



**Nomination of Planner**

Mr. Paul Gleitz with CWL Planning, LLC was nominated for the Planning Board Planner by Mr. Kaufhold, with a seconded by Mr. Walsh. There were no other nominations. 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				√						

A motion to close the nomination was made by Ms. Segal, and the motion seconded by Mr. Walsh. Motion carried.

**Nomination of Secretary**

Ms. Cheryl White was nominated for the Planning Board Secretary by Mr. Kaufhold, with a seconded by Mr. Walsh. There were no other nominations. 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				√						

A motion to close the nomination was made by Mr. Walsh, and the motion was seconded by Mr. Segal. Motion carried.

**Nomination of Newspaper**

The New Jersey Herald was nominated as the official newspaper by Mr. Walsh, with a seconded by Mr. Riley. There were no other nominations. 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				√						

A motion to close the nomination was made by Mr. Walsh, and seconded by Ms. Segal. Motion carried.

**Adoption of the 2015 Annual Meeting Dates**

Mr. Kaufhold made a motion to remove the Dec. 21 meeting date. There was some Board discussion, and it was the consensus of the Board to keep the date. Mr. Kaufhold amended his motion to adopt the 2017 annual meeting dates as proposed. 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.

**MINUTES**

**Approval of the December 15, 2016 Meeting Minutes**

A motion was made by Mr. Walsh, and seconded by Mr. Chozick to approve the minutes as written. 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.

**RESOLUTIONS**

**PB1-2017 Annual Notice of the Calendar Dates of the Scheduled Regular Meetings of the Byram Township Planning Board**

A motion was made by Mr. Kaufhold, the motion was seconded by Ms. Segal to approve the resolution as written. All were in favor. Motion carried.

**RESOLUTIONS** (continued)

A09-2016, Joseph Olivo, Block 277 Lot 583.02, 29 Old Stage Coach Road, R-5 Zone

Variance for a front yard setback, the distance from an accessory structure to a principle structure and an accessory structure in the front yard (a deck).

There was no Board discussion. A motion was made by Mr. Walsh to approve the resolution as written. The motion was seconded by Mr. Chozick. 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.

JP Morgan Chase, Block 226 Lot 15.01, 80 Route 206, V-B District

Amended site plan with variances.

Mr. Senesky informed the Board that the applicant’s attorney did not provide the information needed to draft the resolution and told the Board the resolution will be available for the January 19, 2017 Meeting.

**OLD BUSINESS**

**Rt. 206 Byram GW LLC (Quick Chek Corporation) Rt. 206 & Brookwood Road, Block 41 Lots 88.01, 88.02 & 89, V-B Zone** (carried from August 4, Sept. 1, Oct. 6, and Nov. 3, 2016)

Use variance and associated site improvements for a retail store with gas pumps.

Mr. Riley stepped down for this application.

Attorney, Mr. John Wyciskala from Inglesino, Webster, Wyciskala & Taylor, LLC representing the applicant gave a brief summary of the Nov. 3 meeting saying that at the request of the Board, and residents a new truck turning study was conducted and that the traffic engineer, Mr. Seckler will review that data. He said that Mr. Sean O’Neill, a Real Estate Manager for Quick Chek and with regards to operations will provide testimony on behalf of Mr. Albanese who is ill. Lastly, John McDonough, a Professional Planner for Quick Chek will provide planning testimony.

Mr. Wyciskala recalled Mr. Seckler and reminded him that he is still under oath. Mr. Seckler presented Exhibit A12, Dated Jan. 5, 2017, *WB50 Truck Turning Exhibit*, sheet 1 of 2, revision date Nov. 15, 2016. He reviewed the exhibit with the Board saying that the top portion of this aerial photo shows the site imposed and depicts a tractor trailer turning left, in the outer most lane of Brookwood Road onto Route 206 south bound. Mr. Seckler reviewed this photo saying that both vehicles can make the left without encroaching on each other, the medium divider, or the far curb on Rt. 206. In the bottom photo of A12 it shows the truck in the left turning lane, with a passenger car in the center lane, and both can make the left turn without encroaching on the medium or Route 206 curbing.

Mr. Seckler presented Exhibit A13, Dated Jan. 5, 2017, *WB50 Truck Turning Exhibit*, sheet 2 of 2, revision date Nov. 15, 2016. He said this aerial photo, depicts a tractor trailer traveling south on Rt. 206 turning left onto Brookwood Road saying that the WB50 can turn without impeding on the stop bar. Chairman Shivas asked if trucks entering the site driveway would encroach on the vehicles exiting the site. Mr. Seckler said yes, WB50, and trucks this size would have to let the cars exit before entering the site.

