

**MINUTES –
FEBRUARY 3, 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

| | | | | | | | | | | | | |
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| | / | / | / | / | / | / | / | / | / | / | / | / |
| | 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 | H | A | H | H | A | H | H | H | H | H | / |

Board Secretary Cheryl White
Township Attorney Kurt Senesky
Township Engineer Lou Slaby
Township Planner Mr. 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: January 20, 2011

A motion was made by Mr. Kaufhold and seconded by Mr. Valentine to approve the minutes with a minor correction. The following vote was taken:

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|-----------------------|-------------|--------------|-------------|------------|-----------|---------------|-----------|-----------------|--------------|---------------|------------|---|
| / | / | / | / | / | / | / | / | / | / | / | / | / |
| 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 | | | | | | | | | | | | |
| Abstain | | | | | | | X | X | | | | |
| Absent | | | X | | X | | | | | | | |

Motion Carried

Mayor Oscovitch and Councilwoman Raffay stepped down at 8:05PM for the JTK Application.

OLD BUSINESS

Block 226 Lot 14 – JTK Associates – 90 Route 206 – Variance relief, preliminary and final site plan approval to develop and industrial park/warehouse and outdoor storage.

Township Attorney Kurt Senesky circulated a draft resolution to the Board for review and comment. Discussion took place addressing some issues. Attorney for the applicant, Mr. Kron, identified 4 items that needed to be changed, **1)** pg. 4, e. *northwesterly should be northeasterly.* **2)** pg. 20 d. *Scratch d.* **3)** pg.21 should indicate *crushing of stone during active construction only.* **4)** pg. 23, applicant would like it to read *equivalent lighting* approved by the Township Planner and lighting shall extend *no less than 300'* along site entrance. The Board agreed to these changes. Mr. Senesky indicated this is an intense resolution and would like to be as definitive as possible, he recommends adding language that the Board retain jurisdiction to matters that Mr. Slaby and Mr. McClellan may not reach an agreement on and that the applicant **must** comply with the Township Municipal Sewerage Authority and NJPDES permit from DEP.

Board Member Lisa Shimamoto added that the applicant agreed to store “Sea Boxes” no more than two (2) high, the tenant signage was limited to the door panel only and in the lighting plan, building mounted lighting language should be added, the applicant agreed. Ken Kaufhold, Board Member pointed out that Title 39 needed to be added, which the applicant agreed to at a previous meeting.

Chairman Shivas pointed out some minor corrections and asked that the wording of item b, pg. 19 be changed, the Board agreed.

Mr. Slaby commented that he will not sign the plans and a building permit will not be issued until all requirements are met, the Board was in agreement with this but notes that field changes may occur.

Mr. Gleitz added that he needs to see the plans for review before signing off.

That concluded the discussion on the resolution.

RESOLUTIONS

SP2-10 - Block 226 Lot 14 – JTK Associates – 90 Route 206 – Variance relief, preliminary and final site plan approval to develop and industrial park/warehouse and outdoor storage.

A motion was made by Mr. Valentine and seconded by Mr. Kaufhold to approve the Resolution with many conditions. 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 |
| Nay | | | | | | | | | | | |
| Abstain | | | | | | | | | | | |
| Absent | | | X | | X | | | | | | |

Motion Carried

Mayor Oscovitch and Councilwoman Raffay at 8:45PM joined the meeting.

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

A Motion was made by Mr. Kaufhold 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 |
| Nay | | | | | | | | | | | |
| Abstain | | | | | | | | | | | |
| Absent | | | X | | X | | | | | | |

Motion Carried

Mayor Oscovitch and Councilwoman Marie Raffay 9:15PM rejoined the meeting.

NEW BUSINESS

Z11-10 Doerr, Thomas – 11 Cabin Spring Trail B332 L3.01 –Carried from Feb. 3rd, 2011

Variances to permit expansion of non-conforming use – add a deck, expand a bedroom and add a vestibule.

There was discussion about Mr. Doerr’s notice and publication date. It was determined that Mr. Doerr’s publication was not 10 days prior to the hearing date. The application was carried to Feb. 17th. It was noted that Mr. Doerr does not have to re-notice but must re-publish in the paper.

