

MEETING MINUTES
BYRAM TOWNSHIP PLANNING BOARD MEETING
DECEMBER 3, 2015

CALL TO ORDER

Chairman Shivas called the meeting to order at 8:00 p.m.

ROLL CALL

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Mr. Valentine	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
HERE			H		H	H			H	H	H
ABSENT											
EXCUSED	EA	EA		EA			EA	EA			
LATE											

Also present: Attorney Kurt Senesky
 Engineer Cory Stoner
 Planner Paul Gleitz
 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

MEETING MINUTES NOVEMBER 19, 2015

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

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Mr. Valentine	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
Motion					√						
Seconded			√								
Aye			√		√				√	√	√
Nay											
Abstain						√					
Absent	√	√		√			√	√			

Motion carried.

NEW BUSINESS

Superior Structures, LLC, 44 Birch Parkway, Block 308 Lot 1823, R-5 Zone

To construct a second story addition that requires relief for a setback to a body of water and to intensify a pre-existing, non-conforming structure.

(The applicant requested to be carried to Jan. 7, 2016

A motion was made by Mr. Kaufhold and seconded by Mr. Valentine to carry the application to Jan. 7, 2016 with no further notice required. The following vote was taken:

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Mr. Valentine	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
Motion					√						
Seconded						√					
Aye			√		√	√			√	√	√
Nay											
Abstain											
Absent	√	√		√			√	√			

Motion carried.

SP2-2015, School Village Apartments, 55 Lackawanna Drive, Block 226 Lot 21, M-F Zone

Preliminary and final site plan with variances for the conversion of the former Consolidated School into twenty one residential apartments.

Mr. Senesky reminded the Board that Mr. Careaga and Mr. Simeone were still under oath.

Mr. Careaga reviewed the revised site plan dated 11/24/15 which was revised based on comments and memos from the Board, engineer, planner, and residents at the Nov. 19, 2015 meeting. Mr. Careaga presented Exhibit A4, a sealed survey from the 1970's showing the R.O.W. saying that they had to change the front yard setback based on the survey. Mr. Careaga added that he and the applicant will be meeting with the County on Dec. 7, 2015 and the R.O.W. may change again, however if changes are significant, and would trigger a variance the applicant will have to come back to the Board. He reviewed the revised calculations with the Board:

- Building coverage is now 6.4%
- Lot disturbance will be 56.3%
- Lot coverage 22.6%
- Front yard setback to the building 12.8', and to the wall, 7.2'.

Mr. Careaga reviewed Mr. Gleitz's comments from his 12/3/2015 memo:

- The variance for the front yard setback and critical lot disturbance should be added to the header of the resolution.
- A note should be added to the plan that the curb stops located in the parking area in stalls 16, 17 and 18 may be removed during winter snow removal, the applicant agreed.
- HVAC units cannot be visible from the street.
- If the mail boxes have to be located in the upper parking area landscaping should be added, and if the mailboxes are in the lower parking area or against the building, the applicant should incorporate them into the existing foundation plantings. The applicant agreed.
- Mr. Gleitz talked about the proposed lighting for the emergency exit corridor at the front of the building and Chairman Shivas recommended installing the lighting into the wall. The applicant agreed and added that the lighting will be motion sensor and on a timer.
- The applicant should remove the notation on sheet 4 "Schematic Layout Only, Final Layout May Differ".

- The Board discussed the proposed sign, which is not permitted based on Section 240-47, and said that per the discussion at the Nov. 19 meeting Mr. Gleitz recommended a variance be granted for the proposed 18" x 8.1' sign.
- Mr. Stoner pointed out that the Landscape Plan must be approved by the planner, not the Board engineer as stated in Mr. Careaga letter dated Nov. 25, 2015.
- The picnic table and outdoor furniture detail should be added to sheet four, and Mr. Gleitz said that based on the number of units, four tables should be provided. The applicant agreed.

The Board discussed the variances and waivers requested and the waiver for the size of the fire suppression tank is not under the purview of this Board. Mr. Gleitz indicated that the waiver for the requirement of a three bedroom apartment required by the Council on Affordable House is two parts; the Planning Board grants the waiver and then the waiver is presented to COAH for review and approval.

