

**MINUTES
BYRAM TOWNSHIP PLANNING BOARD
April 1, 2010**

CALL TO ORDER

Chairman Shivas called the meeting to order at 8:01 p.m.

ROLL CALL

	<i>Mr. Chozick</i>	<i>Mr. Kaufhold</i>	<i>Mr. McElroy</i>	<i>Mrs. Raffay</i>	<i>Mrs. Segal</i>	<i>Mr. Steyh</i>	<i>Mr. Valentine</i>	<i>Mr. Walsh</i>	<i>Mr. Gonzalez</i>	<i>Ms. Shimamoto</i>	<i>Mr. Shivas</i>
Roll Call	P	P	P	Excused	P	P	P	Excused	P	P	P

Attorney	Kurt Senesky
Engineer	Lou Slaby
Interim Planning Director	Doris Flynn
Interim Secretary	John Gutwerk

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

MINUTES:

March 18, 2010:

A motion was made by Mr. Kaufhold and seconded by Mrs. Segal to approve the minutes.

Mr. Gonzalez stated that on page 2, WGB Properties, the block number was left out and the lot numbers were incorrectly identified as block numbers.

The motion and second were amended adding the correction. The following vote was taken:

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

Motion carried

RESOLUTIONS:

Old Stone Homes, LLC, 423 Springbrook Trail, Block 315 Lot 2130, Z15-06: request for their first one-year extension expiring on March 5, 2011:

A motion was made by Mr. Kaufhold and seconded by Mrs. Segal to approve the resolution with a correction on page 3, “**is granted**” is stated twice. The following vote was taken:

Planning Board Member	Mr. Chozick	Mr. Kaufhold	Mr. McElroy	Mrs. Raffay	Mrs. Segal	Mr. Steyh	Mr. Valentine	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Mr. Shivas
Motion		X									
Second					X						
Aye	X	X			X			X		X	X
Nay											
Abstain											
Absent				X				X			

Motion carried.

McManus, 15 Weaver House Cove Rd., Block 108 Lot 23, Z21-06: request for their third and final extension:

A motion was made by Mrs. Segal and seconded by Mr. Chozick to grant their third and final extension expiring on March 15, 2011. The following vote was taken:

Planning Board Member	Mr. Chozick	Mr. Kaufhold	Mr. McElroy	Mrs. Raffay	Mrs. Segal	Mr. Steyh	Mr. Valentine	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Mr. Shivas
Motion					X						
Second	X										
Aye	X	X			X				X	X	X
Nay											
Abstain											
Absent				X				X			

Motion carried.

NEW BUSINESS:

Gordon Byram Associates, LLC, 90 Route 206, Block 226 Lot 14, SP94-07 - Byram Plaza Improvements:

Lawrence Litwin, Esq. introduced himself and stated he is representing the applicant for the relocation of Shoprite Liquors and a Waiver of Site Plan for extending the Shoprite into the existing liquor store as well as the relocation of visual eyes. He stated he would be calling two witnesses, Jason Engelhardt, P.E. of Langan Engineering and David Romano. He stated Mr. Engelhardt has already been qualified as an expert by this Planning Board.

Mr. Romano and Mr. Engelhardt were sworn in by Board Attorney Senesky. Mr. Romano and Mr. Engelhardt began their testimony with questioning from Mr. Litwin.

Mr. Romano stated he was employed by Gordon Byram Associates as a co-manager and he is a principal in Byram Beverage. He explained the project on sheet 3 of 7, drawing 12.00. The existing liquor store is 7,000 square feet and is between the Shoprite and Frank's Restaurant. He stated they want to relocate it to Phase II. The major reason for the move is because they have 25,000 square feet vacant and they can fill four spaces with this move. The Visual Eyes will be moved to the old Tri-County Audio. The produce section of Shoprite would move south into the existing liquor store and then they would have more room for appetizers and special items in the existing store. He then explained partial color Site Plan 20.00 marked as A-1. He stated the new liquor store would have a single entrance/exit 75' from the east end of the building. He explained the loading dock w/canopy and rear door. He stated a side door would not work due to the interior configuration of the store. The parking lot would be reconfigured with depressed islands for shopping carts and a few parking spaces would be reconfigured.

Questioning then began regarding Mr. Slaby's March 11 report. Regarding Item 5, Mr. Romano stated the trucks will back into the loading dock which will be recessed and the back of the truck will be at the grade of the sidewalk.

Mr. Slaby stated there is no leveler for the loading dock and the loading dock has a wooden bumper, He asked if a portable leveler would be used.

Mr. Romano stated none was planned and it is not high volume. He stated the beer trucks are unloaded by hand.

Mr. Shivas asked if any deliveries went through the front door.

