

MINUTES
BYRAM TOWNSHIP PLANNING BOARD
July 7, 2011

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	H	H	H	A	H	H	H	H	H	H	H
	Attorney	Engineer	Planner	Secretary		Kurt Senesky	Lou Slaby	Ryan Conklin <i>for</i> Paul Gleitz	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.

REORGANIZATION:

- Nomination of Chairman
Mr. George Shivas was nominated by Mr. Kaufhold and seconded by Mr. Walsh. There were no other nominations. All were in favor
- Nomination of Vice-Chairman
Mr. Ken Kaufhold was nominated Ms. Segal and seconded by Mr. Valentine. There were no other nominations. All were in favor.
- Nomination of Attorney
Kurt Senesky was nominated by Mr. Kaufhold and seconded by Mr. McElroy. There were no other nominations. All were in favor.
- Nomination of Engineer
Mr. Louis Slaby was nominated by Mr. Valentine and seconded by Ms. Segal. There were no other nominations. All were in favor.
- Nomination of Planning Consultant
Heyer, Gruel & Associates was nominated by Mr. Kaufhold and seconded by Mr. Valentine. There were no other nominations. All were in favor.
- Nomination of Secretary/Administrative Officer
Ms. Cheryl White was nominated by Mr. Valentine and seconded by Mr. Kaufhold. There were no other nominations. All were in favor.
- Nomination of Newspaper
The New Jersey Herald was nominated by Ms. Segal and seconded by Mr. Valentine. There were no other nominations. All were in favor
- Adoption of 2011 Calendar
A motion to adopt the annual calendar was made Mr. Kaufhold and seconded by Mr. Valentine. All were in favor.

Chairman Shivas noted these are 6 month nominations. A re-organization will take place in January 2012.

Mayor Oscovitch noted to the Board the Town Council also approved Heyer, Gruel & Associates as the Township Planner.

MINUTES:

June 2, 2011:

A motion was made by Ms. Segal and seconded by Mr. Kaufhold to approve the minutes as presented. 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	X	X	X	X
Nay											
Abstain	X							X			
Absent				X							

Motion Carried

Mayor Oscovitch stepped down at 8:10pm for the following application.

OLD BUSINESS

SP1-10 First Hartford Realty Corp/CVS Pharmacy/Barone’s B 34 Lot/s 14 & 15 77 Rt. 206 VB-Zone

Preliminary & Final Site plan, Minor Subdivision, & Use Variance

Mr. Michael Selvaggi, Attorney for First Hartford Realty Corp/CVS Pharmacy gave a brief summary of land use approval’s being sought and description of development. Mr. Selvaggi noted that based on input received from various sources a revised plan was distributed.

Engineer for CVS, Mr. David Caruso, whom was previously sworn in highlighted reviewed Township Engineer Lou Slaby’s report dated July 5th, 2011.

- CVS was shifted to the south and west 4’ and the drive thru lane was chamfered to facilitate the design of a 9’ bypass lane to the outside and north of the drive thru lane. The drive thru lane will still hold 5 vehicles. This revision was to mitigate maneuvering concerns if someone in the drive thru queuing lane needed to exit.
- Additional bike racks and benches were added along the CVS building.
- Flush curb and wheel stops were removed and replaced with 6” reveal curbing along the western and southern sides of the parking racks.
- A drive thru queue was created and additional multi vehicle maneuvering plans were provided. Comments from the Board and Planner were taken into consideration to make sure fire emergency vehicles and delivery trucks do not impact any curbing or radius of that curbing. It was noted that only WB40 or single unit delivery trucks will be utilized. WB40’s will deliver to Building 2 & 3 and CVS will utilize a single unit truck.
- Cut sections were added.
- The buffer adjacent and north of building 3 was increased by 9 ½ feet and more landscape buffering was added along the northwestern corner of the site.
- Building 3’s footprint was reduced and parking around building 3 was changed from perpendicular to parallel. Grading on the back portion of the building 3 was raised so only 1 story is visible. Drive isles are steeper which will reduce the amount of wall seen and a drainage swale west of the wall was added to bring water down into the low areas. A chain link fence was placed along the western side of the wall for safety.
- Civil Engineering provided Highlands boundary lines on the site plan.
- Underground Fire suppression and portable water supply tanks in lieu of ground stand pipes were provided.
- Landscape areas replaced detention basins.
- Recycling and trash enclosure by building 2 were made larger.
- A diamond shaped isle was added.
- Numbers of parking spaces were reduced.
- The applicant coordinated with the RBA Group, responsible for DOT design improvements, to ensure plans are current and consistent.
- Impervious coverage was reduced.
- Sidewalk and stairs were added to the north of the CVS building to provide future pedestrian connections to Allamuchy State Park
- Stormwater Management issues outlined by Township Engineer, Mr. Slaby were reviewed and geotechnical testing will be conducted per Mr. Slaby’s request. Mr. Caruso noted that he will notify Mr. Slaby when these tests are being conducted so that he can be present if desired. Any other comments outlined by Mr. Slaby will be addressed. Mr.

