

**OCTOBER 29, 2020  
MEETING MINUTES  
BYRAM TOWNSHIP  
PLANNING BOARD  
SPECIAL MEETING**

**CALL TO ORDER**

Chairman Shivas called the meeting to order at 7:30 p.m.

**ROLL CALL**

	Mr. Chozick	Mr. Gallagher	Mr. Gonzalez	Mr. Kaufhold	Mr. Morytko	Mr. Olson	Ms. Raffay	Mayor Rubenstein	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
HERE	H		H	H	H	H				H	H
ABSENT											
LATE											
EXCUSED		E					E	E	E		

Also present: Attorney Alyse Landano Hubbard, Esq.  
 Engineer Cory Stoner, P.P., C.M.E.  
 Planner Paul Gleitz, P.P. AICP  
 Secretary Cheryl White

**STATEMENT BY THE SECRETARY** - both the Federal and State governments have declared a state of emergency in response to the outbreak of the Covid-19 Virus that prohibits all gatherings of more than twenty-five people and requires social distancing. To continue Planning Board business, the regularly scheduled meeting for October 29, 2020 is being held by remote video or audio connection, live streamed at the Municipal Building at 10 Mansfield Drive, Byram Township. This service allows the Board, it's professionals, applicants, and members of the public to participate. Access information was posted on the Township's Website under Planning and Zoning, Meeting Agendas. 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 Planning Board Secretary.

**FLAG SALUTE** led by Chairman Shivas

**MEETING MINUTES**

A Motion to approve the October 15,2020 meeting minutes was made by Mr. Kaufhold, the motion was seconded by Mr. Morytko. The following vote was taken:

	Mr. Chozick	Mr. Gallagher	Mr. Gonzalez	Mr. Kaufhold	Mr. Morytko	Mr. Olson	Ms. Raffay	Mayor Rubenstein	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
MOTION				√							
SECONDED					√						
AYE	√		√	√	√	√				√	√
NAY											
ABSTAIN											
ABSENT		√					√	√	√		

Motion carried.

**RESOLUTIONS**

Z10-2020, Eddie Lemon, 2 Elizabeth Lane, Block 337.01 Lot 91, R-3 Zone

To erect a 6 ft fence in the front yard. This property has two front yards.

A motion to approve this resolution was made by Mr. Kaufhold. The motion was seconded by Mr. Morytko. The following vote was taken:

	Mr. Chozick	Mr. Gallagher	Mr. Gonzalez	Mr. Kaufhold	Mr. Morytko	Mr. Olson	Ms. Raffay	Mayor Rubenstein	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
MOTION						√					
SECONDED				√							
AYE	√			√	√	√				√	√
NAY											
ABSTAIN											
ABSENT		√					√	√	√		

Motion Carried.

SP4-2020, On Time Sign and Design, 10 Route 206, Block 42 Lot 112, V-B Zone

Preliminary and Final Plan for the rehabilitation of an existing building commercial building which includes three separate tenants, signage, parking improvements, and façade changes. (This resolution will be available at the November 19, 2020 meeting.)

PB2-2020 A Resolution to Establish and Adopt Standards and Procedures to Hold Remote Meetings During a State of Emergency and Under an Executive Order by the Governor.

A motion to approve this resolution was made by Mr. Olson. The motion was seconded by Mr. Morytko. The following vote was taken:

	Mr. Chozick	Mr. Gallagher	Mr. Gonzalez	Mr. Kaufhold	Mr. Morytko	Mr. Olson	Ms. Raffay	Mayor Rubenstein	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
MOTION						√					
SECONDED					√						
AYE	√		√	√	√	√				√	√
NAY											
ABSTAIN											
ABSENT		√					√	√	√		

Motion carried.

SP2-2020, Byram Route 206 Developers, LLC., Block 34 Lots 14 & 15, 75 – 77 Route 206, V-B Zone (carried from September 10, 2020)

To construct a 5,585 sq. ft. food market with fueling stations, and associated site improvements; parking, lighting, landscaping and utilities.

