

**MEETING MINTUES
BYRAM TOWNSHIP PLANNING BOARD
MEETING, April 22, 2021**

CALL TO ORDER

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

ROLL CALL

	Mr. Chozick	Ms. Franco	Mr. McElroy	Mr. Morytko	Ms. Raffay	Mayor Rubenstein	Mr. Serrilli	Ms. Shimamoto	Mr. Smith	Mr. Walsh	Chairman Shivas
HERE	H		H	H	H	H	H		H	H	H
ABSENT		A						A			
EXCUSED											
LATE											

Also present: Attorney Alyse Hubbard, Esq.
 Engineer Cory Stoner, P.E. C.M.E.
 Planner Paul Gleitz, P.P. AICP
 Secretary Caitlin Phillips

STATEMENT BY CLERK

Both the Federal and State governments have declared a state of emergency in response to the outbreak of the Covid-19 Virus, that limits the number of people allowed to gather, and requires social distancing. To continue Planning Board business, this special meeting for April 22, 2021 is being held by remote video or audio connection only. This service allows the Board, its professionals, applicants, and members of the public to participate. Adequate notice of this meeting has been published specifying the time and access information in compliance with the provisions of the Open Public Meetings Act. Notice of this meeting is on file in the office of the Planning Board Secretary, posted on the main door, and on the bulletin board in the Municipal Building, and on the Township website at: https://www.byrantwp.org/index.php/meetings/committees/planning_board and has been forwarded to those persons requesting notice.

FLAG SALUTE led by Chairman Shivas

NEW BUSINESS

SP2-2019, Anty Trucking, 9 Lackawanna Drive, Block 226 Lot 16, IPR Zone
 Amended site plan approval for an office trailer, two pole barns, reconfigured trailer parking, and outdoor storage.

The applicant Dominick Antonucci (9 Lackawanna Avenue) and Richard Kretschmaier (9 Lackawanna) joined the call along with the attorney Michael Lavigne and engineer Patrick McClellan of MCB Engineering Associates (11 Furler Street, Totowa New Jersey), and were sworn in. Chairman Shivas allowed Mr. McClellan to continue being deemed an expert, as he has appeared before the Board previously and none of his credentials have changed.

Mr. Lavigne introduced the application, stating that with the closing of the property and the applicant being the property owner, it is now considered DJA of Byram, LLC doing business as Anty Trucking. They are seeking amended site plan approval and amended variance relief. He noted that the Board may think they are seeking approval for a change in use, since there was a prior condition of approval that prohibited leasing/renting the property to third-parties. The nature of the business is trucking and rigging, and they go to New York to pick up items and deliver them to job sites or bring them back to their property to store items temporarily. Depending on what the items are, there is rigging involved for installation and use at the job site. The process for their new packaged glass is the same, in which they pick it up in New York and keep it at their property for when the job site it ready; typically this is a week or two of storage. The rigging involved is minimal; they need to affix the material to a crane to install it to the outside of buildings. This is all part of their trucking and rigging business, and there isn't third-party access to their site, nor a portion of the site reserved for one. Mr. Lavigne reasserted that he doesn't see this as a qualitative change in the nature of the fundamental use. Because of the new customer, the outdoor storage has expanded, but they have not violated the terms of leasing. If the Board doesn't agree, they'd need a new use variance. Mr. Gleitz confirmed that they are still seeking a D variance. Mr. Lavigne said going through the testimony will show what the nature of the D variance will be. Mr. Gleitz confirmed that their assertion is that this is a D2 expansion of a prior use approval, not a new use. Mr. Lavigne added that there is an expansion of the outdoor storage, so there is an increase of a geographical footprint; he doesn't think the resolution is clear on whether the outdoor storage is exclusively Anty Trucking or can include customer equipment.

Ms. Hubbard clarified to the Board that a D1 would be an entirely new use; in the prior resolution there was language that stated they would not lease any storage. They were permitted by variance to have this use with the trucking business and outdoor storage. A D2 is an expansion by intensity or physical expansion.

