

MEETING MINTUES OF THE BYRAM TOWNSHIP PLANNING BOARD: August 7 2025

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

ROLL CALL:

Members Present: Mss. Raffay, Colligan, DeMagistris; Messrs. Mayor Rubenstein, Proctor, McElroy, Morytko, Chairman Shivas

Members Absent: Ms. Lewandowski, Messrs. Smith, Walsh

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

OPENING STATEMENT: Adequate notice of this meeting of the Byram Township Planning Board was given as required by the Open Public Meeting Act. A resolution indicating the time, date, and location of regular Board meetings for the year 2025 was forwarded to the Board's designated newspaper, and posted on the bulletin boards and main doors of the Municipal Building.

FLAG SALUTE: led by Chairman Shivas.

MINUTES: July 17, 2025

Motion of Mr. Proctor to approve the minutes, second of Mr. McElroy.

Ayes: Mss. Raffay, DeMagistris; Messrs. Mayor Rubenstein, Proctor, McElroy, Chairman Shivas

Abstaining: Ms. Colligan, Mr. Morytko

Absent: Ms. Lewandowski, Messrs. Smith, Walsh

None opposed. Motion carried.

RESOLUTIONS

Z07-2025, Anthony Castelluccio, 4 Sandys Road, Block 403 Lot 77, R4

Application for gable roof cover and house generator

Motion of Mr. Proctor to approve the resolution, second by Ms. DeMagistris.

Ayes: Mss. Raffay, DeMagistris; Messrs. Mayor Rubenstein, Proctor, McElroy, Chairman Shivas

Abstaining: Ms. Colligan, Mr. Morytko

Absent: Ms. Lewandowski, Messrs. Smith, Walsh

None opposed. Motion carried.

SP3-2025 Aqua New Jersey, Inc., Lynn Drive, Block 337.04 Lot 25.45, R3 Zone

Application for utility enclosure for PFAS water treatment equipment

Motion of Mr. Proctor to approve the resolution, second by Ms. DeMagistris.

Ayes: Mss. Raffay, DeMagistris; Messrs. Mayor Rubenstein, Proctor, McElroy, Chairman Shivas

Abstaining: Ms. Colligan, Mr. Morytko

Absent: Ms. Lewandowski, Messrs. Smith, Walsh

None opposed. Motion carried.

SP2-2023 Venture Two LLC, 11 and 13 State Route 206, Block 27 Lots 383, 384, 381.02, VB Zone

Motion of Mr. Proctor to approve the resolution, second by Ms. DeMagistris.

Ayes: Mss. Raffay, DeMagistris; Messrs. Mayor Rubenstein, Proctor, McElroy, Chairman Shivas

Abstaining: Ms. Colligan, Mr. Morytko

Absent: Ms. Lewandowski, Messrs. Smith, Walsh

None opposed. Motion carried.

SUBCOMMITTEE

WOSP7-2025, Salt Gastropub, 109 Route 206, Block 70 Lot 9, VB Zone

Waiver of site plan application for site improvements

Ms. Raffay said the Subcommittee feels it's appropriate to grant a site plan waiver with conditions, including: only interior renovations to the kitchen, bathrooms, and front door modifications to take place; the outdoor Covid seating is removed, bringing it back to the original site plan circulation; no exterior changes to the building; no expansion of the existing bar or additional seating; and to submit an updated architectural floor plan showing these conditions. Mayor Rubenstein asked what's not being approved. Ms. Raffay said on the architectural plan, there were some stair renovations and an expansion of the bar, which may change parking requirements. The ordinance says having a certain amount of seats means specific numbers for parking spots. They can open the restaurant with interior renovations, but expanding the seating or the bar, or adding in items not on the original site plan, may cause it to be a site plan. Mr. Stoner noted the bar expansion was on the original plan but not the updated one. The bar expansion would change the number of seats. The plans show the kitchen modification, the bathroom being moved, and the door changes. The exterior items would mean submitting a new site plan application. Ms. Raffay noted their decision was based on what constitutes a site plan waiver; any modification to the exterior of the building means they can't do a site plan waiver. Ms. Phillips confirmed Mr. Boyle, present in the audience, had no questions on the decision for his application.

Motion of Ms. Raffay to approve the application subject to the conditions discussed, second by Mr. McElroy.

Ayes: Mss. Raffay, Colligan, DeMagistris; Messrs. Mayor Rubenstein, McElroy, Morytko, Chairman Shivas

Abstaining: Mr. Proctor

Absent: Ms. Lewandowski, Messrs. Smith, Walsh

None opposed. Motion carried.

