

**MINUTES**  
**BYRAM TOWNSHIP PLANNING BOARD**  
**September 2, 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	P	P	P	P	P	P	A	P	A	P	P

Attorney	Kurt Senesky
Engineer	Lou Slaby
Secretary	Cheryl White
Planner	Peter Tolischus

**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:**

**August 16, 2010 – Joint Council & Planning Board Meeting**

A motion was made by Mayor Oscovitch and seconded by Ms. Segal to approve the minutes. 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. Valentine</i>	<i>Mr. Walsh</i>	<i>Mayor Oscovitch</i>	<i>Mr. Gonzalez</i>	<i>Ms. Shimamoto</i>	<i>Mr. Shivas</i>
Motion								X			
Second				X							
Aye		X	X	X	X			X		X	X
Nay											
Abstain	X					X					
Absent							X		X		

**MINUTES:**

**August 19, 2010**

A motion was made by Mayor Oscovitch and seconded by Mr. Kaufhold to approve the minutes. 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. Valentine</i>	<i>Mr. Walsh</i>	<i>Mayor Oscovitch</i>	<i>Mr. Gonzalez</i>	<i>Ms. Shimamoto</i>	<i>Mr. Shivas</i>
Motion								X			
Second		X									
Aye		X	X	X	X			X		X	X
Nay											
Abstain	X					X					
Absent							X		X		

**OLD BUSINESS**

**Thomas & Lisa Brennan, BL 365.04 L7, 11 Joan Drive Z07-10 –** Variance for left yard setback & maximum lot disturbance to repair, create and modify patio, steps and retaining walls and movement of shed.

Mayor Oscovitch asked Mr. Careaga, Engineer for the Applicant, about the progress with regards to Sussex County Soil Conservation District. Mr. Careaga stated they have not received any comments; they usually don't if everything is okay.

Mr. Careaga stated since the last meeting Mr. Slaby and Mr. Careaga had correspondence back and forth thru telephone and email, but did not get a chance to make a site visit.

Mr. Careaga passed out copies of new plans dated 9-2-2010, the following was discussed.

- Mr. Careaga stated there were some concerns about a swale. Mr. Careaga did some swale calculations and drainage and clarified the swale design.
- Mr. Careaga said there were some concerns regarding spot elevations around the rear patio. Mr. Careaga illustrated additional spot elevations around the patio to show the exact flow. Sheets 4 & 5 shows grading plan and spot elevations.
- Mr. Careaga corrected the lot to reflect Lot 11, not Lot 7.
- Mr. Careaga added a note on grading sheet stating Bern details on sheet 4.
- Mr. Slaby had some concerns about water flow on the side of the property so Mr. Careaga defined the swale which shows water will flow away from neighboring property.
- Mr. Careaga added some filtering fabric detail on the plan.
- Mr. Careaga provided storm water calculations on the plans.
- Mr. Careaga illustrated ledge behind wall. They spoke about the retaining wall design and Mr. Slaby and Mr. Careaga came to an agreement on the material behind the retaining wall which is sheer rock face. Mr. Careaga reiterated the wall is built properly, and Mr. Careaga stands behind the construction. Mr. Slaby said that it basically comes down to the retaining wall. The contractor did do a nice job but the calculations are not as predictable or straight forward as if the wall was designed as a concrete wall. Mr. Slaby needs to be sure based on calculations that the wall is stable and safe.
- Mr. Kurt Senesky asked Lou if what he is stating is the he has not had the opportunity to review the plans. Mr. Slaby said because of the rock behind the wall and not earth he wants to see how the earth pressure affects the stability of the wall. Mr. Slaby said he could not make a determination based on "eye balling" so he can't make a judgment without looking at numbers. Mr. Careaga feels it's a matter of Mr. Slaby re-working the numbers with the rock perimeters plugged in instead of dirt perimeters behind the rock. Mr. Careaga is confident the numbers will agree and find the same safety factor. Mr. Slaby agrees that this is the appropriate way to look at the issue.
- Mr. Kaufhold asked about other outstanding issues
- Lisa Shimamoto pointed out the measurement for the shed/wall calculations were still not correct on the plan. The measurement should be 13' to overhang and 15' to shed itself. The measurement should be to the overhang. Mr. Careaga will correct.

