

point. Vice Chair Walsh explained that there will be professionals to address these concerns and that Mr. Albanese could only answer questions about operations.

Keith Salmon, 4 Briar Lane asked why this location. Mr. Albanese said Quick Chek did extensive research and this was the best location. Quick Chek prefers a corner lot; they provide easier access and tend to be safer.

Jaelyn Barrett, 7 Brookwood Road said there are two gas stations on the South bound side of Rt. 206, why another gas station. Mr. Albanese said Quick Chek will provide a better facility, with better gas prices. Ms. Barrett also had concerns about attracting criminals. Mr. Albanese said the store will be open twenty-four hours a day, seven days a week and will have security cameras, and he believes it will be safer. Ms. Barrett also had concerns about traffic saying that since the Mr. Arlington store has opened there have been many traffic accidents. Mr. Albanese said they made some changes to that site that has improved the traffic issues.

Mary Mosier, 2 Pleasant Hill Road asked for examples of Quick Chek stores that are similar in size that abut neighborhood properties similar to East Brookwood. Mr. Albanese cited the Butler location saying that the nearest neighborhood is eight feet. The Board asked for more examples, Mr. Albanese will provide this information.

Trish Eyrich, 24 Stonybrook Road believes the opening of this store will close the current Quick Chek and other gas stations in the area and vacant stores will not help the tax base.

Kerry Brown, 133 Lake Drive asked where the Exxon was located in Byram or Stanhope. Mr. Walsh said it is in Byram.

Todd Rudloff, 9 White Hall Road said he is the fire chief in Byram and said the Mt. Arlington store still has traffic issues and he believes Mr. Albanese is misleading people. Mr. Albanese said the traffic issues have improved, but it is not perfect.

William Barrett, 7 Brookwood Road said he lives very close and has concerns about lighting spillover, and noise. He also said this will cause the current gas stations in Byram to lose business. He added that he sat at the Mt. Arlington site and said three to four vehicles leave that site every minute. Mr. Walsh reiterated that a traffic engineer and planner will provide testimony to address specific questions. Mr. Walsh added that anytime development occurs that borders residential neighborhoods, the Board has the same concerns.

John Moran, 7 East Waterloo Road asked what would be the source of water. Mr. Albanese said he would defer that question to the engineer. Mr. Moran asked if diesel will be sold at this location. Mr. Albanese said yes, only low flow diesel pumps are available and Mr. Albanese explained how tractor trailer drivers look for high flow diesel stations, to fuel their tanks faster. They will not provide fuel to tractor trailers, and they are willing to put a sign up indicated that. He reiterated this is not going to be a truck stop. Mr. Moran asked if they considered purchasing adjoining properties or if there were easements on adjoining properties. Mr. Albanese said no, and they did not look to purchase adjoining properties. Mr. Moran asked about connectivity easements between sites because it is in Byram's Master Plan and had concerns that if other development occurred in the adjoining lots traffic would increase. Mr. Albanese said if the Board prefers the developer would consider cross easements. Mr. Walsh said if future development occurred the Board would take that into consideration. Mr. Moran asked if police will be able to enforce on the property, Mr. Albanese said the developer would ask for Chapter 39 to be enforced. Mr. Moran asked about hours of operation and believed this is not the right development near a residential zone. Mr. Albanese said hours of operation will be twenty-four hours a day, seven days a week. Mr. Albanese said it is how their stores operate. Mr. Senesky asked what percentage of business takes place between 11p.m. and 7a.m. Mr. Albanese did not have the answer but will provide at the next meeting.

Georgette Schroeder, 9 Briar Lane said if there were other Quick Chek locations whereas the adjoining neighborhood has only one ingress and egress. Mr. Albanese did not know. She asked Mr. Albanese if they considered the site at the corner of Lackawanna Drive and Route 206. Mr. Albanese said they considered many different locations and this was the best location for the proposed development.

Pat Barone, 77 Route 206 asked if this application requires a use variance because it is in the VB zone. Mr. Senesky said yes, there are several variances required. Mr. Barone asked where the Village Business zone extended to. Mr. Gleitz said Acorn Street to Salt Restaurant. Mr. Barone asked why this location and that Quick Chek did consider a different site what changed their mind. Mr. Walsh said this is the application before the Board to be discussed.

