

**MEETING MINTUES
BYRAM TOWNSHIP PLANNING BOARD
MEETING, APRIL 7, 2022**

CALL TO ORDER

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

ROLL CALL

	Mayor Rubenstein	Chris Franco	Andrew McElroy	Lisa Shimamoto	Marie Raffay	John Morytko	Robert Chozick	Eric Serrilli	Greg Smith	Michael Walsh	George Shivas
Present	√	√		√	√		√		√	√	√
Absent											
Excused			√			√					
Late								√			

Also present: Attorney Alyse Hubbard, Esq.
 Engineer Cory Stoner, P.E. C.M.E.
 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

MEETING MINUTES

Approval of March 17, 2022 Meeting Minutes

Mr. Chozick motioned to approve the minutes, seconded by Ms. Shimamoto:

	Mayor Rubenstein	Ms. Franco	Mr. McElroy	Ms. Shimamoto	Ms. Raffay	Mr. Morytko	Mr. Chozick	Mr. Serrilli	Mr. Smith	Mr. Walsh	Chairman Shivas
Motion							√				
Second				√							
Aye	√	√		√	√		√			√	√
Nay											
Abstain									√		
Absent			√			√		√			

Motion carried.

RESOLUTIONS

Z04-2022 Richard Mondragon, 105 Stonehedge Lane, Block 337 Lot 62, R-3 Zone

Approval for a 6ft fence where 4ft is permitted

Ms. Shimamoto motioned to approve the resolution, seconded by Mr. Chozick:

	Mayor Rubenstein	Ms. Franco	Mr. McElroy	Ms. Shimamoto	Ms. Raffay	Mr. Morytko	Mr. Chozick	Mr. Serrilli	Mr. Smith	Mr. Walsh	Chairman Shivas
Motion				√							
Second							√				
Aye	√	√		√	√		√			√	√
Nay											
Abstain									√		
Absent			√			√		√			

Motion carried.

Z03-2022 Joyce Slochower, 301 Amity Road, Block 336 Lot 39, R-2 Zone

Approval for a cabana whereas the property does not abut a road

Ms. Shimamoto motioned to approve the resolution, seconded by Mr. Chozick:

	Mayor Rubenstein	Ms. Franco	Mr. McElroy	Ms. Shimamoto	Ms. Raffay	Mr. Morytko	Mr. Chozick	Mr. Serrilli	Mr. Smith	Mr. Walsh	Chairman Shivas
Motion				√							
Second							√				
Aye	√	√		√	√		√			√	√
Nay											
Abstain									√		
Absent			√			√		√			

Motion carried.

OLD BUSINESS

Z02-2021 Eric Schuffenhauer, 271 Lackawanna Drive, Block 344 Lot 2.03, R-2 Zone

Addition of a pole barn, attached garage, front porch, and pool deck.

Chairman Shivas noted to the applicant that they can listen but can't provide testimony. Ms. Hubbard noted the substance of the application can't be discussed, and reminded Mr. and Mrs. Schuffenhauer that they remain under oath from the last meeting. Mr. Schuffenhauer said he believes they did everything they were asked based on the conversation of the last meeting regarding new plans and noticing. They decided not to notice, and eliminate the variance that required the additional notice. Ms. Hubbard noted one of the variances was for the height of the garage, and they don't have any information to confirm if that needs a notice. Mr. Schuffenhauer noted that it's his responsibility to make sure it doesn't require a variance, and the plans put together show that they will be compliant. Ms. Hubbard noted those plans weren't sent until yesterday to the engineer. Mr. Stoner noted that he received an email of a photo of part of the plans. Mr. Chozick confirmed the notice was deficient for the height of the garage and the grade of the driveway. Mr. Stoner noted that he doesn't have any information to determine the variances needed. Ms. Hubbard said that one of the rules of the Board is to provide ten days in advance to submit plans so the professionals can review them. She noted she was emailed a draft notice that was insufficient, and didn't get a revised copy. He may be able to do some of the proposed work with a zoning permit, but with the zoning permit and Board application at the same time, they are conflicting plans. If the Board carried the application, plans have to be submitted at least ten days in advance. Exhibits for minor parts of the application are okay to present at the meeting, but when calculations are needed, they need to be reviewed.

Mr. Schuffenhauer noted if quick calculations can't be done, he'd ask that the application be carried to the next available meeting. Ms. Hubbard noted they can carry or dismiss, but not deny or approve the application. Ms. Raffay asked about the difference between carrying and dismissing. Ms. Hubbard noted that they've carried this application before, and the Board can determine if they need further notice, and Mr. Stoner would need to review plans to determine what variances are needed. Dismissing an application takes it off the Board's docket, and an applicant would have to come back with new plans resubmitted to the Board. This may accrue additional fees, but the applicant can request for them to be waived. Mr. Chozick asked if there's a difference between dismissing and if the applicant withdrew the application. Ms. Hubbard said it could be withdrawn and he could get approvals through the zoning office, and find out if any other variances are needed. Mr. Stoner reminded the Board there's still a violation for steep slopes disturbance. Ms. Hubbard noted this violation is pending in court, stayed through these hearings.

