

MEETING MINUTES
BYRAM TOWNSHIP PLANNING BOARD MEETING
JANUARY 18, 2018

CALL TO ORDER

Chairman Shivas called the meeting to order at 8:10 p.m.

ROLL CALL

	Mr. Chozick	Mr. Dixon	Mr. Gonzalez	Mr. Iulo	Ms. Kash	Mr. Kaufhold	Mr. Walsh	Mr. Gonzalez	Mayor Rubenstein	Ms. Shimamoto	Chairman Shivas
HERE	H	H			H	H	H	H	H	H	H
ABSENT											
EXCUSED			EA	A							
LATE											

Also present: Engineer Cory Stoner
 Planner Paul Gleitz
 Attorney Kurt Senesky
 Secretary 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 Meetings Act.

FLAG SALUTE led by Chairman Shivas

REORGANIZATION - 2018

Nomination of Chairman

Mr. Shivas was nominated for Planning Board Chairman by Mr. Kaufhold, the nomination was seconded by Mr. Morytko. There were no other nominations. A motion to closed the nomination was made by Mr. Walsh, the motion was seconded by Mr. Morytko. All were in favor. Motion carried.

Nomination of Vice-Chairman

Mr. Walsh was nominated by Mr. Kaufhold for Planning Board Vice-Chairman, the nomination was seconded by Ms. Shimamoto. No other nominations were made. A motion to close the nominations were made by Mr. Kaufhold, the motion was seconded by Ms. Shimamoto. All were in favor. Motion carried.

Nomination of Attorney

Mr. Kurt Senesky with Schenck, Price, Smith & King, LLP, was nominated for the Planning Board Attorney by Mr. Morytko, the nomination was seconded by Mr. Walsh. No other nominations were made. A motion to close the nomination was made by Mr. Walsh, the motion was seconded by Mr. Morytko. All were in favor. Motion carried. with a seconded by Mr. Chozick. There were no other nominations. The following vote was taken: Motion carried.

Nomination of Engineer

Mr. Cory Stoner with Harold Pellow & Associates, Inc. was nominated for the Planning Board Engineer by Mr. Walsh, with a seconded by Mr. Kaufhold. There were no other nominations. A motion to close the nominations was made by Mr. Walsh, the motion was seconded by Mr. Morytko. All were in favor. Motion carried.

Nomination of Planner

Mr. Paul Gleitz with CWL Planning, LLC was nominated for the Planning Board Planner by Mr. Kaufhold, with a seconded by Ms. Shimamoto. There were no other nominations. A motion to close the nomination was made by Mr. Walsh, the motion was seconded by Mr. Kaufhold. All were in favor. Motion carried.

Nomination of Secretary

Ms. Cheryl White was nominated for the Planning Board Secretary by Mr. Walsh, with a seconded by Mr. Kaufhold. There were no other nominations. A motion to close the nominations was made by Mr. Walsh, the motion was seconded by Mr. Kaufhold. All were in favor. Motion carried.

Nomination of Newspaper

The New Jersey Herald was nominated as the official newspaper by Mr. Walsh, with a seconded by Mr. Kaufhold. There were no other nominations. A motion to close the nomination was made by Mr. Walsh, the motion was seconded by Mr. Kaufhold. All were in favor. Motion carried.

MINUTES

Approval of the December 21, 2017 Meeting Minutes

A motion was made by Mr. Kaufhold, and seconded by Mr. Chozick to approve the minutes as written. The following vote was taken:

	Mr. Chozick	Mr. Dixon	Mr. Gonzalez	Mr. Iulo	Ms. Kash	Mr. Kaufhold	Mr. Morytko	Mayor Rubenstein	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
Motion						√					
Seconded	√										
Aye	√					√	√		√	√	√
Nay											
Abstain		√			√			√			
Absent			√	√							

Motion carried.

RESOLUTIONS

PB1-2018 Annual Notice of the Calendar Dates of the Scheduled Regular Meetings of the Byram Township Planning Board

Adoption of the 2018 Annual Meeting Dates

Mr. Kaufhold made a motion to approve the resolution for the 2018 annual meeting dates as presented, the motion was seconded by Mr. Walsh. The following vote was taken:

	Mr. Chozick	Mr. Dixon	Mr. Gonzalez	Mr. Iulo	Ms. Kash	Mr. Kaufhold	Mr. Morytko	Mayor Rubenstein	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
Motion						√					
Seconded	√										
Aye	√					√	√		√	√	√
Nay											
Abstain		√			√			√			
Absent			√	√							

Motion carried.

