign.
- Mr. Gleitz questioned if the size of the sign was in accordance with the ordinance. Mr. Jacobson added the brick pillars on each side of the signs because he felt it tied the project together.
- Mr. Gleitz would like the sign page redone to add a zoning chart.
- Detail 2 depicts all the interior directory signs for *Bldg. A, B and C*.

Zoning

- D-1 variance for outdoor storage
- C Variance area for *Bldg. A* – Distance from parking lot to building – 6 feet vs. 20 ft. required.
- C Variance for parking to close to property line – 8 ft vs. 20 ft required.

Mr. McDonough provided positive and negative criteria with specifics to outdoor storage and the development of this site.

10:00PM - A break in this applicant's testimony was taken to resume discussion on the Adoption of the Open Space and Recreation Plan. Mr. Sabatini discussed some of the changes made to the Plan. Chairman Shivas reiterated that he would like to see a summary page outlining changes before adopting the Plan.

Councilwoman Raffay rejoined the meeting for this discussion.

Chairman Shivas opened the meeting to the public.

Bill Barrett, 7 Brookwood Rd, Byram asked what is the hurry to adopt the Plan. Mr. Sabatini said there is no urgency; this is the process, if the Board isn't comfortable adopting the plan that is up to the Board. Mr. Sabatini wanted to clarify the potential implications if they do not adopt the plan. Mr. Barrett said it seems the Board is in disagreement and how can they adopt a plan they aren't clear about. Mr. Walsh indicated that the Board is 99% clear on the contents of the document and that there were only minor changes.

A motion was made by Mr. Valentine and seconded by Mr. McElroy to table this to the January 6th meeting and require TLC to provide a summary of changes.

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
Nay					X				X		
Abstain											
Absent		X						X			

Motion carried

10:30PM Testimony of JTK Associates resumed

Councilwoman Raffay stepped down for this application.

Applicant's Attorney Mr. Kron introduced Water Specialist John Flood – American Associates – sworn in and provided educational and professional experience and was accepted by the board as an expert in his field.

Exhibit A-17 12/16 – Proposed water distribution system the specialist emphasized this information is all preliminary.

- Proposed steel storage tank 60' high 22' wide.
- There will be two wells on the site.
- Three hydrants on the site.
- Fire suppression in each of the buildings.
- Does not know what the water quality is.
- The township has an ordinance on the height of water towers. Mr. Flood provided justification to exceed the ordinance height of 40'. Mr. Chozick asked what the height

was of the Shop Rite water tank. Mr. Flood said 32'. This would be located near the Shop Rite tank. They would paint it similar to the Shop Rite tank, which is tan, so that it would not stand out.

- Mr. Kron amended the application to request a variance to have a 60 feet water tank.
- Chairman Shivas told the applicant there will be no "plastic pipes". They would require steel pipes or ductile iron pipe.

Chairman Shivas opened the meeting to the public.

Skip Danielson, 18 Hunters Lane, asked about *Bldg. B* and asked if standpipes would work better than versus a booster pump. Applicant will look at that.

Chairman Shivas closed questioning to the public.

After some discussion, Mr. Kron asked to amend the variance for the tank to 70 feet in case they needed to have a higher tank.

Mr. McDonough continued planning testimony.

Exhibit A-18 12/16 – Proposed outdoor storage in fenced-in area

Page 1 – three colors depict different type of storage – equipment vehicles, stackable materials, and loose/mounded material storage

Page 2 – series of photos of types of construction equipment – There will be cranes stored on the site – no more than 4 cranes. 30' height cap for all materials, with the exception of 50' for the 4 cranes. Mr. Jacobson, the owner has one crane but he is asking to allow 4 for growth.

Page 3 – photos of earth moving equipment

Page 4 – photos of various trucks

Page 5 – photos of various materials to be stored on property in stackable form

Page 6, 7 – photos of storage materials

Page 8 – photos of loose materials and dumpsters

Mr. Gleitz asked if there was going to be crushing done on this site. Mr. Jacobson said the site is just for storing and staging for this material, if that changes he'll have to come back to the Board.

Exhibit A-19 12/16 – exhibit of types of trucks

Section 240-60E – performance criteria section – Mr. McDonough reviewed the 15 performance standards in this section and will be in compliance with it.

Maintenance of vehicles will take place inside the building. There will only be assembly of machinery done outside.

Mr. McDonough reviewed a list of conditions that he compiled from previous meetings, they are as follows:

1. Site be operated with performance controls
2. Site be operated with all applicable State and Federal Regulation
3. Designated outdoor storage area shall be fenced, with security fencing and locked gates –
4. Material shall be limited to the 16 categories listed on s plans on sheet 2
5. Nothing will be stored outside fenced area.
6. No materials in the storage area shall be more than 30 feet in height with the exception of a maximum of 50 feet height on 4 (four) pieces of equipment (cranes). A maximum four (4) cranes be allowed and they must be stored in the main area.
7. No material shall be deposited in a manner that they may be transferred or run off the lot by natural forces or causes.
8. Fume and dust control measures will be employed.
9. The outdoor storage may be subdivided or compartmentalized for use by different tenants. These outdoor storage uses will only be for accessory use only; if a tenant wants to lease outdoor storage only and not occupy a portion of a building they will have to come before the Board for a use variance.
10. Traffic and truck loading activities shall be limited to hours of operation shown on the plan.
11. Truck arrivals and departures shall be scheduled to the extent possible for off peak traffic times.
12. Will meet items 4-9 in Lou Slaby December 2nd report.

Other items that were discussed are:

- Changing the plant type behind *Building A* – by Daycare
- Mr. Jacobson agreed to screen the mechanicals with landscape or fence to meet planner's satisfaction and will be a condition that will be met.
- The Water Distribution System must meet the requirement of the Fire Department.
- There will some outdoor assembly but of equipment only.
- Submittal of an approved Lighting Plan
- Width of Road Addressed

Mr. Gleitz asked about the maintenance of vehicles inside the building. He asked if there were floor drains. Mr. Jacobson stated that there will not be floor drains but there is spill prevention, the floors are cement.

Ms. Shimamoto took photos of Nordic’s existing site. Mr. Kron objected to introducing these photos because he said that the board member would have to step down and become a witness, which would make her ineligible to vote on this application. Mr. Jacobson stated that his existing site is a very tight site and that is why he is looking to expand to this new site.

Ms. Shimamoto asked if Nordic was following OSHA standards regarding stacking of materials. He stated yes.

Chairman Shivas asked how the storage area would be set up for multiple users. Mr. Jacobson said it would be divided with concrete highway dividers.

Mr. Kron asked if Mr. Senesky could prepare a list of conditions that could be reviewed.

Discussion took place it was decided to have the Planner provide testimony on Jan. 6th and the Engineer and Owner provide further testimony on Jan. 20th.

Mr. Valentine made a motion to carry this application to the 6th which was seconded by Mr. Walsh. 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.

Chairman Shivas opened the meeting to the public.

Skip Danielson, 18 Hunters Lane, feels that this complex should have a separate name for the road and buildings appropriate numbered 1, 2, and 3 for 911 purposes. Suggested naming the road Peter Kero Drive – would remain a private road. Mr. Jacobson agreed to naming private road and numbering building.

Chairman Shivas closed questioning to the public.

Open to public –

Skip Danielson, 18 Hunters Lane wished everyone a *Merry Christmas*

BILLS:

Lou Slaby \$ 177.00
 Kurt Senesky \$ 742.50

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 Ms. Segal and second by Mr. Walsh to approve Mr. Senesky’s

bills. All were in favor. Motion Carried

ADJOURNMENT:

At 11:00PM 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