



## **OLD BUSINESS**

Ms. Raffay and Mr. Riley stepped down for this application.

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 September 1, 2016)

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

Attorney, Mr. John Wyciskala from Inglesino, Webster, Wyciskala & Taylor, LLC representing the applicant gave a brief summary of the Sept. 1 meeting, and said Mr. Robert Streker, Civil Engineer from Bohler Engineering was back this evening to review Exhibit A8, dated 7/18/16. Mr. Streker who is still under oath said that based on comments from the Township Planner they replaced a portion of the fence along the southerly border with shade trees. Shrubs and low growing plants were added around the detention basin, and added river stone to the bed of the basin. He said that they replaced the striped islands in the store front with landscape islands, flipped the sidewalk that was along the easterly side of the driveway to the westerly side, and increased the landscape buffer along the neighbor's property line, which will consist of 8' to 10' evergreens and shrubs. He said there was no additional landscape plantings added to the northern property line due to the utility easement. Mr. Streker said a question was asked about the size of the propane tank, and if it can be located under the driveway vs. along the northerly property line. Mr. Streker said the size of the propane tank will be 1,000 gallons, used only for the store use, not for retail. He said that the tank cannot be placed under the driveway because of the connections and regulator which is under a raised dome. He said that the propane tank is regulated by the fire code and will be under the review of the sub code official. He said an outside firm is retained to perform maintenance and inspections of the tank. The Board had no further questions regarding this professional.

Attorney, Scott Carlson, representing Heller Properties Partners LP, 17 Route 206, asked Mr. Streker if there were any changes to the site circulation so that trucks will not have to back up, causing an alarm to sound. Mr. Streker said that there were no changes to the site circulation. Mr. Wyciskala said they will comply with the state mandated noise regulations and municipal ordinances. Mr. Carlson had no further questions.

Chairman Shivas opened to the public.

*Judy Dean, 8 Brookwood Drive* believed that the lot would be overdeveloped and has concerns about the applicant's water source saying that if Quick Check drills a well, will it disturb other wells in the vicinity.

*Sean Temple, 6 Woods Edge Road* asked about fencing and the landscape buffer. He has concerns about noise, loitering by the outdoor seating area, and trash removal times. He said his property borders this proposed development. He also has concerns about drilling the well and how a "draw down" test works. Mr. Streker discussed the proposed fencing and landscape buffer with Mr. Temple, and Mr. Stoner provided a summary on how a draw down test works.

*Georgette Schroeder, 9 Briar Lane* had safety concerns that if the sidewalk were to be flipped to the westerly side people walking from East Brookwood would have to cross the driveway to use the sidewalk. She also had concerns about the condition of the detention basin on the corner of Brookwood Rd. and Route 206 saying that it is overgrown and may cause a site distance problem. Mr. Streker said the driveway was changed as a result of Board discussion and said that detention basin is State property.

*Robert Berry, 20 Briar Lane* express concerns about snow removal on the site. Mr. Streker told Mr. Berry about the snow removal plan adding that if too much snow is on the site, it will be taken away.

*Robert Ramella, 12 Brookwood Drive* presented a flyer sent by the township regarding the care and maintenance of stormwater drains and believed this development could cause a threat to nearby a stream and stormwater drains. He also has concerns about noise, and loitering. Mr. Streker said the stormwater maintenance meets and exceeds all DEP and EPA requirements. Mr. Stoner explained the municipal requirements. Mr. Streker said as far as noise and loitering, Quick Chek will comply with State and Municipal ordinances and security cameras are in place and the employees will call the police.

*Jim McCole, 10 Woods Edge Road* asked if Quick Chek drills a new well, will they use the same aquifer as the East Brookwood Property Owner's Association. Mr. Stoner said that a draw down test will be done to see if other wells are impacted. Mr. McCole also wanted to know what will happen to the three wells on the property today. Mr. Streker said they do not know what aquifer will be used, and the three wells will be capped in accordance with DEP regulations.

*Ms. Eyrich, 24 Stony Brook Road* asked if Quick Chek will take responsibility if other wells are affected when Quick Chek drills a well. Mr. Stoner reiterated that a draw down test will be done to be sure other well is not impacted.

*Keith Salmon, 4 Briar Lane* asked if the filters used for stormwater filtered gasoline. Mr. Streker said yes. Mr. Salmon asked if the Township monitors the stormwater, Mr. Stoner said no, the applicant is required to file a Stormwater Operations Manual and a Stormwater report; however Stormwater is under the purview of the DEP. Mr. Salmon asked what happens after heavy rains. Mr. Streker said one of the employees check the drain.

*Randy Carl, 77 Brookwood Drive* agreed that moving the sidewalk to the westerly side of the access driveway is unsafe. There was Board discussion about this and the applicant will consider moving the sidewalk back to the easterly side and possibly adding more landscaping as a buffer. He also has concerns about the stormwater maintenance.

*Evmorfia Kapsas, 14 Woods Edge Road* has concerns that this development will cause other businesses in Byram to lose customers and will be forced to close. Chairman Shivas said other businesses may become more competitive with prices.

