

**CALL TO ORDER:** Chairman Shivas called the meeting to order at 7:30 p.m.

**ROLL CALL:** Mayor Rubenstein, Messrs. Proctor, McElroy, Morytko, Smith, Chairman Shivas

*Members Absent:* Ms. Raffay, Messrs. Serrilli and Walsh

*Also Present:* Engineer Cory Stoner, Attorney Alyse Hubbard, Secretary Caitlin Phillips

**OPENING STATEMENT:** 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:** March 7, 2024. Mr. McElroy motioned to approve the minutes, seconded by Mr. Morytko.

*Ayes:* Mayor Rubenstein, Messrs. McElroy, Morytko, Smith, and Chairman Shivas

*Abstaining:* Mr. Proctor

*Absent:* Ms. Raffay, Messrs. Serrilli and Walsh

None opposed. Motion carried.

## **RESOLUTIONS**

Z04-2024 Christine Turcios, 497 Stanhope Road, Block 342.02 Lots 23, R-5 Zone

*Application for covered roof not meeting the side yard setback*

Mr. Morytko motioned to approve the resolution, seconded by Mr. McElroy.

*Ayes:* Messrs. McElroy, Morytko, Smith, Chairman Shivas

*Abstaining:* Mayor Rubenstein, Mr. Proctor

*Absent:* Ms. Raffay, Messrs. Serrilli and Walsh

None opposed. Motion carried.

Z05-2024 Dennis Fornarucci, 3 Opa Pass, Block 142 Lot 102, R-5 Zone

*Application for addition on left side of house and addition to existing deck*

Mr. McElroy motioned to approve the resolution, seconded by Mr. Morytko.

*Ayes:* Mayor Rubenstein, Messrs. McElroy, Morytko, Smith, Chairman Shivas

*Abstaining:* Mr. Proctor

*Absent:* Ms. Raffay, Messrs. Serrilli and Walsh

None opposed. Motion carried.

Z19-2022 Kevin and Kate Grey, 25 Carpenter Road, Block 238 Lot 508, R-3 Zone

*Amended extension request for new single-family home*

Mr. Morytko motioned to approve the resolution, seconded by Mr. McElroy.

*Ayes:* Messrs. McElroy, Morytko, Smith, Chairman Shivas

*Abstaining:* Mayor Rubenstein, Mr. Proctor

*Absent:* Ms. Raffay, Messrs. Serrilli and Walsh

None opposed. Motion carried.

## **SUBCOMMITTEE MEETING**

SP6-2023 Tomahawk Lake, 155 Tomahawk Trail, Block 343 Lots 1, 2, and 3, CR Zone

*Application for amended site plan and use variance approval to use Lot 3 for additional parking, reconfigure the overflow parking area and employee parking area, construct a slide and merry-go-round, and modify a ticket office for larger square footage*

Ms. Hubbard said this will be tentatively carried to 06/06, provided they are deemed complete first.

## **NEW BUSINESS**

Z08-2024 Diane and William Carkhuff, 82 South Shore Road, Block 189 Lot 1, R-5 Zone

*Application for construction of a new single-family dwelling*

Ms. Hubbard said they need to re-notice. Mr. Proctor motioned to carry the application to 04/18 with further notice, seconded by Mayor Rubenstein.

*Ayes:* Mayor Rubenstein, Messrs. Proctor, McElroy, Morytko, Smith, and Chairman Shivas

*Absent:* Ms. Raffay, Messrs. Serrilli and Walsh

None opposed. Motion carried.

## **OLD BUSINESS**

SP8-2023 Byram Car Wash, 56 Route 206, Block 365 Lot 1.01, VC Zone

*Application for replacement of vacuums and monument sign*

Mr. McElroy recused from this application. Mr. Blount represented the applicant. Rocco Marucci was sworn in as an engineer, at P.O Box 509 in Cedar Knolls. He works with Marucci Engineering and is a municipal engineer in Livingston. His license is in good standing. He reviewed the plan changes, including coordinating the vacuum equipment with the manufacturer. They reduced the sign height to 15 feet. The plans show the equipment for the vacuums; it will be connected with a single header pipe and a central vacuum system with landscaped screening.