Mr. Ken Kaufhold made a motion to table the application to the next meeting, and direct Mr. Senesky to draft a favorable resolution of approval subject to Mr. Slaby's acceptance of the calculations and any other conditions. Caryn Segal seconded the motion and 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
Nay											
Abstain											
Absent							X	X			

**RESOLUTIONS:**

**Gordon Byram Plaza – Franks Pizza, BL 226 L 14** – Site Plan Waiver to serve ice cream thru window for outside sales.

A motion was made by Mayor Oscovitch to grant the site plan waiver and make a determination that a variance is not required for outdoor sales from the conditional use standard of the Ordinance and seconded by Marie Raffay with discussion. 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. Valentine</i>	<i>Mr. Walsh</i>	<i>Mayor Oscovitch</i>	<i>Mr. Gonzalez</i>	<i>Ms. Shimamoto</i>	<i>Mr. Shivas</i>
Motion								X			
Second				X							
Aye				X				X		X	
Nay		X	X		X						X
Abstain											
Absent	X					X	X		X		

**Motion Denied**

**Extension for Variance – Patrice DuPont, 24 Division Lane - BL 330 L 1.12 – Z6-08**

Variance to add deck to lakeside of new house on foot print of prior house.

Motion to grant two one year extensions was made by Ms. Segal and seconded by Mr. Kaufhold. 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. Valentine</i>	<i>Mr. Walsh</i>	<i>Mayor Oscovitch</i>	<i>Mr. Gonzalez</i>	<i>Ms. Shimamoto</i>	<i>Mr. Shivas</i>
Motion					X						
Second		X									
Aye		X	X	X	X			X		X	X
Nay											
Abstain											
Absent	X					X	X		X		

**NEW BUSINESS:**

**MC COMBS, M BL 6 L515 Z08-10 23 Belton St - Rear Yard Variance** to construct deck off existing covered porch.

Mr. Ron Brailey provided testimony for the applicant, Margaret McComb. Mr. Brailey stated how this project began when a handicap ramp was being built and the applicant's husband passed away so they decided to extend the existing porch with a deck for the applicant.

Mr. Senesky asked the witness if there were other rear decks on the property of the surrounding neighbors, Mr. Brailey indicated yes. Mr. Senesky asked the witness if the deck was going to be covered, witness responded "No", only what is currently existing which is covered. Witness also stated that the deck would have rails. Mr. Shivas asked the dimensions of the proposed deck, Mr. Brailey stated 23'6" X 12' with a height of 47".

Mr. Senesky asked if the fence in the rear yard would remain, Mr. Brailey stated "yes".

Mr. Shivas open the discussion to the public. There was no comment. Closed to the Public.

Motion made by Mayor Oscovitch and seconded by Mr. Valentine to approve the application. 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
Nay											
Abstain											
Absent							X		X		

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

Kurt Senesky, Planning Board Attorney advised that Mayor Oscovitch and Councilwoman Raffay would not be able to participate in this application.

Mr. Larry Kron, of Nusbaum, Stein, Goldstein, Bronstein, & Kron, Attorney for the applicant, stated that the applicant proposes to develop flex space development consisting of 3 buildings, and associated improvements, i.e. road ways, parking areas, loading docks, Storm-water Mgmt Facilities, Utility infrastructure including two large outdoor storage areas, also proposing to remove all remaining structures relating to any quarry activity remaining on the site with the exception of one existing building on the south west corner of the site. Two new building will be constructed. The applicant's intent is to lease this flex space to various business that need this type space and outdoor storage.