*Darren Boucher, 69 Brookwood Road* has concerns about the grade of the property, fencing, and privacy for surrounding property owners. He also had questions about traffic and the traffic study.

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

Chairman Shivas asked the applicant if they would agree to Title 39, which allows the police to patrol the property. The applicant agreed.

Mr. Matthew Seckler, Sr. Project Manager, Stonefield Engineering and Design who is still under oath answered some questions raised at the Sept. 1 meeting. He confirmed that school was in session when the traffic study was performed and was done between 6:45 a.m. and 8:45 a.m. He said five school buses left East Brookwood, one made a

left turn and the other four made a right turn. Mr. Stoner asked if the buses at the light caused a back up. Mr. Seckler said no.

Mr. Seckler said they studied how long customers stay on site and during lunch time and it was anywhere between six to thirteen minutes, and in the evening between three to five minutes. At the Sept 1 meeting there was a discussion about the number of parking spaces requested, and that it was excessive. Mr. Seckler said they will lose three spaces from the access easement, twelve employees will need parking, two stalls will be used for the air/vacuum and that the model for Quick Chek is between forty-five to fifty-five spaces. He said this is typical of Quick Chek sites. He added that Quick Chek likes to give the appearance that there is plenty of room for parking. Mr. Senesky said that testimony proves for advertisement, verses zoning. There was a lengthy discussion about parking, required and proposed. Mr. Stoner believed more data could have been provided to support the number of spaces requested. Mr. Gleitz said with the layout and site design the number of parking spaces is driving other variances.

Mr. Morytko asked about traffic at the Brookwood Road intersection today and after the proposed development. There was a lengthy discussion about the traffic study and times the traffic study was conducted. Chairman Shivas recommended a study be preformed between 6:00 am – 8:00 am, because people traveling to work would be leaving much earlier than 7:45 a.m. Mr. Seckler said they would provide that data.

At approximately 10:00 p.m. a brief break was taken. At 10:15 p.m. the meeting was called back to order.

Ms. Shimamoto had a question about traffic circulation and if two way traffic around the building was necessary. Mr. Seckler said two way traffic is a better design and better for site circulation. He said it provides sufficient access and is much safer.

Chairman Shivas opened to the public.

*Mike Pellek, Assistant Fire Chief Byram Township*, stated that the access routes off of Brookwood Road and Brookwood Drive are not vehicle accessible and said there are no other outlets off of this development that would support emergency vehicles. Mr. Pellek had questions regarding the construction of the building and will address those questions to the architect.

*Attorney, Scott Carlson, representing Heller Properties Partners LP, 17 Route 206* asked about other Quick Chek applications and if the number of parking requested is typical. Mr. Seckler said yes, and named a few stores such as Shrewsbury, Jackson, Mr. Arlington, and Roxbury Township. Mr. Carlson questioned the data in the ITE, and trip generation handbook, specifically the locations and dates that supports this data. Mr. Carlson asked if they consider local traffic conditions and if this study was done in Parsippany or in a dessert, would the result be the same. Mr. Seckler said yes. Mr. Carlson said it really has to do with the size of the store and not the location. Mr. Seckler said yes. Mr. Seckler reiterated that this is used by D.O.T. and is the industry standard. Mr. Carlson believed it is better to do a study at a similar site, local to the community.

*Jim McCole, 10 Wood Edge Road* has concerns about traffic and when and where the data was collected. He has concerns about trucks exiting the site and said that Brookwood Road is not a hazardous truck route. Mr. McCole has concerns about the weight of trucks and that vibrations from trucks over the course of time will cause harm to water pipes in the vicinity. Mr. Senesky said if a D.O.T. permit is required that would be a condition of approval. Mr. McCole has concerns about deliveries, weight of trucks and hazardous material being delivered.

*Robert Berry, 20 Briar Lane* has concerns about the study and the date and location of the study, and if school was in session.

*Judy Dean, 8 Brookwood Drive* asked how many people that use the current Quick Chek will use the new site, and agreed that they should use “real” data vs. data from another site.

*Darren Boucher, 69 Brookwood Road* has concerns about truck vehicles that visit the site and their impact on traffic at the light. He has concerns about site parking.

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

Chairman Shivas told the public the next meeting for Quick Chek will be November 3 and will be held at the Byram Township Municipal Building.

A motion to carry the meeting this application to Nov. 3, 2016 was made by Ms. Segal and the motion was seconded by Mr. Walsh. All were in favor. Motion carried.

#### **ITEMS FOR DISCUSSION**

There were no Board items to discuss

#### **REPORTS FROM COMMITTEES**

- Township Council – no representative present.
- Environmental Commission – No meeting.
- Architectural Review Committee – Meeting on Oct. 12, 2016.
- Open Space – Meeting next week.
- Board of Health –. Nothing to report.

#### **PUBLIC COMMENT**

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

#### **BILLS**

Harold Pellow & Associates, Inc.

Harold Pellow & Associates, Inc. (4 bills) \$3666.50

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

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 11:15 p.m. by Ms. Segal, and seconded by Mr. Kaufhold. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: *Cheryl White*