Mr. Michael Selvaggi, Esq., representing the applicant said in response to comments from the Board, the Board’s professionals, Byram’s Environmental Commission, the Fire Department, and the public, changes were made to the plan and Mr. Sharo, project engineer presented those changes.

Mr. Sharo, P.E. who is still under oath presented those changes to the Board.

Pedestrian movement and landscaping:

- A 6ft wide sidewalk and crosswalk leading from the northeasterly building corner to the existing sidewalk along Route 206 was added.
- Rights to landscape the grassy area to the south of the drive isle have not been obtained by the property owner of Block 34 Lot 14, so no landscaping has been added to that section, however revisions were made to provide a sidewalk, and additional landscaping was added within the northerly property line.
- Four new crosswalks were added for pedestrian movement and connectivity to the CVS site.
  - One at the main entrance to the Wawa Store, and a sidewalk was extended on that side to the store.
  - One to the northwest that extends from the Wawa site to the CVS site.

- One to connect the canopy area to the building.
- One to connect the building to the trash enclosure.
- No parking fire zones were added.
- Three internal parking islands were added noting that the islands to the south and rear cannot accommodate trees since they are close to the stormwater infrastructure.
  - One in the parking area on the northern side.
  - One in the rear parking area.
  - One in the parking area on the southern side.

Mr. Olson asked if they considered adding a crosswalk to the egress on the southern border saying that pedestrians walking from the Brookwood's section of Byram may use this to enter the site. Mr. Sharo said that was a good point and they will take that into consideration.

- A mix of evergreens were added to the northern property line abutting the drive isle.
- Shade trees were added along Route 206.
- Shade trees sizes were increased to comply with the Township's Ordinance.
- The landscape plan was revised to provide evergreen trees in the area where trees and shrubbery exist today adjacent to the northwesterly corner of the proposed improvements.
- Trees were added to the rear for a buffer to the residents behind CVS.
- The landscape plan was revised to modify the proposed plantings around the trash enclosure and to provide a mix of wildflowers and grass mix in the rear grassy area, behind the rear parking area.

Lighting:

- The lighting plan has been revised to reduced illumination in the parking and sidewalk areas in and at the property boundaries, particularly to the southerly property boundary illumination. Illumination levels were reduced throughout the entirety of the site.

Mr. Gleitz asked if Wawa closes fueling stations during slow times and if so, would they consider turning off lights in the areas where fueling stations are closed. Mr. Sharo said Wawa does not close fueling stations and believes lighting should be maintained under canopy for safety purposes. Mr. Sharo added that the recently approved Quick Chek to the south has higher light levels, and it abuts a residential neighborhood.

Stormwater:

- A DOT survey has been included in the revised plan.
- Liners were added to each basin.
- Hoods were added to each parking area inlet.
- A Hydrocarbon filter was added near the Route 206 exit in the southeast corner of the parking lot to absorb traces of hydrocarbons present in gas.
- Oil water separators have been added to the inlets.

Access Road Widening

- Improvements to the intersection were required by DOT.

Mr. Olson asked about snow removal. Mr. Sharo said they will use a parking space in the rear and if snow is excessive, they will cart it off the site.

Mr. Morytko asked about adding a sidewalk from the drive isle connecting to the CVS site was considered. Mr. Sharo said a crosswalk is provided in the rear but a sidewalk across the drive isle would be dangerous. Mr. Gleitz agreed that a crosswalk in the rear of the access drive is best.

There was discussion about the type of trees and Mr. Gleitz said he will work with Mr. Sharo on the tree type and size throughout the site.

#### Fuel Storage Tanks:

- Tanks are double-walled fiber glass tanks with an interstitial space used to monitor for leaks, and periodic inspections are done throughout the life of the tank.
- Tanks will be installed per local and state underground tank regulations and are installed by specific installers that Wawa uses for all locations.