Mr. Dalip Gill, 1 Route 206, owner of Stanhope Exxon provided some statistics and said based on the number of proposed fuel deliveries Mr. Gill asked where they are getting their customers to support those numbers. Mr. Albanese said they believe their customer base will grow from travelers along Rt. 206, and Mr. Wyciskala said they will serve traffic traveling in a different direction. Mr. Gill asked what they were offering to the community that the current gas stations do not offer. Mr. Walsh said they will provide testimony from their planner as to why this site is more suitable and the value they will add to the community.

Mr. Carlson, Attorney asked if they forecasted the amount of fuel to be sold at this location. Mr. Albanese said at a new site we let the market dictate the amount. Mr. Carlson asked since it is a new site Quick Chek must have done research. Mr. Albanese said that information is proprietary and they believe the site will do well.

Mr. Gleitz asked Mr. Albanese if the retail store was approved, but not the dispensing of gas would that be acceptable to Quick Chek. Mr. Albanese said no, it is all or nothing.

Jim Werner, 8 Woods Edge Road asked if this is the only store proposed. Mr. Albanese said yes, this is the only development Quick Chek is proposing.

Kerry Brown, 133 Lake Drive asked where in Byram are gas stations is permitted. The Board said they are prohibited. Ms. Brown said our zoning ordinance was outdated with a state highway and a town that prohibits gas.

Alex Rubenstein, 3 Partridge Road asked if they are not permitted now, how are they there. Mr. Gleitz said they are considered pre-existing, non-conforming uses in the zone. Ms. Segal explained the Council is looking to make changes to some zones which are a result from a recent survey done in town. Mr. Gleitz delineated the VB zone and VC zone and explained how gas stations were prohibited over twenty years ago and that the Council and Planning Board will be looking at the zoning over the next few years. Mr. Senesky explained the roles of the Township Council and Planning Board with regards to zoning ordinances. Mr. Walsh said the Master Plan is a living document and changes periodically.

David Quam, 17 Brookwood Drive believes this development will impair traffic at the intersection that was recently improved since the Route 206 improvements. He also had concerns about noise and lighting. Mr. Walsh assured the residents that the Planning Board will listen to all testimony to see what impacts on residents this development may have.

William Barrett, 7 Brookwood Road asked how many gallons of gas will be stored on that property because he has concerns about the proximity to a nearby well head and a protected stream. Mr. Wyciskala said an engineer will provide that information.

Georgette Schroeder, 9 Briar Lane asked what the size of the store and how many fueling pumps. Mr. Albanese said they proposed a 5,400' store and six pumps which allows for twelve fueling stations.

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

Mr. Wyciskala introduced Mr. Robert Streker, Civil Engineer from Bohler Engineering was sworn in and provided the Board with his education and experience and the Board accepted him as an expert in his field. Mr. Wyciskala instructed the Board that Mr. Streker will provide testimony on traffic circulation through the site and later a traffic expert will discuss highway traffic, side road traffic, and traffic around the site.

Mr. Streker presented the Exhibits

- A1 – Aerial photo of the existing site.
- A2 – Historic aerial photo of the site from 2002
- A3 – Colored Sheet 3 of the submitted plan which includes proposed landscaping

- A4 - Truck turning exhibit for a WB50 delivery vehicle (tractor trailer)
- A5 - SU30 (small delivery vehicle) turning exhibit (trash truck)
- A6 - WB50 Truck turning exhibit with additional movements

Mr. Streker reviewed *Exhibit A1 and A2* talking about the characteristics of the site and the surrounding area saying that the 1.93 acre site consists of three lots and is on the southeast corner of Brookwood Road and Route 206 with a detention at the northern corner. They propose to consolidate the three lots and remove the two existing commercial buildings and one residential dwelling. Mr. Streker talked about the 16' grade change with the east end being higher, meaning that the residential houses to the rear will be higher than the front end of the lot. Mr. Streker talked about the current driveways on the site and the consolidations of driveways on Route 206 and the utility easements on the site along with an access easement to Brookwood Road. He talked about the Rt. 206 improvement focusing on the Brookwood Road and the Rt. 206 intersection.

