

MEETING MINUTES
BYRAM TOWNSHIP PLANNING BOARD MEETING
APRIL 19, 2018

CALL TO ORDER

Chairman Shivas called the meeting to order at 7:30 p.m. today

ROLL CALL

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

Also, present: Attorney Larry Wiener
 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

MINUTES

Approval of the April 5, 2018 Meeting Minutes

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

	Mr. Chozick	Mr. Dixon	Mr. Gonzalez Alt. 1	Ms. Raffay Alt. 2	Ms. Kash	Mr. Kaufhold	Mr. Morytko	Mayor Rubenstein	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
Motion						√					
Seconded							√				
Aye		√				√	√				√
Nay											
Abstain			√								
Absent	√			√	√			√	√	√	

Motion carried.

NOMINATION OF CONFLICT ATTORNEY

Mr. Larry Wiener, Esq. with the Law Office of Larry I. Wiener, was nominated for the Planning Board conflict attorney for 2018 by Mr. Morytko, the nomination was seconded by Mr. Kaufhold. No other nominations were made. A motion to close the nomination was made by Mr. Morytko, the motion was seconded by Mr. Kaufhold. All were in favor. Motion carried.

RESOLUTION

David Ruppert, 55 Lynn Drive, Block 337.10 Lot 25.29, R-3 Zone

26' X 12' addition to the rear of the home which requires relief from a left-side yard setback, and to allow to keep a pre-existing, nonconforming shed that requires relief from a right-side yard setback.

A motion was made by Mr. Morytko to approve the resolution as written. The motion was seconded by Mr. Dixon. The following vote was taken:

	Mr. Chozick	Mr. Dixon	Mr. Gonzalez Alt. 1	Ms. Raffay Alt. 2	Ms. Kash	Mr. Kaufhold	Mr. Morytko	Mayor Rubenstein	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
Motion							√				
Seconded		√									
Aye		√					√				√
Nay											
Abstain											
Absent	√				√			√	√	√	

Motion carried.

SITE PLAN WAIVER

WOSP1-2018, Lackawanna Investment Co. Block 248 Lot 1, Lake Drive, G-C Zone

Change of Tenant issued by Zoning Officer – LLIC to Mr. John Harin

Chairman Shivas advised the Board of the new tenant for the Lake Lackawanna Golf Course. The Board had no questions.

CONSISTENCY REVIEW

Amendment to Chapter 240 – Accessory Structures

Mr. Dixon, Byram Township Zoning Official, said he received several complaints within a local area in town about dilapidated membrane structures. He said violations were sent to the offenders which triggered discussion about these structures and if they are considered permanent. Mr. Dixon regulates them as accessory structures and said that many residents consider them temporary, not needing zoning approval, however these structures usually end up becoming permanent structures. Mr. Dixon said for clarification of regulating these structures he proposed a definition under Chapter 240-7, "Terms defined" a definition of a membrane structure, and to Chapter 240-16 adding language that a membrane structure is considered an accessory structure. In addition, Mr. Dixon proposed adding a definition of membrane structure to Chapter 186-14, "Definitions applicable to property maintenance codes", and recommends that these structures be specifically referenced as an accessory structure which must be maintained in good condition in

Chapter 186-15 of the Byram Township code. Mr. Dixon said they are prohibited from the front yard and must meet all setbacks, equal to how accessory structures are regulated today. There was a brief Board discussion.

Mr. Gonzalez made a motion that the amendment to Chapter 186-14 and Chapter 186-15 and to Chapter 240-7 and to Chapter 240-16 are not inconsistent with Byram's Master Plan. The motion was seconded by Mr. Morytko. All were in favor. Motion carried.

NEW BUSINESS

SP2-2018, Anty Trucking Inc., Block 226 Lot 16, 9 Lackawanna Drive, IPR Zone

Preliminary and final site plan approval with use variance for three outdoor storage areas, to construct a 20' X 40' addition with a loading dock to existing building, and to construct two 12,800 sq. ft. equipment storage buildings, along with associated site improvements for the operations of a trucking and rigging company.

