

BYRAM TOWNSHIP SPEICAL JOINT TOWNSHIP COUNCIL/PLANNING BOARD MEETING
FEBRUARY 7, 2019 - 7:30 P.M.

CALL MEETING TO ORDER

Mayor Rubenstein called the meeting to order at 7:30 p.m.

OPEN PUBLIC MEETING STATEMENT

This Special Meeting was called pursuant to the provisions of the Open Public Meetings Law. Notices of this meeting were sent to the NJ Sunday Herald and NJHerald on January 29, 2019. In addition, copies of notices were posted on the bulletin board in the Municipal Building and filed in the office of Municipal Clerk on aforementioned date. Notices on the bulletin board have remained continuously posted.

ROLL CALL

Councilman Gray, absent; Councilwoman Kash, here; Councilman Olson, here; Councilman Roseff, here; Mayor Rubenstein, here. Also present was Township Manager Joe Sabatini, Township Attorney Tom Collins and Municipal Clerk.

FLAG SALUTE

WORKSHOP - This was designed to be a workshop between the two boards with open conversation.

Master Plan update/re-exam

- Alex asked if we wanted to do any changes in zoning in the VC.
- Scott stated that there are legal parameters regarding when we have to do a new master plan.
- Paul stated that a re-examination report must be done every 7-10 years.
- Re-exam - It can be narrowly or broadly focused--it depends what the Township wants to do. In 2012, we did a thorough re-exam. Reviewed circulation plan, Waterloo Village, Cut-off, general status of commercial development, quick update of the census data, recommended a new land use plan based on the Regional Highlands Master Plan.
- Recommended property rezoning, split zone lots, corrected zoning errors, and recommended an economic development plan.
- Paul explained that over the past few years, many changes were made to the zoning ordinances, which reflected the recommendations in the last re-exam. The uses of the existing businesses were looked at, lot by lot, and changes were made making many uses conditional, instead of prohibited.
- The last Master Plan was done in 2004. The goals and objectives could be updated, update community profile, and concentrate on updating the land use plan.
- Scott had conversations with the owner of HRS Drilling and a prospective buyer. This buyer has an equipment rental business.
- Alex thinks that we should concentrate on the Village Center because there has been some activity in the last 6-8 months on the Wild West City property.
- George stated that when you look at where the new ShopRite in Sparta is going, it's like a mini Village Center. He said we should look at the makeup of our Village Center, and we may need to change our type of housing. George felt the price of the WWC property is way too high. George and Alex said we should be including the property owner in discussion.
- John Morytko said that there is assumption that there will be some back and forth when a developer comes in.
- Paul – The VC plan was developed to get Byram 33 COAH units. We got the center designation by pulling away from Lubbers Run and leaving some forested land. Paul talked about PILOT (Payment in Lieu of Taxes)—some towns want it, others don't.
- Tom stated that the Stabile family sued the Township for a prior redevelopment plan. Tom recommended staying away from Redevelopment. He said it is not an option for the Stabile property.
- Paul said that our Economic Development Plan talked about the VC. There was a lot of recommendations in the plan. Marketing the property was a recommendation. Paul suggested having the North Jersey Builders Association review the VC plan and get their opinion. The HRS property was included to get the 2nd access into

the VC. If there is a way to develop the HRS site with smaller footprint, we could still use part of the lot for ingress/egress.

- Alex asked if we could get the footprint changed in the VC zone. Paul said that we would have to ask the Highlands and present our case.
- Suez purchased the East Brookwood Water Company, which may be a potential water source for the VC.
- Alex said we should have a conversation with the property owner and look into talking to someone about marketing the property. Alex asked if the Township was ok if the VC didn't get developed. John Morytko said he wasn't sure if it was crucial if this property was developed in 5-10 years, but it was very important to formulate the best plan for the Township. Mike Walsh feels that this plan or a similar plan needs to be in place so that if it is developed, it is done in a viable way allowing us to honor our COAH obligation. Marie Raffay stated that it is important to have a great plan, but she does not support marketing the property because she is fine with it not being built. Tom Collins stated that we have a plan that is incredibly flexible, so we wait for the very best developer. It will come if the price and market is right. If we have the right mix of uses, a developer will come. Tom said he would not spend a lot of money to market property that we do not own. He feels that people know about it. Kurt Senesky said that the attorneys for the recent applications that came to the board – CVS, Quick Chek-- felt Byram was very desirable and they really wanted to build here.