Mr. Antonucci was confirmed as DJA of Byram. He stated the business has changed since last year, with contracts being cancelled and work put on hold. Any storage done is work for Anty Trucking; he doesn't do dead storage. Mr. Lavigne confirmed that the glass customer wasn't one Mr. Antonucci had before being in front of the Board. Mr. Antonucci continued that business was bad and then this glass company came along. All the glass goes to New York; they bring the containers on site, and Mr. Lavigne confirmed they are picked up in the port of New York. He also confirmed that this glass is to be incorporated into projects in New York, and that Mr. Antonucci assists the customer with setting the glass up to be placed. Mr. Antonucci said most of it goes on towers, and they put the slings on to lift them. Mr. Lavigne confirmed there are no cranes on Anty Trucking property.

Mr. Lavigne asked what Mr. Antonucci's thinking was in changing from a physical office to an office trailer that's about the same size. Mr. Antonucci said he's been uncovering drainage and doing a lot of work on site, and the less digging he does, the cheaper it will be. The office would be more expensive than the trailer; instead of \$600,000, he'd spend \$80,000. The trailer is sitting on blocks now, and they take the tires off and anchor it to the ground, and put skirting around the bottom.

Mr. Antonucci is waiting for the power company so he can put siding on. He may do some more landscaping as well. He has already planted trees and put berms in, which has been hard because the site is a quarry. Mr. Lavigne explained that there's a main access to the Tilcon Quarry in the rear, and the berm is on the right. Mr. Antonucci added that to the left are knocked-over fences and trees, which he cleaned up, and has put in a berm and trees, which help to delineate the lot. Along the back, near the daycare, were fallen-over trees, and he put in a berm and will put trees so the daycare doesn't need to see or hear them.

Ms. Hubbard said it may be helpful to show the colorized site plan to give the Board a better idea of where things will be. Mr. McClellan shared this to show the berm location in the back. Mr. Lavigne confirmed that the trees are planted in berms and are there already. Moving to the right of the access driveway near proposed building 2, that berm was part of the prior approval and has been completed. Mr. Lavigne also confirmed that the soil has been spread; Mr. Antonucci said it's towards the back. To the northeast in the back, he put a large rock to know where the corner is.

Mr. Lavigne asked Mr. Antonucci what his thinking was in changing from two storage buildings on the left of the access drive to two buildings split on either side of the drive with different designs. Mr. Antonucci explained that putting the buildings there balances the site, hides items in the back, and is aesthetically pleasing. Mr. Lavigne explained that the prior approval was for fabric structures to let light in that were green on the side, but these proposed structures are pole barns that will have a pitched roof. Mr. Antonucci said the color scheme will be the same as their building (maroon and tan). Mr. Lavigne asked for photos of the existing building and office trailer to show the colors and skirting. Chairman Shivas asked if this attaches to the building completely or is separated. Mr. Antonucci said right now it's separated by 4-5 feet. When they moved in, the office was full of mold, so they took the sheet rock down and put a door there. There's a door in the trailer that lines up with the office, and they're going to make a hallway around 8-10 feet wide to go from one to the other. Chairman Shivas confirmed that the long-term plan is for the buildings to be attached. Mr. Antonucci said maybe by the end of this year this will happen. Chairman Shivas confirmed he will put stairs in the front. Mr. Antonucci said the trailer is handicap-accessible, so he'll put a handicap ramp in the front. Mr. Lavigne confirmed with Mr. Antonucci that with pole barns, he's planning on running electric to both buildings, just for lighting. He's anticipating having two or three poles and some underground work, and is not planning on running any other utilities. Mr. Lavigne asked what's proposed for exterior lighting and confirmed that Mr. Antonucci will put a building-mounted light above the door, so there's no exterior lighting on the outdoor storage since they don't do anything at night. Mr. Antonucci said there will be windows, but he hasn't picked the amount yet. Mr. Lavigne confirmed that the middle section with the overhead door will be facing away from Lackawanna. The peak of the building is 33' 1.5". Mr. Antonucci said the advantage of having this height is that it looks better and hides everything. Mr. Lavigne confirmed that he's not storing any hazardous materials. Mr. Stoner asked if the trailer will be used before it's attached, because it needs a variance if it's not attached because then it's an accessory structure. He'd like to address when it'll get attached, and have it mentioned in the final approval. Mr. Lavigne said they could either apply for a variance and when it's connected they wouldn't need the variance anymore, or not give the variance and say it's a site-plan approval with the understanding that it'll be connected. Mr. Antonucci said he'll get it done within a month. Mr. Gleitz asked if there was reason they're moving from the fabric to the pole barn. Mr. Antonucci said the main thing was the height; taller fabric buildings don't look as good, and this is more affordable. Mr. Lavigne confirmed he doesn't need the additional height for storage, and that the increased height is an effective buffer to what's going on behind it regarding outdoor storage.