Mr. Olson asked about the wetlands delineation line and working in a conservation easement. Mr. Sharo said they are working with the DEP to change the conservation easement, and since it was discovered that Lubber's Run is classified as a C1 Stream they are in the process of obtaining necessary permits to work inside a riparian zone. Mr. Stoner believes this work will require a DEP Wetlands Permit and a Flood Hazard Permit and a full stormwater review by the DEP. Mr. Sharo said the DEP has already started the Stormwater review.

Mr. Olson said the riparian buffer extends behind the building. Mr. Stoner said it is measured off the edge of bank, Wetland buffer is 150 ft. and the Riparian Buffer is 300 feet.

Mr. Gleitz asked about foundation plantings. Mr. Sharo said no foundation planting are proposed but will talk to Wawa about adding planters in front of the building.

#### Environmental Comment Review:

- Mr. Sharo reviewed the Environmental Commission comments saying the EIS will be updated to include the C1 stream.
- Solar panels are not proposed at this time but possibly in the future.
- Electric charging stations are not proposed at this time. He said normally, after the site is built Wawa does an assessment and if warranted, charging stations will be installed.
- LED lighting and high efficiency equipment is utilized.
- Noise Pollution – Mr. Sharo said they do allow low playing music, but they will comply with any municipal and state regulations.
- Emergency vehicles, including fire protection vehicles should not have a problem maneuvering the site.
- A Low Impact Development Checklist will be submitted under separate cover if this application is approved by the Board.

The Board had no more questions at this time for Mr. Sharo.

Chairman Shivas opened to the public.

*Kathleen Parrish, 5 Ross Road* still under oath asked if it is typical for this Board to approve an application with an inadequate EIS. She said she believes the EIS lacks information about the conservation easement on the property and the C1 tributary. She also asked about items mentioned in the Geotechnical Report that was not mentioned in the EIS.

Mr. Sharo said they followed the outline provided by the Township, but they will do more research and do what is required.

Ms. Parrish asked if it is also typical to approve an application when the buffer has not been delineated. Chairman Shivas said this happens frequently with applications and said this approval will be subject to all approvals by the Municipality, State and DEP requirements and that language will be included in the resolution if this application is an approved.

Ms. Parrish asked about contaminates in the snow melt. Mr. Sharo said there is a curb line around the site to collect now melt.

*Donna Griff, 71 Brookwood Road* after learning that this development is near a C1 stream what changes have been made to protect any contamination to the stream.

Mr. Sharo said they have implemented all stormwater changes and are working with the DEP about doing work in a riparian buffer. He said the lot was pre-disturbed which makes a difference and they are obtaining all necessary permits and following all necessary procedures.

Chairman Shivas said all those approvals are under the preview of the DEP and if Wawa receives approval of this application from this Board but changes have to be made to the approved development plan as a result of DEP reviews, the applicant would have to return to the Board for further approval.

*James Braun, 51 Lackawanna Drive* asked if the soil type was good for the proposed plants, and if the effects of water run off from snow melt would be harmful to the trees.

Mr. Sharo said the curb line around the site will protect the plantings.

Mr. Braun also asked about traffic and Chairman Shivas said a traffic engineer will provide testimony later and that question should be directed to him.

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

Several Board Members believed that electric charging stations and solar for alternative energy should be included in this development. Mr. Sharo said Wawa usually determines if solar or charging stations are warranted on a case by case basis and usually after the site is open. Mr. Gleitz, and Board members said it would be worth while to determine that now, have conduit areas identified and include notes on the plan and possible locations so a return trip to the Board could be avoided.

Mr. Sharo said they will add notes and possible locations for charging stations.

#### Traffic Testimony:

Nicholas Verterese, Traffic Engineer with Dynamic Engineering was sworn in. He provided his education and experience to the Board and the Board accepted him as an expert in this field.