Slaby agreed that submissions will be reviewed and approved prior to any permits being issued such as type of pumps for water supply or design of the pumping station, etc. Board member, Ms. Segal asked about back-up generators. Mr. Caruso noted that they will have a back-up generator for the water supply tanks. Chairman Shivas asked if the tanks were for fire suppression and Mr. Caruso noted they are for both, water supply and fire suppression.

- Grading will be reduced and should be no more than 5% in the main access location. There was a discussion about the parking space layout and design, vehicles in queue restricting emergency vehicle access, and loading bays to the west of Building 2.

- Trucks will back up and be equipped with a lift, no loading dock is proposed. It was determined that trucks at the two loading bays will not impact the egress or travel lane. Further discussion resulted in a determination that encroachment will incur in parking spaces but Mr. Slaby added it is not desirable but not unusual but some other areas may have to be addressed. Suggestions were made for the Board to consider a waiver for one loading area or move the loading area. Ms. Segal recommended keeping the loading area away from neighboring areas as much as possible. Mr. Caruso added that without knowing what tenants will occupy buildings 2 & 3 it is difficult to determine the best scenario but he will try to mitigate problems arising with regards to parking spaces, loading bays, and access and egress and after the proposed plan satisfies the Board, parking spaces will be designated.
- Deliveries can be limited to one at a time.
- Phase 1 of construction will consist of CVS & Building 2 simultaneously.
- Compactor specifications are provided on sheet C9, and CVS Architect, Mr. Gehr who was previously sworn in will provide Mr. Slaby the compactor details.
- Mr. Selvaggi will draft tentative language for cross easement for Attorney review.
- CVS currently has adequate sewer capacity but Mr. Caruso is not involved in the sewer negotiations but is aware that approval is conditional on sewer capacity.
- Current NJDEP LOI expires Dec. 20, 2011 and the applicant will seek another LOI application before deadline.

Response to Township Planner's July 6th, Report

Mr. Caruso provided engineering testimony relating to Mr. Gleitz's report and he reviewed the requested variances. The Planner for CVS/Barone's will provide testimony in the future.

- Issue #2 of Mr. Gleitz's report will be addressed by the Planner for CVS
- To keep the overall grade of the site at safer levels, reduction of grade access to 2% cannot be achieved.
- Excess of 4 foot candles along the southeastern side of CVS and around the drive thru are proposed to keep the overall area safely lit. This lighting should not impinge on residents in the vicinity. The applicant will have a lighting expert review the plan to the Board's satisfaction and eliminate spill over lighting from Route 206, eliminate low level lighting and if the Board wishes, reduce the maximum lighting around CVS and the drive thru lane. However, Mr. Caruso recommends that this lighting level remain for safety reasons. In other areas they will ensure they meet all other lighting level requirements. Mr. Gehr provided testimony regarding lighting in the section of the drive thru and noted that architectural changes were made to the building since the last meeting and the drive thru light fixture is 100 watt full cut off. He added that the fixture is tucked underneath the canopy and unless you are underneath it, it cannot be seen.
- Hours of store operations have not been designated and the applicant requests no restrictions.
- 10' wide sidewalks would be imbalance to the site and the applicant feels the sidewalks and pedestrian access is safe and the applicant felt it is better to have more green space than impervious coverage.
- A 3' buffer is proposed vs. a 10' buffer because of operational issues and the need for the one-way in access for CVS, drive-thru and drive thru lane access.
- For the main access a grade in excess of 2% within 20' of the ROW will not occur, the applicant will remove this waiver.
- The lighting relief request will be removed; the applicant will ensure the lighting expert increases illumination in these areas.

Mr. Caruso discussed the reason for these variances and waiver requests regarding interior landscaping, amount of required parking and site layout and design. Board Member Mr. Walsh noted that if they reduced the size of the buildings some of these items may not be an issue.

There was some discussion about the trash enclosure and location and if it can be relocated. Mr. Caruso will look at moving the enclosure to a different location. Signage testimony will be provided later by the signage consultant.

Chairman Shivas opened to the public.

Earl Riley, 5 Louis Drive expressed concerns about the grading being changed and the visual effect from his property, the amount of excavating in Phase 1 construction and about an earlier comment regarding pedestrian access and stairs to a park. Mr. Caruso responded to Mr. Riley that the building height did not change; just the grading and Mr. Caruso indicated that the entire site would not be excavated all at once and the park access was in response to a meeting with the EC and if it has to be removed, it will be.

Note: Planning Board Attorney Kurt Senesky asked for a verbal description of what will transpire during Phase 1 of the construction and that it is depicted on the plan.