Mr. Stoner said he can review some information, but it's the applicant's responsibility to provide measurement and details. Ms. Raffay noted they asked for a timeframe as well, which has not been provided. Mr. Schuffenhauer said he has that if needed. Ms. Hubbard said they needed to have come to the Board for the professionals to review. Ms. Raffay noted that it's not just the professionals, but the public who should have a chance to review everything. Mr. Walsh noted that the Board has been trying to figure out what's on and off the application, and the details of the structures, and the professionals and Board are there to review the information presented, but determinations can't be made on the spot. Chairman Shivas said he thinks it would be easier dropping off a clean plan of everything that's proposed, because this will be entered as a record for the town. Ms. Hubbard noted that if there's a significant change in plans, the application should be amended to reflect those changes. Ms. Raffay thinks it may help the applicant more if the application were to start over with a clean slate. Mr. Chozick noted that with the plans significantly changing, carrying and dismissing are almost the same thing in terms of noticing and supplying new information. Mr. Stoner said that if things significantly change, the Board can determine if it requires new notice. Ms. Hubbard agreed and noted that's what they expected to happen at the last meeting. Mr. Walsh summarized the portion of the last meeting where noticing was discussed, and feels that there wasn't anything in that statement indicating they could move forward without new plans or notice. Mr. Walsh said the grade for the barn is an important factor; the grade would need to be noticed and the Board needed plans for the grading. Mr. Stoner noted that it looks like the pole barn would be voided off the plan, the driveway is being re-vegetated so it'd be voided off the plan—he doesn't have plans to make a decision. Mr. Stoner noted that a full plan with a letter of changes should have been submitted so Ms. Hubbard and himself could make a determination on what's needed. Ms. Hubbard noted the burden is on the applicant to supply sufficient evidence for the plan. Mr. Chozick noted at the last meeting the Board carried this application with further notice. There was discussion about the driveway.

Ms. Raffay noted that with the confusion on what's being asked for and proposed, that she's more inclined to dismiss the application. Ms. Raffay motioned to dismiss the application without prejudice, seconded by Ms. Franco. The below vote was taken:

	Mayor Rubenstein	Ms. Franco	Mr. McElroy	Ms. Shimamoto	Ms. Raffay	Mr. Morytko	Mr. Chozick	Mr. Serrilli	Mr. Smith	Mr. Walsh	Chairman Shivas
Motion					√						
Second		√									
Aye		√		√	√		√	√	√	√	√
Nay											
Abstain	√										
Absent			√			√					

Motion carried. Chairman Shivas said the application is no longer in front of the Board and a new application would need to be submitted with clean drawings. Mr. Chozick said they're clear to pursue zoning permits because there's no conflict with the Board. Mr. Smith said this would be helpful because the zoning permits can be obtained and then reflected on new plans. Chairman Shivas noted having the driveway updated would help so it's accurately reflected on the plans. Mr. Schuffenhauer said they came to the Board for the steep slope disturbance, so they'll have to come back.

SP8-2021 Goksun Goksu, 12 Ghost Pony Road, Block 361 Lot 2.03, R-3 Zone
Expansion a 4-family dwelling to 6 family

Chairman Shivas noted they didn't notice properly for the meeting, and need to be carried to 05/05. Ms. Hubbard clarified that the notice itself was fine, but it was published in a newspaper in Paterson rather than the New Jersey Herald. They need to re-notice in the newspaper but not the mailings.

Mr. Walsh motioned to carry this application to 05/05 with a new legal publication in the proper newspaper, seconded by Mr. Serrilli. The below vote was taken

	Mayor Rubenstein	Ms. Franco	Mr. McElroy	Ms. Shimamoto	Ms. Raffay	Mr. Morytko	Mr. Chozick	Mr. Serrilli	Mr. Smith	Mr. Walsh	Chairman Shivas
Motion										√	
Second								√			
Aye				√	√		√	√	√	√	√
Nay											
Abstain	√	√									
Absent			√			√					

Motion carried.

REPORTS FROM COMMITTEES

Architectural Review Committee: No one was there to represent it.

Building Committee: There was no meeting.

Environmental Commission: Ms. Shimamoto said there was nothing to report.

Open Space: Ms. Phillips noted there's a meeting on Monday.

Township Council: Mayor Rubenstein said they passed an ordinance for Riverside Park for improvements including playground equipment, paving, basketball, parking lot improvements, ADA, guardrails, etc. The budget was also adopted. They appointed four new members to the Recreation Committee. There's a hike on May 1st led by the Environmental Commission, at CO Johnson Park.

BILLS

Harold Pellow and Associates (17): \$6,954.15

A motion to approve the bills was made by Mr. Chozick. The motion was seconded by Mr. Walsh. All were in favor. Motion carried.

Law Offices of Larry Wiener (1): \$915.00

A motion to approve the bills was made by Mr. Walsh. The motion was seconded by Mr. Smith. All were in favor. Motion carried.

Chairman Shivas reminded the Board to fill out the annual financial papers.

OPEN TO THE PUBLIC

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

ADJOURNMENT

A motion to adjourn the meeting was made at 8:11 by Ms. Raffay. The motion was seconded by Mr. Chozick. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted,
Caitlin Phillips