

MEETING MINUTES
BYRAM TOWNSHIP PLANNING BOARD MEETING
MARCH 1, 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	H
ABSENT											
EXCUSED											
LATE											

Also, present: Attorney Kurt Senesky
 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 February 15, 2018 Meeting Minutes

A motion was made by Mr. Kaufhold, the motion was seconded by Mr. Chozick. Ms. Raffay pointed out a minor correction. The Board secretary will correct the minutes. 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.

COMPLETENESS REVIEW

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

SP3-2018 Weber Brothers Properties, LLC, 35 Route 206, Block 36 Lot 39, V-B Zone

Preliminary and final site plan approval to permit an already erected shed, variance relief for proposed signage, to permit a second and third floor apartments along with other associated site improvements. Ms. Kash and Mayor Rubenstein stepped down for this application.

The Completeness Committee met and reviewed the material submitted, along with Mr. Stoner's report. Based on their review the application was considered incomplete. Mr. Walsh said the applicant failed to provide floor and elevations plans for the proposed garage. The site plan should indicate that the salt shed, that was erected without a permit, should be changed to "proposed". Distances between each building must be provided, a Lighting and Signage plan must be provided.

A motion to deem the application incomplete was made by Mr. Walsh, the motion was seconded by Mr. Kaufhold. 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.

Ms. Kash and Mayor Rubenstein returned to the dais.

SP4- 2018 Tomahawk Lake Inc., Tomahawk Trail & Stanhope Road, Block 343 Lots 1,2 & 3, C-R Zone

Amended site plan approval to permit overflow parking areas, the construction of twin waterslides an addition to an already existing water slide, and to construct a 36' X 40' concession building.

The Completeness Committee met and reviewed the material submitted, along with Mr. Stoner's report. Based on the review the application was considered incomplete. Mr. Walsh said the applicant's plan did not clearly delineate the new slide location, or the proposed parking location and layout. The applicant was not clear as to what Lots are involved in this development, some areas of the application mention Lots 1 & 3 and not Lot 2. The Board also had questions about ownership of Lots and if cross access easements are needed. Floor and elevation plans for the proposed concession stand were not provided. The Board request the applicant provide an existing condition plan with detail of all buildings, slides, and all improvements on the property, and a plan showing all proposed improvements. The plans should provide legends.

A motion to deem the application incomplete was made by Mr. Walsh, the motion was seconded by Mr. Kaufhold. 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.

SB1-2018, Carl and Carole Johnson/Byram Township, Block 226 Lot 26 & 26.07, 30 Old Indian Spring Road, R-2 Zone

Lot line adjustment to transfer 0.661 acres from Block 226 Lot 26, to Block 226 Lot 26.07 as part of an open space acquisition.

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

Chairman Shivas said the site plan subcommittee met and reviewed the material submitted and found the application to be complete.

A motion to deem the application complete and hear this application this evening was made by Mr. Morytko. The motion was seconded by Mr. Walsh. The following vote was taken:

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

Motion carried.

Ms. Kash and Mayor Rubenstein returned to the dais.

NEW BUSINESS

SP1-2018, Byram Car Wash, 56 Route 206, Block 365 Lot 1.01, V-B Zone

Preliminary and final site plan approval, variance relief for a rear yard setback, conditional use variance relief for minimum lot size, the addition of five employee parking stalls, three automatic pay station canopy islands with queuing lane expansion, facade improvements, new lighting and signage.

Mr. Senesky advised the Board that a question was raised as to whether this application would require a D3 variance since one of the conditional requirements is the Lot must be one (1) acre of land and this property acreage is 0.98 acres. He explained that because the reduction of acreage was a result of the Route 206 improvements and widening of the road, he and Mr. Gleitz believe that this is de minimus in nature and would not require D3 variance.

Mr. Mark Blount, Esq. representing Byram Car Wash introduced Mr. Anthony Marucci, P.E. to the Board saying that Mr. Marucci will provide testimony as an engineer and planner for this project. Mr. Marucci provided his education and experience to the Board and the Board accepts him as an expert in his field, and he was sworn in.

Mr. Marucci reviewed the submitted plan and discussed the site as it exists today saying there will be no change to the ingress/egress, and he discussed the vehicle movement around the building. He said that the applicants are proposing to widen the turn lanes into the car wash station because some larger vehicles have difficulty maneuvering the turn. He said the applicant also proposes three (3) modern kiosks payment stations; two payment kiosks stations will be for regular customers paying cash or credit, and one kiosks payment station for club members only.

