

MEETING MINUTES
BYRAM TOWNSHIP PLANNING BOARD MEETING
APRIL 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				EA		
LATE										

Also present: Engineer Cory Stoner
 Planner Paul Gleitz
 Attorney Sean Monaghan for 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 March 16, 2017 Meeting Minutes

A motion was made by Mr. Morytko, and seconded by Mr. Chozick 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 (carried from August 4, Sept. 1, Oct. 6, Nov. 3, and Dec. 1, 2016 and Jan. 5, 2017, Feb. 2, 2017)
 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 said that at the Feb. 2017 meeting, and base on comments from the Board they changed the monument sign, and Mr. Streker, who is still under oath will review those changes.

Mr. Streker reviewed Exhibit A20, "Proposed Signage Exhibit", revision date 2/28/17, and said previously the sign was 15 ft. high and 120 ft. wide and is now 10 ft. in height and 94.25 in width. He added that the base of the sign has a 3.5 ft. brick panel, is internally illuminated, and is located at the northwest corner of the site.

The Board had no questions.

Chairman Shivas opened to the public.

Georgette Schroeder, 9 Briar Lane has concerns that the sign will block the view of vehicles traveling on Rt. 206. Mr. Streker said it is 10 ft. from the edge of the pavement, and there are no sight issues. No other public came forward. Chairman Shivas closed to the public.

Attorney, Scott Carlson from Carlson Siedsma LLP representing the objector Heller Property Partners, LP introduced Mr. Hal Simoff, Traffic Engineer, and he was sworn in. Mr. Simoff presented his education and experience to the Board and the Board accepted him as an expert in his field.

Mr. Simoff said he has attended several meetings, reviewed the documents and studies submitted by the applicant, and has visited the site. He said the applicant presented a traffic study based on the ITE Manual, and Land Use 853 which is based on convenient stores of the past. He said in 2012 there was an update to that study whereas they compared eleven convenient stores that were an average are 5,000 sq. ft., with twelve to fourteen gas pumps, and today are called "Super Convenience Stores". He presented Exhibit O3, dated 4/6/17 "Trip Generation Characteristics of Super Convenience Market – Gasoline Pump Stores", and he reviewed that report. He said that the numbers that were projected in the Stonefield report were considerable less than the article update in the ITE Journal and believes that in the Stonefield trip generation study the numbers are understated.

Mr. Simoff said via an OPRA request to the Department of Transportation, (DOT) he learned that the number of trip generations submitted to the DOT in a report dated 8/26/16, by the applicant, were inconsistent with the numbers provided to the Board. Mr. Simoff presented Exhibit O4, dated 4/6/17, a report submitted to the NJDOT from Stonefield Engineering, "NJDOT HAPS Trip Generation Summary Sheet". Mr. Simoff acknowledged that based on the Board comments, and neighbor concerns Stonefield Engineer conducted a study in Oct. 2016 that doubled, and tripled trip generations, however the study was only conducted during a.m. peak times and he believes that there will be more traffic in the afternoon peak hours. He added that the applicant reported to the DOT that 60% of the traffic would access via Brookwood Road, and in a report to the Board it indicated in the afternoon that only 48% of the traffic would use the Brookwood Road access. Mr. Simoff said that property owners seeking traffic access to state roadways and transportation infrastructures must submit applications for access to New Jersey Department of Transportation (NJDOT). Access applications with fewer than 200 trips to the DOT frontage are considered minor, while those with more than 200 are considered as major with planning, which requires a more intense review by the DOT.

Mr. Simoff added that the driveway is 200 ft. from the intersection, and the stop bar is at 155 ft., and if six to seven cars are stacked, that would be greater than 155 feet, causing the driveway to be blocked and gridlock. He said this applies to both access points, Brookwood Road and Route 206. Mr. Simoff believes that due to queuing and stacking at the light, the Brookwood driveway exit will be blocked causing gridlock.