Mr. Brice, 3 Louis Drive noted that his entire property line on the southern side is affected by this development. Board Member Mr. McElroy read the memo from the EC regarding the pedestrian path which indicated the path would affect State owned property, Block 59 Lot 6, behind the DOT garage. Mr. Brice didn't feel this was a good idea because it would affect a residential area as well as his property line and if the Board could provide a better description of this park it would help. Mr. Brice also indicated that his property line has been deforested and the proposed trees aren't large enough to buffer his property from noise and light pollution and restaurant smells and he had concerns that once the trees mature how they will be maintained in this small area. Mr. Brice also noted that he would agree with moving the propane and compactor enclosure but disagrees with moving the loading areas.

Mr. Brice would hope that the Board would not consider granting a waiver regarding the required 20' buffer and he encouraged the entire Board to visit his property.

Greg Matthews, Fire Chief had concerns about the 45,000 gallon water tank not being used for fire department hook up. Mr. Caruso indicated that the final location of the building must be determined before this type of infrastructure is outlined. Mr. Slaby indicated that he did address these issues in his report and they *must* be addressed before this application is approved. Mr. Matthews also indicated that vertical risers will be required in the event of a fire and it was determined this will be outlined later in the process of this application.

Mr. Brice, 3 Louis Drive had a follow up question and noted that 5 years ago Mr. Barone had a site plan whereas he extended the size of his parking area and as part of that approval he planted a row of white pines on a berm to act as a buffer for light and noise. Mr. Brice said on this new plan that planting is removed and Mr. Brice would like the buffer to remain. Chairman Shivas indicated that the Board would take that into consideration.

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

Mr. Selvaggi introduced the Traffic Engineer Dwayne Nelson of VHB previously sworn in to provide further testimony regarding some concerns raised in Mr. Gleitz's report at the "T" intersection of the site. Mr. Nelson indicated that stripping, boxing and a sign in the intersection could be used to keep the intersection clear of traffic. Mr. Nelson feels that ques at Lackawanna Drive, stop signs at intersections and stripping should deter vehicles from blocking the intersection.

Mr. Nelson indicated that he didn't foresee vehicles traveling behind Building 2 & 3 to avoid traffic at the Route 206 and Lackawanna Drive traffic light.

The traffic engineer also indicated that DOT is involved in the coordination with this development and he has reviewed the state plans and believes there should not be an issue with respect to the queuing and exiting the site.

Board Member Mr. Chozick at the previous meeting asked for the data rating without the development, without it optimized and with it optimized. Mr. Chozick feels you can't add 120 cars to the road and say the level of service will improve. Mr. Nelson gave a brief summary of how this data was obtained to substantiate the results.

A motion was made by Mr. Valentine and seconded by Mr. Walsh to carry without further notice to July 21, 2011. All were in favor.

RESOLUTION

Z04-2011 C- Variance Little, Arnold 136 Glenside Trail Block 306 Lot 2244

Rear yard setback to extend rear deck. A motion was made by Mr. McElroy and seconded by Mr. Kaufhold to approve the resolution as presented. 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											
Abstain											
Absent				X			X				

Motion Carried

SITE PLAN WAIVER RESOLUTIONS

To approve - BULA World Holdings, Inc. 109 Route 206 Block 70 Lot 9
 Site Plan Waiver for Pergola on front entrance of building. A motion was made by Mr. Kaufhold and seconded by Ms. Segal to approve the resolution as presented. 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				

Motion Carried

To deny - Exxon Mobile – 1 Route 206 Block 18.02 Lot 388
 Site Plan Waiver to change existing gas pump to dispense diesel fuel
 A motion was made by Mr. Valentine and seconded by Mr. Kaufhold to approve the resolution as presented. 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											
Abstain											
Absent				X			X				

Motion Carried

REPORTS FROM COMMITTEES

Township Council

Frank Gonzalez reported that he attended the Smart Growth Award dinner and he showed the Board the plaque that Byram received and said it was a nice event.

ARC

Mr. McElroy said the ARC presented a report to the Planning Board based on a meeting with Mr. Byrne, Barone’s Architect and they will be meeting with Mr. Gehr, CVS Architect on July 13th, 2011.

Environmental Commission

Nothing to report

Open Space

Cory Stoner will be meeting with the state DEP regarding Jones Lane, more to come.

BILLS:

Heyer Gruel & Associates \$272.50 (1 bill)

A motion was made by Mr. Valentine and seconded by Mr. Chozick to approve Mr. Gleitz's bill. All were in favor. Motion Carried.

Schenck, Price, Smith & King LLP \$1,585.00 (5 bills)

A motion was made by Mr. Chozick and seconded by Mr. Walsh to approve Mr. Senesky's bills. All were in favor. Motion carried.

OTHER BUSINESS:

Sustainability Element – Mr. McElroy feels a zoning ordinance should be in place for wind turbines. The Board decided to carry this item to July 21st.

ADJOURNMENT:

At 11:20 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.

Respectfully submitted:
Cheryl E White