Mr. Verterese shared Exhibit A7, colored rendering of the site, and said they met with the DOT and prepared a traffic study and he reviewed that study with the Board. He said they are in the final stage of approval with the DOT and they have addressed all DOT comments. He said the modification of the intersection, under the direction of the DOT improves the intersection, and considers the increased traffic capacity after development. He said the study shows that the level of service will be like what exists today.

Mr. Verterese reviewed all the modifications made to the drive isle, saying they met all DOT criteria. He said they modified the exit at the south end of the site to improve radius and ensured a good sight line distance. He reviewed the pedestrian connections and crosswalks and the modified traffic signal with the Board.

Mr. Verterese said the pylon sign on this site is necessary and he presented Exhibit A8, Overall Site Plan Overlay, Sheet 1 of 1, dated 10/29/2020. He said traveling south the site is blocked by the CVS and DOT yard. He said the site is long and narrow and sites back off the highway. He said CVS has two entrances so if you miss the first entrance you can use the second entrance. This site only has one entrance, making safety a concern. Mr. Verterese presented Exhibit A9, various photos of views of the site traveling southbound, Exhibit A10, various photos of the site with the canopy and sign superimposed, and Exhibit A11, a photo from the midway point of the CVS driveway. He said for safety reasons the sign must have good visibility. He said based on a study and industry standards the proposed sign is proper for this location.

Mr. Kaufhold said from Lackawanna Drive if two cars are in the right lane to turn left, vehicles wanting to turn right must wait because of a backup. Mr. Verterese agreed but said it will have little impact and are there no failing levels of service based on the study.

Mr. Morytko asked if traffic was commuter traffic of destination traffic. He said during peak hours 75% is commuter traffic and 25% destination traffic. Mr. Morytko, as well as other Board

Members, would like Wawa to consider other sign variations, i.e. a monument sign or a side by side sign like the one at the Hackettstown Store which was pointed out by Mr. Olson, or too consider having a smaller sign but closer to the road. Mr. Walsh said after time people will become familiar with the site, the traffic speed is only 35 MPH, and vehicles do not normally speed thru the intersection and agrees a different sign should be considered.

Mr. Verterese said Wawa looks at standards and applies those standards and while the Board may disagree, he said for the record he believes that from a safety standpoint this site needs the sign to be visible from south bound traffic.

Mr. Olson asked if they checked if the handicap parking provided is enough.

Mr. Sharo said yes.

Chairman Shivas opened to the public.

*Kathleen Parrish, 5 Ross Road* asked if the exit to the south is a full stop? Mr. Verterese said yes.

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

Planning Testimony:

Mr. John McDonough, P.P., was sworn in and provided his education and experience to the Board and the Board accepted him as an expert in his field.

Mr. McDonough presented Exhibit A12, various maps and photos of the site and the surrounding area and discussed the Exhibit with the Board. He presented Exhibit A13, "List of Relief" and discussed the various waivers and variances needed for this project noting that most are related to design waivers. Mr. McDonough said this area is the heart of the community and good for economic growth. He said this area needs economic development and growth, and this site is perfect for redevelopment. Mr. McDonough said this zone allows a wide variety of uses, and this proposed use is a viable use, sustainable use.

Mr. McDonough said this commercial site has been stagnant for years and land to develop in Byram is a scarce. He said it is a prime, well stabilized location, being at a signalized intersection, and will be a contributor to viable land use. The site is primarily a clean site, requiring little tree cutting. He said the service use is suitable on a service road saying it provides basic, everyday needs, fueling and convenience, and will be an aesthetic improvement to Byram's business corridor and will improve the image of this community. Mr. McDonough believes that all adverse impacts have been addressed by Wawa's professionals.

Mr. McDonough expanded on how this project advances purposes a, g, h, l, and m of the Municipal Land Use Law saying the site is suitable for the proposed development and provides a need for citizens. It is at a signalized intersection, and it will improve Byram's business corridor. The plan provides a good buffer to residents in the rear and is not surrounded by residential neighborhoods. He said that Byram Economic Development Plan encourages people and activity and this proposal promotes people and activity.