Chairman Shivas opened to the public.

*Keith Salmon, 4 Briar Lane* asked Mr. Seckler if his testimony was that trucks turning into the site driveway off of Brookwood Road will not impede on traffic exiting the site driveway. Mr. Seckler said smaller trucks can make the turn without issue, but not a WB50, and most likely a WB40 would have to wait for vehicles to exit the site. With regards to Exhibit A12 Mr. Salmon believes there will be encroachment. Mr. Seckler said the truck would encroach on the skip line, but not the physical barrier such as the center medium or the far curb. There was discussion about the exhibit. Mr. Stoner explained that if a WB50 was in the left turning lane it would encroach on vehicles in the center lane, turning left. Mr. Seckler reiterated that Quick Chek does not anticipate much truck traffic, and that Quick Chek would agree to deliveries not being made a peak hours. Mr. Seckler said they can petition the DOT for a sign at the Brookwood Road intersection that trucks turning left must exit in the center turning lane. Mr. Salmon still has concerns over trucks entering and exiting the site, and intersection and believes there are issues and recommended the Board to drive it. Mr. Walsh said the Board has the same concerns.

*Randy Carl, 77 Brookwood Drive* shares the same concerns as Mr. Salmon. Mr. Carl has concerns that trucks will still have an issue, and added that not only Quick Chek truck will utilize this site.

*Georgette Schroeder, 9 Briar Lane* express concerns about truck traffic also. Mr. Seckler said he believes trucks are more familiar with the turning radius. She also has concerns about traffic backing up from Dunkin Donuts and blocking the left turning lane and overall concerns about trucks entering and exiting the site. After Mr. Seckler’s review she had questions if the fuel trucks were single or split tandem trucks. The applicant confirmed they use standard tandem trucks. Mr. Wyciskala said he would have the operations manager testify to this.

*Mike Pellek, Assistant Fire Chief Byram Township* asked Mr. Seckler if this site can accommodate two tractor trailers. Mr. Seckler said they don’t anticipate deliveries at the same time, or during busy hours, but yes, one could be making a food delivery in the back, and a fuel delivery at the same time and the site circulation would not be affected. Mr. Pellek cited two occasions where two tractor trailers were visiting the current Quick Chek location, causing traffic issues. Mr. Wyciskala said that is a main reason Quick Chek wants their own site; they would have more control, better parking and site circulation.

*Jim McCole, 10 Woods Edge Road* has concerns about trucks exiting the site onto Brookwood Road that the truck’s back end would be blocking the road into East Brookwood. Mr. Seckler said if the truck exits the driveway while cars are stacked at the light that could occur. Mr. McCole wanted to know if the truck delivering fuel are standard tandem or split tandem trucks. Mr. Wyciskala said the fuel truck Quick Chek uses are standard tandem trucks. Mr. McCole said he hasn’t received an answer about his questions about the extra weight on the Brookwood Road. Mr. Stoner said any truck is allowed to make deliveries and then exit the area. Mr. McCole asked about underground utilities and Mr. Stoner advised Quick Chek that they must verify there will not be any issues with underground utilities in the area. Mr. Seckler said that could be a condition of approval that the utilities covers are adequate.

*Bill Barrett, 7 Brookwood Road* suggested that the applicant demonstrate, at the site, and intersection that a truck, and vehicle can make these turns without issue.

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

Mr. Wyciskala introduced Sean O'Neill, Real Estate Manager for the Quick Chek development in Long Island. Mr. O'Neill was sworn in and provided his education and experience to the Board and the Board accepted him as an expert in his field.

Mr. O'Neill provided the Board with towns with Quick Chek stores that are similar with regards to size, parking, and proximity to neighborhoods, specifically neighborhoods with one way in/out. Mr. O'Neill said the Hanover store, at the intersection of Route 10 and Jefferson Road has the same layout, size, number of parking as proposed at this site, and is adjacent to a residential neighborhood with one way in and out. There was Board discussion if the Hanover site is similar. Mr. Wyciskala said the neighborhood is smaller and the access is somewhat different.

Mr. O'Neill said that Quick Chek has changed over the last twenty years and now serve hot foods, fresh beverages, and fuel so they have expanded their store sizes. Because of these changes, more parking is required. Mr. Wyciskala reiterated that Quick Chek has control over vendor and fuel delivery times, trash removal times, and Quick Chek is prepared to apply conditions to this approval that restrict deliveries to non-peak hours, as well as restrictions to late night hours. Mr. O'Neill again reiterated Check Chek trucks, as well as Pepsi and Coke trucks are standard tandem trucks, the rest of the truck that delivery to Quick Chek are box trucks.

