

**MEETING MINTUES
BYRAM TOWNSHIP PLANNING BOARD
MEETING, December 16, 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
ABSENT							A	A		A	
EXCUSED											
LATE				L							

Also present: Attorney Alyse Hubbard, Esq.
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 November 18, 2021 Meeting Minutes

Mr. McElroy motioned to approve the minutes, seconded by Mr. Chozick. The below 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.

Mr. Morytko joined the meeting at this time.

Approval of the December 2, 2021 Meeting Minutes

Mr. Chozick motioned to approve the minutes, seconded by Mr. Smith. The below 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.

RESOLUTIONS

SP4-2021 DeRosa Enterprises, 262 Route 206, Block 216 Lot 2, NC Zone

Merging of 2 lots into a single lot, and use variance for expansion of existing marina for service and sales.

Mr. Smith motioned to approve the resolution, seconded by Mr. McElroy. The below 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.

Z18-2021 Dennis Argul, 8 Reis Avenue, Block 241 Lot 476.01, R-5 Zone

Approval to keep an existing shed in the front yard

Mr. Morytko motioned to approve the resolution, seconded by Mr. Chozick. The below 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.

SUBCOMMITTEE MEETING

SP9-2021 Byram 206 Developers, LLC, 77 NJSH Route 206, Block 34 Lots 14 and 15, VB Zone

Mr. McElroy motioned to deem the application complete and schedule a meeting for 01/20/2022, seconded by Mr. Chozick. The below 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

Z19-2021 Jara Werner, 104 Lynn Drive, Block 337.01 Lot 81, R-3 Zone

Approval for a fence in the side and rear yard and a shed in the second front yard.

Jara Werner of 104 Lynn Drive was sworn in. There was an existing shed when she bought the house and it got damaged, and the shed was removed. They want to replace the shed in the same spot and became aware of the zoning ordinances. They want a variance for a 6 ft fence because their large dog may jump over it otherwise. They don't have a fence currently. The Board reviewed the submitted photos to understand the shed placement and fencing style. They'd put aluminum decorative fencing, likely black, along the street, and along the woods would be a chain link fence. Mr. McElroy confirmed the house is elevated by around 5 feet. Ms. Werner doesn't want her dog to jump the fence and fall the additional footage to the ground. Ms. Raffay confirmed the fencing photos are just samples. The old shed was around 10 x 12 and the new shed is 12 x 16; the old shed was damaged by the trees above it. Mr. Chozick asked about the additional shed in the photos; Ms. Werner confirmed that's the neighbor's. She keeps lawn equipment in her shed; no bedrooms or bathrooms.

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

Ms. Raffay asked about the variances for this application. Ms. Hubbard confirmed the hardship is that there are two front yards on this property, and relocating the shed pad would be difficult. The majority of the property is sloped, so finding an area within the lot lines would also be difficult. Ms. Raffay asked where the septic is; Ms. Werner said it's to the left of where the survey says, "clean out."

Mayor Rubenstein motioned to approve the application, seconded by Mr. Smith. The below 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.

Z15-2021 Melissa and Chad Pirnos, 71 Lake Drive, Block 249 Lot 62, R-5 Zone

Approval for the front yard setback and setback to the water to demolish the existing dwelling and rebuild a new single-family home.

James Glasson of Civil Engineering located at 1 Cole Street in Budd Lake, the architect Matthew Smetana located at 64 Sunset Lake Road in Sparta, and Melissa and Chad Pirnos of 197 Lake Drive were sworn in. Mr. Smetana has been before this Board before and is deemed an expert; both professionals' licenses are in good standing. Mr. Glasson noted that their attorney is held up in another hearing, and provided a description of the application. He submitted exhibit A1, a colorized version of sheet 2 of the plans. It's a large property, and is about 5 times the size requirement. Mr. Glasson discussed the variances. The coverage of the property at the moment is around 10%. Around 70% of the property is already disturbed. There are 3 wetlands areas on the property; one near the bulkhead on the lake, one along the right of the bulkhead—both of these were given intermediate value from the NJDEP and they got an LOI about a year ago. There's also an isolated pocket of wetlands between the house and the lake which is fillable and has no resource value. The adjacent property is predominantly the Lackawanna Golf Course, so they don't bother any neighbors. There's an existing cesspool and well; the well is 100 feet deep used for septic. Chairman Shivas confirmed there's a 300-foot riparian zone, but it's under a permit by rule because this is a disturbed area and there's a wood bulkhead along the shoreline. Mr. Glasson submitted exhibit A2, sheet 3 of 5 as a colorized version zoomed in. They're proposing to demolish the garage and home and construct a new dwelling. Mr. Glasson discussed the setbacks. They're proposing an inground pool on the lefthand side; there's a patio area around the pool and walkways that connect to a covered porch, which connects to a three-car garage. There are walkways in the front to connect to the road and the pool. The increase in coverage isn't much more because they're removing the gravel area, the paved driveway, and the existing house and garage. They're proposing an underground drywell system to help with the roof area. They're proposing the same well for water supply; they're looking to remove the cesspool and add in a compliant septic system in the front. This has been reviewed and approved by the County health department. They also received approval from the Sussex County Soil Conservation District, and received Highlands approval. They are buffer-averaging the areas in the right and left of the property to enable the development. All the dimensions given are to the overhangs. The well is between the house and the detached garage. The garage is a side-entry, and is part of the house. Ms. Raffay asked about the buffer averaging. Mr. Glasson noted that it allows them to take the buffering and average them down and then increase them in other portions of the property. Those areas are then in easements that are not touched. On sheet 3 there are planting detail. They have an application in to the DEP now to fill the pocket wetlands.

