

MEETING MINUTES
BYRAM TOWNSHIP PLANNING BOARD MEETING
SEPTEMBER 1, 2016

CALL TO ORDER

Chairman Shivas called the meeting to order at 8:05 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				EA		
LATE										

Also present: Engineer Cory Stoner
 Planner Paul Gleitz
 Attorney Kurt Senesky
 Secretary 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 August 4, 2016 Meeting Minutes

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

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

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

Due to the capacity limit in the Township's meeting room the venue was moved to the Byram Intermediate School, 12 Mansfield Drive. Notice of the change was published in the NJ Herald, and posted at the Township Municipality building doors.

A transcript of the proceedings is being provided by Rizman Rappanport, Livingston, N.J.

Attorney, Scott Carlson, representing Heller Properties Partners LP, 17 Route 206, expressed his right to cross examine expert witnesses for this application.

Attorney, Mr. John Wyciskala from Inglesino, Webster, Wyciskala & Taylor, LLC representing the purchaser of the property, Route 206 Byram GW LLC, gave a brief summary of the August 4 meeting and said that Mr. Streker, Civil Engineer, will finish his testimony tonight, and that the traffic engineer will provide testimony later. He added that Mr. Albanese will be back at a future meeting to answer questions.

Mr. Streker, who was previously sworn in presented *Exhibit A7, Cross Section Exhibit*, dated Sept. 1, 2016 depicting elevations of surrounding properties to the east and their view of the site. Mr. Streker said with the grade changes of the property, the proposed buffer of trees, fencing, a rock wall, and 20' of undisturbed property, the fuel canopy will not be visible from these properties. He said the exhibit also shows the residents view after trees have five years of growth. Mr. Streker added that the exhibit also shows the elevations and visibility of the fueling canopy from Route 206, and said that with the grade change of approximately 18' on Route 206, and the top of the canopy, which is set back 106' from the Route 206 R.O.W., along with two rows of plantings of shade and ornamental trees, they do not anticipate any distractions for travelers along the highway.

Mr. Senesky said that since this store is proposing to be open twenty-four hours, and with regards to noise, if the applicant removed the 13 parking stalls to the rear the property, would that allow for a larger buffer. Mr. Streker said they would like to keep that parking, and that the quantity of parking proposed is what is necessary for the development. He said if they were removed, it would add about 20 more feet of buffering. Mr. Stoner asked that if they did remove those parking spaces, and added more of a buffer would it make a significant impact. Mr. Streker said no because the residents to the rear are elevated.

Chairman asked about the access easement between properties, allowing vehicles to pass from one lot to the next without having to travel on the Highway. The applicant said it is under consideration, but has not been added to the plan. Chairman Shivas suggested the access easement be to the rear of the property instead of the middle of the site. The Applicant agreed.

Ms. Segal asked about the canopy lighting and Mr. Streker said the sides of the canopy are not lit. He said the Quick Chek signs, which are on the front and the two sides are illuminated. He added that the lights are LED flush mounted lights and are directed straight down.

Mr. Morytko asked about the buffer for the properties on the north side of the property. Mr. Streker said a 28' buffer is proposed which will consist of existing trees that will be maintained, with added evergreens, shrubs, and fencing.

Ms. Shimamoto asked why the propane tank and trash enclosure is located on the north east corner and not the south end of the property. Mr. Streker said because of the grading on the property, he said there is rock in that area and the propane tank is underground. Ms. Shimamoto suggested putting the sidewalk on the westerly side and landscaping on the side that abuts the neighboring properties. Mr. Streker said they will consider that option.

Mr. Gleitz had concerns about glare from lighting from Route 206 and Mr. Streker said that should not be an issue. Mr. Gleitz also commented that the applicant may have met the landscape requirement however they do not comply with design standards and locations of plantings. He said the exterior of the site is landscaped but the site itself lacks landscaping; such as landscape islands, shade trees, and planters. Mr. Streker said it is the experience of

Quick Chek, as stated at the August 4 meeting, that planters and landscape islands become trash containers, and the plants often die, and added they do not help the surrounding residents. Mr. Gleitz said employees can maintain these plants and clear the trash and that plantings are pleasing to the general public.