Mr. Kaufhold stated that 31 waivers and variances are requested with this application, how is this site suitable.

Mr. McDonough said most are waives that relate to design standards.

Chairman Shivas said Byram has several gas stations which are currently prohibited, why should the town allow another gas station.

Mr. McDonough said both stations going south is older, this development provides a safer alternative, and it gives motorist a choice and offers more retail product. Mr. McDonough said the retail component is permitted and many towns are updating their ordinances to allow this type use, it is

becoming popular whereas it is a matter of convenience. He added that Wawa is a recognized brand and businesses want to be in a place that is stable, and this plan is a positive for this community. Mr. McDonough believes the only negative aspect to this project is the proposed sign.

Chairman Shivas opened to the public.

Kathleen Parrish,

Asked if fossil fuel is included in Mr. McDonough analysis and how it impacts the welfare of the public and climate change.

Mr. McDonough said yes, it was considered. He added that this use serves the community.

Ms. Parrish asked if Wawa would consider a store without fueling stations.

Mr. McDonough said no.

Ms. Parrish had a question about the EIS, but Mr. McDonough could not answer questions relating to the EIS.

Donna Griff asked Mr. McDonough why we need a bigger gas station.

Mr. McDonough said it is a contemporary version of a gas station and provides better vehicle circulation and is safer for pedestrians. He added that this station provides a more variety of product.

Ms. Griff asked if Wawa took into consideration that the development is near a C1 stream, and the hazards and smells that people will be subject to.

Mr. McDonough said regulations that govern this use are in effect and being followed by the applicant.

Mr. James Braun said did Wawa conduct a survey about competition with other gas stations in the area.

Mr. McDonough said Wawa would not want to compete with themselves.

Because of the time Chairman Shivas closed to the public. Mr. McDonough will be available at the next meeting for questions.

Mr. Walsh said he likes the application but would like Wawa to consider the use of solar as alternative energy, and electric charging stations. The board would also like Wawa to consider a new sign before the next meeting. Several Board members agreed. Mr. Selvaggi said they will take these recommendations back to Wawa.

A motion to carry this meeting without further notice to November 19, 2020 was made by Mr. Walsh. The motion was seconded Mr. Olson. The following vote was taken:

	Mr. Chozick	Mr. Gallagher	Mr. Gonzalez	Mr. Kaufhold	Mr. Morytko	Mr. Olson	Ms. Raffay	Mayor Rubenstein	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
MOTION										√	
SECONDED						√					
AYE	√		√	√	√	√				√	√
NAY											
ABSTAIN											
ABSENT											

Motion carried.

## REPORTS FROM COMMITTEES

Committee reports were not discussed at this meeting.

Architectural Review Committee

Board of Health

Building Committee

Environmental Commission

Open Space

Township Council

## BILLS

CP Engineers (2 bills) \$1,240.00

A motion to approve CP Engineer bills was made by Mr. Walsh. The motion was seconded by Mr. Olson. All were in favor. Motion carried.

Law Office of Larry Wiener (3 bills) \$750.00

A motion to approve Ms. Hubbard's bills was made by Mr. Walsh. The motion was seconded by Mr. Kaufhold. All were in favor. Motion carried.

## OPEN TO THE PUBLIC

Chairman Shivas opened to the public.

*Donna Griff, 71 Brookwood Road* thanked the Board and Staff for their efforts to continue Planning Board business during the pandemic and creating a way that the public can participate, and visually see the meeting material.

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

## ADJOURNMENT

At 11:00 pm. a motion to adjourn the meeting was made by Mr. Kaufhold. The motion was seconded by Mr. Morytko. All were in favor. Meeting was adjourned.

Respectfully submitted,  
*Cheryl White*