Mr. Michael Lavigne Esq., from Fox Rothschild LLP representing the applicant gave a description of the property saying that this parcel is 24.5 acres and located in the IPR zone. He reviewed the required approvals the applicant is seeking

- Preliminary and Final site plan approval
- D1 use variance for outdoor storage
- To allow for two Freestanding signs on the property
- To exceed size and height of accessory structures permitted

Design Waivers:

- Paving and stripping of parking areas.

Mr. Lavigne introduced the President of Anty Trucking, Mr. Dominick Antonucci, who resides at 126 East Dickerson Street, Dover N.J., and he was sworn in.

Mr. Antonucci said Anty Trucking is a family run trucking and rigging business since 1933 doing business throughout the County. Mr Antonucci added that about 90% of the business is rigging. He said they pick large equipment up at the port, transport it to their storage facilities, and then deliver the equipment to the customer when needed. He said most of the equipment is large and used in hospitals, colleges, pharmaceutical companies, etc. He said they do not do any electrical or plumbing on the equipment, but they do some mechanicals on the equipment. He said offsite the equipment is moved by cranes, but on site it is moved by forklifts, they will not have cranes on the site. Mr. Lavigne presented Exhibit's A1 – A5, dated April 19, 2018 which are various photos of the type of equipment they transport.

- A1 – Printing machine
- A2 – Printing equipment being returned
- A3 – Medium size boiler
- A4 – Pharmaceutical equipment
- A5 – Crated air tank

He said the equipment they transport is clean, and they do not use hazardous material.

Mr. Antonucci said they are proposing a 20' X 40' addition to the already existing building and adding a loading dock. He said the addition will be used for a new office space and bathrooms. The remainder of the building will be used for maintenance on vehicles and equipment, and crating of equipment.

He said they plan on painting the building and Mr. Lavigne presented Exhibit A6 – dated April 19, 2018, which is a sample of the color proposed for the bottom of the existing building, "Emerald Green", and Exhibit A7, dated April 19, 2018 a sample of the proposed color for top of building, "Basswood". He said the steel roof will remain. Mr. Antonucci agreed to some foundation planting to soften the look of the existing building. He also agreed to perennial plantings around the proposed freestanding sign if approved. Mr. Antonucci will work with the Planner on a landscape plan.

Mr. Antonucci said the hours of operation are normally 6:30 A.M. to 5:30 P.M., Monday through Friday, and they have eighteen to twenty employees. He said occasionally maintenance to vehicles may be done on Saturday and a driver may leave the site on a Sunday for a delivery but that is infrequent. Mr. Kaufhold asked how many trucks will go in and out of the site daily. Mr. Antonucci said on an average four to five trucks daily, excluding UPS and FedEx trucks. He said they have four utility trucks, two roll off trucks, eight tractor trailers, flatbed trucks, single and double drop trucks, and four vans. He said to avoid traffic issues they avoid peak hours for deliveries. Mr. Kaufhold asked about garbage from the site and Mr. Antonucci said it is mostly office garbage and some wood that is used for crating equipment.

Chairman Shivas asked how many shipping containers will be stored on the site and how are they moved around. Mr. Antonucci said approximately ten to twelve boxes and they will be stored in the designated outdoor storage area behind the proposed structures. He said they are moved around by forklifts. Mr. Gleitz asked what type of storage is proposed behind the existing building and to keep the storage off the property line. Mr. Antonucci said behind the existing building there is a lot of garbage and a buffer of plants, some are dying and some are overgrown. He agreed to clean the area up and add plantings to areas needed and will keep the storage off the property line.

Ms. Raffay asked where the sea boxes will be stored and Mr. Antonucci said behind the two proposed membrane structures and in an area, that is labeled on the plan as "outdoor storage" with the dimensions of 70' X 190'. Chairman Shivas asked what is proposed in the outdoor storage area to the northeast of the property that is labeled 100' X 180'. Mr. Antonucci said nothing is proposed now however if their business grows they may need it. Mr. Kaufhold asked if they would be willing to withdraw that area of outdoor storage from this application and return to the Board in the future if that area is needed. Mr. Antonucci said yes.

Mr. Dixon asked Mr. Antonucci if he will be storing vehicles or equipment for other companies on the site. Mr. Antonucci said no. He said a transport truck may spend the night but 90% of the trucks are Anty Trucking vehicles.