Mr. Streker reviewed *Exhibit A3* saying they propose a 5,496' convenient store with retail fuel sales and an outdoor picnic table providing four seats. They propose a fueling canopy located to the west of the property with twelve fueling positions, six gas dispensers, with two low flow diesel dispensers that share the same fueling positions. Mr. Streker added that Quick Chek does not service tractor trailer vehicles on any of their sites. He explained low flow fueling stations work saying that tractor trailer drivers use high flow dispensers.

Mr. Streker said fifty one parking spaces are proposed. Mr. Streker talked about the site layout and Byram's Master Plan that calls for a front yard setback between 45' to 55' from the right of way with one row of parking spaces to the front and said that the intent of the Master Plan is to have buildings closer to the street. Mr. Gleitz asked about putting the pumps to the rear of the lot. Mr. Streker added that because of the grade of the site, the stormwater basin and water flow, and the ten foot easement, this site is not suitable for the gas pumps to the rear. He added that fuel sales up front are important to Quick Chek and visibility inside and outside the store, it is much safer. Lastly, because of the residents to the east they didn't want the fuel operation closer to those properties.

Mr. Streker said they propose to consolidate three driveways on Route 206 and locate a driveway as far south as possible on the property. He talked about the access driveway on Brookwood Road which they propose to modify slightly. He reviewed the site circulation and the proposed fifty-one parking stalls. Mr. Streker talked about site features and the location of the curbing, sidewalks, trash bins, plantings, masonry trash enclosure and maintenance shed. He talked about the loading and unloading zone which is to the rear of the site. He reviewed the ADA compliant pedestrian access points.

Mr. Streker reviewed *Exhibit 4 - WB50 Truck Turning Exhibit* for fuel and grocery deliveries accessing the site and the trucks site circulation. Mr. Streker reviewed *Exhibit A5 SU30 Truck Turning Exhibit* which depicts circulation for small box type trucks and trash removal trucks. Mr. Gleitz asked that the professionals receive a copy of these truck turning exhibits for their review. The applicant agreed. Mr. Knutelsky asked that the applicant also provide circulation plan for a WB40 type truck, (soda delivery truck) the applicant agreed. Mr. Streker reviewed *Exhibit A6, WB50 Truck Turning Exhibit* movements saying it is similar to Exhibit A4 but showing additional movements such as exiting out to Route 206 northbound and Brookwood Road.

Vice Chairman Walsh called for a five minute recess.

After a brief break Vice Chairman Walsh called the meeting back to order.

Mr. Streker reviewed the storage of the fuel on the site, which he said meets and exceeds all EPA (Environmental Protection Agency) and NJBUST (New Jersey Bureau Underground Storage Tanks) regulations. There will be two, 20,000 gallon tanks, one 12,000 gallon premium fuel tank and one 12,000 gallon diesel fuel tank, with a total of 64,000 gallons. The tanks are double wall, fiberglass tanks, and are underground. He added that the DEP requires four areas of compliance which are; monitoring, corrosion protection, spill prevention, and overflow prevention. Mr. Streker talked about these areas of compliance. He discussed the construction of the tanks, how they are monitored and the protocol in the event of an emergency. Mr. Streker said in the event of an emergency alarms sounds and the system is automatically shut down. Mr. Streker said that as long as Quick Chek has provided fuel sales they have never had a spill, a tank failure, or any issues with fuel operations and spoke about the construction and safety of the tanks used. Ms. Segal asked about a plan in the event of a loss of power and Mr. Streker said a generator will be brought to the site prior if there is a storm warning. Mr. Streker talked about the safety measures on the dispensers and pumps adding that all fuel dispensing employees are trained and certified.

The Board asked about delivery times. He said usually after breakfast and before lunch. He said delivery time takes about 30 minutes and they avoid fuel deliveries during high traffic times and added the Board so chooses they can stipulate deliveries times. Mr. Streker said Quick Chek instructs delivery drivers when deliveries can occur and where to enter and exit the site. He added that deliveries are done on an as needed basis Mr. Walsh said the Board would like to see specific times of delivery.