A motion was made by Mr. Valentine and Seconded by Mr. Kaufhold to carry. 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 |
| Nay | | | | | | | | | | | |
| Abstain | | | | | | | | | | | |
| Absent | | | X | | X | | | | | | |

Motion Carried

Attorney for the applicant, Mr. Shepard of Fein, Such, Kahn & Shepard, P.C. introduced key players regarding this project; from Dykstra Engineering Ken Dykstra, DOT Project Manager Charles Henry, RBA Group, Denice daCunha, Lakeland Bank Vice President Facilities Manager, Tina George, RBA Group, Bryan VanderGheynst, Lakeland Bankcorp, Inc. Robert Vandenberg, and Butler Sign Company President, John Janis. All were sworn in.

Mr. Shepard introduced Ms. George for testimony. Ms. George gave a brief history of the Rt. 206/Lackawanna Dr DOT project and how this project impacted this site by frontage land acquisition, DOT gave them land on the easterly side of the property, signage relocation, circulation changes, access relocation and the elimination of access from Lackawanna Dr. Ms. George indicated that if not for the DOT changes Lakeland Bank would not be before the Board today.

Mr. Shepard introduced the applicant's engineer, Kenneth Dykstra, Mr. Dykstra has provided testimony to the Board previous and the Board accepted Mr. Dykstra as an expert in his field. Mr. Dykstra submitted *Exhibit A1* – Colored version of existing conditions of site, and *Exhibit A2*, Colored version of proposed site. Mr. Dykstra reviewed various changes to the site; Lackawanna Drive will be relocated and a storm water basin added between Lackawanna Dr and the bank, along with a landscaped court area. Access to the bank will be from Byram Plaza, and Route 206 access will still exist with one-way circulation around the building. Two drive-thru lanes were increased to accommodate 6 cars to stack. Mr. Dykstra added that the newly configured Lackawanna Dr will provide a better flow for traffic and vehicles exiting the Byram Plaza. In addition Lakeland Bank added more sidewalks to site, conformed to handicap requirements by adding one more space, and provided better pedestrian connections to Byram Plaza.

The parking area was reconfigured, discussion took place regarding parking. The applicant is seeking a waiver to the parking Ordinance with regard to size of spaces. Mr. Dykstra provided testimony to substantiate 9' wide spaces. Township Planner Paul Gleitz asked if the applicant would be opposed to hairpin striping between parking spaces in the front of the bank if the Board approved 9' spaces. The applicant agreed to that. Regarding three spaces in the rear, Township Attorney Kurt Senesky recommended that a sign is added to identify the three spaces as "Employee Parking", the applicant agreed.

Lakeland Bank conducted a traffic study and the results indicate about 150 trips in the peak hour, half would relate to the drive thru and half would be inside customers. They also asked Lakeland bank for traffic volumes and at their maximum there are about 45 cars in an hour, which would indicate there will be no stacking issues. At peak times there may be more than six vehicles which may block parking spaces or circulation but proposed design is still better and safer than current situation.

Discussion took place about the variance for lot coverage which was due to added sidewalks and parking spaces. Ms. Shimamoto asked about removing some sidewalks, specifically the sidewalks in front that exit to the drive thru area. Applicant agreed to remove both (existing and proposed) sidewalks. Mr. Gleitz added this may be a good area to add landscaping.

Mr. Dykstra reviewed the signs, 8 signs currently on the property and to add three additional signs, total of 11 signs. They discussed the relocation of signs along Lackawanna Drive to be moved to Byram Plaza access. Mr. Slaby requested a sign that directs you to Rt. 206 South, which was added. Signs on ROW will be moved to Lakeland Bank property. Mr. Gleitz had a question regarding one sign that is being moved to the Byram Plaza property and wanted to know if this is a legal issue that requires a variance since typically off tract signage is not allowed. Mr. Senesky suggested that this issue be dealt with in the resolution.

Mr. Dykstra added that a dumpster will now be on a concrete pad with a screened white vinyl board on board fencing, details of the enclosure will be provided later. Discussion regarding lighting took place and Mr. Gleitz pointed out that if they are changing the lighting the Township has new lighting standards and to consider these standards. Mr. Dykstra indicated lighting will be discussed when the Planner for the DOT project provides testimony. Mr. Slaby indicated that the plan is not clear regarding some curbing behind the building; the Engineer will put a note on the plan so it is clear. In addition Mr. Dykstra will also indicate the width of the travel lane dimensions on the plan. Mr. Slaby asked about maintenance on the drainage facilities. This question was deferred to the DOT Project Manager. The storm drains on the Bank property will be maintained by Lakeland.