Mr. Gleitz confirmed that in the prior approval, between the existing and proposed building on the western side, there's the same cab and trailer parking, and same vehicle parking in the front. The trailer parking on the rest of the site has changed. Where Mr. Antonucci moved the pole barn on the right is where the trailer parking was, so the trailers will now go behind another barn. Mr. Gleitz confirmed that he proposed two new trailer parking areas. Mr. McClellan explained that trailer parking #1 is the 75x90 foot area behind the proposed building. He also explained that part of the structure is in the riparian buffer, so they'll move the area for parking away. He showed **Exhibit A1**, which is Sheet 5, the impervious coverage plan, that he marked up. They want to position the area to have enough room between the building and the trailer parking. The red-dashed line is where they'd relocate the storm trench, balancing the area. Mr. Gleitz asked why they can't expand the other two trailer parking areas by building 2 or expand the trailer parking in the access drive, reducing the 4 locations to 3 that are bigger. Mr. McClellan said if they relocate the parking he'd also relocate the trench. Mr. Antonucci said he likes the parking where he put it because no one will see the trailer. He moved things around in the first place to make it less visible. Before using any other spot or expanding one, he wants to use the back area. Mr. Gleitz said the one spot seems problematic so it might make sense to divvy them up. Mr. Antonucci said he's worried about visibility.

Mr. Stoner said he's more worried about what's happening storage-wise. Mr. Gleitz added they now have storage on both sides of the access roads. Mr. McClellan showed **Exhibit A2**, a colorized site plan marked up. Mr. Antonucci said the blue area on the exhibit is where the most has changed. Mr. Stoner requested that Mr. McClellan send digital copies of these exhibits to the Board Secretary. Ms. Hubbard added they should send hard copies as well. Mr. McClellan said the purpose of this exhibit is to help the Board visualize the site differences between the previous application and this one. He started with the lower left, the relocation of the office, originally approved off to the side, but is now at the center. The previous approval had a loading dock, and that's no longer proposed and hasn't been constructed. They invested in a berm and evergreen trees to create a better screening between the areas. The second building has been relocated to the west of the property, to the right of the access road. They've relocated some of the trailer parking, and they'll address Mr. Stoner's concerns about being in a riparian buffer. There is an area with an increase in storage, in which is the glass product. Mr. Antonucci put physical markers around 160 feet from the watercourse to ensure there's no encroachment, and the two previous trailer parking areas have been reduced. There is a berm and landscaping on the right of the access road already installed. The building type was fabric but is now a pole barn. The footprint of the buildings is staying the same (80x160 feet). The height of the building is around 33 feet, and the mid-point is around 26.5 feet. Mr. Lavigne noted that the accessory buildings need variances including the height, the footprint, and one for the footprint in a non-residential zone.

Mr. McClellan went through Mr. Stoner's letter. He again clarified that the pole barns are 80x160 feet, so they're the same footprint as what was previously proposed. He added that the pike to the ridge is 26.5, which is higher than the 15 feet permitted. He noted that on sheet 5 of 5, they need to update their arrows so they're pointing in the right direction. He agrees with comment 11 that they need to relocate the parking area, and believes the applicant has done a good job staying away from the riparian zone. The area near Lackawanna is difficult to see because of slopes, berms, trees, and building, so this is a discreet area for storage, and is around 675 feet from the road at the closet point. Mr. Lavigne asked if there were any thoughts regarding physical delineation in the field, so that over time items don't creep over the allowed area. Mr. McClellan said on a 24 acre site there aren't many points of reference to keep track of where things are. What could make sense is some sort of monumentation to oversee the limits of outdoor storage, that doesn't interfere with the process. He noted Mr. Antonucci's use of a rock was a good idea, as it's a natural feature; there could be strategically located trees, with a specific species that's easily identified for monitoring purposes as a reference point. Mr. Antonucci noted though that a large portion of the area is bedrock, so it'd be hard to plant trees. He's thinking instead to put some telephone poles about 6 feet out of the ground to show the distances. Where there's dirt, he'd plant trees. Mr. McClellan said they could tag the poles so that on the plan, people can see where they'd be standing on the property. Mr. Lavigne confirmed the poles wouldn't be full height and would be installed properly.