The concrete and curbing will be replaced. The dimensions of the vacuums are also included. Mr. Blount submitted **Exhibits A3-A7**, photos of the current sign visibility. Mr. Marucci said the applicant is working with the state to see if they can relocate or trim the tree blocking the sign. Mr. Blount said the applicant has no objection to the Planner reviewing the landscaping.

Chairman Shivas asked about the sound levels. Mr. Marucci reviewed the equipment's decibel calculations; he believes it will meet the municipal code, at the boundary. Mayor Rubenstein noted they updated the sound ordinance at the Council, now following the DEP model. Mr. Stoner noted their plan follows the requirements. Mr. Marucci said the vacuums will be run during business hours. Mr. Paladino said the hours are 8am-7pm; they decided not to have them run 24 hours. Mr. Proctor asked if that means the lights will also be shut off. Mr. Marucci said they will stay on, and are part of security. Mr. Stoner reviewed his report. The applicant agreed to a light test once everything is installed. Mr. Stoner asked if the lights are adjustable. Mr. Paladino said they should be able to be moved. Chairman Shivas confirmed they don't face straight out to the highway. Mr. Stoner asked what the vacuums will look like. Mr. Paladino submitted **Exhibit A8**, the manufacturer information for the vacuums. Mr. Paladino said the vacuums are proposed to be red because it matches the building. The central vacuum is silver, the arms are red, the hose is black, and the main pipe is an aluminum, steel color. Mr. Morytko noted the colors have changed since last meeting. Mr. Paladino said they reviewed color combinations—their colors are blue and red, and the company doesn't have an aluminum color, so they coat them. The most neutral color is silver, and red seems to blend in the most with the building. Mr. Blount submitted **Exhibit A9**, a rendering of the proposed vacuum.

Chairman Shivas opened to the public and no one spoke so he closed to the public.

Mr. Proctor motioned to approve the application as submitted, seconded by Mayor Rubenstein.

*Ayes:* Mayor Rubenstein, Messrs. Proctor, Morytko, Smith, Chairman Shivas

*Abstaining:* Mr. McElroy

*Absent:* Ms. Raffay, Messrs. Serrilli and Walsh

None opposed. Motion carried. Mr. McElroy re-entered the meeting.

## **NEW BUSINESS**

SP1-2024 Byram Waterloo LLC (Starbucks of Byram), 33 Route 206, Block 36 Lot 40, VB Zone

*Application for preliminary and final site plan for development of Starbucks coffeehouse with drive-through*

Alexis Lazzara represented the applicant. They are proposing to construct a restaurant/coffeehouse. They are finalizing a lease with Starbucks. She reviewed the variance relief and waivers requested. Kerry Pehnke from Langan Engineering was sworn in as a project engineer. Her license is in good standing and she is an expert in traffic. She worked in Howell, North Brunswick, West Deptford, Burlington, West Hampton, Wayne, and Hamilton. William Schaefer was sworn in as a civil engineer from Langan. He worked on Shoprites in New Jersey, and was deemed an expert. Mr. Schaefer reviewed the site, and submitted **Exhibit A1**, a colored version of the site plan, page 3. They designed the site so you can immediately enter either the parking area or drive through. They're asking for a setback waiver for the awning, which is an existing condition. The new building will be further back than the existing. There is a sewer easement that's 20 feet wide, owned by the town. They have a sidewalk, drive isle, drive through lane, bypass lane, and buffer area. There is a loading space, which blocks some of the parking spaces, but it will be done off-hours. The busiest time will be in the morning, with a majority of cars being on Route 206 South. 18 cars can stack into the drive through. Ms. Hubbard asked what if a car is parked at that loading area. Ms. Lazzara said Starbucks will make every effort to load and unload when there are no cars there, so it'll be as late as possible. Mr. Stoner asked why this couldn't be anywhere else on the lot. Ms. Lazzara said Ms. Pehnke can speak to that. Chairman Shivas asked the size of the loading vehicles. Mr. Schaefer said it will be a box truck. Mayor Rubenstein confirmed Starbucks has control over what kinds of cars enter the site. Mr. Morytko confirmed the black strip is curbing with landscaping. Mr. Smith asked how many cars it is between placing the order and picking it up. Mr. Schaefer said seven cars. He submitted **Exhibit A2**, an updated landscaping plan. Changes include additional landscaping, including the northern buffer area and the west side near the sewer easement. There is also accent landscaping near the sidewalks. They added 5 trees and 150 shrubs and perennials. Mr. Stoner noted this site is in the Village Business district, so these are required. These standards were asked of other applicants. It's a good goal to meet these standards to soften the appearance.