Mr. Gonzalez asked how many trucks on an average travel the site daily. Mr. Antonucci said about four to five a day.

Mr. Morytko asked what other activities may occur on the site. Mr. Antonucci said no other substantial activities, no fabrication, or manufacturing. He said they do some assembling of equipment but most of the work is done off site.

The Board discussed the two 160' X 80' proposed accessory buildings. Mr. Antonucci said they will be mounted on a pad with an isle down the middle to maneuver equipment and the forklift. Mr. Gleitz asked if the equipment can be moved on the gravel with the forklift. Mr. Antonucci said yes. Mr.

Stoner noted that if this area is ever paved the applicant would need to return to the Board to address stormwater runoff.

The Board had no further questions for Mr. Antonucci. Chairman Shivas opened to the public.

Ms. Anneliese Tartell, 7 Lackawanna Drive said that she is a licensed day care provider and the daycare abuts this property. She wants to be sure nothing hazardous will be used on the site they may compromise her business or the children. Mr. Antonucci said no, they have nothing hazardous on the site, they do not fuel vehicles on the site, fork lifts are fueled by propane, and the propane is stored in outside cages. The building is heated by oil and no odors will be omitted from property. Mr. Antonucci did not believe that Ms. Tartell should have any concerns. Ms. Tartell had no further questions.

Mr. Mike Pellek, Byram Township Fire Department asked about the storage area and number of propane tanks. Mr. Antonucci said they have two cages, one for empties and one for filled tanks and said they have about fifteen cylinders. Mr. Antonucci said he will comply with all required fire and safety codes. Mr. Pellek asked what type of truck maintenance will occur in the building. Mr. Antonucci said brakes, tune-ups on the forklifts, minor service. Mr. Pellek said if they are servicing vehicles you must register your business with the State of New Jersey for a Life Hazard Use Certificate. Mr. Pellek asked about truck fueling and Mr. Antonucci said they don't fuel their trucks onsite. Mr. Pellek said fuel spills on ground do occur and if the area is not paved it could present a potential hazard.

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

There was Board discussion about the restoration of the site if the property is sold. Mr. Stoner referenced Byram's Ordinance. Chairman Shivas said the northeast section should be soil and seeded. Mr. Lavigne said the applicant has concerns that if this area is restored he will lose the existing impervious coverage and that will limit his development rights in the future. Mr. Gleitz suggested seeking guidance from the Highlands Council. He recommended writing a letter to the attention of Byram's liaison Judy Thornton about his concerns. Mr. Antonucci said if he does not lose his development rights, he will restore the area. Mr. Stoner believes the Council will look at what was impervious back to 2014. There was Board discussion about the wetlands and the riparian buffer on the site and what can be done in these areas.

Mr. Lavigne introduced Dustin McCormick, Project Manager from Big Top, and he was sworn in. Mr. McCormick said Big Top has been in existence for 38 years and they produce maintenance free fabric buildings. He said these structures are used worldwide for many things such as for agricultural use, military and recycling facilities, sports related use, etc. He said they are trussed constructed with galvanized steel and PVC and the fabric is laminated vinyl. They are flame retardant, mold and mildew resistant, wind and snow load compliant and are anchored to the concrete pad. These structures proposed will have a track and trolley system for doors which will be on the front and back of the proposed structures and they will lock in place. Mr. Antonucci said he will comply with all applicable building codes and necessary permitting.

Chairman Shivas asked Mr. Pellek if he had any questions for this witness. Mr. Pellek asked for cities in New Jersey where these structures exist. Mr. McCormick said Morristown, Jersey City, Newark, Linden, Elizabeth. Mr. Pellek asked if the buildings will have a sign "trussed roof", "exit signs" or a fire extinguisher. Mr. McCormick was not sure.

Mr. Lavigne presented Exhibit A8 dated April 19, 2018, which is a color fabric sample proposed for the, "white", and Exhibit A9, dated April 19, 2018, a color fabric sample proposed for the bottom of structure "forest green". He presented Exhibit A10, dated April 19, 2018 which is a photo of the proposed structure, except the structure proposed will not have windows. Mr. Lavigne said the reason for the white color on top is for light since this structure will not have windows or electric. Mr. Lavigne presented Exhibit A11, dated April 19, 2018, "Anchoring System Diagram" and Exhibit A12, dated April 19, 2018 a gallery brochure from Big Top company.

