

MEETING MINUTES
BYRAM TOWNSHIP PLANNING BOARD MEETING
JULY 6, 2017

CALL TO ORDER

Chairman Shivas called the meeting to order at 8:00 p.m.

ROLL CALL

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
HERE		H	H		H	H		H	H	H
ABSENT										
EXCUSED	EA			EA						
LATE							L			

Also present: Attorney Planner Engineer Secretary
 Kurt Senesky Paul Gleitz Cory Stoner 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 June 15, 2017 Meeting Minutes

A motion was made by Mr. Kaufhold, and seconded by Mr. Morytko 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

WOSP3-2017 Mavis Discount Tire/STS Tire, 58 Rt. 206, Block 365 Lot 1.02, VC-Zone

Approval to paint the brick façade on the building classical white.

A motion to approve the resolution as written was made by Mr. Kaufhold. The motion was seconded by Mr. Morytko. 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.

Z07-2017, James and Donna O'Donohue, 5 Meteor Trail, Block 171 Lot 1, R-5 Zone

Variance to erect a 12 ft X 20 ft garage.

A motion was made by Mr. Kaufhold to approve the resolution as written. The motion was seconded by Mr. Morytko. 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.

Z08-2017, Kevin Dishinger, 85 North Shore Road, Block 145 Lot 141, R-5 Zone

Variance to erect 14 ft X 20 ft storage shed.

A motion was made by Mr. Kaufhold to approve the resolution as written. 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.

SP2-2017, Lake Mohawk Country Club, Block 293 Lot 6.01, 768 West Shore Trail, R-3 Zone

The site plan subcommittee met and reviewed the engineering report from Mr. Stoner, and the material submitted and found the application to be complete. A motion to deem the application complete and set a hearing date of August 17, 2017 was made by Ms. Segal, the motion was seconded by Mr. Kaufhold. 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							√			

SP6-2016, Weber Brothers Properties, LLC (Sunnyside Landscape), 35 Route 206, Block 36 Lot 39, V-B Zone

Minor site plan and variances to construct a 50ft. X 96ft. storage garage, to keep a storage shed constructed without a permit, to convert the third floor office space to an apartment, and various site improvements.

The site plan subcommittee met and reviewed the material submitted and based on the engineer’s report the committee recommended the application be deemed incomplete. The committee discussed recent changes to Byram’s ordinances which would mean this project would require a d (3) conditional use variance, verses a d (1) use variance. The Board instructed Mr. Senesky to contact the applicant’s attorney and advise him of the amended ordinances and recommend that the applicant re-submit a new application.

A motion was made by Ms. Segal to deem the application incomplete. The motion was seconded by Mr. Gonzalez. 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.

OLD BUSINESS

Ms. Shimamoto 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 August 4, Sept. 1, Oct. 6, Nov. 3, and Dec. 1, 2016, and Jan. 5, 2017, Feb. 2, 2017, April 6, 2017, June 1, 2017 and July 6, 2017)

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

Attorney, Mr. Scott Carlson from Carlson Sidsma LLP, representing objector to this application, The Heller Property Partners, said their traffic engineer, Mr. Simoff was not available tonight for cross examination and requested the opportunity for Mr. Simoff to come back to the next meeting for follow up questions. Mr. Wyciskala, attorney for the applicant agreed. Attorney Ron Gasiorowski, representing objector PMG New Jersey, LLC, 27 Rt. 206 said Mr. Meth, the traffic expert for PMG was present tonight for follow up questioning by the applicant’s traffic engineer, Mr. Matt Seckler.

Chairman Shivas opened to the public to provide the public the opportunity to question testimony provided by Mr. Meth, the traffic engineer for PMG New Jersey. No one from the public came forward. Chairman Shivas closed to the public.

Mr. Wyciskala called Mr. Matt Seckler, Traffic Engineer for the applicant, and reminded Mr. Seckler that he is still under oath. Mr. Seckler presented Exhibit A22, A, B, C, & D dated 7/6/17 “Capacity Analysis Comparison” and he pointed out some deficiencies in the Mr. Simoff’s analysis. In summary Mr. Seckler said in Mr. Simoff’s Synchro Analysis there was an error in the traffic signal timing and controller type. Mr. Seckler said Mr. Simoff stated the control type was “pre-timed” however Mr. Seckler previously testified that the left turn bay, whether south bound or north bound, and all side streets all have the ability to change the light timing depending on the presence and number of queued cars. Mr. Seckler added that Mr. Simoff did not use the correct signal timing that was provided by the NJDOT.

Mr. Seckler presented Exhibit A23 dated 6/1/17 “Capacity Analysis Comparison”, and reminded the Board that in October 2016 Stonefield Engineering provided the Board with a study that doubled and tripled the trips for this site. Mr. Seckler said the study included the morning peak hour and the neighborhood peak hour. Mr. Simoff claimed the applicant did not do the same for the p.m. hours. Mr. Seckler said even at the worse time, worse traffic, only a three seconds delay will be encountered.

Mr. Seckler reviewed the Stonefield Engineering Exhibit A24 and A25 and said this exhibit is a slight modification from Mr. Meth’s Exhibit 20-2-2017 pointing out that sites that generated the most traffic were counted twice within his sample. Mr. Seckler added that most of the sites used in Mr. Meth’s exhibit are immediately off the highway, referred to as on/off sites, which creates a larger roadway volume verses. Mr. Seckler said the Quick Chek that is proposed in Byram is 1.75 miles off of a state highway and he believes most travelers on state highways prefer on/off sites. Mr. Seckler said even if this site generates more traffic than the ITE study, this site is designed to handle more traffic without issue. Mr. Seckler reviewed Exhibit A26, prepared by Stonefield Engineering dated 7/6/17 which shows the sites used by Mr. Meth and the trips those sites generate are not comparable to this proposed site.