Ms. Lazzara and Mr. Schaefer reviewed Mr. Gleitz's report. Mr. Schaefer noted they can't plant in the easement area. There are brick pavers and shrubs at the outdoor seating area. Chairman Shivas noted one of the parking areas looks to be an entrance into the site—why is the front of the building not facing either of the roads? Mr. Schaefer said they need the drive-thru lane to go in that area to provide enough space, which couldn't be there if the building was flipped. Mr. Schaefer said there is a fence along the north of the property that adds to the buffering. It is the neighboring property's fence. He said there is an area left empty of landscaping to provide

space for snow removal. They're using smaller trees because there are overhead wires. Mr. Stoner noted only one of the four sides of the building has foundation plantings. Mayor Rubenstein said smaller drive isles make it more difficult to navigate. There's a steep grade near Sunnyside. He said a 12 foot isle, decreasing the buffer area, would be better. Mr. Stoner noted the concern for the amount of asphalt compared to landscaping. The site is pushed into a corner; if they moved the building more west, they could have more room for landscaping. Mayor Rubenstein said, reviewing the loading information, the truck has to turn into the drive through to get into that area. Mr. Schaefer noted, regarding not moving the building, they're trying to keep it similar to what exists today to decrease the disturbance and not disturb slopes in the back. Mr. Stoner noted they could get an extra 10 feet of landscaping if things were shifted, and possibly a bigger island. Mayor Rubenstein said he's not worried how busy the site is—it's not really a residential neighborhood. He would rather see a site where the vehicles can move around better, and is not worried as much about the landscaping. Mr. Morytko noted there's no physical barrier between the lanes. Mr. Smith likes the idea of a 12-foot bypass lane.

Ms. Pehnke said years ago Route 206 was expanded, with a raised median. Left turns became restricted. They need two access points, one on 206 and one on Waterloo. They have an application in to the DOT because they're changing the driveway. They provided the DOT with an analysis of the intersections. They found that the Starbucks wouldn't significantly alter what's there today. A lot of traffic associated with this type of use is pass-by, so it's taken from existing traffic and directed in and out on their way they were headed. They are working with the County on the Waterloo driveway to meet their more conservative standards. Ms. Lazzara said they need to go before the County in May. Chairman Shivas asked why the 206 entrance isn't squared off. Ms. Pehnke said it's to bring it in perpendicular to 206, as otherwise it would be a sharper turn. The majority of vehicles are expected to access the site on Waterloo and exit to 206. They did a gravity model for the DOT application; 65% of people will turn from Waterloo Road. Mr. McElroy asked what defines a trip. Ms. Pehnke said coming in and out are two separate trips. Based on national standards using a coffeeshop with a drive thru, they found peak time is 7:15am, with 123 total cars going in and 118 out, because some people sit inside. Mr. McElroy asked what percent of trips are for the drive-thru or going inside. Ms. Pehnke said generally 65% use the drive-thru, but it varies throughout the day. The 18 car queue will be efficient for stacking, especially for peak times. Ms. Pehnke discussed delivery information. Mr. Smith said if there was a delivery, people coming in from Waterloo can't go anywhere except the first two parking spots, not even to the drive-through. Mayor Rubenstein added that they also can't leave. If deliveries occur when the business is closed, it's not really an issue, but "off-peak" hours is not closed. Ms. Lazzara said Starbucks confirmed their deliveries are 10pm-12am. Mayor Rubenstein confirmed Starbucks will be closed by 10pm. Ms. Pehnke said the hours are 5:30am-10pm weekdays and Saturday, and 6am-9pm Sunday. Mr. Smith said at the stop sign to get to the drive-thru, there will be issues with people making the left turn and people turning from 206 onto the site. Ms. Pehnke is not concerned with it—volume-wise, it's not significant traffic and there would be a gap to get through. Mr. Smith asked if there's concern about queuing; Ms. Pehnke doesn't think the volume is significant enough for a lasting impact. Mr. Smith is concerned about traffic backing up onto 206 and into the loading area. This is more about the congestion at that one spot rather than the space on the total site. Ms. Lazzara said when Starbucks testifies, they have experience combating stacking on other sites. Mr. McElroy asked how long people sit in the drive-through. Mr. Smith reiterated there is cross-traffic from three different directions converging. Mayor Rubenstein asked Ms. Pehnke how she feels about the 10 foot lane. She said there is striping rather than a physical barrier, so people can cross over. The width allows for the size of a regular vehicle.

