

SEPTEMBER 17, 2020
 MEETING MINUTES
 BYRAM TOWNSHIP
 PLANNING BOARD

	Mr. Chozick	Mr. Gallagher	Mr. Gonzalez	Mr. Kaufhold	Mr. Morytko	Mr. Olson	Ms. Raffay	Mayor Rubenstein	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
HERE	H		H	H	H	H	H		H		H
ABSENT											
EXCUSED		E						E		E	
LATE											

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

STATEMENT BY CLERK

OPENING STATEMENT - both the Federal and State governments have declared a state of emergency in response to the outbreak of the Covid-19 Virus, that prohibits all gatherings of more than twenty-five people and requires social distancing. To continue Planning Board business, the regularly scheduled meeting for September 17, 2020 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. Access information was posted on the Township's Website under Planning and Zoning, Meeting Agendas.

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 has also been electronically sent to the newspapers and uploaded to Byram's website, at not less than 48 hours in advance of the meeting. In addition, a copy of this notice is on file in the office of the Planning Board Secretary.

FLAG SALUTE led by Chairman Shivas

MEETING MINUTES

September 10, 2020 meeting minutes will be available on October 01, 2020.

NEW BUSINESS

Raimo of Stanhope, Inc., 49 Route 206, Block 35 Lot 36 & Block 37 Lot 26, V-B Zone Preliminary & Final site plan to add new structures

Mr. Charles Sarlo, Esq., representing Raimo of Stanhope, Inc. began by saying this use has been in existence since at least 1965, and in 2017 the operation was purchased by Mr. Frank Nemeth and have a valid junkyard license with the Township. Mr. Sarlo reviewed the site with the Board saying that the site is divided with a mostly unimproved municipal road, Netcong Avenue. This project encompasses improvements on the north side of the site, Block 37 Lot 26 and on the south portion of the site, Block 35 Lot 36. Mr. Sarlo said initially, in 2018, when an application was submitted to the Planning Board, and during the Board Engineer's review it was discovered that a truck scale house encroached on Township property and on the advice of the Planning Board Engineer it was recommended that the owner approach the Township Council to have that section of Netcong Avenue vacated. That vacation was considered by the Council and conveyed in a resolution dated May 21, 2019. Mr. Sarlo noted that the site plan submitted depicts that portion of Netcong Avenue vacated.

Mr. Sarlo noted they received reports from the Board Engineer dated Sept. 8, a report from Byram's Environmental Commission dated May 18, a Planning review letter dated Sept. 11, and memo's from Byram's Fire dept. letter dated Sept. 8 and a memo from Byram's Police Department memo dated May 1, 2020. Mr. Sarlo said the applicant reviewed all reports and comments made by Byram's Environmental Commission raised some good points. Mr. Sarlo said based on comments' changes were made to the submitted plan to eliminate some buildings and relocate two buildings. He said two buildings, originally to be constructed on the NW portion of the site, adjacent to the residential neighborhood were eliminated, and two buildings were relocated to the SE portion of the site and these changes will result in a reduction of variances.

Mr. Sarlo presented *Exhibit A1, dated 9/17/20, Site Plan Matrix, Proposed Project Phasing*, pointing out a typo on the exhibit saying it should indicate non-ferrous metals, not ferrous and he reviewed the exhibit with the Board. He said the applicant would like the Board to consider the allowance of the phasing of the construction of the proposed improvements, which would mean relief from Byram's Code, Section 45-23 Expiration of Variances. He added that all phases of this proposal will be complete after the date of the final, unappealable approval, and within 42 months after the appealable date.

Phasing Plan:

