

Z06-2016, Jose Goncalves, Carpenter Road, Block 238 Lot 508 R-3 Zone (carried from Sept. 15 2016)

Variance for front yard setback, disturbance of steep slopes, and building height/number of stories to construct a new single family dwelling.

A motion was made by Mr. Riley and the motion was seconded by Ms. Shimamoto to approve the resolution 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.

Cartridge Actuated Devices, Block 362 Lot 4 and Block 226 Lot 8.01, R-1 Zone

Use variance to remove a partially destroyed building, office trailer and shed, along with associated improvements and to replace with 1, 685 sq. ft. building.

A motion was made by Ms. Segal and the motion was seconded by Mr. Kaufhold to approve the resolution 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.

At 7:50 pm a ten minute break was taken

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 (carried from August 4, Sept. 1, Oct. 6, 2016)

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

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 Oct. 6 meeting saying that at the request of the Board and residents a new traffic study was performed and that Mr. Seckler would review that data. He added that the project architect and Mr. Albanese, the Operations Manager would speak tonight, and if time permitted, the planner would provide testimony. Mr. Wyciskala presented Exhibit A9, which are a revision of Exhibit A8, Amended Sheet 3 of Preliminary and Final Site Plan which depicts a minor shift in the entrance driveway off Brookwood Road and the relocation of the sidewalk with additional landscaping buffer on the easterly side of the driveway.

Mr. Wyciskala introduced Mr. Seckler, and reminded him he is still under oath. Mr. Seckler said a new study was performed on Tuesday, October 18, 2016 between the hours off 6:30 a.m. – 7:30 a.m., and he provided the number of trips per minute at the light, and number of cars stacking at Brookwood Road and said the level of service did not change. He said the study revealed that more cars do leave the Brookwood area at an earlier time than when the initial study was done, but because the timing of the light operates on “free signal timing”, which means the light changes when it senses cars waiting, verses after 7:30 a.m. when the timing of the light is more rigid. He added that they also did a “sensitivity analysis” saying that if the site generated double or triple that amount of traffic anticipated, and it would not negatively impact the neighborhood. Mr. Seckler added that Rt. 206 light timing is handled by the D.O.T., and if traffic at the intersection becomes problematic, the D.O.T. can look at changing the timing. Chairman Shivas asked if the study included night time traffic. Mr. Seckler said the volume in the store may be greater at night but it will not impact the traffic at this intersection. There was a discussion about exiting the site and Mr. Seckler believes most customers going north will leave the site via the northbound exit on the site and not the Brookwood traffic light. The Board had no further questions. Chairman Shivas opened to the public.

Frank Roslan, 64 Brookwood Drive has concerns about deliver times.

Mr. Wyciskala said the Operations Manager will answer that question but Mr. Seckler said the plan is for deliveries to be done at off peak hours. He also asked if a study was done if this is the best use of the property. Mr. Senesky said no, that this is the application before the Board.

Georgette Schroeder, 9 Briar Lane has traffic concerns and asked if they took into account people making left turns into PNC bank, backing traffic up on Rt. 206 southbound.

Mr. Seckler said no. He said that the bank hours shouldn't cause a problem with people using Quick Chek.

Ms. Schroeder also has concerns that people would use Quick Chek as a “cut thru” as opposed to sitting thru the light. She has concerns about vehicle visiting Quick Chek and parking on the street.

Mr. Seckler didn't believe that people would use the Quick Chek site as a “cut thru” and said if people park on the street they will asked to move and will agree to that being a condition of approval.

Keith Salmon, 4 Briar Lane has concerns that tractor trailers will not be able to exit or enter the site without blocking traffic, creating one lane to enter or exit the site.

Mr. Wyciskala said they will provide off site truck turning exhibit.

Ron Chicken, 12 Ross Rd. talked about in 1987 how a tractor trailer blocked Brookwood Rd. causing a backup because there is no other way out of the neighborhood and asked the Board for a resolution. Chairman Shivas directed Mr. Chicken to bring his concerns to the Township Council regarding another exit from this neighborhood, and added many years ago the Township attempted another exit however residents of the development were opposed to the idea.