Marijuana: recreational use/retail sales

- Alex said that he feels it is inevitable that the Governor will pass the law to allow marijuana.
- Paul talked about medical and adult recreation. Medical is already here. So far, 6 licenses have been issued. Paul recently went to a planning conference and marijuana was a topic that was covered. John Morytko said we should look at it piece by piece. Since a grow warehouse would be very large, he doesn't think we have an area for it. We could decide we don't have an area for it, we don't allow. On the medical side, Paul said a good land use attorney and planner can make case that it is inherently beneficial. Marie stated that we should be talking regionally. Nisha said that when she went to the League of Municipalities, New Jersey Cannabusiness Association had a table and said they would come to town to make a presentation and answer questions that we have.
- Mike Walsh said let's talk as if the law is passes. Joe felt that the way our ordinances are, he feels that some of the uses would be permitted, such as retail.
- Paul said at the very least we would have to pass an ordinance with definitions and either make it permitted, conditional, or prohibited. There are some models to look at—Massachusetts is a good model. They have been doing some mapping for buffers—1000 ft. buffer around churches, playgrounds, schools. Establish the buffers to see what properties you are left with. We would use the drug-free school zones. Kurt asked why we wouldn't take a negative stand and not allow it. Paul said you would fall behind by 5 years of receiving money. Paul said we should be talking to our legislators. Mike said we should continue to work towards a position on the 6 elements.

Sewer gallonage opportunities within the Village Business area for redevelopment

- Joe stated that right now there is no excess gallonage in our VB zone. There are 2 ways to get it – transfer from one property to another through the Council or go through an adjoining municipality to acquire gallonage. Joe asked if it would make sense that the Township go to Stanhope and acquire some gallonage. We would have to pay the associated costs for the gallonage and the costs to hold the gallonage but then we would have a reserve to sell to business owners in our Township when it is needed. The process for us to acquire would not be difficult. We would not have to have a developer's agreement. If we had excess gallonage, it would make it much easier for business owners who needed extra EDU's to ask to purchase. All buildings in the sewer service area must connect. Cheryl asked if an applicant can apply for sewer user permit prior to going to the Planning Board. Joe said an applicant could do that. George asked Joe what amount of gallonage would he would want to purchase. Joe stated that he didn't do the analysis yet. He suggested that we approach the existing business owners to ask if they were planning any redevelopment on their site and if so would they need additional gallonage.

Vision of business on Route 206

- Alex asked if there are any substantial changes that we would want to see. Scott stated that over the past 2 years, we looked at the zoning and simplified the uses and broadened the categories. Paul explained in more detail what the PB went through during the process and the changes that were made. Harvey asked what the height restriction is on Route 206. Paul said there are two heights – 2 and 3 story, and a max of 55’.
- Harvey stated that he would like to look at the second entrance into East Brookwood. George stated that he would like to see a road constructed for two-way traffic. George would want to see a road built from Mansfield to Brookwood Road. Mike Walsh agreed with George and feels there should be a connection from Mansfield. There is only 1 road into our school and police department. Tom said there is no exception for new road. You need full approval from the Highlands and he doesn’t feel it would be approved. The Planning Board would like to see Cory investigate all options for an extension of Mansfield Drive or from Woods Edge Road, or any other option he can think of.
- Harvey also said he was interested in pursuing natural gas in Byram.
- Marie asked if the Council has given any consideration of regulating wireless in the ROW. 5G has a shorter range than 4G. Marie has some documentation to forward to the Council. Paul will contact his colleagues and get some information.

PUBLIC PARTICIPATION

The Mayor opened the meeting to the public. Richard Schneider, 73 River Road, asked if there was a plan he can look at for the VC. Joe directed him to the website All members in favor. Motion carried.

ADJOURNMENT – Motion by Councilman Olson, second by Councilwoman Kash, to adjourn the meeting at 10:02 p.m. All members in favor. Motion carried.

Doris Flynn, Municipal Clerk

Alexander Rubenstein, Mayor