SP2-2017, Gordon Byram Associates, LLC, 90 Route 206, Block 226 Lot 14, V-B Zone

Condition use and amended site plan approval to allow for sidewalk sales and display, tent sales and special events, and outdoor café.

Mr. James Scott, Esq., general Counsel for Ronetco said that needed clarification on some comments within the resolution presented specifically Page Eight, Section 2 recalled that Mr. Walsh wanted the shopping cart area, against the building noted on the site plan. Mr. Scott wanted it to be clear that is not the only area that will contain shopping carts. Chairman Shivas asked if five feet of clearance will be maintained between the curb and the carts? Mr. Scott clarified that in the evening all carts are removed from the cart carol and against the building front, three rows deep. As customers enter the store, they take a cart and when done shopping the customer usually returns the cart to the carol, so as the day progresses two rows of carts are maintained against the building complying with the five feet clearance requirement. The rest of the carts are kept in the cart carol. Chairman Shivas recalled that the carts were taken to the carol in the morning, first thing, by the cart attendants. Mr. Scott said it is convenient for the customer to grab the cart at the store entrance, it also allows the cart attendant to clean the cart carol area before carts are brought there.

Mr. David Romano, who is still under oath said Chairman Shivas was correct but said most times only two rows of carts will be stored against the building. He said there is a planned cycle the attendants follow, it has worked very well for twenty years they have been in business. He wanted to clarify he cannot always guarantee there will never be three rows of carts. A recommendation was made that two rows of carts, or at least five feet of clearance will always be maintained between the hours of 10:00 a.m. to 7:00 p.m. The applicant agreed.

Mr. Scott said also on Page Eight, Item 5, that the present make up of stores was never discussed and any tenant can use the designated of space, whether sidewalk sales or café, etc., can use it. The site plan is approved as presented and a change of tenant shouldn't matter. Mr. Scott did say if a tenant wants to add an area for one of these uses, that is not approved on the site plan presented today, then a return to this Board would be required. The Board agreed Item 5 should be removed. There was no further discussion.

A motion to approve the resolution with the discussed changes was made by Mr. Walsh. The motion was seconded by Mr. Chozick. The following vote was taken:

	Mr. Chozick	Mr. Dixon	Mr. Gonzalez	Mr. Iulo	Ms. Kash	Mr. Kaufhold	Mr. Morytko	Mayor Rubenstein	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
Motion										√	
Seconded	√										
Aye	√					√	√		√	√	√
Nay											
Abstain											
Absent			√								

Motion carried.

SP2-2016 Rt. 206 Byram GW LLC (Quick Chek Corporation) Rt. 206 & Brookwood Road, Block 41 Lots 88.01, 88.02 & 89, V-B Zone

Use variance and associated site improvements for a retail store with gas pumps.

Use variance and associated site improvements for a retail store with gas pumps.

Ms. Shimamoto said with regards to Condition #11, she believed that all the lighting was to be shielded because of adjacent property owners, not only the rear lighting. She recalled that the Board engineer was to review lighting levels to verify that the canopy lighting and the LED digital price sign does not exceed what is allowed. Mr. Stoner agreed. Mr. Senesky will add that language.

Mr. Stoner said the lighting in the rear is shoebox lighting which will not glare or affect residents in the rear. Mr. Gleitz recalls the back half of the building would be shoebox lighting but the rest of the lighting on the site is decorative, acorn style lighting whereas the filament is in the top, not in the globe, minimizing glare. Mr. Stoner said it should read lighting in the rear should be shoebox style lighting and the decorative lighting on the site be shielded to assure lighting does not affect surrounding residents. Mr. Stoner said even though the lights are shielded, there will still be some glow on the side, that is why the rear is shoebox style lighting. Ms. Shimamoto also believed on Page 30, # 14 that grocery and other non-gasoline deliveries were also restricted to daytime, non-peak hours for deliveries. There was Board discussion about this and Ed Grasso, Partner, Rt. 206 Byram GW LLC, was sworn in and said that he is confident Quick Chek would agree to a restriction that trash collection as well as other non-gas deliveries not occur before 7:00 a.m. and no later than 7:00 p.m. Mr. Senesky will correct.