Mr. Kaufhold said he visited the Mt. Arlington site, during peak times and noted forty-nine parking spaces, which has less parking than proposed at this site, and noted that many parking spaces were empty and feels the parking requested at the proposed site is excessive. He would like to see some testimony to substantiate the number of parking spaces requested. Mr. Wyciskala said that Mr. Arlington site has a PSE&G easement, a septic field, and dedicated landscape areas, so parking was limited. Mr. Wyciskala said Quick Chek continues to work the easement aspect or connect to the sewer system so they can expand parking. Mr. Kaufhold recommended banking some of the parking requested so that if this location grows, the parking will be available which will allow for more green. Mr. Wyciskala said bank parking is something they will consider. Mr. Morytko said the Board would more actual data. Mr. Walsh said he believes what the Board would like to see is Quick Chek to show stores that are comparable in size, same number of fueling stations, same parking spaces, that have comparable demographics, and neighborhood proximity that show the percentage of parking used at morning, afternoon and evening hours, and future projections. This will give the Board with more realistic numbers. Chairman Shivas added that they should also provide at the busiest times, the average time a customer spends in the store.

Mr. Walsh asked about emergency procedures and training that employees received. Mr. O'Neill explained the protocol in place and the training each employee receives.

Mr. Wyciskala introduced Mr. Streker, who is still under oath said that safety emergency switches, (kill switches) are governed by NFPA13 which shut down the entire gas operation. He said they are located in the kiosk, at the pumps, outside the building, and inside the building, and shut down the entire fuel operation. He talked about spill buckets and containment systems within the kiosk. He talked about the gas tanks and the central fuel monitoring system and added that Quick Chek has never had a spill. Chairman Shivas asked if they can restrict fuel deliveries to certain times. Mr. O'Neill said it is easier to control vendor deliveries, fuel is more difficult to restrict because it more of "on demand basis", saying that if a storm is coming people tend to use more fuel. He said that they can restrict deliveries during peak hours.

Ms. Shimamoto talked about the necessity for a store open seven days a week and twenty-four hours a day. She asked what percentage of their business occurs after normal business hours. Mr. O'Neill said the current Quick Chek is a twenty-four hour store and vehicles passing this location and the community are accustomed to this convenience. Mr. O'Neill said ten percent of the highway traffic is between 11pm and 7am, so there is a need. He added that most of the food preparation is done on the third shift, getting ready for daily operations. Mr. O'Neill named stores that are open all night, such as Sparta, Wantage, Mr. Arlington, Hopatcong, Hackettstown and Lafayette.

Chairman Shivas opened to the public.

*Georgette Schroeder, 9 Briar Lane* asked if different grades of fuel are delivered by different trucks. Mr. Streker said the truck is separated into multiply departments for different grades of fuel.

*Mike Pellek, Byram Township Assistant Fire Chief* wanted to confirm that propane on the site is for store use, and not for resale. Mr. Streker said yes. He confirmed that all employees are trained for emergency situations. Mr. Pellek asked about the type of products used for hazardous material spills. Mr. Streker said absorbent materials, absorbent mats, and blocks to stop fluid flow to drains. Mr. Pellek asked if Quick Chek uses bulk carbon dioxide systems or compress, small cylinders. Mr. Wyciskala believes that small canisters are used but they will confirm that. Mr. Pellek asked if there is a fire hydrant on site. Mr. Wyciskala said there is a hydrant on Brookwood Rd, near the driveway. Mr. McCole, from the East Brookwood Water Company said on the plan what appears to be a hydrant is a blow out value, is not fire rated, and used for the East Brookwood water system. Mr. Pellek said with no hydrant, or water nearby it hinders fire suppression ability.

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

A brief break was taken at 9:35 pm

The meeting was called back to order at 9:50 pm

Mr. Wyciskala introduced John McDonough, Professional Planner, he was sworn in and provided his education and experience to the Board and the Board accepts him as an expert in the field.

He presented Exhibit A14, dated Jan. 5, 2017, saying that page one shows the site and the Route 206 intersection prior to the highway improvements, and page two and three show the site, buildings and surrounding area. Exhibit A15 is an aerial photo of the site, and intersection after the Route 206 improvements. Mr. McDonough provided an overview of the site, and zoning. He added that the site has been developed since the 1950's, and used as a commercial for eight decades. He added that the site is flat, has no streams, or wetlands and believes it fits into the ascetics of Byram's Master Plan. Mr. McDonough reviewed the surrounding commercial properties and their uses.

