Environmental Commission – Special Meeting Minutes
September 2, 2020 - 7:30pm

Role Call / Call to Order: The Zoom meeting was called to order at 7:40pm. Members present were, Eric Duch, James Myers, Katie Baron, Dana Flynn, Kymberli Morris, Katie Parrish, and Donna Fett (Secretary). Alex Rubenstein also participated.

Open Public Meeting Statement: Adequate notice of this meeting has been published specifying the time and access information in compliance with the provisions of the Open Public Meetings Act. Notice of this meeting has also been electronically sent to the newspapers and uploaded to Byram's website, at not less than 48 hours in advance of the meeting. In addition, a copy of this notice is on file in the office of the Environmental Commission Secretary.

Public Participation – No members of the public participated.

Mayor Rubenstein asked the EC members to provide a general consensus of their opinion if they are or are not favorable of this project. After review of the draft comments, members unaminously voted that they are NOT in favor of this project and have the below considerable consolidated environmental concerns/comments which will be submitted to the Planning Board:

- The reports from the town engineer and planner were very thorough and captured a lot of typical EC concerns. The four comments below are reinforcing those already made in their reports but in our opinion are worth reinforcing.
    - Stormwater Management: Non-structural stormwater management strategies should be included
    - Landscaping: the variance and waiver requirements for the application are extensive with regards to landscaping. The applicant should strive to comply with the town codes regarding landscaping (for example the planting of native species).
    - Wetlands: The explanation of how the wetland limits was determined should be provided. (For Cory: How do the limits shown compare to the CVS application and the Route 206 construction documents?)
    - Conservation Easement: The conservation easement should be honored. If it is deemed acceptable to adjust the easement boundaries to allow the applicant's plan the size of the easement should not be reduced under any circumstances.
- Additional comments/questions beyond those covered in Cory and Paul's reports.
    - Given that most underground storage leaks are now mostly due to improper installation, will a representative from the underground storage tank manufacturer be on site during installation? What are the inspector's credentials during the tank installation process, do they adhere to factory standards, etc.
    - How do the underground storage tanks get inspected for "water tightness" prior to being placed in service?
    - What are the maintenance/inspection protocols for ensuring the tanks maintain a non-leak condition?
    - What details can you provide about the storage tanks? Are they single or double-walled?

- With the proximity to a C-1 waterway, can a secondary containment system be installed around the area the underground storage tanks are located to prevent any leakage from the tanks from migrating off-site?
- What are the plans for the excavation to install the tanks? They look deep, what measures are put in place to shore up the soil during excavation? If the excavation needs to be sloped back, there would be increased negative land disturbance.

WAWA EIS:

- The unnamed tributary to Lubbers Run located to the south of the project site is a Category One water (C1), which establishes a 300-foot riparian zone from the top of bank on either side of the waterway. This would likely trigger the need for a Flood Hazard Area (FHA) Individual permit for impacts to the riparian zone, depending upon the proposed activities located with the riparian zone. A formal delineation of the tributary should be conducted. This needs to be addressed in the EIS, along with a statement that riparian zone mitigation will likely be required.
- There are additional state-listed species mapped in the vicinity of the proposed project site, including barred owl, bald eagle and wood turtle, in addition to bobcat. This needs to be reflected in the EIS. Data from the New Jersey Natural Heritage Program should be obtained to further evaluate potential impacts to any listed species as a result of the proposed project. Federally-listed species data from the U.S. Fish and Wildlife Service Information for Planning and Consultation (IPaC) system should also be obtained and evaluated for the proposed project.
- Recommendations to be applied during construction to minimize impacts to natural resources are dependent upon further evaluations and documentation provided from the applicant.

Site plan:

- Wetland buffer will likely need to be 150 feet, as compared to 50 feet, due to its association with endangered and threatened species habitat.

Overall

- The project requires too many variances, some, especially the variance to allow construction so close to a C1 stream, are major. The number of variances should be reduced if the project is to move forward.
- The drawings/site plans do not show the Category 1 stream that runs by the property. This stream must be included in drawings, with proper measurements to show distance between development and the stream. It is difficult to provide full comments on potential environmental impacts until this information is provided.
- Given the number of potential environmental impacts at this location, have other locations in Byram been considered?
- EC is concerned that building additional fossil fuel infrastructure will further solidify our dependence on and commitment to fossil fuels and is counterproductive to state goals outlined in the Clean Energy Act and the state's electric vehicle laws.

- **Climate Impact Mitigation**

- Solar Panels should be built on the roof of the convenience store. Solar panels should be added to the canopy over the fueling stations if possible. Canopy design may not permit this, in which case portions of the parking lot may include solar panels.
- Electric vehicle (EV) charging stations should be included to help meet New Jersey EV goals for the expansion of EV use and charging infrastructure. Increasing EV use will help mitigate impacts to the climate and clean our air.
    - Wawa could benefit from this addition to attract more customers and visitors to our town.
    - Chargers may be listed on state resource pages to advertise charger availability. Planners could explore the possibility of denoting EV charger availability in the Wawa graphic that would be added to the RT 80 exit sign that lists gas stations in the town.
- To decrease energy usage:
    - Thank you for including LED lights in your planning documents. Please use only LEDs where lights are needed.
    - Appliances and HVAC equipment should be as energy efficient as possible.
    - The convenience store building should be LEED certified.