Mr. Simoff presented Exhibit O5, a report he generated using Syncro, software used for optimizing traffic signal timings. The exhibit also included an aerial photo of the site with superimpose p.m. traffic volume emphasizing that trips generated were two times greater than the volume noted in Stonefield engineering report.

Mr. Simoff presented Exhibit O6, dated 4/6/17, Land Use 853, from the ITE manual "Convenience Market with Gasoline Pumps" and said that the report supports trip generation in Land Use 853 is under estimated. Mr. Simoff said the there will be higher trip generation, and blocked driveways causing a back up onto the site.

Paul Gleitz, Planning Board Planner said since the ITE report was based on studies that were done ten to fifteen years ago, from sites outside the region, and it appears Mr. Simoff's data from Exhibit 06 references sites from South Jersey, and maybe Wawa stores, he believes if data was collected from similar sites in North Jersey, on a State Highway, and in close proximity to an Interstate, that would satisfy the Board. He believes the Board asked for this data previously.

Mr. Simoff said the applicant's study mentioned a constant green arrow when turning left onto Brookwood Road when traveling Rt. 206 South, which is not the case. Mr. Simoff concluded his testimony.

Mr. Wyciskala asked Mr. Simoff if conducted traffic studies for convenience stores using LU 853 and the ITE Manual. Mr. Simoff said yes, in Wayne, Paterson and named other locations. Mr. Simoff said in Wayne he used the 853 data, and the updated article he presented. Mr. Wyciskala pointed out that ITE does not recognize that article he presented in Exhibit 05. Mr. Simoff believes the ninth addition was compiled before the article was published. Mr. Wyciskala talked about Mr. Simoff's allegations that Stonefield Engineering did not follow the proper DOT formulas in calculating the numbers. Mr. Simoff said that what Stonefield submitted to the Board were inconsistent with the numbers submitted to the DOT. Mr. Wyciskala said that in October 2016, based on Board comments Stonefield Engineering did studies that that doubled and tripled trip generations, focusing on am hours because of neighbors concerns. Mr. Wyciskala asked Mr. Simoff if those numbers are consistent with Exhibit 03. Mr. Simoff said yes, but they do not include afternoon peak times which he believes should have been provided. Mr. Wyciskala asked that if the signal timing were different would it change some of Mr. Simoff's findings with respect to his queue analysis; Mr. Simoff said yes. Mr. Wyciskala concluded his questions.

Chairman Shivas opened to the public.

Keith Salmon, 4 Briar Lane asked Mr. Simoff if he saw a problem with tractor trailers on the site. Mr Simoff said he did not perform a truck turning study.

Georgette Schroeder, 9 Briar Lane said she has concerns with the study done by the applicant, and the timing of the lights. Her major concern is traffic backing up on to Brookwood Road.

Skip Danielson, Hunters Lane said the constant green arrow to turn left onto Brookwood Road when traveling South on Rt. 206, was changed due to sight distance issues.

Kerry Brown, Lake Drive asked many years was Quick Chek in their current location. Chairman Shivas said that the questions must be related to traffic.

Lawrence Ticotin, Brookwood Drive has traffic concerns. He asked if growth was taken into account.

Trich Eyrich, Stony Brook Road has concerns that the Rt. southbound left turning lane on to Brookwood Rd. does not have enough room for sufficient stacking of vehicles and the traffic will extend into the fast lane of Rt. 206 South causing problems. Mr. Simoff agreed but said it was possible that could be changed by light timing.

Bob Ramella, 12 Brookwood Road asked Mr. Simoff considered school buses in his analysis. Mr. Simoff said he considered 2% of the traffic to be truck traffic, which would include buses. Mr. Ramella asked if Mr. Simoff took into consideration that there is only one access for the neighborhood. Mr. Simoff said yes and believes no access signage would help. Mr. Simoff reiterated that he believes this proposed development would have a negative impact on the neighborhood.

A short break was taken at 9:55 p.m. The meeting was called back to order at 10:05 p.m.