Mr. McDonough talked about the suitability of the site for the proposed project, and the physical characteristics of the land and said how this land can accommodate this use. He added that the site is already disturbed; the land is flat and clear, free of environmental constraints, and a prime location for the proposed use and development.

Mr. McDonough said that the major concerns of the area residents seem to be traffic, and believes that the testimony provided confirms that this use can be developed safely and efficiently, and will provide safe site distances and stop distances.

Mr. McDonough reviewed the proposed store, landscaping and talked about how the Village Business zone is an economic development zone which targets active, commercial use. Mr. McDonough said this zone does allow truck traffic, commercial uses and is met to be a place for public accommodation. He reviewed the permitted uses this zone allows.

Mr. McDonough summarized the variances in three separate categories:

Use Variances:

1. Convenience store over 1,500 sq. ft.
2. Dual use, fuel sales and retail

3. Fuel dispensing is prohibited

**Bulk Variances:**

1. Five variances related to signage
2. Five Variances related to the property setbacks
3. Five variances relating to landscaping

Mr. McDonough reviewed each variance specifically, providing testimony with regards to the land, the site compatibility, the proposed use on the site, and that the physical aspects of the site accommodate this proposed use. Mr. McDonough provided testimony about the Municipal Land Use Law and “Purpose A”, the promotion of the public welfare and provided testimony to support this purpose. He talked about Purpose “G”, and that this planning goal is to provide for a variety uses in the appropriate locations. Mr. McDonough provided testimony to support this goal. Purpose “I”, this planning goal is to provide for a desirable environment. Mr. McDonough provided testimony to support this purpose saying the project will create a positive image and be positive for the community. He talked about Purpose “M” and that this planning goal to efficiently use land, and he provided testimony to support this use.

He discussed the surrounding neighborhood, and said that this use can co-exist with neighborhoods and the state highway. He talked about the landscaping, and buffering on the site. He discussed the testimony provided with regards to traffic and that the movements will flow into and out of the site safely and efficiently. He said there is no substantial deterrent to the public from a safety standpoint. He talked environment impacts and the testimony provided with regards to safety, training, and the protocol in place in the event of spill containment, and how this development will meet or exceed all NJDEP requirements. Mr. McDonough talked about the neighborhood compatibility, the established commercial uses and the buffering for the neighbors around the site. Mr. McDonough talked about Byram’s vision and zone plan, and believes this use is a viable, sustainable business. It will offer a stable, ratable base in the community, and that economic development is important to the entire community. Mr. McDonough talked about how the convenience is a benefit for the community saying that there is night traffic passing by, and will available for emergency personnel to fuel emergency vehicles, and offers a transfer switch in the event of a power outage so that fuel sales and the operation of the store will not be uninterrupted.

Mr. McDonough talked about the proposed signs and associated variances. The Board discussed the height of the free standing sign and the applicant agreed to look at making this sign smaller. Mr. Gleitz asked the applicant for a sign package, the applicant agreed. Mr. Gleitz asked the applicant to look at adding brick to the column as a design element to match the building. The applicant will look at that.

Mr. McDonough reviewed the site setbacks, and landscaping variances, and provided testimony to support the need for these variances.

Mr. Gleitz asked Mr. McDonough to provide more testimony to justify the use variance for prohibited dispensing of fuel dispensing, since the Township has continued to reiterate, in the Master Plan and Re-exam that this use is prohibited. Mr. McDonough said the site attributes to support this use, and that the applicant has done a careful and critical examination of the property, zone and use, and that the Board needs to look at this particular property, and not the entire zone as a whole. Mr. Gleitz asked if the request for the number of parking and the size of the proposed store is oversized for this site. Mr. McDonough said he believes the size is appropriate for the use and the property. Mr. Gleitz said that the dual use, such as fuel and retail sales is becoming more common as a new use. Mr. McDonough reiterated it is more common place.

Mr. Wyciskala informed the Board that Mr. McDonough will be back at the Feb. 1 meeting for further questions.

A motion to carry this application to February 1, 2017 without further notice was made by Ms. Segal. The motion was seconded by Mr. Walsh. 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 - no representative was in attendance.
- Environmental Commission - Reviewed the Cellco and Andover Wine and Liquors applications and provided comments for the Board.
- Architectural Review Committee - No meeting.
- Open Space – No meeting.
- Board of Health - No meeting.

**BILLS**

No bills submitted

**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 11:10 p.m. by Ms. Segal, and seconded by Mr. Chozick. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: *Cheryl White*