Mr. Kron described to the Board how the Planning Board Planner, Paul Gleitz, indicated 5 variances are required and the applicant will provide testimony that only 4 variances are required. They would be for outdoor storage of material and equipment, parking in a front yard, which applicant believes they can provide testimony to argue this variance, minimum setback with parking to the property line, minimum setback with parking to the building and outdoor storage. The applicant is also seeking three waivers. Mr. Gleitz also indicated that another variance may be needed as to whether the proposed development is a industrial or a manufacturing building complex and is therefore exempt from the single principal building restriction otherwise they have more than one use on site. Mr. Gleitz suggests the Board hear this issue first and make a determination if whether or not that *use variance* that is required.

JTK is prepared to begin testimony today having their Planner, Engineer, a representative from quarry and, his client available for testimony. Mr. Kron asked the Board if they want to move out of order and first determine if this is a complex and does not require a variance for multi uses. The Board determined since there is another use variance required it does not matter which order they present their case.

Larry Kron, introduced the first witness, the applicant's Engineer, Mr. Patrick McClellan, of MCB Engineering Associates, LLC. Mr. McClellan gave testimony of his experience and that he has been licensed Engineer since 1984. The Board accepted Mr. McClellan as a professional.

Mr. McClellan gave an overview of the proposed project and presented a drawing not provided at the time of the initial application. The drawing was marked *Exhibit A-1*, smaller versions of the exhibit were provided to the Board and marked *Exhibit A-1 Duplicate*.

**Building A** will have a total footprint of 26,820 with 15,275 sq ft of Warehouse space, 8,000 sq. ft. of Industrial space, and 3,545 sq ft of Office use with 62 parking spaces. Vehicle circulation around Building A will be one way in a counter clockwise direction.

**Building B** will have a total footprint of 42,258 sq ft with small piece for lobby area with a second story bringing total to 51,158 ft of floor area of which 20,000 sq ft of Warehouse space, 10,500 sq ft of Industrial space and 20,658 sq ft of office with 156 parking spaces. The applicant proposed to construct a mezzanine space which provides up to 6,200 sq ft of storage or office space and 42 parking spaces to be added at a later date.

**Building C** would have a total footprint of 14,428 sq. ft., single story of which 3,692 sq ft of Warehouse space, 7,380 sq. ft. of Industrial space and 3,356 sq ft of Office space with future mezzanine of 2,515 sq ft of storage and 10 parking spaces to be added later with mezzanine.

Aside from buildings they are proposing two outdoor storage areas. One behind Building B consisting of 110,000 sq ft and the other behind Building C comprised of 35,000 sq ft.

Mr. McClellan added that the parcel is comprised of 24.54 acres with approx. 715 ft. of frontage on Lackawanna Road which is south of the property, on east side of property is a resident tract on the westerly side Shop Rite and Daycare center and the Tilcon Quarry to the North. There is a single building on the Southwest corner with a scale house which will be removed. Mr. McClellan pointed out buffers and vegetative growth and vegetative state of the property. The site today is currently used as an access point on Lackawanna Drive for the Tilcon and quarry in the back.

Mr. Shivas asked about the size trucks and indicated Building A will have small trucks only, not tractor trailers. Tractor trailers will move thru the rest of the site.

Lou Slaby, Byram Township Engineer questioned the applicant about a fuel tank that is not depicted and Mr. McClellan explained to the Board there is an existing tank which is off rear of existing building and it's a fuel tank used to service the building today. The proposal is to install a new mechanical system in the building and the current system will be removed as part of the application.

Mr. McClellan explained that the mezzanine areas which can be used for storage or potential office space will look like a "loft". Mr. McClellan indicated that Mr. Jacobsen can best define this more clearly but it is his understanding that the portion of the mezzanine will be constructed at the time of the initial construction and then will be completed and corresponding parking spaces will be added when the area is leased. If at the time the building permit is obtained and they have the space leased then the mezzanine will be constructed during the initial phase.