Mr. Marucci reviewed Mr. Stoner's report dated Feb. 23, 2018 and offered the following comments:

Rear Yard Setback - The payment stations in Byram's ordinance are considered accessory structures which requires a rear yard setback of 20 ft., the applicant proposes 9 ft., a variance is required. Mr. Marucci said the benefits outweigh the deterrents and there is no development behind this location so there would be no negative impact and this improvement enhances safety not allowing a vehicle back-up on the highway.

Landscape buffer - Mr. Marucci stated that there is no sidewalk or room for a landscape buffer, saying it would reduce the size of the travel lane in front of the building. Mr. Stoner said he believes there may not be room for a sidewalk and landscaping but a sidewalk could be installed which would require D.O.T. approval. Chairman Shivas recommended a condition in the resolution that if properties to the north/south of this lot were to be redeveloped then the applicant would be required to install a sidewalk. The applicant agreed.

Off-street Parking - Parking not permitted in the side yard. The applicant proposes five employee parking spaces. Mr. Marucci believes that five parking spaces are not necessary because there are never more than four (4) employees on the site. Chairman Shivas said he has visited the car wash during peak hours there could be four (4) people drying the vehicle, and two (2) greeters before entering the washing station. which would be six (6) employees. Mr. Glenn Paladino, owner, was sworn in and said usually there are four (4) to five (5) employees on the site and they park by the vacuums or behind the building. He did note that these spaces behind the building are not stripped, established spaces. The applicant did agree that the five additional spaces would be a benefit.

Mr. Dixon said looking at the topography it appears some trees that are screening the well drilling property will have to be removed for the installation of the employee parking area. Mr. Blount said the applicant does not object if the Board wishes that supplemental plantings would be provided as a buffer.

Mr. Dixon asked what the "checkered" grass-paved area located by the turn-around is use for. Mr. Marucci said currently it is used as extra employee parking, when needed.

Trash Enclosure - Mr. Marucci said the trash enclosure has been behind the building since 1986 without incident and no changes are proposed. He said trash is picked up once a week and the small dumpster is rolled out for pick-up. Mr. Marucci said the trash is usually waste from customers vehicles. Mr. Marucci said there is a report about the dumpster from the Fire Chief, which he will address later.

Loading Area - Mr. Marucci said one loading space is required by ordinance and added that the car wash receives deliveries of product once per week and does not require a loading dock, the applicant requests a variance.

Architectural Plans - Other than new sconce lights, which have already been installed, no change to the building is proposed.

Grading and Drainage - Mr. Marucci said the impervious coverage is increasing by 5,000 sq. ft. and did not believe that a Storm Water Management Plan was required, however the applicant will provide a dry well if necessary or work with the Board engineer to ensure water run-off does not present a problem for the highway. Mr. Stoner said this project does not require a major storm water plan but he has concerns about run-off to Route 206. He added that there is no shoulder on this section of the highway and to reduce run-off as much as possible Mr. Stoner would like a condition in the resolution that a storm water management plan be provided. The applicant agreed.

Site Lighting - Mr. Marucci said a lighting plan was not provided but he reviewed the existing site lighting and acknowledged Mr. Stoner's concerns regarding the proposed lighting by the turning lane. He said they will provide a lighting plan for the engineer to review and that a night lighting test be performed to ensure all Township regulations are met. The applicant agreed.

Mr. Paladino said the roof lights will shut off at 12:00 a.m., the sconces and underlighting on the back of the building will be shut off at 3:00 a.m. for security and safety purposes. The vacuum dome lights, which are low level lights are always lit, they provide safety for foot traffic, because the vacuums are operational all times. Mr. Paladino said they wish to extend the closing hours to 11:00 p.m. to provide better customer service. The Board had a question about the by-pass and Mr. Marucci explained that during hours of operation it is blocked by cones but in the event, someone decides not to go through the car wash the cones are moved so they can exit. After business hours the cones are removed for exiting purposes.

Signage - Mr. Marucci said that most car wash establishments are unique and usually have many signs. Mr. Marucci said Byram's ordinance allows for three (3) signs and he reviewed the sign plan submitted. Mr. Marucci said the proposed LED monument sign will replace the existing pylon sign and the size was reduced from 36 sq. ft. to 32 sq. ft. to meet Byram's requirements. The total size of the proposed sign, including the base and supports will be approximately 64 sq. ft. Mr. Gleitz explained to the Board that monument/ground signs must meet the height regulation of no more than 8ft., and the sign itself cannot be greater than 32 sq. ft. The applicant said the sign will only be lit during hours of operation. There was a lengthy discussion about the LED sign which is prohibited in Byram. Mr. Morytko said since LED signs are prohibited, and because Byram has no standards for LED lighting, he has issue with approving these signs. Mr. Paladino explained that the top of the sign will say Byram Car Wash and the bottom display will be text only, used to promote weekly specials, and will not change more than once per week. Mr. Paladino said it will not rotate, scroll or flash. After further Board discussion the applicant agreed to return to the Board and present the LED sign detail, lamination, and color for final approval however. It was noted the applicant can start other parts of this application if approved. Mr. Gleitz said the location and size of the monument sign can be approved tonight, but the sign design itself requires separate approval, to be part of this application, and not requiring separate public notice. Mr. Marucci said from a planning perspective he believes the benefits of the LED sign outweigh the deterrent. This business is located on a highly traveled major highway, it is easier to read which provides for safe identification of this business, and will have no negative impact on surrounding properties. The applicant offered the sign to the Township or Police to alert the public if there was an emergency in town.

