

**SEPTEMBER 17, 2020
MEETING MINUTES
BYRAM TOWNSHIP
PLANNING BOARD**

CALL TO ORDER

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

ROLL CALL

	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., A.I.C.P.
 Engineer Cory Stoner, P.P., 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, it's 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 29, 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 Mr. Frank Nemeth purchased the operation and hold 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 improvements on the south portion of the site, Block 35 Lot 36. Mr. Sarlo said initially in 2018 when an application was submitted, and during the Board Engineer's review it was discovered that a truck scale house encroached on township property and Mr. Stoner 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 said they received reports from the Board Engineer dated Sept. 8, an EC report dated May 18, a Planning review letter dated Sept. 11, a memo from the Fire dept. dated Sept. 8, and a police

memo dated May 1, 2020. Mr. Sarlo said the applicant reviewed all reports and comments made by Byram's Environmental Commission which raised some good points. Based on some of those comments' changes were made to the submitted plan to eliminate some buildings and relocate two buildings that were originally to be constructed on the NW portion of the site, adjacent to the residential neighborhood, and two building were relocated to the SE portion of the site, parallel to Route 206, and said 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 mistake on the matrix saying it should indicate non-ferrous metals, not ferrous metals 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. This building will be used for the same use as Building No. 1 and construction will be completed with 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. Mr. Sarlo said initially this building size proposed was 7,500 sq. ft. but if the Board permits, they now proposed an 8,250 sq. ft building. This building, which can store 14 to 15 vehicles will be used for the collection, dismantling, and flattening of vehicles before they are picked up, usually within a week. 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 the fluids. Tires removed from the vehicles are bailed until pick up, saying no tires, parts or vehicles are stored outside. Located to the east of Building No. 5 is a concrete pad with a covered roof to house three, double walled tanks; One 500 gal. tank to store good gas, One 275 gal. tank to store bad gas, and one 275 gal. tank to store oil from the vehicles that are flattened. The applicant said the concrete pad shown on the plan will be moved closer to Building No. 5 and will be shown on the revised plan. 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 metal. The construction of this building will be completed within 36 months.
 - Accessory Building No. 2 on the plan and is labeled a *1 story framed building* is the office and will remain. The garage next to the office will be removed. Separation distance between the Principal Building No. 2 and Accessory Building No. 2 should be depicted on the plan because 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 building 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 after the road vacation of Netcong Avenue and existing conditions, prior to the vacation of the road. Mr. Morris explained that the north section of Netcong Avenue, will be vacated by the Township however the south portion of Netcong Avenue will be extended and dedicated to the Township. The improvements made to Netcong Avenue will be paved 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 on the south side 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 want to keep the parking areas gravel. Mr. Morris reviewed the site driveways, paved and grass areas and said 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 and some parking is for the existing office.

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

Grading & Drainage: No comment

Landscaping: Mr. Morris said the applicant proposes landscaping on the north side of Rt. 206 and will mimic the existing landscape buffer that exists on the south side of the site. He said on the north side they will enhance the berm and add more trees.

Vehicle Circulation: Mr. Morris reviewed *Exhibit A2 – Vehicle Circulation Plan, dated 9/17/2020*. Mr. Morris said originally the plan only showed access for a single unit roll off 30 yd dumpster and Mr. Morris reviewed the vehicle circulation. Mr. Stoner noted that tractor trailers do enter and exit the site and truck movements for these type vehicles should be shown. Mr. Morris said both type vehicles can maneuver in both Lots in the pathways shown 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 change.

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 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 of contamination because of the proximity to Lubber's Run. Mr. Morris said next to this building they proposed a 10' X 20' concrete covered pad with double walled tanks to hold the fluids.

Mr. Morris presented *Exhibit A3 – Site Plan dated 9/17/2020* and reviewed the plan with the Board.

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 it 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 it should be replaced. Mr. Nemeth said the fencing on Bell Ct. is so close to some neighbors structures he is concerned that replacement of the fence will cause damage to their structures. Mr. Nemeth said he will clean up that area and add some trees. Mr. Stoner said as well as the area being cleaned the fencing and should be replaced. Mr. Nemeth agreed and said he will replace the fence along Netcong Ave. with a 6ft. chain link fence with privacy slats and will provide details on the revised plan. Mr. Stoner said the partial chain link fence that was recently installed will have to be

moved out of the new ROW once Netcong Avenue is vacated.

Mr. Nemeth said that 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 said he would like to continue the wall down to Millstream Lane and continue it along the back-property line, along Millstream Lane and up Bell Court to end after Block 34 Lot 6. Chairman Shivas and Mr. Gleitz agreed that the block wall would be a better choice than the fence and Mr. Gleitz recommended adding some evergreens wherever possible. Details for the wall must be provided on the revised plan and Mr. Stoner said if the wall is over 4ft high it must be certified by an engineer. Mr. Olson said if Mr. Nemeth continues the wall along Millstream Lane, they will encroach on the Township ROW and the objective of the road vacation was to "clean up" encroachments and this would create one. Mr. Olson is steadfast that any encroachments on Millstream Lane should be resolved by moving the encroachment or a road vacation but either way, should be done prior to this Board's approval. Mr. Morris noted that the 8ft. fence depicted on the plan is no longer proposed and will be removed. He said they will continue the block wall in this area and details will be provided on the plan.