Mr. Gleitz had some concerns with circulation and since the Byram Plaza will now be the main entrance for the bank if the applicant had any concerns about left turn movements crossing over the Byram Plaza exit lanes. There was some discussion amongst the Board about this. The Engineer indicated no, that the changes to Lackawanna Drive and the Byram Plaza entrance moving back will alleviate stacking, make it safer and that the line of sight is good. Mr. Gleitz asked if the applicant would consider adding striping by the bank entrance which may deter

vehicles entering the bank moving right to the drive thru lane, the applicant will consider this but since it may cause confusion they will extend the striping to match the angle of the curb on the north side. Mr. Gleitz also would like the applicant to add the dimensions to the setback for 5 stalls on the site plan.

Mr. Shepard introduced John Janis of Butler Signs. Mr. Janis presented *Exhibit A3*, Sign Layout. Mr. Janis gave a brief summary of the site signs and indicated they have reduced the overall square footage of signs, with the same number of signs. There was discussion amongst the Board about the signs, mainly; the ATM illuminated branding sign inside the ATM enclosure. The applicant agreed to withdraw the ATM branding and just keep Lakeland Bank branding.

Mr. Shepard introduced the DOT Project Manager, Charles Henry whom is a certified Public Manager and has been a project manager for 15 years and in charge of this project for 4 years. Mr. Henry introduced *Exhibit A4* – DOT “Change of Plan Document”, prepared by the RBA Group. This document is marked “Draft” because it is based on input from Lakeland Bank, Gordon Byram, the community and the Board’s decision. Mr. Henry indicated that the site improvements will be done by a DOT contractor with the exception of the signs, which will be installed by Butler Sign. Mr. Henry also indicated that both basins will be owned and maintained by State DOT. He said there is work being done on a jurisdictional agreement before the Town that is being reviewed which spells out who will maintain these features.

Mr. Shepard introduced Denice daCunha, Professional Engineer and is licensed in the State of New Jersey in excess of 10 years. The Board accepts Ms. daCunha as a professional in her field. Ms. daCunha indicated that the Change of Plan is given to the contractor to show changes. It is somewhat different than a normal site plan and Ms. daCunha pointed out some of these differences to the Board. Ms. daCunha will submit lighting calculations and Mr. Gleitz reiterated the new design standards for lighting and felt the Board would prefer the new standards. Ms. daCunha presented a drawing of landscaping plans for the intersection of Rt. 206 and Lackawanna Drive. Ms. daCunha agreed to add landscaping where sidewalks will be removed and around the dumpster enclosure. Board Member Michael Walsh pointed out that some landscaping currently on the site will be lost and he would like it replaced. Mr. Shepard said the detention basins will have extensive landscaping; they will review the Board’s and Mr. Gleitz’s comments and submit supplemental information. Mr. Slaby presented some of his concerns which the applicant and the applicant will supply detail for the curbing and drainage around the building.

A motion was made by Mr. Walsh and seconded by Mr. Kaufhold to continue this application to Feb. 17th. All were in favor.

| 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 | | | | | | | | | | | |
| Absent | | | | | X | | | | | | |

Motion Carried

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

Paul Gleitz gave a brief update regarding the Highlands Plan Performance Process and there will be a few things brought before the Board in the coming months. The next steps two take place within the next two months -

- Adoption of Environmental Resource Inventory (ERI)
- Revised check list

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

BILLS:

Vogel, Chait, Collins and Schneider, P.C. \$682.00 (2 Bills)

A motion was made by Mr. Walsh and seconded by Mr. Chozick to approve Vogel’s bill.

All were in favor. Motion Carried.

ADJOURNMENT:

At 11:10PM Mr. Valentine made a motion to adjourn, Mr. Kaufhold seconded the motion.
Motion Carried

Chairman Shivas adjourned the meeting.

Respectfully submitted; *Cheryl E White*