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David Romano was sworn in as the co-manager of Byram Waterloo LLC and the developer of Shoprite Supermarkets and other shopping centers for 50 years. Mr. Romano said they spent a lot of time on this plan with professionals because they are sensitive to the issues of the community regarding another coffee shop in town and the backup onto 206. The way they have the circulation laid out provides the most queuing. They didn't want cars to have to circle to get to the drive-through. This design was agreed to by Starbucks and Langan. They tried having a drive isle at 12 feet—if they want that, he can try getting a grading easement with Weber Brothers to add plantings to their property. They're sensitive to landscaping, to make sure the buffer complies with the ordinance. They met with the County, who was happy to have the entrance moved. There is a site line distance with trees in the right-of-way; they will get a waiver. Starbucks can determine that deliveries will occur once the store is closed. Mr. Stoner asked why the deliveries couldn't be in the back of the parking lot. Mr. Romano said he assumes they can; they expect the trucks to come off Route 80. He noted, regarding the congestion at the drive-through entrance, there is an 18-car stack. Mr. Smith said when coming from Waterloo, a driver would have to do a 360 to get to the driveway, and then a second circle to get out. Mr. Romano said most people will be headed south, and a lot of people will be coming in the morning. He noted he owns the Shoprite Plaza; when there is snow it gets taken care of and the curbs are visible. They will be maintaining the Starbucks site; they needed a place to put the majority of snow, the easement area. He discussed this with Mr. Pellek who wrote the Fire

Department review; he doesn't have a problem with this. Mr. Stoner said they can't cover the manhole in that corner. The Board took a brief recess.

Joseph Marra was sworn in as the architect at 22 Howard Boulevard in Mount Arlington. He is licensed in New Jersey and has worked as an architect for 45 years; he was deemed an expert. Inside the building will be 26 seats, which is about 60% of the building footprint. Mr. Marra submitted **Exhibit A3**, renderings of the building. They're proposing traditional building elements, including brick, stone, painting, and siding. On the 206 side are architectural columns and a canopy. They have accent lighting and an outdoor seating area. The colors are a light grey field brick with a beige accent brick. Natural stone materials are at the entrances. The roof is gable and hip designed. Mr. Marra noted you won't see the mechanical equipment with the proposed design. They're proposing a future walk-in cooler. If added, it will be painted to match the field color of the brick. It is on the site and floor plans, so is part of the application, but is not proposed right away. Chairman Shivas asked if the wall on Waterloo Road is blank. Mr. Marra said the design of the wall meets the architectural review guidelines including lighting, multiple materials, different kinds of siding, and different color brick. There are also three rows of landscaping: against the building, outside the drive-up lane, and trees along Waterloo Road. The length of that wall is about 2.5 cars, so it's not expansive. On the other side, the only difference is the windows. There are no useful windows they could put in there because of the equipment along that wall. Chairman Shivas noted CVS has a blank wall similar to this, and they have fake windows that breaks up the visuals. This wall faces Waterloo and 206. Mr. Marra said if they put windows in they'd be fake. Mayor Rubenstein noted he doesn't see the word "Starbucks" anywhere. Mr. Marra said this is the Starbucks branding look—they chose not to use it. They wanted the siren logo, the little drive-through sign, and the sign above the main entrance. Mayor Rubenstein said even the sign doesn't say "Starbucks." Mr. Marra said everyone knows Starbucks and knows the "siren," which is synonymous with Starbucks. Ms. Lazzara said they got the Starbucks brand book and that's what they want. Mayor Rubenstein asked how many other Starbucks have been constructed where the front of the building is facing the back of the property. Mr. Marra said that's a function of the site. Ms. Hubbard said the frontage has no windows, design, or sign. Mr. Marra said all elements in architectural review guidelines are represented. Mr. Morytko said he has worked on a lot of projects with the architectural review process—he gives them credit for the design features. The design standards are set for the people walking into the building as well as for the town, for a community. It's one of the most visible areas—adding a few design features found elsewhere on the building would help. Mr. Marra said this is not the typical Starbucks design—they're often more modern-looking. This building was shaped into the guidelines the town wanted to see. They showed Starbucks several options and they decided on this one.