The Board reviewed the remainder of the signs proposed and existing, their use and necessity. After board discussion it was determined that the signs labeled "C, L, and N, on the sign schedule will be removed. Some Board members believed the sign "M" was not necessary, Chairman Shivas said to table that discussion until later. Mr. Paladino said some signs are removable and brought in at closing and other signs on the site are vehicle directional signs for safety. They propose a vending coin machine affixed to the building for customer use, which by ordinance is considered a sign. Both existing large menu board signs that are in the drive lanes will be removed, since each pay station will have its own signage. Mr. Gleitz recommended to the Board since this is a unique use, and that the car wash facilities usually have several signs that direct people where to go, services offered, etc., that the Board consider lumping all signs into a single variance, and that the resolution reference the sign schedule. The barrels on the site are also considered signs and Mr. Paladino said the drums will be reduced from six to two, and said it may be that none will be needed because of the new lanes. Currently the barrels direct vehicles where to go.

Mr. Marucci said regarding other approvals, the applicant will comply with all D.O.T. and all other agency approvals. Mr. Stoner said a Highlands Exemption was issued but wanted it noted that this Lot is about 124% of impervious coverage and any expansion of the site would require Highlands Council approval.

The Board reviewed the ARC comments and Mr. Marucci said the applicant met with the ARC on August 8, 2017 and believes most comments have been addressed. Mr. Paladino said in the future he may replace the blue canopy as you exit the car wash with a red canopy. Chairman Shivas said judging from the ARC comments, red is not their preferred color. Prior to replacing the canopy, the applicant agreed to return to the ARC to review some color samples for consideration. Mr. Stoner asked about the "Car Wash" sign mounted on the building and depicted on Sheet A2 of the submitted plan. Mr. Paladino said it is on the plan but it will not be installed and Mr. Marucci will remove it from the revised plan.

Mr. Michael Pellek, Assistant Fire Chief was sworn in. He said after reviewing the plans they had concerns such as what is stored in the shed. Mr. Paladino said it is used for extra car wash equipment i.e. vacuum hoses, yard equipment, etc. but said that no chemicals, fuels or anything flammable is stored in the shed.

The Fire Department has concerns about the dumpster location saying that it should be at least ten (10) ft. from the building. He said if a fire occurred, it would hit the building soffit and spread quickly. He has seen it happen many times. Mr. Paladino said most of the garbage is from customers vehicles and should not be a problem. Chairman Shivas said customers could throw a lit cigarette in the trash that smolders and cause a fire later. After Board discussion it was determined that the State Fire Inspector preformed a site inspection and if it is determined that the dumpster must be moved, it will be re-located near the last space, closest to the southeast corner of the proposed employee parking stalls. The enclosure will be screened with a board on board gated fence, and must be depicted on the revised site plan.

Mr. Pellek asked about the use for the 275 Gal. diesel storage tank and Mr. Paladino said it is heating fuel used for the torpedo dryers in the winter months, and helps prevent the equipment and products in the wash station from freezing. Mr. Paladino said there is a kill switch inside the building. Mr. Pellek said an outside kill switch is also required, and that this business must register with the New Jersey Division of Fire Safety as a Life Hazard Use. Mr. Marucci said the applicant will comply with all fire safety regulations.

There was Board discussion about the lack of landscaping on the lot and Mr. Gleitz recommended the applicant add some foundation plantings along the retaining wall, screening around the proposed kiosks, and by the proposed employee parking area. Mr. Paladino agreed the site needs more landscaping and would add landscaping and provide a landscaping plan for Mr. Gleitz review.

Ms. Shimamoto said one handicap stall is required. Mr. Marucci said the stall closet to the car wash station entrance which is 13 ft. wide, which meets ADA requirements is the applicants preferred location, however Mr. Marucci will work with Mr. Stoner for the best location. The stall will be stripped and signed and will be depicted on the revised plan.