- **Light Pollution**
    - The current lighting plan is way too bright, as noted in comments by the planner and engineer. This plan is a concern because it would cause light pollution that disrupts people as well as local wildlife.
        - Lighting under the canopy has a maximum of 37 foot-candles. The average gas station has about 15 foot-candles.
            - For town engineer- what lighting was allowed for Quick Chek? What lighting regulations does the town have?
        - In the drawing, the light intensity drops from about 20 foot-candles at the edge of the canopy all the way down to 4-5 foot-candles in adjacent portions of the parking lot. How is this possible and is it correct?
        - The proposed paring lot light intensity is also too high. Instead of 4-5 foot-candles, it should be about 2 or less.
        - Light shields on laps should be used to point light down and towards the property.
- **Noise Pollution**
    - Similarly, noise pollution disrupts both people and local wildlife. Noise pollution at the location should be minimized where possible, particularly during the night.
    - Will music be played outdoors on the property? What times will it be allowed to play and how far away will you be able to hear it?

- Will outdoor dining be available? How late will it be open to customers, and how will you handle excessive noise from customers?
- Delivery trucks and garbage trucks can also be noisy - delivery and garbage clearing hours should be restricted similarly to the hours used for the Byram Quick Check.

- **Landscaping and Land Use**
  - Continue the tree line from the CVS property across the back of the proposed Wawa property instead of grass.
  - Continue the conservation easement from the CVS property across the back of the proposed Wawa property, if it does not already exist. Or "protect and maintain the existing conservation easements."
  - A wider buffer is needed between the parking lot/development and the woods/wetlands.
  - Use a diversity of deciduous and evergreen shrubs and trees, and a diversity of plants from the approved list provided by the town planner.
  - There should be a planting buffer around the dumpsters.
  - It looks like there might be a fence along where the retaining wall is on the south side of the property. If there is not a board on board fence in the plan, one should be added for safety and to prevent customers from littering in the wetlands and woods. The fence should extend at least as far as the retaining wall.
  - Impervious cover should be decreased - For example, the proposal includes 49 spaces, but the minimum required is only 12. Furthermore, this type of business has a high turnover rate of customers. Parking and asphalt cover should be decreased. The addition of a rain garden should be considered.
  - Configuration of buildings/canopy/gas tanks/parking
    - The proposed canopy appears to be within the 300 foot buffer for the C1 stream. The drawings do not provide sufficient detail to determine how close the building and canopy are to the stream.
      - On Google Maps, the stream appears to veer away from the back of the property. If this is true, the fueling stations and gas tanks should be placed at the rear of the property further from the stream, with the building in front.
      - The gas tanks in particular should be placed as far back from the stream as possible.

- **Waste Management**
  - Please see above comment regarding the fence to prevent littering in the wetlands.
  - What other measures will be put in place to prevent littering and illegal dumping in the woods and wetlands around the property?

- Oil spills
    - How are oil/gas spills prevented?
    - What protections will be put in place to prevent the spread of large oil/gas spills?
    - What protocols will be implemented to mitigate oil/gas spills of different sizes?
- Is there secondary containment to contain spills during off loading of fuel into tanks? The area should be sufficiently sized to capture the vehicles full load of fuel, approximately 9,000 gallons.

- **Stormwater Management and Water Quality**
    - In addition to traditional stormwater management practices, what specific measures are being taken to prevent contamination of the ground water and nearby C1 stream that leads to drinking water?
        - Will the catch basins filter the water at all before it goes into the retention basins? They should.
    - Where is the outlet for the proposed retention basin at the front of the property?
    - It looks like there are underground retention basins along the side and back of the property. The plans seem to say that they are made of impermeable material, and that they discharge by Route 206.
        - How do the retention basins discharge water and where does it go? Does the water percolate into the ground?
    - Why does the retaining wall stop before the catch basins located at either end? Based on the grade and the drawings it seems like runoff could still flow past. Please extend the retaining wall at least past the catch basins, preferably an additional 10 feet on either side.
    - What drinking water sources and wells are there nearby? How will this proposal impact them, and what measures will be put in place to protect them?
    - Will there be monitoring wells put anywhere on the property?
    - There is an existing well on the property near Route 206 and it didn't appear to be shown on the plans. The well is shown on Google Maps. If that well is not going to be used as a water source it should be abandoned by grouting methods by a NJ licensed well driller.
    - Is an oil/water separator included in the design? If so, what areas of impervious coverage is it capable of handling run-off, at a minimum it is recommended to be the area where loading fuel occurs plus a buffer around it. Ideally all impervious surfaces.

- **General**
    - Are there adequate egress capabilities for emergency vehicles access?
    - What are the hazardous waste disposal plans in event of a spill? What employee training and protocols are there in place?

Motion was made to adjourn at 8:55pm by Katie B., seconded by James and members were in favor.