Mr. McClellan explained "Banked Parking Spaces" which are indicated on the plan as broken stripped line and will be added as the mezzanine space is leased. When "Banked Spaces" are needed the relocation of landscaping and outdoor storage space may be used to accommodate the "Banked Spaces".

Mr. Senesky asked who can define mezzanine space and flex space and it was determined to defer the questions to Mr. Jacobson.

Mr. McClellan explained how they selected this area for function ability of site and easy truck movement and the resident on Lackawanna Dr is fairly screened with vegetation and by Building C. The site is topographic lower so it hidden from Lackawanna Dr.

Mr. Kron asked Mr. McClellan what variances he believes is required for this application which Mr. McClellan identified a land use for outdoor storage, minimum parking to property line and minimum distance parking space to building. They are requesting a waiver regarding submission to the DEP. They recognize they require permits from NJDEP for stream encroachment but they want to obtain approval from the Board first. They are also requesting a waiver for a Traffic Study. It is their collective opinion the use will not change traffic patterns and the impact will be fairly minimal. Mr. Senesky said when requesting a use variance it calls for a traffic study. Mr. McClellan stated that the traffic created from the outdoor storage will mainly be used by the tenants of that storage and do not anticipate a lot of traffic. Mr. McElroy asked if only tenants will be moving storage materials on a daily basis or stored for months and months, that question was deferred to Mr. Jacobson.

Mr. Ken Kaufhold added that this particular variance will call for a traffic study. Mr. McClellan believes the traffic will be low impact. Mr. Andrew McElroy asked about what type of material will be stored. Mr. McClellan deferred the question to Mr. Jacobson, one of the principals. Mr. Slaby indicated he felt a traffic study should be done to analyze traffic but it is the Board's decision. The Board agrees with Mr. Slaby, a waiver should not be granted. Mr. Slaby said the perhaps there should be two accesses along with the roadway stripped and # of lanes increased. A traffic study would help to indicate the necessity of these items. Mr. Kron indicated that they would comply if that is the Board's pleasure.

Mr. Kron indicated the applicant feels confident that they will be able to obtain 12,000 gallons. He stated that JTK is currently under contact from current owner who is in negotiation with Byram Township to obtain more gallons. Mr. Kron spoke with Township Attorney Thomas Collins who indicated the Scare Resource Order should be lifted soon and Byram and Stanhope will be able to continue negotiating. They are aware that sewer allocation would be a condition of approval. Mr. Slaby asked applicant why they aren't waiting until sewer assignment before submitting this application. Mr. McClellan reiterated they are confident they can obtain gallonage. If they wait for the gallonage to be secured their application could sit idle for a considerable amount of time. Mr. Senesky clarified it's an assignment of an expectation. The applicant indicated they are ready to investigate alternative methods in the event sewer gallonage is not obtained like on-site septic, on-site treatment, on site existing system upgrading, etc., there are alternatives if the primary idea doesn't work out. The applicant stated they currently have 2 EDU's and could begin construction in phases and only construct what 2 EDU's will allow.

The applicant is having an extensive water design done for site, with wells drilled and a distribution system in place. They also have a high level of confidence that water resource will

not be an issue. Currently there is one well on site and Mr. McClellan is not aware of any formal testing going on, and he knows that the well pumps 100 gal per minute for the site today. Mr. McClellan stated that in 2006-2007 some primarily investigations done by Jack Flood were performed which concluded to support this development on this site. The applicant will obtain a water engineer to have a study preformed and appropriate testing before approval. There are other wells near the site servicing other businesses with no problem.

Mr. McElroy asked if that is subject to the Highlands and Mr. Shivas said yes, with the displacement for water and sewer, if you take water from the ground the water has to be replaced. Mr. McClellan did reiterate they have a storm water management plan which incorporates three components one of which is ground water recharge. Ms. Segal asked if they submitted paperwork to the Highlands council and Mr. McClellan indicated that they have only submitted paperwork to the Planning Board. Mr. Slaby would like to see the report that indicates 100 gallons per minute from that site because Mr. Slaby's believes they are off by a decimal point. Mr. McClellan agreed to provide the information to Mr. Slaby, which is in email format.

