



monument sign and the Board was pleased with the appearance of the sign but it exceeded the height limit, and requires a variance. The applicant said they will look at making the sign smaller. Chairman Shivas opened to the public.

*Georgette Schroeder, 9 Brian Lane* has concerns about the new proposed monument sign saying that she believes it will block sight of oncoming traffic. Mr. Streker and Mr. Stoner assured Ms. Schroeder that the sign is twenty feet off the edge of pavement, outside of the regulated sight triangle.

*Bill Barrett, 7 Brookwood Road* said he has concerns of light overflow. He lives close to the site and already has issues with the traffic light shining in his window, and he believes the site will emanate a glow that will disturb the nearby neighbors. Mr. Streker believes there will not be any light spillage to properties to the east and reiterated that the lighting is dark sky compliant, and the fixtures illuminate downward. Mr. Stoner said the applicant has shown that lights will not spill onto adjacent properties, however with the globe style lights proposed you will be able to see the light from the sides of the fixture. Mr. Gleitz suggested Acorn Style lights with downward facing fixtures, the applicant agreed to look at that lighting. Mr. Gleitz said there will not be any light shining directly onto neighboring properties, or light spilling directly from the fixture on to the neighboring properties but there will be ambient light in the area. Mr. Streker said the last twenty feet of the property to the rear is generally dark.

Mr. Gleitz said that since the applicant is asking to bank seven parking spaces in the rear he made a recommendation to install the conduit and bases but not install the lights, or illuminate them until those spaces are being used. Mr. Streker said since this is a loading area, certain lighting is required but they will perform an analysis and if the numbers work out, they are happy to work with the town and to go with alternative fixtures.

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

Mr. Wyciskala introduced Mr. John McDonough, Professional Planner for Quick Chek, and reminded him he is still under oath.

Mr. Morytko said that at the Jan. 5 meeting Mr. McDonough provided testimony that the Board had more information today than the Governing Body had when the 2004 Master Plan, and the 2012 Re-exam report was written, and he asked Mr. McDonough to expand on that. Mr. Morytko believes that since two other gas stations are within 1,800 feet of each other, what Quick Chek will offer that other stations are not. Mr. McDonough said the site will be newer, larger, and offer better site circulation. Mr. McDonough added that the Governing Body looked at the use on a broad based level, verses a particular site. He added that the Board has more current information regarding traffic testimony, environmental impacts, the aesthetic value added to the area and town, and that this development on this site will not impair the zone. Mr. McDonough believes that this development will cause a "ripple effect", and encourage other sites in Byram to upgrade and he believes this development will jump start investment confidence in our Township.

Mr. Gleitz asked Mr. McDonough to expand on the site suitability after hearing residents concerns about traffic. Mr. McDonough agreed with Mr. Gleitz that it is not an inherently beneficial use like a school or hospital but said this site lies in a commercial zone, on a state highway, which allows for truck/vehicle traffic, and will cater to day to day needs of the people who travel on the roadway, and live in the area. Mr. Gleitz said fuel stations are prohibited, and this use must allow for WB50 wheel based vehicle, which has been proven that it may cause issues at the Brookwood Road and Route 206 intersection. Mr. McDonough said that the applicant has agreed to designate fuel deliveries at off peak hours. Chairman Shivas thought the testimony provided was that Quick Chek cannot control fuel deliveries. Mr. Wyciskala reiterated that Quick Chek will not have full control, but can stipulate that fuel deliveries occur outside peak hours. Mr. Gleitz asked how this development supports the town. Mr. McDonough said it caters to the public, it offers a service of convenience, it is an efficient use of land, there is a need for a fuel station on north bound Route 206, and that the site will have generator service in the event of a power loss, which will offer fuel and convenience for the surrounding area, as well as emergency services.

Ms. Shimamoto asked about the need for a twenty-four hour, seven day a week store since previous testimony provided that there are a low percentage of travelers on Route 206 during late night hours. She has concerns that the light generated from the site will be disruptive to nearby residents. Mr. McDonough believes there will not be a negative impact to the surrounding properties. Mr. Wyciskala also said the request for a twenty-four hour, seven day a week store is permitted, and a variance is not required. Mr. Senesky has concerns that the outdoor seating area may encourage loitering and noise during night hours. Mr. Wyciskala said he does not believe it will present a problem but will speak to operations if the Board believes this may be a problem.

Chairman Shivas opened to the public.

