

Ms. Koles said that Verizon has cell sites all over the State and each site provides a certain amount of capacity for high-speed wireless communications, LTE (Long Term Evolution). She said the tower site, located off of Route 206 in Byram Township are exhibiting a gap in capacity causing a degradation of quality, speed and response time to network subscribers.

Ms. Koles presented Exhibit A1, dated Jan. 19, 2017 showing a graph called a "Distance Histogram" which shows where all the traffic is emanating, and helps Verizon determine where to place the network node. She added that the installation of the small network node will allow Verizon to "off load" the Byram site from the Tower, which will allow for better service. Ms. Koles presented Exhibit A2; dated January 19, 2017, a graph called *Data Exhaust Trend* which shows an upward trend of growth for data, and the red line indicates the degradation of service. Chairman Shivas opened to the public.

Anneliese Tartell, 7 Lackawanna Drive said she owns a daycare facility near the site and has concerns because she holds a Life and Safety Hazard License and wants to know if this antenna is safe for the children. Mr. Breen said her question would be deferred to the Radio Frequency Engineer.

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

Mr. Breen introduced Mike Fischer, P.E. was sworn in and provided his education, and experience to the Board. The Board accepted him as an expert in his field.

Mr. Fischer said this node is FCC compliant for human exposure in compliance with New Jersey standards. Ms. Segal asked the distance is from the network node to the daycare facility. That information was not known. Mr. Fischer said exposure relates to proximity to the antenna and 10 feet from the antenna is compliant with FCC requirements. Mr. Fischer said these nodes are mounted on school buildings and finds it to be a benefit to the daycare since it will provide more reliable service. Ms. Segal asked for a condition in the resolution that a letter be obtained and provided to Mr. Stoner that this antenna will not have any negative impact or cause harm with regards to the daycare. The applicant agreed.

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

Mr. Breen introduced David Karlebach, Professional Planner who provided his education and experience to the Board. The Board accepted him as an expert in his field. Mr. Karlebach was sworn in.

Mr. Karlebach talked about the conditional use variance, and the bulk variance that is required for this application. He said this site is appropriate for this use, and he reviewed the photos submitted. He said this site provides ample parking and access, and adequate space. He said there is no detriment to the public good, and it will not cause a negative impact to the aesthetics of the building or site. It does not create noise, dust, has no impact to parking or lighting. This use will not cause an increase to municipal services, it will not create traffic, and will not impair the zone plan.

The Board had no further questions.

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

There was Board discussion about the location of the network node and if it could be centered on the building parapet, above the Subway Sign, so it appears more symmetrical, versus off to the right. Mr. Breen said they are not the landlord but will present that to the owner, if the owner agrees they will center it. In the resolution it could be a request, not a condition of approval. The applicant agreed.

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

A motion was made by Mr. Walsh to approve this application as submitted with the condition that a revised plan be submitted showing details of the proposed fence footings, bollards and proposed lighting. A letter is provided to the Planning Board engineer certifying there are no safety impacts to the daycare facility nearby. The equipment cable go through the parapet, not over, and if it must go over the parapet it be colored to match the building and trim. Lastly, that the network node is re-located above the Subway sign, or a letter is provided from the landlord that this request to relocate the node is denied. The motion was seconded by Ms. Segal. The following vote was taken:

| | Mr. Riley | Mr. Morytko | Mr. Chozick | Ms. Raffay | Mr. Kaufhold | Ms. Segal | Mr. Walsh | Mr. Gonzalez | Ms. Shimamoto | Chairman Shivas |
|----------|-----------|-------------|-------------|------------|--------------|-----------|-----------|--------------|---------------|-----------------|
| Motion | | | | | | | √ | | | |
| Seconded | | | | | | √ | | | | |
| Aye | | √ | | | √ | √ | √ | √ | | √ |
| Nay | | | | | | | | | | |
| Abstain | | | | | | | | | | |
| Absent | | | | | | | | | | |

Motion carried.

SP8-2016, Andover Wine & Liquors (d/b/a The Liquor Factory) Block 42 Lots 113 & 115, 8 Route 206, V-B District Amended Site Plan w/variance for an accessory structure in a front yard, and signage.

Attorney for the applicant, Mr. Ronald Heymann, from Heymann & Fletcher said the applicant is looking to lease space formally occupied by the CVS pharmacy, and propose a package goods liquor store and bar. He said this application requires a variance for signage, and an accessory structure (12,000 gallon water tank for fire suppression) in the front yard.

Mr. Heymann introduced the applicant, Mr. William Tobin who was sworn in. Mr. Tobin said they proposed a liquor store and tavern/bar with a fifteen seat bar for daily use, and five stools at the check-out counter which will only be open on weekends or scheduled events for wine, and cheese tasting. Both bars will only serve beer and wine. They propose growlers, shelving for package goods, three large cooling units for the indoor coolers, new signage and an underground water tank in the front yard for fire suppression. The underground water tank is required by State Fire Code. Mr. Tobin added that there will be no change to the footprint of the building. He said the hours of will be Monday, Tuesday, Wednesday and Thursday 9:00 a.m. to 10:00 p.m., Friday and Saturday 9:00 a.m. to 11:00 p.m., and Sunday 9:00 a.m. to 9:00 p.m.. They will employ ten people, four employees per shift.