Scott Carlson, attorney for the Heller Group asked Mr. Seckler when they were experts for the Hanover or the Mt. Arlington site if they used the ITE Handbook, sites right off of the highway or on/off sites on state highway. Mr. Seckler said for the Mt. Arlington site the ITE handbook was used.

In summation Mr. Seckler said that Stonefield engineering looked at trips on this site two and three times greater than the ITE Manual and he believes this site is designed to handle the traffic without issue.

Chairman Shivas asked the applicant if they ever perform a sturdy after development to analyze if traffic predicted before development is comparable to the actual traffic after the site is developed. Chairman Shivas felt this would be valuable information.

Mr. Seckler concluded his testimony. Chairman Shivas opened to the public.

Georgette Schroeder, 9 Briar Lane asked if the exhibits presented had taken into account traffic back up from vehicles turning into the PNC Bank, and cars waiting for the light to change on Route 206 north. Ms. Schroeder has traffic concerns and believes this development will cause issues for the neighborhood.

Jack Moran, 3 East Waterloo Road asked who handles the timing of the light. Mr. Seckler said the NJDOT. Mr. Moran said if there are traffic problems at the intersection the DOT’s priority is Route 206, not Brookwood Road. Mr. Seckler said if there were problems and complaints, the DOT would investigate the complaint.

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

At 9:55 p.m. a short break was taken.

At 10:05 p.m. the meeting was called back to order.

Mr. Wyciskala said they have finished with their rebuttal.

Chairman Shivas opened the meeting for public comment and instructed the audience that this would be the time for public comment, not questions.

Katie Baron, 56 Brookwood Road was sworn in and had questions with regards to environmental concerns regarding this development. Chairman Shivas said the time for questions has closed. Ms. Brown expressed concerns discussed by the Byram Township Environmental Commission about this development being close to wells used by residents in the neighborhood, concerns for potential for gasoline leaks into Lubber's Run, which is a C1 Stream, and overall concerns about noise, and light pollution for the residents in close proximity.

Bob Ramella, 12 Brookwood Road was sworn in and presented Exhibit 30-6-2017 which is a letter he read from the East Brookwood Property Owner's Association which outlined concerns about traffic, safety, quality of life for surrounding property owner's, allowing a prohibited use, and that roads in this area are not Haz Mat approved roads. Other concerns are trucks maneuvering the site and surrounding roads, road deterioration, and asked that the Board should consider a better site for this proposed development.

Marilyn Parrish, 5 Ross Road was sworn in and presented exhibits 40-1-2017, a series of photos of the Exxon Station and Quick Chek in Mt. Arlington which showed more traffic at the Quick Chek station saying she fears that the Shell and Exxon in Byram will become vacant and an eyesore to the community. She presented Exhibit 40-2-2017, a one page publication from the California Air Resources Board which recommends a 300 ft. distance between gas stations and sensitive areas such as neighborhoods, schools etc. Ms. Parrish presented Exhibit 40-3-2017, three part exhibits which are publications that reference environmental hazards, health risks and health effects caused by gas stations. Ms. Parrish also expressed concerns about traffic and safety for nearby residents and that problems that may be caused by this development may not be evident for years to come.

Barbara Ellicott, 41 Brookwood Road was sworn in and wanted to present a petition opposing this development. Chairman Shivas said she was not permitted to present the petition saying that the people who signed the petition would have to be present to state their concerns. Ms. Ellicott said that she has concerns about traffic, safety, loitering, lighting and, the environmental.

Georgette Schroeder, 9 Briar Lane was sworn in and said she is not against development and visits Quick Chek stores often however has concerns about this site, specifically traffic in the neighborhood, traffic at the intersection, sight distance concerns, and truck turning abilities. She hopes that the Planning Board would consider another site for this development.

Ryan Rilinger, 9 Briar Lane was sworn in and expressed his concerns about traffic because this neighborhood only has one ingress/egress; he expressed concerns about the environmental impact on this development and about noise and light pollution.

William Barrett, 7 Brookwood Road was sworn in said he is a ten year resident and expressed concerns about this development affecting his quality of life. He has concerns about speed issues on Brookwood Road, traffic issues this development will create, vacant business in the township, and believes his quality of life is compromised by this development.

Jim McCole, 10 Woodedge Road was sworn in and said his concerns are about safety, fuel spills, road deterioration, and how this development will affect the environment. He said the surrounding neighborhood is against this development.

Randy Carl, 77 Brookwood Drive presented Exhibits 50-1-2017, photos of various gas stations fueling tractor trailers and a tractor trailer turning out of Brookwood Road. Mr. Carl was sworn in and believes that Quick Chek will allow tractor trailers to fuel trucks at this location. He expressed his traffic concerns and said the driveway Quick Chek will use was never intended as a major exit, it was only intended to be used as a driveway for the house on the lot. He believes that Quick Chek did not present enough evidence for the Board to approve this prohibited use, and he believes that Quick Chek understated the projected trips to this site.

At 11:00 p.m. Chairman Shivas closed to the public and said this application will be carried to September 7, 2017 and at that meeting the public comment session will continue.

A motion was made by Mr. Walsh, the motion was seconded by Mr. Morytko to carry this application to September 7, 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 – No representative present at meeting.

Environmental Commission – Ms. Shimamoto said the members are the Byram Day exhibit which will be about bees and butterflies.

Open Space – No meeting was held.

Architectural Review Committee – No meeting was held.

Board of Health – No meeting was held.

BILLS

L&G Planning (1 bill) \$420.00

A motion to approve Mr. Gleitz bills was made by Mr. Walsh, the motion was seconded by Mr. Morytko. All were in favor. Motion carried.

OPEN TO THE PUBLIC

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