

**MEETING MINTUES
BYRAM TOWNSHIP PLANNING BOARD
MEETING, August 19, 2021**

CALL TO ORDER

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

ROLL CALL

	Mr. Chozick	Ms. Franco	Mr. McElroy	Mr. Morytko	Ms. Raffay	Mayor Rubenstein	Mr. Serrilli	Ms. Shimamoto	Mr. Smith	Mr. Walsh	Chairman Shivas
HERE	H	H	H		H	H	H	H	H	H	H
ABSENT											
EXCUSED											
LATE				L							

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

COMPLETENESS REVIEWS

SP5-2021 Center for Humanistic Change, 12 Route 206, Block 42 Lot 110, VB Zone
 Interior renovations and addition of exterior elevator.

Mr. Walsh noted the result of the proposed application leads to two parking spaces being lost, but they would meet all requirements for the new use. The Committee proposed to waive the EIS, but would like fire protection and architectural details for the meeting.

Mr. Walsh motioned to deem this application complete and be heard on 10/21, seconded by Ms. Shimamoto. The following vote was taken:

	Mr. Chozick	Ms. Franco	Mr. McElroy	Mr. Morytko	Ms. Raffay	Mayor Rubenstein	Mr. Serrilli	Ms. Shimamoto	Mr. Smith	Mr. Walsh	Chairman Shivas
MOTION										√	
SECONDED								√			
AYE	√	√	√		√	√	√	√	√	√	√
NAY											
ABSTAIN											
ABSENT				√							

Motion carried.

SP6-2021 Matthew Akerman, 34 Route 206, Block 40 Lot 15, VB Zone

Variances for outdoor storage, conducting wood sales, and using land for a non-permitted use.

Mr. Walsh noted this was heard July 1st, at which time it was deemed incomplete because they needed site details and environmental information. The applicant requested a waiver for the EIS; Mr. Walsh noted the concern of impact on Lubbers' Run. The Committee recommended this application be deemed complete provided the applicant submits a report from an environmental specialist regarding the impact of the proposed activity on Lubbers' Run. Mr. Stoner noted this report should be submitted prior to the hearing.

Mr. Walsh motioned to deem this application complete subject to the provision of the report, to be heard on 11/04, seconded by Ms. Shimamoto. The following vote was taken:

	Mr. Chozick	Ms. Franco	Mr. McElroy	Mr. Morytko	Ms. Raffay	Mayor Rubenstein	Mr. Serrilli	Ms. Shimamoto	Mr. Smith	Mr. Walsh	Chairman Shivas
MOTION										√	
SECONDED								√			
AYE	√	√	√		√	√	√	√	√	√	√
NAY											
ABSTAIN											
ABSENT				√							

Motion carried.

MINUTES

Approval of the 08/05 meeting minutes.

Mr. Smith motioned to approve the 08/05 minutes, seconded by Mr. Chozick. The following vote was taken:

	Mr. Chozick	Ms. Franco	Mr. McElroy	Mr. Morytko	Ms. Raffay	Mayor Rubenstein	Mr. Serrilli	Ms. Shimamoto	Mr. Smith	Mr. Walsh	Chairman Shivas
MOTION			√								
SECONDED									√		
AYE	√	√	√		√	√	√	√	√	√	√
NAY											
ABSTAIN											
ABSENT				√							

Motion carried.

NEW BUSINESS

Z09-2021-Colleen and Mark Rooney, 10 Ka Ton Nah Trail, Block 144, Lots 130.01, R-5 Zone

Proposed second story to a single-family dwelling.

Colleen and Mark Rooney of 10 Ka-Ton-Nah Trail were sworn in with Jeff Careaga of Careaga Engineering in Budd Lake. Mr. Careaga's licenses were still in good standing. Mr. Careaga provided an overview of the project, in which there's no site work except for a retaining wall in the back due to a drainage problem. He noted the pre-existing nonconformities, including the house being close to the property line.

Chairman Shivas asked where the retaining wall will be. Mr. Careaga said it'll be in the back under the wood deck, and is used to correct the drainage issue. The wall will be under 4ft, and dirt will be behind the wall. Chairman Shivas noted on the top left of the drawing, there looks to be a fence, and asked who that's owned by. Mrs. Rooney confirmed it belongs to the neighbor. Chairman Shivas confirmed all their fences are on their property. Mr. Careaga discussed the septic tank location, between the deck and first retaining wall and fence. Chairman Shivas confirmed the tank pumps up to the front.

