

**MEETING MINTUES OF THE BYRAM TOWNSHIP PLANNING BOARD: December 7, 2023**

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

**ROLL CALL:**

*Members Present:* Mss. Franco and Raffay, Messrs. Morytko, Serrilli, Smith, Proctor, Chairman Shivas

*Members Absent:* Mayor Rubenstein, Messrs. McElroy and Walsh

*Also Present:* Engineer Cory Stoner, Attorney Alyse Hubbard, 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

**MINUTES:** November 16 2023. Mr. Smith motioned to approve the minutes, seconded by Mr. Morytko.

*Ayes:* Mss. Franco and Raffay, Messrs. Morytko, Smith, Proctor, Chairman Shivas

*Abstaining:* Mr. Serrilli

*Absent:* Mayor Rubenstein, Messrs. McElroy and Walsh

None opposed. Motion carried.

**RESOLUTION**

Z22-2023 John Brennan, 135 Lake Drive, Block 250 lot 120, R-5 Zone

*Approval for addition to single-family home, and memorialization of existing shed and fence*

Ms. Raffay motioned to approve the resolution, seconded by Mr. Proctor.

*Ayes:* Mss. Franco and Raffay, Messrs. Morytko, Smith, Proctor, Chairman Shivas

*Abstaining:* Mr. Serrilli

*Absent:* Mayor Rubenstein, Messrs. McElroy and Walsh

None opposed. Motion carried.

**SUBCOMMITTEE**

SP8-2023 Byram Car Wash, 56 Route 206, Block 365 Lot 1.01, VC Zone

*Approval for replacement of vacuums and monument sign*

Ms. Raffay said the car wash came for additional improvements through a site plan waiver, but they needed to come to the Board. There are variances needed for the proposed sign, and they're proposing new vacuums. The Subcommittee is ok with the waivers requested, but need photos or renderings of the vacuums. Ms. Phillips said they can schedule this for 01/04 until the 2024 hearing dates are approved, and then carry them to 01/18. Ms. Raffay motioned to deem the application complete and schedule it for a hearing on 01/04, subject to the renderings being provided, seconded by Mr. Serrilli.

*Ayes:* Mss. Franco and Raffay, Messrs. Morytko, Serrilli, Smith, Proctor, Chairman Shivas

*Absent:* Mayor Rubenstein, Messrs. McElroy and Walsh

None opposed. Motion carried.

**NEW BUSINESS**

SP6-2023 Tomahawk Lake, 155 Tomahawk Trail, Block 343 Lots 1, 2, and 3, CR Zone

*Application for amended site plan approval to include Lots 3 and 4 into the site plan for parking, and modify a ticket office for larger square footage*

Mr. Stoner noted they recently submitted a zoning permit for the ticket booth, and asked if that's still on the proposed plans. Ms. Phillips said no new plans have been submitted. Mr. Stoner said they should request a status of the application, and carry it with the request that this be clarified before 01/04/2024. Mr. Proctor motioned to carry the application to 01/04/2024, seconded by Mr. Serrilli:

*Ayes:* Mss. Franco and Raffay, Messrs. Morytko, Serrilli, Smith, Proctor, Chairman Shivas

*Absent:* Mayor Rubenstein, Messrs. McElroy and Walsh

None opposed. Motion carried.

Z16-2023 Barbara Krassner, 11 Pathfinder Trail, Block 115 Lot 6, R5 Zone

*Approval for deck on an undersized lot*

Mr. Proctor motioned to carry the application with corrected notice, seconded by Mr. Serrilli:

*Ayes:* Mss. Franco and Raffay, Messrs. Morytko, Serrilli, Smith, Proctor, Chairman Shivas

*Absent:* Mayor Rubenstein, Messrs. McElroy and Walsh

None opposed. Motion carried.