The Board talked about cross access easements between other properties along Route 206 that border this proposed development so that future access will be available without traffic having to travel on Route 206 to each property. The applicant is willing to consider access easements since the Master Plan does call for that but did say it could depend on the type of use for the proposed development. Mr. Gleitz recommended that the location of a possible access easement be noted and delineated on the site plan so that when the adjacent property is development it is on record. Mr. Gleitz asked the Board to consider how many low flow vehicles, common to this area may use this site, such as landscape vehicles, etc., and if they can maneuver this site. Mr. Streker said yes, those vehicles were taken into consideration so that fuel pumps are not blocked. Mr. Knutelsky asked about the parking spaces adjacent to the pumps and what would stop a fuel delivery truck from blocking a vehicle in one of those spaces. Mr. Streker added that the operator knows when fuel deliveries occur and lay safety cones so those spaces are not used. The Board discussed the propane tank location noting that propane would be for store use, not retail. Mr. Walsh said the applicant should provide the size of the propane tank. Mr. Streker explained the truck circulation for filling the propane tank.

Mr. Streker talked about snow removal on the site. Mr. Knutelsky had concerns about plowing right up to the building. Mr. Streker explained that bollards will be around the building. Mr. Streker reviewed the 40' wide site buffer to the rear of the property and said that in the southeast corner of the property because of the grading two different wall systems are proposed. The wall proposed adjacent to the residents will be a boulder wall, on a three to one slope and it will be graded behind the wall which will allow 20' to remain undisturbed. This area will include a 6' board on board or vinyl fence. In front of the fence is a double row of 8' top 10' evergreen trees. Mr. Streker said on the southeast corner side of the property a retaining wall is proposed and will be 9' tall.

Mr. Kaufhold asked about the view from residential properties in the rear. Mr. Kaufhold asked about the residents to the east and their view of this site. Mr. Streker said that the building height is 26.5', which means the building will extend 8.6' higher than the proposed fence. Mr. Kaufhold asked if the canopy is visible and Mr. Streker said no, because the canopy is located to the west of the site and is hidden by the building, adding that the building is 100' away from the eastern property line. Mr. Gleitz said the applicant should provide a cross section plan depicting what residents will see that are to the east of this site. The applicant agreed.

Mr. Gleitz had concerns about light spillage onto Route 206 and neighboring properties. Mr. Streker said the canopy has an under clearance of 13.5' looking at elevations of the site and the elevation of Route 206 it will appear to be 16.5' tall on the underside. Mr. Streker added that the canopy sits 106' from Route 206 and is 16.5' tall with LED, flushed mounted lighting focused straight down on the ground. Mr. Streker said with the building blocking the canopy and the proposed buffer to the rear, and with the grade of Route 206, the lighting should not an issue to neighbors or highway travelers. He said the activities taking place under the canopy, 30.1 foot candles is an appropriate illumination level. He added that the proposed shade trees will provide buffering from the lights. Mr.

Streker said the lighting on the sight is standard fixtures, used at the CVS site. Mr. Gleitz recommended using top down, acorn style lighting. The applicant will consider.

Mr. Streker talked about site landscaping saying that seven hundred and seventeen (717) plants are proposed and he discussed the various types and locations. Mr. Gleitz said some parking lot landscaping should be proposed to break up the pavement, and the applicant should consider some planters. He also recommended some landscaping along the front to make it more attractive. Mr. Gleitz said he will work with the applicant with some ideas.

Ms. Segal asked if a three dimensional model could be provided. The applicant will see if that can be provided.

Vice-Chairman instructed the public that testimony will continue at the next meeting and the public will be provided an opportunity to ask questions.

A motion was made by Mr. Kaufhold and the motion was seconded by Ms. Segal to carry this application to Sept. 1, 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 met and reviewed the Quick Chek application and provided comment.
- Architectural Review Committee – No representative present.
- Open Space - No representative was present.
- Board of Health talked about wells at the Quick Chek site.

ANY OTHER BUSINESS THE BOARD DEEMS NECESSARY

No Board business to discuss.

PUBLIC COMMENT

Vice Chairman Walsh opened to the public. No one from the public came forward. Vice-Chairman Walsh closed to the public.

BILLS

Schenck, Price, Smith & King, LLP (3 bills) \$1807.50

A motion to approve Mr. Senesky’s bills was made by Mr. Kaufhold and the motion was seconded by Ms. Segal. 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 Ms. Segal. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: *Cheryl White*