Chairman Shivas opened to the public. Bill Koellhoffer from 87 Lake Drive was sworn in. He noted that he wants this application to be approved; the current house's condition is horrible. Chairman Shivas closed to the public.

Ms. Raffay asked about the septic system—is there a backup? Mr. Glasson said there's a gravity-fed septic tank and is well-planned. Ms. Raffay confirmed the generators are along the back. She asked if the generators are too far from the septic pump. Mr. Glasson noted this is not an issue. Ms. Raffay asked about the seepage pits. Mr. Glasson said the soil around the area is great and the system doesn't have a pipe, it's a drywell instead. Ms. Raffay confirmed there's no concern about water mounding. Mayor Rubenstein asked about fueling the generator. Mr. Glasson said that is to be determined but likely be a propane tank. There was further discussion about the drainage; the water would go into the ground and run across the vegetative buffer. Ms. Raffay asked about the pool equipment regarding safety of it backflushing; Mr. Glasson doesn't see this as a potential issue.

Mr. Smetana went into the architectural of the proposed house. It will be a 4-bedroom single-family home. He submitted exhibit A3, a color scheme for the exterior with greys and white trim and stones, and exhibit A4 of the stones and siding. He proposed the wall heights lower to make the house less imposing. The area on the second floor near the master bedroom is a walk-in closet. Ms. Raffay confirmed there's no closet in the office. Mr. McElroy noted his question about the size of the house, but there's no neighbors across the street.

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

Chairman Shivas confirmed they'll go with radiant floor heating and likely propane for the house and pool. Mr. Glasson noted the propane is near the driveway. Mayor Rubenstein noted the proposed work is better than what's there now, and this looks fitting for the area and a great improvement. Ms. Raffay confirmed they're waiting on the DEP permits. Chairman Shivas confirmed they're doing plantings around the area. Ms. Raffay asked about the seepage pits and how they'll be maintained. Mr. Glasson said in some towns they make the applicant responsible for cleaning these; the systems are closed and he doesn't see this as a major concern. There will be access at grade to this area, and will be covered with plantings. Ms. Raffay confirmed there's no fence; Mr. Glasson said there'd need to be a fence for the pool because of UCC code requirements.

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

Mr. Chozick motioned to approve the application with the discussed conditions, seconded by Mr.

McElroy. The below 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.

REQUEST FOR EXTENSION OF APPROVAL

SP3-2021 Weber Brothers Properties, 35 Route 206, Block 36 Lot 39, VB Zone

Request for one-year extension on previous approval

Ms. Hubbard noted she spoke with the attorney who stated the financial issues, and the extension of approval given in 2020 actually was good through this year, so this will officially be their first extension request, as they haven't done any development work yet.

Mr. Chozick motioned to approve the extension, seconded by Mr. Morytko. The below 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.

DISCUSSION ITEM- EV Ordinance Suggestions

Chairman Shivas said he spoke with Mr. Stoner and Mr. Gleitz and they recommended to hold off on action; if a new application comes they'll follow the ordinance, but the state is likely to change some of this information, so rather than try to recommend changes they should use the state ordinance as is.

DISCUSSION ITEM- Climate Change-Related Hazard Vulnerability Assessment (CCRHVA) in relation to code revisions and a Master Plan Reexamination

Chairman Shivas said Mr. Gleitz thinks the Highlands will come up with regulations or plans for this, so if the Board recommends anything, it may be changed soon as well, so there should be no action taken at this time.

REPORTS FROM COMMITTEES

Architectural Review Committee: Mr. Morytko said there's no meeting.

Building Committee: Mr. Morytko said there's no meeting.

Environmental Commission: Ms. Shimamoto is absent.

Open Space: Mr. Morytko said there was a meeting but he wasn't present; they discussed 2021 accomplishments and 2022 goals.

Township Council: Mayor Rubenstein said the Re-Exam is coming up next year, and they need to review, likely with the Board, how they want to approach it. At the next Council meeting, there will be a discussion about floor plan changes to the municipal building project. There was further discussion about the project schedule.

Zoning Report: Everyone had a copy.

BILLS

Law Offices of Larry Weiner (11)- \$5,520.00

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

Harold Pellow and Associates (12)- \$3,565.64

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

Vogel, Chait, Collins, Schneider (3)- \$3,052.50

Chairman Shivas, Ms. Hubbard, and Mayor Rubenstein discussed the relevance of these invoices to the Board. A motion to approve the bills was made by Mr. Morytko. The motion was seconded by Mr. Chozick. All were in favor. Motion carried.

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 8:45pm by Mr. McElroy. The motion was seconded by Ms. Franco. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted,
Caitlin Phillips