Mr. Marra reviewed the signs. There are six directional signs, three being two-sided. The two-sided ones say "thank you" and "exit only." These are at the Waterloo exit, at the drive-thru exit, and the 206 exit. They have two signs on the 206 south side that say "drive through" with an arrow. The last sign is at the entrance from Waterloo Road, saying "drive through" on both sides. Mr. Marra discussed the traffic signs, free-standing sign, building-mounted signs, and the menu board signs. There is a pre-menu board, a display board, and a triple-board to place the order. Mr. Morytko said at Waterloo Road, there are three directional signs clustered together. Mr. Marra said those are traffic control signs. Mayor Rubenstein asked why these are needed. Mr. Morytko added if they're turning in, they're already going in the right direction. Mr. Marra said these signs were proposed by Langan, so he's assuming it's for safety. Mayor Rubenstein said this can be done with less signs. Mr. Smith asked if these signs could be replaced with striping. Ms. Lazzara said Starbucks had specific signs they requested. The Board discussed painted directions. Mr. Morytko said the sign near Waterloo says "drive through," is there concern over confusion since it doesn't say "entrance?" Mr. Marra said the drive-thru is a predominant part of the Starbucks business.

John McDonough was sworn in as a Planner, and deemed an expert. Mr. McDonough submitted **Exhibit A4**, photos of the property taken today. He noted the sign is already up so they can see the impact. The site has been vacant for three years—it is an important commercial site in town. This project will revitalize the site and enhance the area with a name brand. This area has good walkability with the sidewalks. They're proposing down-directed lights with back shields. He finds this project to include safe and efficient circulation and good design. He reviewed the waivers and variances. This is a permitted use and serves the public good. He discussed viability—banks are closing more often, so it's not as viable a use to repurpose this as a bank. They are repurposing a site that's already been developed. Mr. McDonough said they can work with the Board professionals to make the signage more appealing. Chairman Shivas said the Board would like to have input on the reduction of the signs. He noted they need to now carry this application as they are at the cut-off time for the meeting. He recommended they need to look at the blank wall. Ms. Hubbard added that Mr. Gleitz should look at the landscaping exhibit submitted tonight before the next meeting.

Mr. McElroy motioned to carry the application to 05/02 with no further notice, seconded by Mr. Proctor.  
*Ayes:* Mayor Rubenstein, Messrs. Proctor, McElroy, Morytko, Smith, Chairman Shivas

*Absent:* Ms. Raffay, Messrs. Serrilli and Walsh  
None opposed. Motion carried.

**DISCUSSION ITEM:**

Chairman Shivas received comments for the annual report from one person, so it will be added. If anyone has any comments, they should let him know within the week, otherwise it will be sent to the Town Council.

**BILLS**

Harold Pellow and Associates (9): \$2,258.25. A motion to approve the bill was made by Mr. Proctor, seconded by Mr. Morytko. All were in favor. Motion carried.

Maraziti & Falcon (12): \$2,712.50. A motion to approve the bill was made by Mr. Morytko, seconded by Mr. Proctor. All were in favor. Motion carried.

**REPORTS FROM COMMITTEES**

*Architectural Review Committee:* Mr. Morytko said there's been no meeting. Mayor Rubenstein said they should talk about this at the next meeting.

*Environmental Commission:* Mr. McElroy said they reviewed applications. They will hand out saplings. They're applying for a grant for mapping tools for trails.

*Open Space:* Mr. Morytko said they have a meeting on Monday.

*Township Council:* Mayor Rubenstein said they passed a noise ordinance and the budget. Mr. Proctor said they proclaimed child abuse prevention and autism awareness month.

*Zoning Report:* Everyone had a copy.

**OPEN TO THE PUBLIC**

Chairman Shivas opened and closed to the public.

**ADJOURNMENT**

A motion to adjourn the meeting was made at 11:00pm by Mr. McElory, seconded by Mr. Proctor. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted by Caitlin Phillips