- Phase 1- Building No. 1, on Block 37 Lot 26, includes the construction of 3,500 sq. ft. "Butler" Building on a concrete pad to be used for separating, collecting and the processing of non-ferrous metals which are weighed, bailed, or boxed for shipping. The construction of this building will be completed within 24 months.
- Phase II – Building No. 2, on Block 37 Lot 26 includes the demolition of an existing building and the construction of a 5,000 sq. ft "Butler" building to be located adjacent to, and to the east of building No. 1, also on top of a concrete pad. After Building No. 2 is construction it will be accessed by a common hall to Building No. 1. This building will be used for the same use as Building No. 1 and construction will be completed within 24 months.
- Phase III – Principal Building No. 3, on Block 37 Lot 26, (relocated and now shown as Building No. 5 on Block 35 Lot 36 on the revised plan) includes the construction of an 8,250 sq. ft. building on a concrete pad. Initially the building size proposed was 7,500 sq. ft. but if the Board permits, they now proposed an 8,250 sq. ft building.
This building will be used for the collection, dismantling, and flattening of vehicles, which takes 2 minutes per car to flatten. The building can store 14 to 15 vehicles before they are picked up, usually within a week. Tires are bailed and are kept inside until ready for shipment. The building is equipped with an environmental rack which is used to drain vehicles of oils and lubricants before being flattened. Mr. Nemeth said under the flattener is a tank to store any fluids that may be left over after the vehicle is drained and remains in that building until it is removed by a truck. No storage of vehicles or parts are stored outside. The only time vehicles may be outside if the flattener is not operational. Located to the east of Building No. 5 is a concrete pad which the applicant would like to move closer to the building No. 5, and will be depicted on the revised plan will have a covered roof and will house three doubled walled tanks to hold the fluids 500 gal. of good gas, 275 gal. of bad gas, and 275 gal. of oil from the cars that were drained.
Details on the tanks will be provided. The construction of this building will be completed within 36 months.
 - Accessory Building No. 3 which is west of Building No. 5 will be used to cut material and construction of this building will be completed within 36 months.
 - Accessory Building No. 2 on the plan is labeled a *1 storyframe building* which is the office and will remain. The garage next to the office will be removed.
Separation distance between Principal Building No. 2 and Accessory Building No. 2 should be shown on the plan and a variance may be required.
- Phase IV-Principal Building No. 4 to be eliminated.
- Phase V – Eliminate Accessory Building No. 1 on Block 37 Lot 26 and move this operation to Accessory Building No. 3 on Block 35 Lot 36. This will be constructed within 36 months.
All improvements to be completed within 42 months.

Mr. Jeffrey Morris, P.E., with Boswell Engineering was sworn in and provided his experience and education to the Board and the Board accepts him as an expert in his field.

Mr. Morris reviewed the required variances for each building, however some of the variances he noted, are no longer required since some buildings were eliminated or relocated.

Mr. Morris noted that the setbacks shown for each building reflect setbacks prior to the road vacation and after the vacation of Netcong Avenue. Mr. Morris explained that the north section of Netcong Avenue, will vacated by the Township to Raimo of Stanhope and the south portion of Netcong Avenue will be extended and dedicated to the Township. The improvements made to Netcong Avenue will be paved by the applicant and in accordance with Township standards.

Parking:

Mr. Morris said with the elimination of two buildings a parking variance is no longer required, and they propose 9 parking spaces near the existing office needed for the north side of the site and the south side parking 9 parking spaces are proposed along Netcong Avenue saying there is enough room to meet Byram's parking requirements. Mr. Morris agrees that a waiver is needed because they propose no paving and want to keep the parking areas gravel. Mr. Morris reviewed the site driveways, paved and grass areas on the site and reiterated that no additional areas are planned to be paved. Mr. Nemeth said the driveway for the recently removed structure along Rt. 206 is to be abandoned.

Mr. Stoner requested the plan be revised to show details on the edge of pavement and gravel areas and parking details.

Grading & Drainage: No comment

Landscaping: Mr. Morris said the applicant proposes landscaping along Rt. 206 frontage on the North side which will mimic the existing landscape buffer that exists on the south side of the site along Route 206. On the north said they will enhance the berm and add more trees. A landscape plan will be provided.

Vehicle Circulation: Mr. Morris reviewed *Exhibit A2 – Vehicle Circulation Plan, dated 9/17/2020*.

Mr. Morris said originally the plan showed access for a single unit roll off 30 yd dumpster but based on Mr. Stoner's comments, that tractor trailers use this site, Mr. Morris assured the Board that both type vehicles can maneuver in both lots' pathways without incident. Mr. Morris will revise the plan to show vehicles

maneuverability on both Lots, noting that the parking proposed along the scale is being removed and the revised site plan will reflect that.

Mr. Morris said because of universal regulations this site was designed to handle any increase in stormwater runoff as well as water quality. An oil/water separator is on site and to reduce peak flows in accordance with Byram's ordinance and DEP regulations and detention prior to the oil/water separator will occur.

Chairman Shivas asked about the storage of fluids removed from vehicles prior to flattening and has concerns because of the proximity to Lubber's Run. Mr. Morris said next to this building they proposed a 10' X 20' concrete pad with three double walled tanks to hold 500 gallons of "good" gas, 275 gallons "bad" gas, and 275 gallons of oil, and will be stored until removal. Mr. Nemeth will provide further testimony on the tanks after he is sworn in.

Mr. Morris presented *Exhibit A3 -Site Plan dated 9/17/2020* and reviewed the plan with the Board and discussed the road vacation and said the Township is vacating a northerly portion of Netcong Avenue and Raimo will dedicate 11ft. on the southerly side of Netcong Avenue to the Township, in short Netcong Avenue is moving south.

Chairman Shivas asked who owned Lot 35 in Block 35 which has an existing building on the lot. Mr. Frank Nemeth, President and Principal owner was sworn in said he owns the lot and the building shown on the plan is not part of the operation and will be removed.