Joe Dolce, 65 Brookwood Rd. asked what the contingency plan would be for issues brought up by Mr. Salmon and Ms. Schroeder.

Mr. Seckler said they would work with the Board engineer, DOT or police if a problem arose.

Ms. Eyrich, 24 Stony Brook Road has traffic concerns and believes this site would have the same issues as the Mr. Arlington site has with traffic accidents.

Mr. Seckler explained that the light timing and people leaving the site caused traffic accidents. The timing of the light was changed which alleviated the problems.

Frank Perry, 48 Brookwood Dr., asked if the left turning lane to Brookwood Road, on Rt. 206 South, will be extended. He believes if a tractor trailer is waiting at the signal, it will back traffic up. He also has concerns about truck deliveries.

Darren Boucher, 69 Brookwood Road believes this is not the best use for this site and did not believe the applicant outlined the required variances. He said the Board should support residents and not businesses. Mr. Walsh said that in Mr. Wyciskala opening statement he outlined the variances. Mr. Walsh gave a summary of the Planning Board member's roles, the Township Engineer and Planner roles, and how zoning and land use laws regulate the process. Mr. Kaufhold added that the Board looks at all aspects of the application, one being the safety and welfare of the citizens, but also have to base their decisions on facts and that it meets the criteria of the law.

Donna Griff, 71 Brookwood Rd. made a comment that the outlet from this neighborhood was not only stopped by residents but environmental issues, such as wetlands, and she believes that the residents would not be opposed to an emergency entrance/exit today. She also has concerns about traffic and said that even though Dunkin Donuts is not suppose to have tractor trailer deliveries, it happens and she feels this development will cause a traffic problem.

A brief break was taken at 9:55 pm

The record should reflect that Paul Gleitz, Township Planner left the meeting.

The meeting was called back to order at 10:05 pm

Jeannie Moran, 7 East Waterloo Road asked for clarification if Quick Chek ever considered the site the new CVS is currently located. Chairman Shivas said yes, they came in with a preliminary site plan but never submitted a formal application. Mr. Wyciskala said that the applicant before the Board is Rt. 206 Byram GW LLC., which has not been before the Board for any another site previously.

Barbara Mc Loughlin, 42 River Rd., asked if Quick Chek came before the Board at the site previously, Mr. Wyciskala said yes, that application was denied, it pre-dated the Rt. 206 improvements.

Robert Ramella, 12 Brookwood Drive had comments relative to the traffic studies and believes that life experience is different than computer generated studies. Mr. Stoner commented that there is never a perfect model and we need to use the data available.

Mr. Ramella asked if an answer was provided as far as Brookwood Rd. being a "Haz Mat Route. Mr. Seckler said based on Byram's Ordinance and DOT regulations that for the pickup and delivery of materials on such streets, trucks are not prohibited.

Ramella would like this information verified.

Mr. Stoner reiterated that trucks are permitted to travel on non hazmat roads when making deliveries or pickups.

Attorney, Scott Carlson, representing Heller Properties Partners LP, 17 Route 206 asked Mr. Seckler with regards to other approved Quick Chek stores if he ever went back and checked if the traffic projection against the built scenario. Mr. Seckler they have studies locations whereas another development is proposed at the same intersection and the volumes are usually are within 1% to 2% of the volumes before the store was in operation. Mr. Carlson asked if the he ever went back and checked trip generations, Mr. Seckler said no.

Georgette Schroeder, 9 Briar Lane asked if Quick Chek needed a variance for traffic. Mr. Stoner explained that variances are land use related and Mr. Senesky assured her that the engineer and planner make sure the site is appropriate for the proposed use and that traffic is considered. He added that if this application is approved a resident has the right to appeal the decision.