NEW BUSINESS

Z02-2025, Leah Lowrie, 79 Tamarack Road, Block 360 Lot 42.01, R2

Application for multiple structures on property and proposed generator slab

Leah Lowrie was sworn in as the applicant. She is looking for approval for existing structures, including an 8x6 greenhouse, 12x17 shed, 10x26 greenhouse, and 6 foot fencing that doesn't go past the side of the house. There is a proposed slab for an AC unit. Currently there is a stone driveway, and it's sloped and eroding. She wants to put in a retaining wall to fix it, and pave the existing driveway. Chairman Shivas said the wall can't be higher than 4 feet, otherwise it needs engineered plans. Ms. Lowrie brought a copy of the quote for the wall, that states it will be 75 feet long and 5 feet high. She mentioned Geogrid. Ms. Raffay noted that's a type of structure, but the design needs to be engineered. Ms. Lowrie said the wall will be at the end of the driveway. The original contractor put a bunch of boulders around, and it's eroding, and the driveway hasn't been resurfaced. Mr. Stoner said they travel down the asphalt driveway, and then there's a slope and a rock line. Ms. Lowrie noted she tried to plant shrubs to keep it from eroding. Mr. Stoner noted the wall isn't part of the variance application. Ms. Lowrie said it's not because she needed the quote, and she mentioned the driveway and side driveway. Ms. Raffay asked why the driveway needs to be that wide. Mr. Stoner noted if the driveway is wider than 13 feet it needs a variance. The driveway has two grades, one by the house and the other for the gravel driveway, which drops off

in grade down to the back shed. He imagines the wall will be along the asphalt driveway shown on the survey. Ms. Lowrie confirmed that it will be between the two. Mr. Stoner noted right now it's like a laid-up boulder wall that's between the paved and gravel areas. Ms. Lowrie said it's going to taper off to grade. Mr. Stoner noted this application is for after-the-fact items, done without approvals. He asked what brought Ms. Lowrie here. She said her husband was working with the Zoning Officer, Nick, and he wasn't responding to Nick. They ended up in Andover Court. Ms. Lowrie is not sure how Nick and her husband started discussing these issues. Chairman Shivas noted if they went to court, there must be a violation.

Ms. Raffay asked why the driveway needs to be widened. Ms. Lowrie said they can't turn any vehicles around in their driveway. They have a trailer they'd like to park on the property. The driveway that goes down has a double-fence at the end, so that's the only access to their back yard if they need to bring any dirt or gravel back there. For deliveries, they won't drive heavy vehicles unless it's paved. Ms. Lowrie said the design is a "u" so that it retains the driveway. Mr. Stoner asked her to mark up her survey to show the wall. Ms. Lowrie submitted Exhibit A1, a survey markup of the retaining wall. They don't know how wide the off-shoot is because the contractor has to figure out the wall, and whatever is left, it will go to the edge of the fence. Ms. Lowrie submitted Exhibit A2, the quote from the contractor with the description. Ms. Raffay confirmed it's going all the way to the property line. Mr. Stoner said he's including both driveways together because they're parallel; it's a wide driveway split in half by a wall.

Mr. Stoner reviewed his report and the variances needed for each structure. Mayor Rubenstein noted in code section 240:16B, it explains the setbacks for an accessory structure or building under 200 square feet. Ms. Lowrie noted the slab for the generator. It would be on the same side as the greenhouse, close to the chimney and AC unit. Her lot is so narrow they needed a variance to build the house to begin with. Ms. Phillips confirmed which structures need variances for distances to other accessory structures. Chairman Shivas asked how they have a greenhouse in the woods. Ms. Lowrie said the greenhouse in the back was put back there because they needed shade, and the one in the front needs full sunlight. Everything proposed is within the fence, and the fence is in their property line. When they moved in, they put in a 6 foot chain link fence. Mayor Rubenstein submitted Exhibit B1, a notice of violation from August 2024, for the accessory structures. Chairman Shivas noted Ms. Lowrie submitted a letter stating the accessory structures don't encompass 50% of the size of the house. Ms. Lowrie said that was an initial letter, but Mr. Stoner's memo was updated.

Mr. McElroy noted the right looks wooded, and the left is near the neighbor. He asked if the greenhouse near the property line could go somewhere else. Ms. Lowrie said they need full sunlight. The back yard has a lot of rock outcrops, mature trees, and grade changes. Mr. McElroy noted he's not sure about having the greenhouse, AC, and proposed generator on the side near the neighbor. Ms. Lowrie said the generator needs to go there because of where the connection is. Chairman Shivas asked if she discussed this with her neighbor. Ms. Lowrie said she talked to them about the variances for the existing structures. There didn't seem to be a problem. Ms. Hubbard said their driveway is next to her lot. Mayor Rubenstein confirmed the greenhouse has been there at least 10 years. Ms. Hubbard confirmed all the structures have been there about that long. Mayor Rubenstein noted she has an open construction permit from 2010, for gas piping for a stove and fireplace. She should close this out as part of this application.