Trash Collection: A trash area is not shown on the plan. Mr. Nemeth said they do not produce a significant amount of trash but agreed to provide a 2 yd. dumpster which will be shown on the revised plan.

Loading Area: The applicant agrees that a waiver is required since no loading area is proposed.

Fencing: As noted in Mr. Stoner's report, the fencing on the property is damaged and a mix match OF fencing and should be replaced. Mr. Nemeth said the fencing along Bell Court is so close to some neighbors structures he has concerns replacing his fence will cause damage to those structures. Mr. Nemeth said he will clean up and add some trees but isn't sure the neighbors want him to start removing the fence. Mr. Stoner said the fencing back there is all different types of fencing and would like Mr. Nemeth to replace his fence and clean the area. Mr. Nemeth agreed and said he will also replace the fence along Netcong Avenue with a 6 ft chain link fence with privacy slats and will provide details on the revised plan. Mr. Stoner said the partial chain link fence recently installed will have to be moved out of the "new" ROW after Netcong Avenue is vacated.

Mr. Nemeth said along the south side of Lot 26 he started to install a 6' X 2' X 2' decorative, granite faced concrete block wall, 6 ft in height from the ground. Mr. Stoner questioned how far the rock wall was going to continue. Mr. Nemeth would like to continue the wall down to Millstream Lane and continue it along the back of the property line, along Millstream Lane and up Bell Court to end after Block 34 Lot 6. Chairman Shivas and Mr. Gleitz agreed, the block wall would be more aesthetically pleasing, and Mr. Gleitz recommended adding some evergreens where possible.

Details for the wall must be provided on the revised plan and it was noted that if the wall is retaining soil and over 4ft high it must be certified by an engineer. Mr. Olson said if Mr. Nemeth continues the wall along Millstream Lane, he will encroach on the Township ROW and the objective of the partial vacation of Netcong Avenue was to "clean" up encroachments, this would create one. There was a lengthy discussion about cleaning up encroachments, access to other properties and Mr. Olson believes any encroachments on Millstream Lane should be resolved by either moving the encroachment or a road vacation.

Mr. Morris said the 8 ft fence depicted on the plan is no longer proposed and as discussed previously, a block wall will be place in this area. Details will be provided.

Site Plan: Mr. Morris explained that the concrete pad located on the SE corner of the property contains a guillotine which is used to cut large, thick pieces of metal.

Mr. Nemeth confirmed that there will be no access to this operation from Millstream Lane. Mr. Morris agrees that all walls, gates and fences will be detailed on the revised plan.

Sea boxes shown on the plan will be removed as buildings are constructed. Mr. Stoner pointed out that piles of metal that currently exist on the property should be cleaned up and nothing should be in that area.

Stormwater Management: The applicant agrees to all of Mr. Stoner's recommendations outlined in his report and will provide Cory with calculations as noted. Mr. Stoner said the site plan should depict where the pipe that extends from Block 37 Lot 26, and across Millstream Lane ends.

In Mr. Stoner's report he recommends the water quality be designed in accordance with Section 211-10 of the Township Code. Mr. Nemeth to all of Mr. Stoner's recommendations and will provide necessary calculations.

Mr. Olson is steadfast that the inlet grate, and all other encroachments within the Township ROW should be resolved.

Landscaping and Lighting: Mr. Gleitz recommended replacing the deciduous trees with a mix of Holly or Spruce. The applicant agreed. Ms. Shimamoto EC recommends adding some buffering along Millstream Lane to protect Lubber's Run. Mr. Gleitz recommends adding about 6 deciduous trees. The applicant agreed. Mr. Gleitz recommended keeping the trees back from the proposed block wall about 20 ft. to keep roots from future damage.

No landscape for parking areas are proposed and a design waiver is requested.

Mr. Morris said no lighting will be on the north side of the site because of neighbors. Only building mounted lights will be provided and Mr. Nemeth said the property needs minimal security lighting. He said when they leave the site, between 5:30 – 6:00 pm. all lights are off. Mr. Morris reviewed the Lighting Plan, Sheet 14, and said the applicant agreed not to use "wall pack" lighting. They will use down lit lights and will show the foot candle measurement for lighting on the revised plan. Mr. Gleitz disagreed and said since most of the site will not be lit or used by pedestrian traffic foot candle measurements are not necessary and LED should be used. The applicant agreed. Mr. Nemeth said the only lights on the site at night may be motion sensor lighting for security purposes. Mr. Morris said downlit LED lighting will be used on the front of the buildings and in minimal areas.

Utilities: Electric and water. Water will be for office use only. Mr. Morris will show the well location on the revised plan.

Signage: No additional signage is proposed. The Board had no further questions.