The Board had no further questions.

Chairman Shivas opened to the public.

Evorfia Kapas, 14 Woodsedge Road expressed concerns about traffic on Brookwood Road.

Mr. Carlson, Attorney asked if the grade of the lot was a development impediment and asked about other constraints on the property. Mr. Streker said some easements exist on the property but that is typical. Mr. Carlson asked about the loading area and if trucks will back up on the residential side, causing an alarm to sound. Mr. Streker said yes.

Mary Mosier, 2 Pleasant Hill Road visited the Butler store and commented on the large wall between the residents and the Quick Chek and said maybe the applicant should consider something like that for this site. Mr. Streker said they have to meet state code with regards to noise, and said they will do an evaluation.

Susan Dolce, 65 Brookwood Road has concerns about traffic and trucks exiting on Brookwood Road.

Kerry Brown, 133 Lake Drive asked about deliveries. Mr. Streker said that all deliveries can be regulated. Ms. Brown commented on how deliveries at the current location are difficult at times. Mr. Streker said that is one reason they wish to relocate.

Bart Failla, 37 Brookwood Drive has concerns about traffic and if there is a back-up of traffic how will that affect safety vehicles accessing and exiting this development.

Hazel Wilson, 15 Brookwood Road was sworn in and read a statement that expressed concerns about traffic, protection of the water, and wells. She expressed concerns about the environment, gas contamination, the Lubbers' Run stream and that this area already has a superfund site, and this development could be harmful to resident's health. She also expressed concerns about current gas stations in business and how this could hurt their business.

Eugene Ziza, 3 Brookwood Road expressed concerns about traffic, and home values in the area.

Barbara Ellicott, 41 Brookwood Road expressed concerns about traffic, pollution and no other ingress or egress in this neighborhood.

Keith Salmon, 4 Briar Lane has concerns about an access easement saying that if future development occurs the impact of additional traffic exiting onto Brookwood Road could be detrimental. Chairman Shivas explained that if development occurs on the adjacent lot, vehicles exiting that lot can go north; they will not have to use the exit unto Brookwood Road. There was discussion about where the access easement will be located.

Bob Ramella, 12 Brookwood asked about the propane tank size. Mr. Streker does not have that available but will share that information once it is decided. He has concerns about the safety of the fuel tanks, or possibility of fuel spills. He has concerns about noise and music on the site, Mr. Streker said there will be a communication system for the outside employees to communicate with the employees inside but added that no music will be allowed. Mr. Wyciskala said that could be a condition in the resolution of approval. He had concerns about delivery times and thought an access easement thru to Acorn Street would be positive. Chairman Shivas said as properties are developed or redeveloped access easements will part of their development, he said that has been in Byram's Master Plan for many years.

Georgette Schroeder, 9 Briar Lane asked about the access easement to adjacent properties and truck circulation thru the site.

Darren Boucher, 69 Brookwood Road had concerns about lighting having to do with safety and security on the site. Mr. Streker talked about security cameras on the site and the proposed lighting. He added that the parking area will have sufficient lighting. He also had concerns about light spillage on nearby properties.

Mr. Stoner talked about the cross section exhibit, A7 saying that it gives residents in the rear a general idea of their view of the site, and added a cross section exhibit of the site for properties to the north should be provided. The applicant said they will comply.

Mike Pitch, 25 Ross Road asked what happened to the plan for Quick Chek by the new CVS location. Mr. Senesky explained that a formal application has not recently been presented before the Board. A conceptual hearing was conducted several times for that site but the applicant decided not to develop that site. Mr. Walsh reiterated that Mr. Albanese, Operations Manager said that this location is the site Quick Chek preferred.

