

MEETING MINUTES
BYRAM TOWNSHIP PLANNING BOARD MEETING
JUNE 21, 2018

CALL TO ORDER

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

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	H	H	H	H	H	H	H	H	H		H
ABSENT											
EXCUSED											
LATE										L	

Also, present: Attorney Larry Wiener
 Engineer Tom Knutelsky
 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

Mr. Walsh arrived at the meeting at 7:40 p.m.

MINUTES

Approval of the June 7, 2018 Meeting Minutes

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

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

Motion carried

Mr. Walsh arrived at the meeting at 7:40 p.m.

RESOLUTION

SP3-2018, Timothy & Lynne Meade, 1 Pine Point Lane, Block 255 Lot 174 R-5 Zone

Variances for front yard setback, setback to a body of water, and to exceed principle building coverage to construct a handicap ramp and to keep a pre-existing hot tub, shed and pool.

A motion was made by Mr. Kaufhold to approve the resolution as written. The motion was seconded by Mr. Walsh. The following vote was taken.

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

Motion carried.

OLD BUSINESS

Ms. Kash, Ms. Shimamoto and Mayor Rubenstein stepped down for this application.

SP2-2018, Anty Trucking Inc., Block 226 Lot 16, 9 Lackawanna Drive, IPR Zone (carried from June 7, 2018)

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

Mr. Michael Lavigne, Esq., representing the applicant and owner, Mr. Dominick Antonucci said that revisions were made to the plan based on Board comments at the June 7 meeting. He said that Mr. Patrick McClellan, the engineer for the project, and who is still under oath, will review those changes with the Board.

Mr. McClellan presented Exhibit A24, *Site Rendering* with color dated June 15, 2018.

- The trees were moved back from the building storage areas and the "jog" was straightened so allow for easier access into the westerly side gate.
- The gravel area between the trees and storage buildings was increased to 40' in width, and that these changes will allow for better vehicle maneuverability and will also help avoid any damage to the pavement under the accessory buildings. Mr. McClellan said it is existing impervious coverage today, and he confirmed with the applicant that sufficient space was added so that forklifts or vehicles will not have to traverse over the vegetated areas.
- The vegetated area along the fenced area between the parking area and the proposed accessory structures will remain and it was noted on the plan that the trees were to remain, and weeds or overgrown vegetation will be removed and replaced as needed.
- A gravel trench with a perforated pipe at the bottom was added along the north of the buildings to facilitate surface run-off to infiltrate into the ground.
- Twenty-three, 6' to 8' tall trees, which are a mix of green giant arborvitaes and blue spruce were added to the south side of the site, along Lackawanna Drive to screen the outdoor storage area in the rear of the existing building. He said all plantings will be consistent throughout the site.

- Foundation plantings in several locations around the existing building and will not interfere with pedestrian or vehicle traffic, and will be a mix of annual and perennial plants.
- A strip of land was reserved for a sidewalk along Lackawanna Drive as requested by the Board.

Other items to be noted:

- On Sheet 2 the zoning schedule was updated to include the variance for the second free standing sign.
- An access point was added to the northerly side of the accessory structures along the access drive and said that the meadow mix will not be disturbed and will be a gravel mix and only used by small vehicles.
- A note to the plan was added that soil testing at the time of construction will be performed.
- On Sheet 4 details of the soil was provided.

Mr. Gonzalez asked if more trees can be added to the proposed trailer parking on the east side of the site. He said when traveling on Lackawanna Drive there is a point where this area is very visible and added some trees will help screen the trailers. The applicant agreed.

Chairman Shivas believes that fencing around the trailer area would provide security and safety and help delineate the area so the outdoor storage does not expand over the course of time. After Board discussion the applicant agreed to outline this area with trees, and to add four bollards at each corner.

Mr. Knutelsky said Mr. Stoner believed based on the truck template provided that the area is larger than necessary and if it could be reduced by 100 feet. There was a discussion about losing the development rights if this area is re-vegetated. Mr. McClellan believed that the Highlands may be amenable to the amount of impervious coverage before the Highlands Act, however the NJDEP rules change frequently and there are no guarantees. He said the applicant would prefer to keep this area impervious.

Mr. Gleitz asked if Mr. McClellan is confident that planting will be successful. Mr. McClellan said scarifying the site may be required and said a note will be added to the plan stating this. Mr. Dixon asked about a survivor guarantee be a condition. Mr. Winer said normally a two-year guarantee is written into the resolution. Mr. McClellan said the applicant will post a two-year maintenance bond for the landscaping. Mr. Knutelsky also asked that a condition be added to the resolution infiltration trench testing be performed at the time of construction.

Mr. Dixon asked about schedules as to when the site will be cleaned and the site stabilized. Mr. Lavigne said the equipment/vehicles associated with the quarry will be removed forty-five days after the appeal time has passed. The Nordic's equipment/vehicles will be removed one-hundred and twenty days after the appeal time has passed and either way, all equipment/vehicles not associated with Anty Trucking will be removed by December 31, 2018. Mr. McClellan said as far as planting the applicant agreed to a maintenance bond. He added that may have to occur in two phases. He said Phase 1 would be planting not associated with NJDEP approval (outside of the riparian buffer), and Phase II will be plantings that require NJDEP approval, which may take longer. Mr. McClellan did say that all planting would have to occur at the appropriate time of the year. There was Board discussion about grass planted along the access drive for a neater appearance, however Mr. Gleitz believes the meadow mix would be consistent with the site and be better.

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

Mr. Lavigne concluded by saying Mr. Antonucci has a successful, long term family business. He likes the community, is contemplating buying a home in Byram for his son. He has committed to cleaning the site. He is sensitive to surrounding neighbors. He will be improving the existing building and has agreed to add substantial landscaping to beatify the site. He has been receptive to the Board's requests and concerns. The closest neighbor has provided a statement to the Board that they support this proposed project. He said this proposal is like the previously approved JTK application however he believes this project will create less traffic and the equipment stored on the site with this application will not be in plain view and not as intense. He added that this proposed use is suited for this site. It provides close access to Route 206 and Route 80, and the quarry is still operational and is compatible with the proposed use. He said this application offers an aesthetic improvement to the site, it meets the intent of the zone. It will not promote noise, odors or traffic. There is no substantial determent to the public good or an impairment to the zone and he hopes that the Board finds this application favorable.

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

The Board had no further questions.

The motion was seconded by Mr Walsh to approve the application with the conditions expressed during the hearing. The motion was seconded by Mr. Chozick. The following vote was taken:

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

Motion carried.

Mayor Rubenstein and Ms. Kash returned to the dais.

SIGNS

The discussion on signs was tabled.

REPORTS FROM COMMITTEES

Township Council – Mayor Rubenstein said that at the June 19 Council Meeting the zoning map was passed.

Environmental Commission – No representative was present.

Open Space – Mr. Morytko said that the Forest South property acquisition is complete and is Township property. He said the recent acquisition of the Johnson property should be complete by the end of the month.

Architectural Review Committee – No meeting was held.

PUBLIC COMMENT

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

BILLS

Schenck, Price, Smith and King, LLP (3 bills) \$1650.00

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

Lantini & Gleitz Planning Consultants, (3 bills) \$690.00

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

Harold Pellow & Associates, (7 bills) \$1,916.30

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

ADJOURNMENT

A motion to adjourn the meeting was made at 9:05 p.m. by Mr. Kaufhold , and seconded by Mr. Walsh. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: *Cheryl White*