Building Features: Mr. Sarlo introduced Mr. Dan Dressel, Architect and he was sworn in. He provided his education and experience to the Board and the Board accepted him as an expert in his field.

Mr. Dressel said they met with Byram's Architectural Review Committee and reviewed the buildings with the committee. He said the 4 buildings which are pre-engineered, metal frame structures, clad with a raised metal seam, will be tan in color and with roof and trim coco brown.

- Buildings No. 1& 2 will be 30 ft. in height at low end of site and the openings front Netcong Avenue. Mr. Dressel said from a building code standpoint they are considered factory use and fire suppression is not required.
- Building No. 5 will have the same design as Buildings 1& 2. The door faces west, to Accessory Bldg. No. 3 and in height is 27 ft.
- Accessory Bldg. No. 3 same style building, with a gable type roof and will be 28 ft. in height and will be enclosed on three sides and the open bay faces Netcong Ave. for ease of access.

Each building will have lights above the man doors and will be on from dusk to dawn and will be shown on the plan. Ms. Shimamoto asked why the building need the height. Mr. Nemeth said because of the height of the equipment used in the buildings.

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

Mr. Morris said they will provide:

- A revised site plans a de detailed description of the vacated portion of Netcong Avenue will be provided.
- A letter from the Soil Conservation District
- A letter from the Sussex County Planning Board
- An analysis of the existing and proposed trips to DOT to see if they qualify for an exemption. Mr. Stoner said he doesn't see that to be a problem, but they also must get a road opening permit for the driveway, and approval for the improvements along Netcong Avenue and Route 206.

Mr. Nemeth, who is still under oath said operation hours are Monday – Friday 7:00 am. To 5:00 pm. and Saturday 7:00 am. To 1pm. and will be off the site by 5:30 pm. The operation employs 4 employees. Mr. Nemeth explained the use of each building, which was noted above, and truck movements when loading material. People that come to the site to sell their metals do not exit their vehicles, they go to Building No. 1, unload, and leave.

Ms. Shimamoto said if outdoor storage will occur on the site, the applicant should request it. Mr. Gleitz said according to Section 240-26 of Byram's code the applicant needs to provide proper fencing and buffering, to secure visibility of material from neighboring properties, and said he believes the applicant is compliant. Mr. Gleitz said in terms of outdoor storage being prohibited in this zone, he believes it is assumed in a "salvage yard" that outdoor storage will occur, and that the D2 variance for an expansion of a non-conforming use, outdoor storage is assumed in that approval. Mr. Gleitz did say the revised plan should be defined as to where the storage will occur and the type of material.

Ms. Shimamoto asked about the noise generated from the guillotine. Mr. Nemeth said the noise decimal level is about 60 decimals and the machine does not run all day. Mr. Sarlo said they will comply with any County, State or Municipal noise ordinance.

Chairman Shivas said that storage cannot be higher than any wall or fence. Mr. Nemeth said he can't guarantee that. Mr. Stoner said per Section 156 of the Township Code says that debris must be screened or buffered. Mr. Nemeth will comply.

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

Mr. Gleitz recommended the use of bollards on corners of the buildings and especially around the office building and to show them on the revised plan. Mr. Nemeth agreed.

Chairman Shivas will like to see operational details that occur in Building No. 5. Mr. Nemeth agreed.

A motion to carry this meeting to December 17 was made by Mr. Olson. The motion was seconded by Mr. Kaufhold. The following vote was taken:

	Mr. Chozick	Mr. Gallagher	Mr. Gonzalez	Mr. Kaufhold	Mr. Morytko	Mr. Olson	Ms. Raffay	Mayor Rubenstein	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
MOTION						✓					
SECONDED				✓							
AYE	✓		✓	✓	✓	✓					✓
NAY											
ABSTAIN											
ABSENT		✓					✓	✓		✓	

Motion carried.

ANY OTHER BUSINESS THE BOARD DEEMS NECESSARY

No business

REPORTS FROM COMMITTEES

Architectural Review Committee – No meeting was held.

Board of Health – The meeting is next week.

Building Committee Environmental - No representative was present.

Open Space - No news.

Township Council - No Council representative was present.

BILLS

Harold Pellow & Associates, Inc. (5 bills) \$1,888.70

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

Law Office of Larry Wiener (4 bills) \$1,455.00

A motion to approve Ms. Hubbard's bills was made by Mr. Kaufhold. The motion was seconded by Mr. Olson. All were in favor. Motion carried.

OPEN TO THE PUBLIC

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

ADJOURNMENT

At 10:40 pm. a motion to adjourn the meeting was made by Mr. Kaufhold. The motion was seconded by Mr. Olson. All were in favor. Meeting was adjourned.

Respectfully submitted,
Cheryl White