Mr. Stoner reviewed his memo dated Dec. 3, 2015:

- The zoning chart on the plan needs to be updated to reflect the numbers provided tonight.
- The list of required approvals should be updated and should include a condition that approval must be obtained for size of the proposed 6,000 gallon fire suppression tank.
- The applicant must enter into a basic developer's agreement to clarify the COAH requirements and a note should be added to the front page of the plan.
- A note should be added to the front page of the plan stating that the applicant agreed to the placement of an historical marker.
- The applicant should provide a "blow up" of the area where the upper parking lot meets Lackawanna Drive, the applicant agreed.
- The applicant agreed that if the existing R.O.W. changes significantly, and affects approvals, the applicant must come back to the Board.
- Mr. Stoner said that the lighting in the parking area should be placed in the landscape islands.
- The note restricting the pick-up times of trash removal should be larger and in a more prominent location, like the front sheet.
- A performance bond will be required before the issuance of a permit.
- Regarding the proposed lighting; Mr. Stoner recommended a light meter test be preformed when complete.

Ms. Shimamoto asked if one set of stairs is sufficient with regard to the emergency egress. Mr. Careaga said that it is adequate.

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

A motion was made by Mr. Valentine to approve this application with all the conditions, and waivers required. The motion was seconded by Mr. Chozick. The following vote was taken:

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Mr. Valentine	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
Motion						√					
Seconded			√								
Aye			√		√	√			√	√	√
Nay											
Abstain											
Absent	√	√		√			√	√			

Motion carried.

DISCUSSION ITEMS

Amendments to Chapter 240 – Zoning

The Board reviewed the minor changes that were a result of the Nov. 19 meeting, and said that 240-40 *General Requirements; driveways*: should be worded differently. Mr. Gleitz will make that change. The Board instructed the secretary to send a memo to the Township Committee that the recommended amendments outlined below are substantially consistent with the Byram Township Master Plan. The Board tabled the discussions on impervious coverage and accessory structures until 2016.

- Revise Lot Disturbance for the R-4 & R-5 zones, and add cluster development requirements as a footnote.
- Cap on Lot Disturbance for over-sized lots
- Delete/modify setback of a structure to a body of water.
- Revise real estate signs in the VB/VC zones.
- Revise building height and façade height.
- Revise parking space requirements.
- Define accessory structures prohibited in a front yard.

HOUSING ELEMENT AND FAIR SHARE PLAN WORKSHOP

Mr. Gleitz said that the revised build-out is done and that the Housing Element and Fair Share Plan will be due Dec. 8, 2015. Mr. Gleitz reviewed the history of COAH and Byram Township and briefly discussed the various components of the draft document. He said the document demonstrates how Byram has taken steps, such as a zone change to allow for multifamily housing, changes to the accessory apartments in the VB zone, and other measures the Township has made to provide for affordable housing. Mr. Gleitz said the document identifies the lack of developable land, since 98% of land in Byram is in the Highlands Preservation area, and the lack of developable land in the Planning area. Mr. Gleitz recommends proposing a change to the zoning for accessory apartments in the VB zone and adding an assisted living facility as a conditional use. There was board discussion about the exclusionary zoning and Mr. Gleitz said he would check with the Township Manager and the Township Attorney for their comment.

REPORTS FROM COMMITTEES

- Township Council – No representative present.
- Environmental Commission – No report.
- Architectural Review Committee – No report.
- Open Space - No representative present.
- Board of Health - No representative present

BILLS

Harold Pellow & Assoc. Inc., (6 bills) \$1,839.38

A motion was made by Mr. Valentine, the motion was seconded by Mr. Chozick. All were in favor. Motion carried.

L & G planning (8 bills) \$5,100.00

A motion was made by Mr. Valentine, the motion was seconded by Mr. Chozick. All were in favor. Motion carried.

Schenck, Price, Smith & King, LLP (6 bills) \$2,535.00

A motion was made by Mr. Valentine, the motion was seconded by Mr. Kaufhold. All were in favor. Motion carried.

PUBLIC COMMENT

Chairman Shivas opened to the public.

Skip Danielson, 18 Hunter Lane asked why the group homes in Byram could not count for credit for Byram's COAH requirement. Mr. Gleitz said he would investigate the matter.

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

ADJOURNMENT

A motion to adjourn the meeting was made at 10:15 p.m. by Mr. Valentine and seconded by Mr. Kaufhold. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: *Cheryl White*