Mr. Gleitz asked Mr. Streker about the 28' buffer saying that where the propane tank is proposed there is some plantings but not a 28' contiguous buffer. Mr. Streker said a buffer can take many forms; topography, grade changes in the land, plants, fences, etc and said that the tank is underground and not visible to nearby residents. Mr. Gleitz asked if the tank can go under the access road. The applicant said they would take a look at that.

Jim McCole, 10 Woods Edge Road questioned how this development could be allowed when knowingly this development does not have a second entrance, why would they over burden this community with more development. Mr. Senesky said these properties along Route 206 will be developed someday.

Randy Karl, 77 Brookwood Drive asked about the number of proposed parking spaces and if delivery truck will interfere with that parking. Mr. Streker said that employees know when deliveries occur and cone off the area. He also had concerns about the proposed parking and if a tanker truck will obstruct traffic. Mr. Stoner said this should not be an issue.

Joe Schneider, 64 Brookwood Road has concerns about the environment because he said his property is in a Superfund" site. He asked about deliveries times, Mr. Wyciskala said he will defer that question to the operations manager, Mr. Albanese. He also asked about Quick Chek desire to be in this location vs. the location next to the new CVS. He also had concerns about traffic on Brookwood Road and Route 206.

Jack (John) Moran, 7 East Waterloo Road asked about the water source for this property. Mr. Streker said private wells. Mr. Moran asked about the number of gallons of water Quick Chek will use at this location. Mr. Streker said he does not that but will get that information. Mr. Moran asked if he was aware that this property is near a public well and if the EPA is involved. Mr. Streker said yes, they meet the setback for the well head protection area, and that they must meet all EPA requirements. He added that the building department reviews the application to ensure all approvals are obtained before the issuance of a certificate of occupancy. Mr. Stoner said the applicant should provide documentation that they are outside of the well head protection area.

Susan Dolce, 65 Brookwood Road expressed that she is favorable for another exit/entrance for the East Brookwood Community, even if it is only for emergency use.

Trish Eyrich, 24 Stony Brook Road believes the character of Byram is declining and believes this development will cause other gas stations to close and is not in favor of this development.

Georgette Schroeder, 9 Briar Lane has concerns about existing wells in the neighborhood. Mr. Streker said they will be drilling a new well, by a licensed well driller. Ms. Segal asked if they will consider monitoring neighboring wells and Mr. Wyciskala said they would consider that. Mr. Stoner said it would be a "draw down" issue, not a flow issue.

Alex Rubenstein, 3 Partridge Road asked if this application is denied what is the future of the current Quick Chek. Mr. Wyciskala said he would defer that question to Mr. Albanese.

Jim McCole, 10 Woods Edge Road asked if Quick Chek will be utilizing an existing well or drilling a new well. Mr. Streker said they are drilling a new well. Mr. McCole asked if they would be using the same aquifer that the East Brookwood Property Owner's wells utilize. Mr. Streker was not sure.

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

Mr. Wyciskala introduced Mr. Matthew Seckler, Sr. Project Manager, Stonefield Engineering and Design. Mr. Seckler was sworn in and provided his experience and education to the Board and the Board accepted him as an expert in his field.

Mr. Seckler talked about the Route 206 improvements and a summary of the improved intersection. He discussed the timing of the light and cameras at the light and noted the improvement to the flow of traffic at this intersection. He talked about the traffic analysis that was conducted in Feb. 2016, between 7:00 a.m. – 9:00 a.m. and 4:00 p.m. – 7:00 p.m., and established that peak times were 7:45 a.m. - 8:45 a.m. and 4:30 p.m. – 5:30 p.m., and added that school was in session. Mr. Seckler said that they also took future development that may affect traffic along Route 206 into consideration. Mr. Seckler said that Quick Chek uses a trip generation manual, which is an industry standard publication, used by traffic engineers that provides data to determine the number of expected trips, and Mr Seckler provided the Board with the approximate number of cars traveling along this part of Route 206 today. Mr. Seckler said with this development they do not see a significant increase in traffic. With regards to the Brookwood Road intersection Mr. Seckler said generally you will see four to five cars stacked at each light cycle and said with this development you will see an increase of one to two cars added to each cycle. Mr. Seckler said this light could have twelve cars pass through each light cycle. Mr. Stoner asked if this accounts for trucks and buses. Mr. Seckler said school was in session and was factored in to the number of vehicles stacking, and in terms of trucks, Quick Chek normally does not schedule deliveries during peak hours.