Mr. Kron reviewed Mr. Slaby's report of August 16, 2010 and told the Board that Mr. McClellan met with Mr. Slaby and provided a copy of the response to the Board in a letter dated September 2, 2010.

- Item #1*        **Sewer Allocation** – Mr. Slaby indicated it can be deferred. (See earlier discussion).
- Item #2*        A **TWA** (treatment works approval) will be applied for at the earliest practical time. Mr. Slaby agrees this can be deferred.
- Item #3*        **Water** Mr. Slaby agrees this can be deferred. (See earlier discussion).
- Item #4*        **Fire** – If a water tank is required it will be located on site, all required fire codes will be contained in the water resource design. This item is between the architect and fire department.
- Item #5*        **Tanks** will be indicated on future versions of the site plan for Building B & C.
- Item # 6*        The plans will be revised to reflect correct **trench details**. The LOI will be conforming with the state regulations as far as indicating permit numbers. They will be indicated on the plan, which the Board was provided with a copy of the LOI from the DEP was provided to the Board dated, October 16 2007 along with the topo and wetlands map which is dated September, 27<sup>th</sup> which is marked as *Exhibit A2*.

Mr. McClellan indicated that the plan that is being submitted now does not show one of the wetlands lines as Mr. Slaby pointed, but the applicant did have the opportunity to evaluate the impact of that. The impact is minimal and they will present this on the revised plan. Mr. McClellan said they will probably relocate the access drive slightly to the east so it misses the transition. Mr. McClellan is confident that is the direction they will take and it will be submitted on the next plans.

Mr. Shivas asked why do "Bank Parking Spaces". It seems to him it would be more cost effective, especially with Building B, to create the spaces now rather than later and no landscaping will have to be moved. Mr. McClellan indicated they are presenting the application now with bank spaces so it makes it easier later, when space is leased the zoning and construction department will know these spaces have already been considered. Mr. McClellan indicated the Mr. Jacobsen should clarify his intent with regards to the mezzanine and banked parking spaces.

Mr. Senesky asked about drainage calculation for impervious coverage. Mr. Senesky asked if there are drainage techniques under parking areas. Mr. McClellan indicated they are utilizing above ground basins, sand infiltrators around perimeter of parking A, and a perimeter drain to help some of the off site that could be running onto the property. The bank parking will not have an impact on the drainage.

*Drainage and Storm Water Management* - Mr. Slaby indicated they are in agreement that the drainage system and storm water management issue needs to be analyzed.

*Lighting*        Mr. Slaby indicated that types of lighting need to be addressed. They look at illuminate levels and Mr. Gleitz has some comments with regards to lighting which can be addressed later.

*General*        Site plan details that are being requested will be provided such as type of retaining walls, etc., and these will be submitted on future plans.

*Signage*        The site identification sign will be illuminated from the exterior, and this will be indicated on future plans.

*Outdoor storage area* Mr. Slaby would like to know what type of vehicles will be used and what the environmental impact would be with regards to oil from the

vehicles. Mr. McClellan felt that Mr. Jacobsen can answer that question.

Fire Mr. McClellan indicated that they would adhere to all building codes and adhere to all recommendations from the Fire Chief.