Ms. Schroeder would like to see another traffic study done with vehicles using the left turning lane only; she believes that most cars exiting use the left turning lane.

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

Mr. Wyciskala introduced the project architect Oliver Young, from GK+A Design. Mr. Young was sworn in and provided his education and experience to the Board. The Board accepts him as an expert in his field.

Mr. Young reviewed sheet A1 of the plan as submitted and said Quick Chek proposes a 5,496 sq. ft. store with a standard floor plan, and no indoor seating. The store will provide 4 outdoor seats in the front of the building. Mr. Young reviewed the building and canopy elevations. He added that Quick Chek representatives met with Byram's Architectural Review Committee several times back in January 2016, and this is the result of those meetings. He added that the proposed building is not the typical Quick Chek prototype building. He said the lighting is not typical also, and at the request of the ARC the lighting is similar to the new CVS site lighting. Mr. Young reviewed the building façade and colors, and the roof mechanicals which will not be hidden.

The Board had no further questions.

Chairman Shivas opened to the public.

Mike Pellek, Assistant Fire Chief Byram Township, asked about the construction of the building. Mr. Young said it is lightweight wood construction, no fire sprinkler system is required, no cooking will occur on premises. Mr. Pellek asked about an automatic fire alarm system. Mr. Young said the only requirement is a smoke detector which is tied to an audio/visual alarm in the public space. Chairman Shivas asked Mr. Pellek if this was acceptable, Mr. Pellek said yes, they meet the minimum requirements. Mr. Pellek asked if any solar energy on the roof was proposed, Mr. Young said not at this time. Mr. Young added that the building will have no attic space or basement.

Georgette Schroeder, 9 Briar Lane asked if the store was proposing a back door. Mr. Young said yes but only for employee and delivery use. She has concerns about loitering in the rear of the building. She said people tend to hang outside at the current site. Mr. Young said there are security cameras inside and outside the store, and the employees are trained to call the police. Mr. Wyciskala said because the store will be owned by Quick Chek and they will have full control of the site.

Donna Griff, 71 Brookwood Rd asked about rear lighting, and if it will affect the neighborhood. Mr. Young said a light above the door for safety access is the only lighting proposed in the rear, and also had concerns about security and loitering. She also asked about site lighting. Mr. Wyciskala reviewed the lighting plan, and Mr. Walsh said the lighting

will come from the perimeter of the site, and there should be no spillage. Mr. Wyciskala said we can provide more testimony on lighting if the Board wishes.

Robert Ramella, 12 Brookwood Drive asked why this building is a “middle of the road” design. Mr. Young did not believe this was “middle of the road” design and added it is not the typical building design and believes Quick Chek went above and beyond to fit into Byram’s design plan.

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

A motion to carry the meeting this application to Dec. 1, 2016, without further notice was made by Mr. Walsh, and the motion was seconded Mr. Kaufhold. All were in favor. Motion carried. 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.

ITEMS FOR DISCUSSION

There were no Board items to discuss

REPORTS FROM COMMITTEES

- Township Council – Ms. Raffay reminded the Board that there will be a Veteran’s Day Memorial Service on Nov. 11, 2016 at 11 a.m.at the School House on Mansfield Drive.
- Environmental Commission – Ms. Shimamoto said the phosphorus issue was resolved, and they learned that is used on new seeding
- Architectural Review Committee – Mr. Morytko said they met with representatives from Mavis Tire and they were receptive and willing to change building color, since it was too bold for the design standards of the Village Business. They will meet with the committee with a revised color for the committee review.
- Open Space – Mr. Morytko said they finally closed on the Cranberry Ledge properties that were sold to the NJDEP, adding that the lots were vacant land.
- Board of Health – No meeting was held.

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. (7 bills) \$1,692.70 A motion was made by Mr. Walsh, and seconded by Mr. Kaufhold to approve Mr. Stoner’s bills. 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.

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 Mr. Walsh, and seconded by Mr. Kaufhold. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: Cheryl White