Mr. Romano stated no deliveries go through the front door and they are trying to create a proper delivery area for trucks with this plan.

Mr. Valentine asked if there were any stairs.

Mr. Romano stated none were planned.

Mr. Senesky asked if there were any fences.

Mr. Romano stated there is a railing on both sides where the loading area drops below grade. On the south side the railing would be extended to the building as this was not shown on the plans. Regarding Item 10 on the March 12 Slaby report, Mr. Romano explained the crosswalks. Crosswalks are in blue for those crosswalks that connect to handicap spaces and white for those that do not connect to handicap spaces.

Mr. Slaby then asked Mr. Engelhardt about the crosswalks relative to the MUTCD.

Mr. Engelhardt stated the MUTCD calls for white paint, however, he believes the blue is appropriate for handicap spaces.

Mr. Slaby stated the blue does not stand out the way the white does and white is the standard. Mr. Slaby stated he suggests white and he has a concern for pedestrians crossing the roadway and it should be in conformance with the MUTCD.

Mr. Romano stated if the Board wants white, he will make them white.

Mr. Slaby stated white stands out better.

Mr. Romano then answered a question regarding Item 13 on the March 11 Slaby report. He stated the 6' chain link fence in the rear of the store will be for a propane powered generator. There will be a gate on the side. There are probably 10 bollards in that location due to the transformers there. He stated pursuant to state regulations the generator is tested by a company during normal work hours.

Mr. Slaby asked about Item #3 on his March 11 report.

Mr. Senesky stated that the abandonment of the day care would occur when the liquor store move is exercised and they apply for a C.O., then the day care is abandoned.

Mr. Slaby asked about Item #17 on his report. He asked if the use is abandoned, then the dock comes out in one year at the Board's discretion.

Mr. Senesky stated he did not think that needs to be done.

Mr. Litwin stated they would like to keep the loading dock. Mr. Litwin then asked questions regarding the April 1 Slaby report.

Mr. Romano stated that the dock area is 25' wide and will hold two trucks, each about 8' wide, mostly small box trucks 30'-35' in length. If it were a WB-50 truck, there would only be about one of them every 2 weeks. He stated Mr. Engelhardt would testify regarding circulation (Item 3). He stated there usually are the following deliveries per day: Monday – 1, Tuesday – 3, Wednesday – 5, Thursday – 3 and Friday – 4. The deliveries are usually between 8:00 a.m. and 2:00 p.m., however, they sometimes are between 4:00 p.m. and 5:00 p.m.

Mr. Senesky stated that based on Planner Gleitz's report there are no variances required.

Mr. Litwin then began questioning Mr. Engelhardt.

Mr. Engelhardt then answered questions from Mr. Litwin relative to the March 11 Slaby report. The following were his responses to the items on that report:

Item 2: No modifications are proposed to the sign on Lackawanna Drive.

Item 7: He will provide details on the pipe connection.

Item 8: He will provide details about the four foot high wall on each side of the loading dock.

Item 9: regarding the drain to the south of the loading dock area along the curb, he will comply with Mr. Slaby's recommendations. Mr. Senesky stated spot elevations requested by Mr. Slaby will be provided for in the Resolution.

Item 11: The Fire Chief submitted his report and the Site Plan was acceptable with him.

Item 12: There are various other locations to access the rear of the buildings in the shopping center. The cherry tree will be removed.

Item 15: He will identify the handicap signs on the plan.

Item 16: He will provide the parking counts for both required and proposed standard and van accessible parking spaces. He stated they do meet the requirements.

Mr. Engelhardt then answered questions from Mr. Litwin relative to the April 1 Slaby report. The following were his responses to the items on that report:

Item 1: he explained the size of the trucks.

Item 3: he explained the new circulation plan. A new plan TT-1 was marked as A-2. It provided a box truck turn plan. A 35' box truck was the largest truck in the plan. The trucks would enter from Rt. 206 and go around the building.

Mr. Shivas asked if trucks will enter from Rt. 206.

Mr. Romano stated the trucks will enter from Rt. 206 and exit via Lackawanna Drive. He explained that pattern and he stated it works well.

Mr. Senesky asked about the trucks making a 180 degree turn.

Mr. Engelhardt stated the trucks would not make a 180 degree turn, instead they would take the top road and go around.

Ms. Shimamoto asked about removing the five parking spaces opposite the loading dock.

Mr. Romano stated they would remove the spaces. Mr. Romano stated Item #4 (trucks entering) on the April 1 Slaby letter is not an issue and will be taken care of by the store.

Mr. Engelhardt stated Lackawanna Drive is the normal truck exit. This was Item 5 in the April 1 Slaby report. He stated Item #7 was true (backup distance for trucks).