Mr. McClellan commented on the report from the ARC (Architectural Review Committee). The applicant feels that the submitted plans by the applicant for outdoor storage depicts better screening and are further away from the road and surrounding properties. They feel by rotating Building B as depicted in the ARC review drawing, it compromises interior circulation for vehicles and there would be a tight radius around building B. They have concerns about bringing pedestrian traffic into this area because of large trucks on the site, and a pedestrian walkway to Shop Rite would be difficult, the properties are not level and would require steps. Lisa Shimamoto disputes the pathway to Shop Rite and feels it would be easy to create. Mr. Shivas feels that safe walk ways and cross walks is something they should consider since this is going to be office space and Byram's vision is to encourage all development to be pedestrian friendly. If office space is leased, there will be pedestrian traffic some of which may want to consider walking to Shop Rite for lunch. Mr. McClellan agreed to look at the matter further and they will also consider more buffering. Mr. McElroy reiterated the Mr. Gleitz suggested more pedestrian cross walks to other business and the future Village Center.

Mr. Chozick asked if sidewalks along Lackawanna Rd will be added with the Route 206 improvements. No one was sure of the answer.

Mr. Chozick asked about the heights of the buildings and about a height limit on what will be stored.

Mr. Peter Tolischus asked if the outdoor storage will be fenced and Mr. McClellan stated that needs to be incorporated into the plans.

Before presenting the next witness, Mr. Jacobsen, Mr. Shivas opened the discussion to the public.

### **OPEN TO THE PUBLIC**

Mr. Fred Braun, 26 Bank Street, asked a question relating to outdoor storage and presented photos of current state of property. Mr. Braun owns the Daycare Center on adjacent property. Mr. Braun asked what is considered outdoor storage and Mr. Braun has some concerns about the storage area and what will be stored there and if it will look like garbage. Mr. Braun also has concerns about what will be in back of Building A, he expressed his concern for safety since he owns the Daycare. Mr. Braun was directed to present his questions to Mr. Jacobsen. The discussion was closed to the public.

Mr. Kron presented Mr. Jacobsen, owner of Nordic Contracting and a principal in JTK. LLC. Mr. Jacobson explained that Nordic Contr. is a commercial contractor that does projects across the state such as road maintenance projects, bridges, etc. Mr. Jacobsen presented three brochures marked Exhibit A3, A4 & A5 which depicts different uses and what they do. They have been in business for 17 years.

Mr. Jacobsen indicated that Nordic Contracting will be the principal user of Building B taking the top floor as their office of 8,000 sq ft and 19,500 sq ft warehouse space for shop use and a mezzanine area on the opposite side of the lobby as well as ¾ of the outdoor storage. This is to be constructed right away.

Mr. Jacobsen indicated that if a contractor needs outdoor storage they will rent space for vehicles, equipment or material. The storage area inside could be construction materials, equipment maintenance, forms they build, etc. Outdoor storage materials could change dependant on projects and market place, some materials could be stored for long periods or move rapidly.

Mr. Jacobsen indicated what materials will be stored such as cranes, miscellaneous parts, earth moving equipment, trucks, concrete forms, lumber storage, road plates, jersey barriers, sea boxes, trailers, manholes, pipes and misc. supplies, steel and rebar, aggregates, mulch, miscellaneous dirt, sheeting, shoring materials, dumpsters, crushers, screeners and conveyors.

Mr. Tolischus asked Mr. Jacobsen to define flex space. Mr. Jacobsen identified there are many people looking for outdoor storage with their rental space. Some of them are electricians, construction contractors, etc. and they may need to store a lift truck or a van. Mr. Jacobsen feels that offering outdoor storage with inside rental space would help to stimulate his rental growth.

Mr. Jacobsen spoke about vehicle service and repairs on equipment and that vehicle repairs will be minimal and will be done on a concrete sealed pad. All oil is recycled and disposed of on an approved disposal site, regular oil changes will be done off site, in the field. All construction material is BOC compliant which is water soluble compliant material so there is no hazardous material. All service trucks will be stored inside on a concrete pad. All fuel tanks will be stored according to DEP requirements and will have secondary containment. Sometimes there may be temporary fuel tanks on site that are moved in and out. They will have emergency spill kits throughout the site, for any welding fumes there are fume extractors, for flammable

products they will have flame resistant cabinets. Explosive or radioactive material will **not** be contained on the site. Dust from the site on the access road will be maintained on quarry site, most of the area will be paved. Mr. Senesky indicated how some towns want to see a “site plan” for what is being stored. Mr. Jacobsen said they can supply a general layout of what will be stored an where but since this changes it will be hard to do a exact layout. It will be well organized and if they put a height restriction they can comply.