Mr. Seckler talked about the meeting with DOT in April 2016 to discuss the three curb cuts at the site, eliminating two curb cuts and having one curb cut, with a right in and right out only with an isle in the middle, which is proposed at the southern most end of the property. He added that the application was submitted in August and it could take to eight to twelve months for a resolution. He said the DOT will also review this applications in terms of the intersection and if the timing of the light needs to change, DOT will address that. Mr. Seckler talked about the cross access easement saying that it will allow traffic to turn left onto Route 206. Mr. Stoner talked about the gore striping on Brookwood Road that appears at the location of the access easement and Mr. Seckler said when they met with the DOT this was discussed and the DOT said this area falls under the jurisdiction of the municipality. If the municipality decided to change that stripping in any way, the applicant would take that under consideration.

Mr. Kaufhold asked if fuel deliveries at the intersection would impact traffic at this site and Mr. Seckler said no, deliveries would not be done during peak traffic hours and can be designated.

At 10:30 p.m. a brief break was taken. At 10:40 p.m. the meeting was called back to order.

Mr. Seckler talked about the number of proposed parking spaces saying fifty-one spaces are proposed. There was a lengthy discussion about the number of proposed parking spaces. Mr. Senesky said the amount of parking proposed throws doubt on the number of cars stacking at the light. Mr. Gleitz asked what land use category Mr. Seckler is using for these numbers, he said A53, convenient store/gas station. Mr. Seckler added that if a cross access easement is added, parking spaces will be eliminated. Mr. Stoner believed the amount of parking spaces proposed is excessive, and Mr. Gleitz believes some of these spaces should be replaced with planters, planted islands, and to look at the Byram’s design standards and incorporate some of these standards into their site.

Mr. Seckler added that the site access and on site layout provide effective access to and from the property, with sufficient parking for this project. Mr. Seckler concluded that the potential impact of traffic for the proposed development, which is based on industry-standard guidelines, indicates that there will be no significant impact on the adjacent roadway network.

Chairman Shivas stopped testimony at 11:00 p.m. and told the public that the next meeting date is October 6, 2016, and will be held at the Byram Intermediate School, 12 Mansfield Drive, and instructed the public that testimony will continue at the next meeting.

A motion was made by Ms. Segal and the motion was seconded by Mr. Walsh to carry this application without further notice to October 6, 2016. The Board had no further discussion. 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 present.
- Environmental Commission – Ms. Shimamoto said they discussed Byram Day which is on September 24, 2016
- Architectural Review Committee – Nothing to report.
- Open Space – Nothing to report. .
- Board of Health – Nothing to report.

DISCUSSION ITEMS

Site Plan Waivers approved by the Zoning Officer -

- WOSP4-2016 - Change of tenant – Bel-las Pizza, LLC, and 21 Route 206, Block 29 Lot 201.04 Unit 3 VB Zone (formally Byram Pizza)
- WOSP5- 2016 - New tenant - Elite Alternative Medicine, LLC, Block 41 Lot 95, 16 Route 206 V-B Zone

The Board had no discussion relative to the waivers.

PUBLIC COMMENT

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

BILLS

Harold E. Pellow & Associates, Inc. (2 bills) \$182.50

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.

Schenck, Price, Smith & King, LLC (4 bills) \$1,800.00

A motion to approve Mr. Senesky’s bills was made by Mr. Walsh, the motion was seconded by Mr. Chozick. All were in favor. Motion carried.

ADJOURNMENT

A motion to adjourn the meeting was made at 11:15 p.m. by Mr. Kaufhold, and seconded by Mr. Walsh. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: Cheryl White