Mr. Lavigne asked how stormwater drainage/management will be addressed, considering the amount of rocky terrain. Mr. McClellan said this site has acted as impervious, but there is drainage. Mr. Antonucci has discovered more drainage through the activity on site. Their goal is to change as little as possible, since it drains through various methods like the formal system, crevices, and runoff. They're not proposing pavement in some parking areas because heavy equipment is hard on pavement, and there are fissures in the ground, so if the site was paved the drainage could be affected. The two proposed buildings act like pavement, so they'll collect the water and that will go into a trench designed to integrate it into the ground, mitigating negative impacts.

Mr. Stoner said he has no issues with what Mr. McClellan stated; the stormwater issues will be better when everything is done. His biggest concern is how to place limits on the storage, i.e., the type, quantity, location, and layout. Chairman Shivas said his biggest concern is limiting where this will go

and what the storage will look like. Mr. Antonucci invited them to visit the site to give them a visual. Ms. Hubbard said as far as an approval, they'd need to be able to demarcate or explain in a resolution the details of what is proposed. She noted she drove by the site yesterday, and it looks much better, but there needs to be a way to tell where things are. Mr. Antonucci said they're organized in rows, and he can take some photos of what things look like. Mr. Gleitz said, at the last meeting they had there was a discussion about what was to be stored on site, and Mr. Antonucci had said he needed fabric structures to store client's materials. The outdoor storage then was trailers, trucks, materials, cranes for a day or two, etc. and he wanted flexibility in storage. Mr. Gleitz said that now Mr. Antonucci has a client that has a lot of crated material, and he doesn't have the storage space so is keeping it outside. He asked what happens when Mr. Antonucci gets a new customer who is bringing in something different—what is the plan to organize all of this. Mr. Lavigne agreed this is good to establish so that the applicant knows he's not doing anything wrong, and to make sure nothing gets out of control. This is especially relevant being near a buffer, to make sure there's not substances hazardous to that area nearby. He noted that if everything is delineated, nothing has expanded, and the materials of each customer aren't drastically different, he doesn't see how the detail of what the goods are is relevant. Mr. Gleitz said the focus isn't so much the goods, but how to control how they're stored. Mr. Stoner added that they need to define the exact limits of where things will go. Chairman Shivas agreed, saying they also need a circulation plan. As of now there's two big blank areas, and the Board needs to know how items will be moved around. Mr. Morytko said the plans show the trucks turning to the middle of the storage area, and the scale of outdoor storage was a big part of their previous conversation. He added that the back area is the most visible from Lackawanna from an elevation perspective; he'd rather see the building than the outdoor storage.

Mr. Gleitz went through his report, and said it's important to note they're changing the extent of the gravel area, and a waiver is needed for the new areas that will remain gravel. He emphasized the importance of adequately defining the site. He also wants to make sure the buffering around the building is maintained, and confirmed that the berm is installed and the trees will be planted. Mr. Antonucci said defining the area won't be a problem; he can put a marker, but it depends on the type of ground what type of marker it will be. Mr. Gleitz asked about the left side with building 1. Mr. Antonucci said that area is for unloading and loading machines. Trucks and trailers park there sometimes. The area between the front of building 1 and the berm with evergreens will be the same concept. Mr. Lavigne asked if it will be used for outdoor storage. Mr. Antonucci said whatever comes in goes out again, so no. Mr. Gleitz said they should be renamed operational areas; a truck parked for a couple days is not outdoor storage. Ms. Hubbard asked what happens on the other side of the berm that reads "truck storage area and trailer area," near the main building. Mr. Antonucci said it's for daily operations. Mr. Lavigne said there used to be a fence line there and it was always south of the fence, associated with the existing building, and there are trailers parked there diagonally. Ms. Hubbard asked how that's different than the other 4 trailer parking areas. Mr. Antonucci said it's stuff that goes out every day, so those spots are 75% empty during the day. The storage timeframe for the other areas is around a week, as some things get put on hold. Ms. Hubbard asked if the storage containers can be marked. Mr. Antonucci said he doesn't know how much longer they'll be there. Mr. Gleitz responded that he may get a new client with the same needs, so there should be a spot on the plan to show where they'll be stored for any given client.