Lisa Shimamoto asked about maintenance of equipment and how that is permitted since it is not an approved use. Mr. Shivas indicated since it is occasional this should not be a problem. Mr. Jacobsen said on occasion they do perform oil changes on their vehicles but do use all guidelines according to the law. Mr. Senesky said he believes the argument would be that this is accessory to the industrial use of the property as a matter of course. It is not to say that the Board can’t look at it pretty hard and deem certain restrictions on it if they feel it is appropriate. Mr. Valentine reiterated they will be servicing their own equipment and not their customers and Mr. Jacobsen confirmed this.

Ms. Shimamoto asked if she visited the facility in Roxbury can they see what they can expect to see on the future site. Mr. Jacobsen said they are welcome to do a drive thru during normal business hours but they may not see all of what might be stored.

Mr. Slaby asked about site lighting and security. Mr. Jacobsen indicated the lighting would be directed away from the road and Mr. Slaby said fencing should be depicted on the plan.

Ms. Shimamoto asked about dirt and if they will be importing dirt and if they would be stock piling those materials and if there is soil testing. Mr. Jacobsen indicated yes, all dirt must accompany analyticals. They would not accept dirt without analyticals, he added everything is logged and managed. It is their policy for material they move on and off site. Most materials are moved with forklifts.

Mr. McElroy asked about height and what do they expect to be the maximum with the things they store. Mr. Jacobsen indicated no more than 30 feet, which is the building height. Mr. Valentine asked about cranes and Mr. Jacobsen indicated they are disassembled before being brought into the yard.

Ms. Shimamoto asked about stacking C Boxes. Mr. Jacobsen said they can store 3 but if the Board doesn’t want that, they will comply. Mr. Shivas asked if the area will be stoned and Mr. Jacobsen indicated yes. Most storage will be bulk storage. Mr. Jacobsen wants to be very clear to the Board what is their intent and feels he can be good neighbors to Byram. He does not want to have future problems with what is being stored. What is indicated on *Exhibit A1* is what will be stored, no deviations.

**OPEN TO THE PUBIC**

No one from the public commented.  
Closed to the public.

Wayne Valentine made the motion to carry to October 7<sup>th</sup>, Mr. McElroy second the motion. 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											
Absent							X	X			

**EXECUTIVE SESSION:**

A motion was made by Mr. McElroy and second by Mr. Chozick to move to Executive session and adopt the below resolution. All were in favor and motion carried.

RESOLUTION

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Byram, that the public shall be excluded from discussion of the following matter:

- Pending/Ongoing Litigation

BE IT FURTHER RESOLVED that Minutes will be kept on file in the Planning Board Secretary's office, and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes shall be made public.

#### **BYRAM TOWNSHIP PLANNING BOARD**

Certification: I certify that the Byram Township Planning Board adopted the above resolution on September 2, 2010.

Cheryl White  
Board Secretary

A motion was made by Mr. Kaufhold and second by Mr. McElroy to return to open session. All were in favor and motion passed.

#### **BILLS:**

Heyer Gruel & Associates	\$1852.50
Lou Slaby	\$0
Kurt Senesky	\$1,155.00

A motion was made by Mr. Kaufhold and second by Mr. McElroy to approve Heyer Gruel & Associates and Mr. Kurt Senesky's bills. All were in favor.

#### **OTHER BUSINESS:**

#### **ADJOURNMENT:**

At 11:00P. Mr. Valentine made a motion to adjourn, it was second by Mr. Kaufhold. All were in favor. Chairman Shivas adjourned the meeting.

Respectively submitted:  
Cheryl E White