The Board discussed other corrections, minor in nature and Mr. Senesky said he would make the changes.

A motion to approve the resolution with the changes discussed was made by Mr. Walsh, the motion was seconded by Mr. Kaufhold. The following vote was taken:

	Mr. Chozick	Mr. Dixon	Mr. Gonzalez	Mr. Iulo	Ms. Kash	Mr. Kaufhold	Mr. Morytko	Mayor Rubenstein	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
Motion										√	
Seconded						√					
Aye	√									√	√
Nay											
Abstain											
Absent			√								

Motion carried.

COMPLETENESS REVIEW

SP1-2018, Byram Car Wash, 56 Route 206, Block 365 Lot 1.01, V-C Zone (V-B requirements)

Amended site plan with conditional use approval to install payment kiosks, and associated improvements.

Mr. Walsh said the subcommittee met and reviewed the materials submitted. He said the applicants also attended the meeting. He said the changes proposed will allow for a smoother, more efficient operation, and will allow the business to operate twenty-four hours a day without attendants. Mr. Walsh added that items such as proposed lighting, signage, impervious coverage calculations, existing and proposed contours and an earthwork summary be

provided, and any items address in Mr. Stoner's report but that the applicant be deemed complete and set a public hearing date of March 1, 2018. Mr. Walsh advised the applicant that these items be provided before the meeting date.

A motion was made by Mr. Walsh to deem the application complete, the motion was seconded by Mr. Kaufhold. The following vote was taken:

	Mr. Chozick	Mr. Dixon	Mr. Gonzalez	Mr. Iulo	Ms. Kash	Mr. Kaufhold	Mr. Morytko	Mayor Rubenstein	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
Motion										√	
Seconded						√					
Aye	√	√			√	√	√	√	√	√	√
Nay											
Abstain											
Absent			√	√							

Motion carried.

NEW BUSINESS

SP5-2017, Jefferson Lake Day Camp, LLC, 38 Jefferson Lake Road, Block 366 Lot 3.01 and Block 370 Lot 7.01, C-R Zone.

Amended site plan approval to demolish two existing buildings, construct a new office building, along with other associated improvements.

Mr. Lawrence Cohen, Esq. from Lavery, Selvaggi, Abromitis and Cohen, P.C. representing Jeff Lake Day Camp said that Jeff Lake is closing their administrative office in Millburn, NJ and moving the operation to this location. They are proposing to demolish two small existing buildings and replace them with one, two-story, 4,669 sq. ft. office building. Mr. Cohen introduced Mr. Justin Efros, Director and he was sworn in. Mr. Efros said he has been associated with Jeff Lake Day Camp for fifteen years. He said the day camp for children is open from June 25 through August 17 and in the past has closed during the off season. Moving the office from Millburn to Byram Township means the office will be open five days a week, (Monday – Friday) from 9:00 a.m. to 5:00 p.m. and will occupy five full-time employees, and used for staff only, not used for the children attending the camp. He said normally there are twenty-five employees consisting of camp counselors, transportation drivers, food preparers, etc., and added that the majority of campers, counselors, teachers, etc., arrive by way of bus and affirmed the parking is sufficient.

Mr. Steve Glasson, P.E., who engineered the project was sworn in and has previously testified before this Board and the Board accepts him as an expert in his field. Mr. Glasson said this parcel is 17 acres in the Commercial Recreation Zone and he presented Exhibit A1, sheet 2 of 7 with markings. Mr. Glasson reviewed the property describing the buildings, pools, court yards, locations and uses. Mr. Glasson talked about the building being demolished and presented Exhibit 2, sheet of 7 which is colorized and he described the proposed building saying that the first floor will be 2,569 sq. ft., and the second story is 2,100 sq. ft. Mr. Glasson reviewed the proposed lighting, saying that lights around the office building will be needed since this building will be open year-round, saying that there are two pole mounted and building mounted lighting that are LED downward facing box type lighting and will comply with our standards. He also talked about the landscaping around the new office building and said he will revise the landscaping based on Mr. Gleitz's comments. He talked about the handicap space that was moved on the plan

Mr. Glasson talked about the new septic tanks and disposal field which will be required since bathrooms are being added and a new well is proposed. Mr. Glasson said there are two wells on the property, one is bad and the other is old so a new well proposed.