Mr. Heymann introduced Mr. Joseph Sattler to discuss the sprinkler system. Mr. Sattler was sworn in and provided his education and experience to the Board. The Board accepted him as an expert in his field.

Mr. Sattler said the proposed use is called a "Mercantile Occupancy", and is in accordance with NFPA 13 standards. Mr. Sattler gave a brief overview of the tank location, pumps, and fire walls in this space, and the overall system. Mr. Sattler presented Exhibit A2, dated 11/15/16 which is a colorized mark up of the site plan submitted, revised date of 12/20/16, and reviewed the plan with the Board. Mr. Gleitz asked why the tank had to be located in the front yard, and Mr. Sattler said it is better to be as close to the pump and site as possible.

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

Mr. Heymann reviewed the fire department memo with Mr. Sattler and the Board. With regards to hooking up to the Stanhope Water Company would be too costly, it would require road opening permits, State permits, etc. Mr. Sattler said a generator is not required, a water level gauge is part of the system installed, and a fire department connection and signage will be installed, however the fire department not draw water from the tank, they can only pump water into the tank, pumping from the tank would compromise the system. The applicant said that "No Parking Fire Zone", in the rear and by that portion of the building will be done. Mr. Sattler said a fire alarm system and smoke detectors are part of the system and that inspections will be done by the State Fire Marshall in accordance with NJ Uniform Fire Code.

Mr. Heymann introduced Jason Dunn, Planner from Dykstra Associates. He was sworn in and provided his education and experience to the Board and the Board accepted him as an expert in his field.

Mr. Dunn said the freestanding sign proposed in this application has been withdrawn. The applicant will replace the current space on the pre-existing pylon sign on the property, with their sign. Mr. Dunn presented Exhibit A3, dated 1/19/2017 which depicts the building façade and signage. There was a lengthy discussion about the

signage and the need for the large sign on the westerly side of the building facing Route 206. It was the consensus of the Board that this sign is not necessary, and will not be seen by travelers. The Board recommended that the sign be placed on the tower. A straw poll was taken and the majority of the Board agreed that the signs be moved to the tower, and can be placed on the Southerly and Westerly portion of the tower, in the size submitted. Mr. Stoner said a new sign plan must be provided.

Mr. Dunn reviewed Mr. Gleitz's report and the Board was satisfied with the applicant's response. The applicant agreed to landscape in the tank area, and to relocate the dumpster to the rear, southerly side of the property with a Board on Board fence enclosure. Mr. Gleitz asked if a sound test was conducted with regards to the noise generated by the condenser. The applicant agreed to a condition that a sound test be conducted at the property line and that the applicant shall provide certification that the sound does not exceed the state standard. In Mr. Gleitz's report he recommended in support of the Byram Township Master Plan that an easement be considered which would allow connection to the Acorn Street jug-handle, for emergency access to the East Brookwood Section of Byram is considered. The owner of the property was in attendance at the meeting, and agreed to the easement. Mr. Senesky reminded the Board that the easement would not be part of this applicant or approval. Mr. Stoner requested the revised plan include water and sewer line locations. The Board had no further questions. Chairman Shivas opened to the public. No one from the public came forward. Chairman Shivas closed to the public.

A motion was made by Ms. Segal to approve the application with the conditions that a revised plan is submitted showing the revised floor plan, well and sewer line location and the new dumpster location. The dumpster location and enclosure must be approved by the Township Planner. A new sign must be provided. A sound test at the property line is conducted and a letter to the Board engineer be provided with the results. A landscape plan be submitted and to be approved by the Township Planner. If the abandoned septic tank has not been removed, it is removed in accordance with SCHD requirements and a new sewer permit be completed so that confirmation can be made that the sewer allocation is adequate for this site.

The motion was seconded by Mr. Riley. The following vote was taken:

| | Mr. Riley | Mr. Morytko | Mr. Chozick | Ms. Raffay | Mr. Kaufhold | Ms. Segal | Mr. Walsh | Mr. Gonzalez | Ms. Shimamoto | Chairman Shivas |
|----------|-----------|-------------|-------------|------------|--------------|-----------|-----------|--------------|---------------|-----------------|
| Motion | | | | | | √ | | | | |
| Seconded | √ | | | | | | | | | |
| Aye | √ | √ | | √ | √ | √ | √ | √ | √ | √ |
| Nay | | | | | | | | | | |
| Abstain | | | | | | | | | | |
| Absent | | | | | | | | | | |

Motion carried.

REPORTS FROM COMMITTEES

- Township Council -.Ms. Raffay said the Council had their reorganization meeting on January 3, 2017 and they are now working on the 2017 budget.
- Environmental Commission – Meeting on January 26, 2017.
- Architectural Review Committee – Mr. Morytko said the committee and Mavis Tire reached an agreement with regards to the façade color changes for Mavis Tire, formally STS Tire Service.
- Open Space – No meeting held.
- Board of Health - Ms. Segal said the rabies clinic is scheduled for April 8, 2017 and they need volunteers.

BILLS

Schenck, Price, Smith & King, LLP (7 bills) \$1,712.50

A motion was made by Ms. Segal, the motion was seconded by Mr. Morytko to approve Mr. Senesky's bills. All were in favor, motion carried.

PUBLIC COMMENT

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

ADJOURNMENT

A motion to adjourn the meeting was made at 10:55 p.m. by Mr. Kaufhold, and seconded by Mr. Riley. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: *Cheryl White*