Mr. Stoner noted she should get a zoning permit. The wall will need engineered designs and construction permits. He wants the plan to be updated to show the wall, and the survey should say the driveway will be paved. Any gravel off the property line should be removed. He needs to see the property lines so when he goes out to do an inspection, he can make sure everything stays within the property. Ms. Raffay confirmed she can draw the wall and driveway information on the survey rather than have the surveying company do it. Mr. Stoner said he needs a copy of the plan that shows: where the wall is going to be located, that the driveway is going to be paved, the gravel going over the neighbor's property will be removed, and the location of the generator pad. He recommends submitting one zoning permit that includes the wall and the driveway paving, as well as the fence. Mr. Stoner noted when this application started, he looked at aerial maps, which showed vehicles and trailers on a neighbor's property. Ms. Lowrie said those are gone. Mr. Stoner confirmed that won't happen again. Ms. Lowrie said that was from her husband. He put up a structure and put his car there. Mayor Rubenstein noted that property is the New Jersey Conservation Foundation, and it's state land. Mr. Morytko said this is preserved Open Space. Chairman Shivas and Mr. Stoner explained what the next steps would be. Mr. Stoner wants the revised plan before the driveway is done. Chairman Shivas recommended she have the contractor mark up the plan, since they'll be doing the work. He noted the markup needs to be accurate. Mr. Stoner said she should get a zoning permit for the driveway, retaining wall, fencing, and the generator pad as one permit application. Mayor Rubenstein and Mr. Stoner explained the purpose of zoning permits.

Mr. Morytko asked about the driveway. Mayor Rubenstein noted part of it will split and dive down. Mr. Morytko asked if there should be a barrier at the taller height, for safety. Ms. Lowrie noted there will be a chain link fence. Ms. Raffay noted that may be a building code consideration. Mr. Proctor asked about the fencing and if it'll be on the retaining wall. Chairman Shivas noted the wall would need to be engineered if over 4 feet because they need to make sure it's not going to fall over. Mr. Stoner said the Construction Official may ask for something to make sure nothing falls off the side. They may need a guiderail.

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

Motion of Ms. Raffay to approve the application subject to the revisions to the plan being submitted, showing the changes to the gravel driveway to be paved, any portion of the driveway over the property line being removed, and the location of the wall and generator pad. Ms. Hubbard added zoning permits being filed, a variance for the driveway, engineered plans and construction permits for the wall, and updating the plans. Mr. Stoner noted the plans and permits may be decided through the Construction Official. Ms. Lowrie added the accurate, hand-drawn plans. Second by Mr. Proctor.

Ayes: Mss. Raffay, Colligan, DeMagistris; Messrs. Mayor Rubenstein, Proctor, McElroy, Morytko, Chairman Shivas

Absent: Ms. Lewandowski, Messrs. Smith, Walsh

None opposed. Motion carried. Ms. Hubbard explained the appeal period. Mr. Stoner recommended that she doesn't pave the driveway until the wall issue is addressed. He needs to do an inspection. The contractor should reach out to him before they pave.

SP4-2025 Ionna EV (Wawa), 75 Route 206, Block 34 Lot 15, VB Zone

Application for EV charging stations in Wawa parking lot

Chairman Shivas noted they have asked to be carried to 08/21. Mayor Rubenstein asked how this is a use variance. Ms. Hubbard said originally it was not a permitted use. When they went to the DEP, they had to come back to the Board to make changes to the site, and they did that as an amended use variance. Mr. Bloch's position was that they're coming back again and moving the EV from one side to another, and they proposed two stalls with one system, and now they're doing five with ten stalls. Site suitability is part of the use of the site, so they need to prove that it's still suitable for the use. Mr. Stoner noted they're modifying the approval. Ms. Hubbard noted during testimony they will need to explain how the changes don't impact the use. She added that the noticing had issues, and they didn't have an attorney at first. The attorney then said they'd like to correct the notice and carry the hearing. Motion of Mr. Proctor to carry the application with notice, second by Mr. McElroy.

Ayes: Mss. Raffay, Colligan, DeMagistris; Messrs. Mayor Rubenstein, Proctor, McElroy, Morytko, Chairman Shivas

Abstaining: Ms. Colligan

Absent: Ms. Lewandowski, Messrs. Smith, Walsh

None opposed. Motion carried. Ms. Phillips asked that the Board members let her know if they are not available. Ms. Colligan is recusing and Mr. Proctor and Mayor Rubenstein can't vote. Mr. McElroy is not available.

BILLS: Colliers (1): \$1,260.00. A motion to approve the bills was made by Mayor Rubenstein, seconded by Mr. Morytko. All were in favor. Motion carried.

REPORTS FROM COMMITTEES

Environmental Commission- Mr. McElroy said they met last week. There is someone coming to a Council meeting to discuss the controlled burn application. Mayor Rubenstein noted it's the forest fire service. Mr. McElroy said they discussed the riparian buffer ordinance, and Mr. Dlugos is coming to the next Council meeting. If anyone is interested in being a Byram Trail Keeper, they're doing an event to review invasive species. There is a Waterloo hike on 09/14.

Open Space- Mr. Morytko said their meeting is on Monday.

Township Council- Mayor Rubenstein said they didn't have a meeting due to vacations. They will meet next week.

OPEN TO THE PUBLIC

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

Ms. Hubbard noted Mr. Patel has withdrawn his application.

ADJOURNMENT

A motion to adjourn the meeting was made at 8:55 pm by Mr. McElroy, seconded by Mr. Proctor. All were in favor. Motion carried. The meeting was adjourned.

Submitted by Caitlin Phillips