Mr. Glasson talked about the fire department comments saying that the applicant agreed to a stand pipe and a knox box and the applicant would like to meet with the Fire Chief to discuss locations for these items. He also said that a shed was erected without a permit, that shed is used for pool towels and is noted on the plan. He said that the miniature golf area was enlarged which is also depicted on the plan.

Chairman Shivas asked about the handicap spaces and how far they are from the building. Mr. Glasson said the handicap space was moved and is now in front of the building and has access to the covered sidewalk.

Mr. Gleitz noted that the plan submitted labeled the new office building as the principal structure and it was determined in the past that because of the use of the property, and amount of accessory structures, that all buildings would be accessory. Mr. Glasson said it was a mistake and did not intend to label any building as "principal" and will remove that note from the plan.

Mr. Glasson said this project requires variance for:

- Variance from Section 240-58.A.2 of the Zoning Ordinance for setback of a structure from any public thoroughfare or property line. 100 feet is required whereas 52.5 feet is proposed.
- Variance from Section 240-38 of the Ordinance for the number of parking spaces for an office building. 24 spaces are required and 15 are proposed.

Mr. Cohen introduced Mr. Mike Byrnes, Architect and he was sworn in. Mr Byrne described the office building saying that the first floor has a covered porch entrance and is mainly open floor space. The second floor is private offices and a conference room, saying there is a bathroom on each floor. He said a wood framed building is proposed with stone and shingles style siding, which will match the other, recently constructed building.

Chairman Shivas opened to the public.

Earl Riley, 5 Louis Drive complimented Jeff Lake saying they do a great job, they place is great to visit and they are an asset to our community.

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

A motion was made by Mr. Walsh to approve the applicant with the amendments to the plans as discussed. The motion was seconded by Mr. Morytko. The following vote was taken:

	Mr. Chozick	Mr. Dixon	Mr. Gonzalez	Mr. Iulo	Ms. Kash	Mr. Kaufhold	Mr. Morytko	Mayor Rubenstein	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
Motion										√	
Seconded							√				
Aye	√	√			√	√	√		√	√	√
Nay											
Abstain								√			
Absent			√	√							

Motion carried.

APPEAL OF THE ZONING OFFICIERS NOTICE OF VIOLATION (Carried from Jan 4, 2018)

Ms. Kash, Mayor Rubenstein and Tom Dixon, Zoning Official stepped down for this application.

SP7-2017, Byram Land Development, 9 Lackawanna Drive, Block 226 Lot 16, IPR Zone (Carried from Jan. 4, 2018)

Mr. Michael Lavigne, Esq. representing Byram Land Development said that a Notice of Violation was received by the Byram Township zoning official for the outdoor storage of equipment and vehicles because this use is prohibited in the IRP zone. Mr. Lavigne said it is Byram Land's position that this use is pre-existing and will support that position with pictures and correspondence, but first Mr. Lavigne said that Byram Land is hoping to sell the property in question and that a recent application

was submitted to the Board secretary for the same use and wanted to know if an adjournment could be granted until this new application has been heard, and at that time all Nordic and any mining equipment on the site will be removed. Ms. Megan Ward, Esq. from Kelly and Ward, representing Byram Township said that this violation of this property has been going on since 2010 and the matter should be discussed tonight saying that the quarry use has existed since 1975 but Nordic equipment/vehicles has nothing to do with Byram Land Development operations and Byram is prepared to proceed tonight. The Board agreed.

Mr. Lavigne talked about the 2011 approval for the same type use which has since expired because the proposed purchaser ran into financial difficulties and could never complete the development. Chairman Shivas reiterated that the equipment stored on the site has nothing to do with the mining operation and should have been removed years ago. Mr. Mortyko said the application recently submitted has nothing to do with the current violation on the site and should not impact the Board's decision.

Mr. Tom Carton, Vice-President, Byram Land Development said he has managed the property for fifteen years and the outdoor storage on this property predates zoning and goes "hand and hand" with mining operations that has been present on this property for years. He said that the prior 1966 owner of the property was in construction and always stored equipment on the property. 's from 1966 owned the property, equipment from

REPORTS FROM COMMITTEES

- Township Council -
- Environmental Commission -
- Architectural Review Committee -
- Open Space -
- Board of Health -

BILLS

PUBLIC COMMENT

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

ADJOURNMENT

A motion to adjourn the meeting was made at 11:10 p.m. by Ms. Segal, and seconded by Mr. Chozick. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: *Cheryl White*