Chairman Shivas asked how they'll get equipment for this project onto their property. Mrs. Rooney said their contractor told them this can be done, and their fence can come down if necessary. She noted the septic is raised, so it'd be safe from being run over. Mr. Walsh asked how far the neighbor is from the property line. Mrs. Rooney said they're probably as close to the line as they are, but they're so far down that their roof is in line with the Rooney's ground. Mr. Careaga added the neighbor is 25ft away. Mr. Morytko joined the meeting at this time, 7:50 pm.

Mrs. Rooney noted that in the front of their house the basement is flush with the driveway, and in the back there is a full-sized door. Ms. Raffay questioned if an easement or agreement with the neighbor would be needed to help get equipment on the property. Mrs. Rooney said they're friendly with the neighbors, so it shouldn't be an issue. She noted the area between the houses has a lot of grass and a stone wall so it's not very habitable.

Mr. Stoner asked if they'll have new siding. Mrs. Rooney said the roof needs to be fixed, and new siding may be added to the new section, but structural walls won't change. She noted the windows will be replaced. Ms. Shimamoto asked about the direction of stormwater. Mr. Careaga said the water drains to the back of the property, and Mrs. Rooney said there's a drainpipe near the front that drains to the street. Chairman Shivas noted no new drainage is being added. Ms. Shimamoto added that they already have a drainage issue, so she wants to make sure this is addressed. Mr. Rooney said they'll put sod down in the back when the project is done. Chairman Shivas asked if the walls on the side yard are higher than 4ft, and Mr. Careaga noted they are; Mr. Rooney noted they were there when they bought the house. Mr. Smith directed the Board to the submitted photos to show the rock walls.

Mr. Stoner noted that on the plans it says the downspouts drain to a drywell, and confirmed there is no drywell so that will be taken off the plans. Ms. Hubbard noted this is a hardship variance due to the topography of the property.

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

Ms. Hubbard asked if they're doing any landscaping or just sodding the back area. Mrs. Rooney said there isn't much room to do landscaping without it being in the way of the septic. Most of the area is in the drop-off, where weeds and brush grow, but they can't do much else.

Mayor Rubenstein motioned to approve this application provided they remove the note about the drywell, seconded by Mr. Walsh. Ms. Raffay noted she appreciates what they did, realizing the

setbacks and working with that they have. The following vote was taken:

	Mr. Chozick	Ms. Franco	Mr. McElroy	Mr. Morytko	Ms. Raffay	Mayor Rubenstein	Mr. Serrilli	Ms. Shimamoto	Mr. Smith	Mr. Walsh	Chairman Shivas
MOTION						√					
SECONDED										√	
AYE	√	√	√		√	√	√	√	√	√	√
NAY											
ABSTAIN				√							
ABSENT											

Motion carried.

Z10-2021 Peter Smith, 9 Weausag Trail, Block 187 Lot 1, R5 Zone

Approval for an existing shed’s repairs and maintenance.

Peter Smith of 9 Weausag Trail and his attorney Robert McBriar appeared, and Mr. Smith was sworn in. Mr. McBriar provided an overview of the application and had Mr. Smith confirm various details, including his owning the property since September of 2019, residing on Weausag Trail the two years prior to that, and having been a lake resident for the past 12 years. He volunteers for Cranberry Lake. Mr. McBriar confirmed there was a shed previously on the property. Mr. Smith noted the previous shed was in disrepair and was built incorrectly, and he has children play in the yard, so it was a safety issue. He noted that shed has been there for at least 20 years, having confirmed this with the prior owner, the neighbors, and on the survey. He noted his attempts to retrieve a previous survey that was done at the time of closing.

Mr. Smith noted that when he took down the old shed, the floor was in good condition so that was left, and he constructed new walls. He put an overhang and deck area on the shed so that people can sit there rather than be on the muddy ground. He constructed a solid roof to help against the wind. Chairman Shivas noted this part is considered a structure because it’s attached to the roof of the shed. Mr. McBriar confirmed with Mr. Smith that the shed is 12 by 16 feet including the deck. He did not remove any trees or vegetation for this project. Mr. Smith noted he’s conscious of the riparian buffer, and has Hosta plants covering a large portion of the property, depicted in **Exhibit A1**, a photo of the property’s vegetation. Mr. McBriar also submitted **Exhibit A2**, a photo to show the narrowness of the property. Mr. Smith explained due to the narrowness and placement of the septic on the property, this is the only viable place for the shed. Chairman Shivas confirmed the cement part of his dock goes straight across. Mr. Smith said when there is a storm, the water is absorbed rather than causing runoff. Mr. McBriar confirmed other Cranberry Lake properties have similar sheds or structures, emphasizing that this is a common amenity in the neighborhood.