Mr. Lavigne introduced Mr. Patrick McClellan, Engineer for the project, and he was sworn in. Mr. McClellan presented his education and experience to the Board and the Board accepted him as an expert in his field.

Mr. McClellan said Anty Trucking received the Highlands Exemption for his project on April 6, 2018, and he reviewed the existing conditions of the site. He presented revised plans dated March 28, 2018 and said the revisions had to do with the impervious coverage on the site. Mr. Lavigne said that since this plan was different than the plan submitted he marked these plans as Exhibit A13, "Site Development Plan", and Exhibit A14, dated March 28, 2018.

Mr. McClellan reviewed the plan and proposed development. There was a discussion about the number of parking spaces proposed; forty-three spaces, with no stripping but placards to identify each space. Mr. Gleitz said we know that parking requirements are based on building size but since the owner testified that there are only twenty employees, would it make sense to propose to bank eighteen spaces and install twenty-five with placards. Mr. Gleitz added this way they are already on the plan and approved but can be added when needed. The applicant agreed. Mr. Gleitz added that they only need to plant three trees and the fourth tree can be planted when they use the banked parking spaces.

Chairman Shivas asked the applicant that if the Village Center, which is across the street from this development, was ever developed would the applicant agree to reserve an area and install a sidewalk along Lackawanna Drive in the future. The applicant agreed.

Chairman Shivas would like to see the areas of outdoor storage delineated by fencing. Mr. Gleitz recommended that all areas for storage be delineated and to ensure that allowance is considered for vehicle movement in these areas. He added that all other areas be lawn or landscaping.

The Board had no further questions of this witness.

Mr. Lavigne said the applicant will return with revised the plans to show the delineation of the outdoor storage areas whether by fence or landscaping to the Board on May 3, 2018. He said he will provide the plans to the Board Secretary no later than April 27, 2018 so there is sufficient time to distribute them to the Board members for review.

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

A motion to carry this application to May 3 without further notice was made by Mr. Kaufhold, and the motion was seconded by Mr. Morytko. The following vote was taken:

	Mr. Chozick	Mr. Dixon	Mr. Gonzalez Alt. 1	Ms. Raffay Alt. 2	Ms. Kash	Mr. Kaufhold	Mr. Morytko	Mayor Rubenstein	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
Motion						√					
Seconded							√				
Aye		√	√	√		√	√				√
Nay											
Abstain											
Absent	√									√	

Motion carried.

OTHER BUSINESS THE BOARD NEEDS NECESSARY

Chairman Shivas asked for a volunteer to work on the municipal building committee. Mr. Morytko volunteered.

Chairman Shivas advised the Board that on May 17 the Board will have a planning workshop. Mr. Gleitz will present the zoning map to the Board for final review and comment and the map will be scheduled for adoption in June. The Board will discuss the subcommittee’s work they have done on the sign ordinance.

REPORTS FROM COMMITTEES

Township Council – No representative was present.

Environmental Commission – No representative was present.

Open Space – Mr. Morytko said that that the Township is considering having the Open Space Consultant evaluate and inventory all open space land in Byram Township.

Architectural Review Committee – No representative was present.

PUBLIC COMMENT

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

BILLS

Harold Pellow and Associates, Inc.

A motion was made by Mr. Kaufhold to approve Mr. Stoner’s bills. The motion was seconded by Mr. Morytko. All were in favor. Motion carried.

Schenck, Price, Smith & king, LLC

A motion was made by Mr. Kaufhold to approve Mr. Senesky’s bills. The motion was seconded by Mr. Morytko. All were in favor. Motion carried

L&G Planning

A motion was made by Mr. Kaufhold to approve Mr. Gleitz’s bills. The motion was seconded by Mr. Morytko. All were in favor. Motion carried

Larry I. Wiener, Law Offices

A motion was made by Mr. Kaufhold to approve Mr. Wiener’s bill. The motion was seconded by Mr. Morytko. All were in favor. Motion carried

ADJOURNMENT

A motion to adjourn the meeting was made at 10:45 p.m. by Mr. Kaufhold, and seconded by Mr. Morytko. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: *Cheryl White*