Ms. Shimamoto asked about the shed and if it was ever permitted. She believes a variance is required since it is within 10 feet of a principal structure. Chairman Shivas said even though it is pre-existing, the size and location should be on record as receiving approval.

Mr. Marucci presented Exhibit A1, dated 3-1-2018 and Exhibit A2, dated 2-1-2018, which are photos of the proposed payment kiosks stations. Mr. Morytko asked about the lighting on the kiosk, and Mr. Marucci said there is a light that shines under the canopy and is noted on the plan. He asked about the color of the support stanchions and canopy on the kiosks, Mr. Paladino said they will be red in color. Mr. Morytko asked if they could be black, saying that at the ARC meeting the applicant agreed to no bold colors. Mr. Paladino does not believe red is a bold color and added that they were ordered over a year ago, they are very expensive, and the color cannot be changed. Mr. Marucci said they are not clearly visible from the street, and Mr. Paladino agreed to add some arborvitae to screen them.

There was further discussion on LED signs and Mr. Morytko is not comfortable allowing LED signs since the Township has no standards or regulations. He also conveyed his dislike of the red stanchions and canopy of the kiosk payment stations saying that during the ARC meeting, this was conveyed to Mr. Paladino.

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

The Board resumed the discussion on sign "M", a 3' X 5' Welcome/Open Flag Sign, on an 8' pole, and it is the consensus of the Board to allow sign "M" to remain.

In summary the applicant has agreed to, and shall provide:

- A Lighting Plan
- A Landscape Plan
- A Signage Plan
- Stormwater Management Plan

Revised Plan depicting:

- Handicap Parking Stall, stripped and signed.
- Updated dimensions of the monument sign.
- Trash enclosure location (if re-located).
- Byram Car Wash building mounted sign removed
- Signs labeled on the plan C, L & N removed, and the two large menu board signs on the travel lanes will be removed.

Variances required for this application:

- Sign prohibited in the zone (LED)
- Landscape buffer and sidewalk
- Rear yard set-back
- Off street parking spaces in the side yard
- No loading area provided
- Distance for an accessory structure to a principal structure.
- To exceed number of signs allowed (a single bulk variance for all signs)

Conditions of Approval

- If properties adjacent to the north or south of this property is redeveloped the applicant will install sidewalk
- Landscaping be installed near the new parking stalls, by the retaining wall, along the property to provide screening from the drilling company, the kiosk stanchions, and the trash enclosure.
- Hours of operation will be 7:00 a.m. to 11:00 p.m.
- Text on LED sign to change no more than once per week and only illuminated during the hours of operation.
- A night lighting test be performed.

The applicant agreed to:

- Return to the Board to present a detail of the proposed LED sign.
- Return to the ARC to review proposed colors of the car wash canopy when replaced.

A motion to approve this application with the conditions and requirements outlined above was made by Mr. Walsh. After Board discussion there were a few amendments to Mr. Walsh’s motion, which he agreed to. The motion was seconded by Mr. Chozick. The following vote was taken:

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

Motion carried.

SP5-2018, Byram Township, Block 226 Lot 26 & 26.07, 30 Old Indian Spring Road, R-2 Zone

Lot line adjustment to transfer 0.661 acres from Block 226 Lot 26, to Block 226 Lot 26.07 as part of an open space acquisition.

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

Mr. Morytko, a member of the Open Space committee, said that Lot 26 is approximately 43 acres which will become open space and will provide access to trails and be available for public use. The owners of Lot 26 and 26.07 are father and daughter and the transfer of 0.661 acres to Lot 26.07, owned by the daughter, will allow for a privacy buffer since Lot 26 will be used by the public.

A motion to approve this application was made by Mr. Morytko, the motion was seconded by Mr. Chozick. The following vote was taken:

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

Motion carried.

Ms. Kash and Mayor Rubenstein returned to the dais.

REPORTS FROM COMMITTEES

- Township Council - Mayor Rubenstein said he had nothing to report.
- Environmental Commission – Ms. Shimamoto said they reviewed the materials submitted for the Car Wash and the Board has addressed those concerns. She mentioned the EC has vacancies, they need one (1) regular member and two (2) alternates, she asked to please spread the word.
- Architectural Review Committee - No meeting was held.
- Open Space – 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

Larry I. Wiener, Esq. (1 bill) \$975.00

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

Harold Pellow & Associates (11 bills) \$3,888.51

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

EXECUTIVE SESSION – Contract negotiations - Professional Services

A motion to go into closed session was made by Mr. Chozick, the motion was seconded by Mr. Rubenstein. All were in favor. Motion carried.

A motion to return to open session was made by Mr. Chozick, the motion was seconded by Mr. Walsh. 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. Walsh. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: Cheryl White