Darren Boucher, 69 Brookwood Road asked if the applicant reduced the left turn lanes out of Brookwood Road from two to one would that affect the stacking. Mr. Stoner said yes. Chairman Shivas said the DOT designed the intersection and it is not under this Board purview.

Georgette Schroeder, 9 Briar Lane said she believed that the applicant already agreed that trucks exiting Brookwood Road would only be able to turn left using the right hand lane.

Attorney Scott Carlson introduced Professional Planner Peter Steck, who was sworn in and reviewed his education and experience with the Board. The Board accepted him as an expert in his field.

Mr. Steck said he attended prior meetings, reviewed prior testimony, transcripts, expert reports, and visited the site. He presented Exhibit 07, dated 4/4/17, which consists of an aerial of the property, zoning of surrounding areas including the Village Business zone, an excerpt of the Byram Township Master Plan, and a map from the NJDEP showing the well head protection area.

Mr. Steck comments included:

- Site plan submitted by the applicant depicts planting outside the easement, which should be addressed by the applicant.
- He said that in 2003, a Quick Chek with gas pumps was denied pointing out that it was a smaller building but did note that it was before the Route 206 improvements.
- 2009 a 12,000 sq. ft pharmacy building was proposed and approved at this site.
- Recognizing this is the Route 206 corridor, he pointed out how this proposed site abuts seven residential homes and most commercial properties along Rt. 206 only border the rear of residential properties, this site almost surrounds some residential properties.
- There are two gas stations in close proximity. He added that the applicants' testimony is that this proposal serves northbound traffic is not reasonable because the other gas stations are at signaled intersections, and easily accessible.
- The proposed development is anti-pedestrian friendly, and it is Byram's vision to have a pedestrian friendly town.
- Under previous zoning gas stations were permitted as a conditional use, and when zoning changed the Governing Body was clear gas stations should be a prohibited use.
- Byram's Master Plan breaks away from highway, oriented uses and moves towards a pedestrian friendly town.
- Mr. Steck believes this development will create more traffic, and a twenty-four hour, seven day a week store and is not conducive near a residential neighborhood.

In summation Mr. Steck believes this site is not suitable for the proposed development, it is not a permitted use in the Village Business corridor, and believes there can be a more efficient, desirable use of land. He added that it does not meet the goals and objectives of the Village Business zone, and the purpose and intent of Byram's Master Plan.

Mr. Wyciskala said he planner was not available this evening.

Chairman Shivas opened to the public.

Georgette Schroeder, 9 Briar Lane asked a neighborhood with only one access would be permitted today. Mr. Steck said it does not meet the R.S.I.S. standards.

Denise Koellhopper, Lake Drive had comments to support this development and believes that it will be a positive ratable for Byram and an asset to the entire community.

Bob Ramella, 12 Brookwood Road asked about up and coming workshops and if permitted uses changed, would that affect this Quick Chek application. Mr. Walsh said no, and explained the process He also express concerns about the well head in the area.

Skip Danielson, 18 Hunters Lane said some time ago an Exxon station was approved at the corner of Lackawanna Drive and Route 206.

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

A motion to carry the application to June 1, 2017 was made by Mr. Walsh. 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.

Chairman Shivas opened to the public.

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

REPORTS FROM COMMITTEES

Township Council – No representative present.

Environmental Commission- Nothing to report.

Open Space – Meeting next week.

Board of Health – Ms. Segal reminded the Board the Rabies Clinic is on April 8, from 9 a.m. to 12 p.m.

Architectural Review Committee – No meeting held.

BILLS

L&G Planning (2 bills) \$510.00

A motion to approve Mr. Gleitz bills was made by Mr. Chozick and the motion was seconded by Ms. Segal.

All were in favor. The motion was carried.

Harold Pellow & Associates, Inc. (6 bills) \$1,310.90

A motion to approve Mr. Stoner’s bills was made by Mr. Chozick, and the motion was seconded by Mr. Segal. All were in favor. The motion was 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 11:20 p.m.by Ms. Segal, and seconded by Mr. Kaufhold. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: Cheryl White