Mr. Engelhardt was then questioned by Mr. Litwin regarding relocating the Shoprite into the existing liquor store and relocating the Visual Eyes. He stated it does qualify for a waiver.

Mr. Engelhardt was then questioned by Mr. Litwin on the March 30 Gleitz report. The following were his responses to the items on that report:

Item 6: There will be no change to the sign on Lackawanna Drive.

Item 7: The Wine and Spirits sign is being relocated to the new liquor store. Some signs are being relocated and some are new. The “WINES”, “SPIRITS” and Shoprite logo are being relocated. The “SHOPRITE” sign is new.

Item 9: All signs are internally illuminated.

Item 10: Existing window signs are being relocated.

Item 11: The “VISUAL EYES” sign is being relocated. The liquor store signs were explained in #7.

Mr. Shivas had a question regarding the main pylon sign being three feet from the ground. He thought it had to be seven feet.

Mr. Romano stated there was a 52” keystone block wall with a planter around the bottom. Two winters ago it collapsed and was removed.

Mr. Engelhardt stated it is not in the sight triangle.

Mr. Senesky asked about Item # 10, window signage, and if they were there with permits or not.

Mr. Romano stated he will have to check the files.

Mr. Engelhardt stated he was not aware of any variances for window signs.

Mr. Romano stated the signs are tastefully done and are no different than other tenants or township businesses.

Mr. Senesky stated a condition of the resolution could be that window signs comply with the ordinance.

Mr. McElroy stated they are advising him what the sign ordinance is.

Mr. Shivas stated a committee is looking at the sign ordinances.

Mr. Romano stated they will measure the signs and comply with the ordinance.

Mr. Slaby asked about Item #5 in his March 11 report, safety measures.

Mr. Engelhardt stated there will be railings on both walls and they will go up to the building. The railings won’t prohibit activity in the loading dock area. He stated employee parking is available in the rear of the building.

Mr. Shivas opened the meeting to the public. No one came forward to speak and the meeting was closed to the public.

Mr. Valentine asked if there was going to be painting of the buildings.

Mr. Romano stated the rear of the building was done last year and the area where signs have been removed have been repaired as well as some other painting on Phase II. He explained their maintenance plan.

A motion was made by Mr. Steyh to approve the Site Plan with the conditions that the information required by the Board Engineer and Board Planner be provided to them as well as the window signage calculations. Mr. Valentine seconded the motion and the following vote was taken:

Planning Board Member	Mr. Chozick	Mr. Kaufhold	Mr. McElroy	Mrs. Raffay	Mrs. Segal	Mr. Steyh	Mr. Valentine	Mr. Walsh	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				

Motion carried.

OLD BUSINESS:

Trac Contracting, Inc., Waterloo Rd. (Cranberry Ledge), Block 91 Lot 286, Z11-08:

A motion was made by Mr. Steyh and seconded by Mr. Kaufhold to carry the application without further notice until the May 6, 2010 meeting at the request of the applicant’s attorney. Chairman Shivas urged the board members to visit the site before the hearing.

The following vote was taken:

Planning Board Member	Mr. Chozick	Mr. Kaufhold	Mr. McElroy	Mrs. Raffay	Mrs. Segal	Mr. Steyh	Mr. Valentine	Mr. Walsh	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			

Motion carried.

BILLS: None.

OTHER BUSINESS:

Chairman Shivas stated that on May 6 at 7:30 p.m. Planner Gleitz will be present to discuss the Draft Housing Element and Fair Share Plan. Chairman Shivas stated on April 15 he will be attending the Highlands Council meeting along with several other Byram Township Officials. Planner Gleitz will be presenting the Highlands Center plan with a power point display. He also stated on May 17 at 7:00 p.m. there will be a joint meeting with the Township Council to discuss the Housing Element. Planner Gleitz will revise the Housing Element depending on the outcome of the Highlands Council meeting and send a revision prior to the May 6 meeting.

Chairman Shivas stated it must be decided whether or not to stay in the Highlands or not before work begins on the Master Plan. He also stated they are working on the sign ordinance and they are planning on putting all sign ordinances in one place (240-48) as well as fixing other ordinances.

Mrs. Segal stated she attended a Red Tape Meeting hosted by State Senator Oroho. Discussion included doing away with layers of government such as DEP, COAH and Highlands. Other topics discussed included countywide planning boards, sign ordinances, school superintendents and tax assessors.

OPEN TO THE PUBLIC: No one came forward to speak and the meeting was closed to the public.

ADJOURNMENT:

At 9:55 p.m. Mr. Valentine made a motion to adjourn, it was seconded by Mr. Kaufhold, all were in favor and Chairman Shivas adjourned the meeting.