*Attorney representing Heller Properties Partners, Scott Carlson* to cross-examine Mr. McDonough. Mr. Carlson presented the Exhibit O2, Site Plan, Revision 2, dated 7/18/2016, and asked if the walkway was outside of the thirty-four wide easement area. Mr. McDonough will have to check with engineering. Mr. Carlson wanted to know if a signed consent from the State of New Jersey was received with regards to the NJDOT parcel. Mr. McDonough did not review the application from a legal standpoint. Mr. Carlson asked about Mr. McDonough testimony with regards to other uses permitted in the zone, the size of the site, active uses in the zone, and what makes them "active". Mr. McDonough said active uses are uses that invite activity, and the public on to the site, and Mr. Carlson believes that activity is another word for intensity. Mr. Carlson named some of the permitted uses in the zone, and believes this type of intense use was contemplated when this ordinance was adopted.

Mr. Carlson talked about the Master Plan and the goals of the ordinance, and the visions of the town which calls for a pedestrian friendly, neo-traditional main street. Mr. Carlson does not believe this development is compatible or consistent with a village like downtown. Mr. McDonough believes the site, the site location, and use are compatible and he reviewed the pedestrian accommodations on the site and the pedestrian links and talked about the physical attributes of the property. Mr. McDonough said from a planning standpoint, this site physically, topographically, horizontally, vertically, and ethically the site can accommodate this use. Mr. Carlson believes this use will create high traffic and is not in unity with a pedestrian friendly, walk-able town. Mr. Carlson concluded his cross examination.

*Donna Griff, 71 Brookwood Road* was sworn in and said when she sat as a Councilwoman on the Township Council said that fuel stations were prohibited to minimize exposure of pollutants, and contamination and to stay away from gas stations. She read a list of chemicals, and issues that could present an environmental problem with this use. She talked about problems she, and several homes in the surrounding area have experience with regards to high levels of trichloroethylene in their water and air. She has concerns that the proposed use of this site, being close in proximity to Lubber's Run, could have negative impacts on the stream and our environment.

*Bill Barrett, 7 Brookwood Road* expressed concerns about pollution, the close location of a community well that provides water to some East Brookwood residents, and spillage of site lighting.

*Georgette Schroeder, 9 Brian Lane* still has concerns about one entrance and exit to the neighborhood and that traffic will present a problem. She also asked why Quick Chek is proposing only one entrance/exit on Route 206. Mr. McDonough said it is a DOT requirement.

*Barbara Ellicott, 41 Brookwood Road* expressed concerns about pollution and traffic.

*Bob Ramella, 12 Brookwood Road* expressed concerns about traffic and the impact over time that truck traffic traveling over pipes that are used for the community well in the East Brookwood neighborhood. Mr. Stoner said that was addressed at the last meeting and that the applicant will have to ensure that there are no issues with underground utilities. Mr. Ramella also had concerns about the East Brookwood aquifer. Mr. Segal said the applicant also agreed to a “draw down” test so that the aquifer used by the East Brookwood community is not compromised. Mr. Stoner said the applicant will have to identify and provide pipe details on the plan.

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

At 10:20 pm a brief break was taken. The meeting was called back to order at 1030 pm.

Mr. Wyciskala said the applicant would like to adjourn the meeting for this evening and continue on April 6, 2017.

A motion was made by Ms. Segal to carry this application to April 6, 2017, without further notice. The motion was seconded by Mr. Walsh. Mr. Senesky advised everyone that the meeting will be held at Town Hall, 8pm, April 6, 2017.

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 was not present at the meeting.  
 Environmental Commission – Ms. Shimamoto had nothing to report.  
 Open Space – Mr. Morytko said a meeting is scheduled for next week.  
 Board of Health – Ms. Segal said the committee had their reorganization last week and reminded everyone the rabies clinic is on April 8, 2017 and that volunteers are needed.

**BILLS**

Harold E. Pellow & Associates, Inc. (1 bill) \$218.75  
 A motion to approve Mr. Stoner’s bills was made by Mr. Walsh, the motion was seconded by Ms. Segal. 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.

*Donna Griff, 71 Brookwood Road* asked if consideration would be taken that when large applications for development, that may impact a neighborhood, and are before the Planning Board if meetings can be held earlier, or on weekends so that people that work late, or have evening jobs have the opportunity to attend the meetings. Chairman Shivas said he will look into that.

**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*