Mr. Stoner confirmed the main part of the shed is on the same footing. He confirmed Mr. Smith is confident the shed is within his property. Mr. Stoner said he doesn’t think DEP permits are required and Highlands doesn’t apply; it’s up to the Board if they require a vegetative buffer. He confirmed comment 3B on his review can be disregarded. Ms. Shimamoto added that she has a concern about the surveys being confusing as to what is existing and where. She wants there to be a cleaned-up survey to have this all on record. Mr. McBriar confirmed the blue shed in the submitted photo doesn’t exist anymore. Mr. Smith said he called two attorneys, his bank, the town, and the septic group to try obtaining the prepared survey. Mayor Rubenstein asked if he would object to getting a new survey done of the property and its features. Mr. Smith said he wants a new survey for his records, so he’d be ok with that. Chairman Shivas confirmed there are two sheds on the property, so on the survey, everything needs to be shown.

Chairman Shivas opened to the public. John Seekamp, 10 Weausag Trail, was sworn in and noted Mr. Smith has improved this site ever since he moved in and is a great neighbor. He said the old shed’s been there about 30 years, and remembers it being an eyesore. Kathy Brown, 3 Weausag Trail, was sworn in and said Mr. Smith is a phenomenal neighbor who always improve things and helps, and the shed was dangerous, so he’s improving what’s there, and has no problem with what was done. Chairman Shivas closed to the public.

Mr. Morytko asked about the sea wall vegetation. Mr. Walsh noted that he’s familiar with the property and it has more vegetation than many other properties nearby. Ms. Hubbard asked regarding the setback to the water, what the measurements would be. Mr. Smith noted it’s 8 ft to the closest point. There was a discussion regarding the variances needed. Mr. Smith noted he’s alright amending the application to state the setback to the water is 6 ft rather than the previously indicated 8 ft. Ms. Hubbard noted the resolution will say the setback cannot be less than 6 ft. Chairman Shivas said they’ll also state that Mr. Smith doesn’t need to plant any further vegetation on the property line.

Mayor Rubenstein motioned to approve this application with the following changes: the setback to the water will be amended to 6 ft, the current vegetative buffer cannot be decreased, an as-built survey must be submitted, seconded by Mr. Chozick. Chairman Shivas noted the next step is to see

the Construction Official to get the proper permits. The following vote was taken:

	Mr. Chozick	Ms. Franco	Mr. McElroy	Mr. Morytko	Ms. Raffay	Mayor Rubenstein	Mr. Serrilli	Ms. Shimamoto	Mr. Smith	Mr. Walsh	Chairman Shivas
MOTION						√					
SECONDED	√										
AYE	√	√	√	√	√	√	√	√	√	√	√
NAY											
ABSTAIN											
ABSENT											

Motion carried.

REPORTS FROM COMMITTEES

Architectural Review Committee: Mr. Morytko said there was no meeting.

Building Committee: Mr. Morytko said there was no meeting.

Environmental Commission: Ms. Shimamoto said there is a meeting next week.

Open Space: Mr. Morytko said they made a recommendation to the Council to approve hunting on Open Space parcels from the past. They are looking to approve Sussex County Trail Grants for CO Johnson and Cranberry Overlook.

Township Council: Mayor Rubenstein said there was a resolution to allow emergency relief to Suez Water to install a shed. Suez is required by the DEP to install filtration equipment for a new type of chemical or contaminant, to be installed by the first of the year. The resolution didn't pass. Ms. Hubbard said there will be a discussion about this and they'll likely be in front of the Board soon. Mayor Rubenstein also noted an ordinance was introduced to vacate a portion of Hillcrest Trail so the properties can be joined. Mr. Stoner asked if the Board would be okay doing a completeness review and hearing on the same night for Suez. Chairman Shivas said the Board will expedite this the best they can, but Suez has to go through the proper procedure on their end.

Zoning Report

BILLS

Law Offices of Larry Weiner (6)- \$1,710.00

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

OPEN TO THE PUBLIC

Chairman Shivas opened to the public. Jack Moran spoke about Suez Water, agreeing that they should go through the proper channels to get this done. He hasn't been told the water's not safe to drink, so is concerned if that information changes. Ms. Hubbard noted the Board's purview is the shed, and that the nearby properties will be noticed. She added that a completeness determination can occur the same night of a hearing as long as the noticing has been done. If they get to the hearing and the Board feels it's not appropriate to approve the resolution, they wouldn't approve it at that time.

Chairman Shivas closed to the public.

ADJOURNMENT

A motion to adjourn the meeting was made at 9:00 by Mr. McElroy. The motion was seconded by Mr. Morytko. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted,
Caitlin Phillips