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

Mr. Nemeth confirmed that there will be no access to this operation from Millstream Lane. Mr. Morris said that all walls, fences, and gates will be detailed on the revised plan. The sea boxes shown on the plan will be removed as buildings are constructed. Mr. Stoner pointed out that piles of debris that currently exist on the property should be cleaned up and nothing should be stored in this area.

Stormwater Management: The applicant agrees to all recommendations in Mr. Stoner's report and will provide Mr. Stoner with calculations as noted. Mr. Stoner said the site plan should depict where the pipe ends that is shown on the plan that crosses Millstream Lane. The applicant agreed.

Mr. Stoner's report recommends the water quality be designed in accordance with Section 211-10 of Byram's Code. Mr. Nemeth agrees to all of Mr. Stoner's recommendations and will provide necessary calculations. Again, Mr. Olson pointed out that the inlet grate is within the Township ROW and should be resolved before approval.

Lighting and Landscaping: Mr. Gleitz recommended replacing some of the proposed deciduous trees with a mix of holly and spruce. The applicant agreed. Ms. Shimamoto recommends adding some buffering along Millstream Lane to protect Lubber's run to the south. Mr. Gleitz said in this area add some deciduous trees. The applicant agreed. Mr. Gleitz recommended planting the trees back about 20 ft. from the wall so that future damage to the wall does not occur. No landscaping for parking areas are proposed and a design waiver is requested.

Mr. Morris said that no lighting is proposed on the north side of the site because of neighbors. The only lighting proposed would be building mounted lighting above the doors. Mr. Nemeth said the property needs minimal security lighting. He said when they leave the site, between 5:50 – 6:00 pm. all lights are off except for some motion censored lighting. Mr. Morris reviewed the Lighting Plan on Sheet 4 and said the applicant agreed not to use "wall pack" lighting and will use down lit lights and will show the foot candle measurement 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 lights should be used. The applicant agreed. Mr. Morris said downlit LED lighting will be used on the front of the buildings and in minimal areas.

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

Signage: No additional signs are proposed.

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

Mr. Morris said items that they need to address are:

- A revised site plan with a detailed description of the vacated portion of Netcong Avenue.
- A letter from the Soil Conservation District.
- A letter from the Sussex County Planning and Engineering Department.
- An analysis of the existing and proposed trips to be provided to DOT to see if they qualify for an exemption.

Mr. Stoner does not believe these items are a heavy lift but said they also must obtain from the DOT 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 1:00 pm. He said he has 4 employees and is looking to hiring one more person immediately. Mr. Nemeth described the use of each building and the truck movements to each building. He said when people come to sell scrap metal, they do not exit their vehicles. The metal gets weighed, they get paid, and then leave the site.

Ms. Shimamoto asked if outdoor storage will occur. Mr. Gleitz said according to Byram’s Code, Section 240-26 the applicant needs to provide property fencing and buffering to secure visibility of material from neighboring properties and believes the applicant is compliant. Mr. Gleitz said in terms of outdoor storage being prohibited in the VB 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 is assumed in this approval. Mr. Gleitz added that the revised plan should depict where this storage will occur and what will be stored. Chairman Shivas advised Mr. Nemeth that the storage of material cannot be higher than the wall or fence and Mr. Stoner added that according to Township Code Section 156 that debris must be screened or buffered. Mr. Nemeth said he will comply.

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 Municipal, County and State noise ordinances.

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 to review the proposed buildings. He said the 4 buildings are pre-engineered, metal framed structures, clad with a raised metal seam, tan in color with a coco brown roof and trim.

- Buildings No. 1 & 2 will be 30 ft. in height at the low end and the openings will face Netcong Avenue. Mr. Dressel said from a building code standpoint they are considered factory use and fire sprinklers are not required.
- Building No. 5 will have the same design as Building 1 & 2 with a height of 27 ft., and the door faces west, towards Accessory Building No. 3.
- Accessory Building No. 3 is the same style building with a gable roof, 28 ft. in height and enclosed on three sides. The opened bay will face Netcong Avenue 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 buildings need to be so high. Mr. Nemeth said because of the height of the equipment used in the building.

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 each building and especially around the office and they should be depicted on the revised plan. Mr. Nemeth agreed.

Chairman Shivas said he would like to see more details on the operations occurring in Building No. 5. Mr. Nemeth agreed.

A motion to carry this application to December 17 without further notice 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. Landano 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 10:30 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