Mr. Lavigne re-emphasized the need to show where things start and stop. After it's on the plans, they can delineate it on the field. Chairman Shivas added the circulation plan is needed. Mr. Antonucci said the foreman has a line back there, and it's very fluid; there's plenty of room for them to move. Chairman Shivas responded that the Board would like to see how it works. Mr. Antonucci said the people on the site know where everything is. Mr. McClellan said it's an operational decision on knowing how to place the storage so it can still be accessible. The criteria changes based on the customer, so he's concerned about modeling the circulation. Chairman Shivas asked about pictures to show how it works. Mr. Gleitz noted that if they could indicate on the plan where they'll be putting things, that would also be helpful. Mr. Antonucci said they could do both. Mr. Stoner agreed with Mr. Gleitz; they need to know the specifications for each section of the property. The Zoning Officer needs to know what areas are under the approval. Mr. Morytko agreed, saying defining it is important. Right now, he sees a large outdoor storage area that's not well defined, in a zone that doesn't allow outdoor storage. He's also concerned about the buffer and how it'll be marked. Mr. Stoner confirmed Mr. Antonucci but concrete barriers in that area.

Mr. Morytko said a site visit and photos would help. He feels like they're hiding the building by putting it at the front of the property because of the slope. The outdoor storage for the glass is probably the most visible from Lackawanna from the elevated height. He'd rather see the building towards the back and pull everything closer to the road, so that driving by you see less. That may also help the scale of the outdoor storage. Mr. Antonucci said he likes that idea. Mr. Lavigne asked what would be allowed to happen between the building and the road. Mr. Antonucci said he would just swap the trailer parking and building spots; there's plenty of room to park the trailers. Mr. Lavigne confirmed that this idea means swapping the two 75x 90 trailer parking areas and building. Mr. Antonucci said either way he'd see the building coming in, and he wants that. Mr. Gleitz said he thinks what Mr. Morytko is saying is

by moving the building back to the existing compacting gravel, that would fit more in front and hide more. Mr. Antonucci thinks that'd be too far, but he'd think about it.

Mr. Smith noted that he's worked in a warehouse, and he thinks the Board isn't trying to define where everything is going exactly, but more to show the designations of the shelving, floor area, etc. He thinks it should also show how high/wide the storage can be, and how it's stored (i.e., piles, rows, etc.). Mr. Antonucci confirmed Mr. Smith was talking about outside storage. Mr. Smith said in terms of a circulation plan in a warehouse, there are lines on the ground that give a general idea of the paths of movement for forklifts. He noted they're already doing all of this, they just need to show it.

Chairman Shivas opened to the public. No one expressed an interest. Chairman Shivas closed to the public.

There was a discussion on when they could meet next. Mr. Antonucci confirmed with Mr. Stoner that he needs a building permit to connect the building to the office. Chairman Shivas said he doesn't think they'd give him a permit until this is approved. Mr. Gleitz said if Mr. Antonucci has the ability to do a visual impact, to do so.

Mr. Chozick motioned to carry this application to June 3rd with no further notice, seconded by Mr. Walsh. The following vote was taken:

	Mr. Chozick	Ms. Franco	Mr. McElroy	Mr. Morytko	Ms. Raffay	Mayor Rubenstein	Mr. Serrilli	Ms. Shimamoto	Mr. Smith	Mr. Walsh	Chairman Shivas
MOTION	√										
SECONDED										√	
AYE	√		√	√	√	√	√		√	√	√
NAY											
ABSTAIN											
ABSENT		√						√			

Motion carried.

OPEN TO THE PUBLIC

Chairman Shivas opened to the public. No one expressed an interest to speak. Chairman Shivas closed to the public.

ADJOURNMENT

A motion to adjourn the meeting was made at 10:00 by Mr. Serrilli. The motion was seconded by Ms. Chozick. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted,
Caitlin Phillips