Z24-2023 Ruth Pineiro, 72 Lynn Drive, Block 337.04 Lot 54, R-3 Zone

*Approval for deck expansion*

Mr. Morytko recused from this application. Ruth Pineiro was sworn in. Her existing deck is non-conforming for the rear property line. It needs to be replaced, so she wants to expand it and add a staircase to access the yard. Mr. Stoner noted that Chairman Shivas said this subdivision was created as part of a cluster development, meaning the lots are smaller with green space behind them, so these lots are already undersized. Ms. Pineiro submitted **Exhibit A1**, four photos of her back property. Chairman Shivas asked if the deck is being replaced on both sides. He confirmed it's only being affected in the rear. Mr. Smith confirmed the photos were taken standing on the deck, and that she's making the deck wider. Mr. Stoner asked what's on the left side of the property. Ms. Pineiro said another piece of green space with a creek. Ms. Raffay confirmed four feet is being added for stairs. Mr. Smith asked how she gets on the deck now; Ms. Pineiro said through the house; there's no way to get to the ground from the deck. Mr. Proctor asked about vegetation disturbance. Ms. Pineiro said it's well maintained and will continue to be so, and it's not near the deck. Ms. Franco noted the Environmental Commission memo.

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

Mr. Smith reviewed the distances. The Board discussed what the setback should be. Mr. Proctor motioned to approve the application with a 39-foot rear yard setback, seconded by Mr. Serrilli:

*Ayes:* Mss. Franco and Raffay, Messrs. Serrilli, Smith, Proctor, Chairman Shivas

*Abstaining:* Mr. Morytko

*Absent:* Mayor Rubenstein, Messrs. McElroy and Walsh

None opposed. Motion carried. Ms. Hubbard reviewed the appeal period. Mr. Morytko reentered the hearing.

**Z23-2023 Mia Costic and Stuart Marker, 2 Sleepy Lagoon Terrace, Block 297 Lots 1 and 2, R-5 Zone**

*Approval for pre-existing non-conforming decks*

Mark Blount appeared on behalf of the applicant. There are pre-existing non-conforming decks, which have a connected upper and lower portion. The lower portion was already replaced. They've proposed a replacement of the upper deck, increasing the size, and decreasing the setback to the lake. Mia Costic was sworn in as the applicant, and Tracy Bruno was sworn in from Bruno Design Associates in Chester. Ms. Costic said they found this house during the pandemic, and it needs some renovations. They modernized one deck and they're looking to make the other one consistent. The old-style deck has railings close together so it's hard to see the yard. The deck is narrow at the moment.

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Mr. Blount submitted **Exhibit A1**, photos of the property and decks. Ms. Costic said they had to phase the decks. Ms. Bruno said she's not a licensed architect; she's a landscape designer. She has 25 years of experience, and has appeared in front the Boards in Summit and Chester. Ms. Bruno said the replaced portion of the deck was done because they made it smaller than the footprint of the old deck. Mr. Blount confirmed this was for the lower deck. Ms. Bruno noted the replacement will shift the stairs further from the lake. Mr. Blount confirmed the new colors and materials of the new deck will be used for the proposed replacement. He confirmed the vegetation along the lake will remain or be enhanced. The only opening is near the dock. The walkway to the lake will remain. Chairman Shivas confirmed the property itself is large. Ms. Costic noted the shoreline is small. Mr. Serrilli asked about the depth of the decks. Mr. Stoner said it's between 30-35 feet. Mr. Serrilli noted he means from house to railing. Ms. Bruno said 14 feet for the upper deck; the lower deck is 15 feet. Mr. Proctor asked about the stairs. Ms. Costic said they're temporary until the approval because the cable wire is expensive. Ms. Raffay asked about the deck and location. Ms. Costic said the decks were added over time, so they're different styles. They want to make it usable. With the lower deck smaller, there's no room for the fire pit and grill. Ms. Hubbard asked the justification. Mr. Blount said this would be a C1 or C2 variance. It's a large property, and it already exists and is near the lake; the deck needs replacement. Chairman Shivas asked is this closer to or further from the water. Mr. Serrilli said the stairs are further but the deck is closer. Mr. Proctor said the square footage increased but the setback will decrease. Ms. Franco said the setback lines are on a diagonal. Mr. Blount said the closest point to the shoreline shown is from the lower deck already replaced. The setbacks go to the stairs which was the closest point. From the corner of the deck, it looks to be 36 feet from the shoreline. Mr. Stoner said the closest point is 30'2' from the shore. Ms. Franco said that line is not straight. Mr. Smith noted further down from that line may be a little closer. Ms. Bruno said it's about 28 feet. Mr. Blount said they can add a condition of approval, to amend the plan to show the correct setbacks. Chairman Shivas had Ms. Costic change the proposed setback on the application. Ms. Raffay asked how far they can expand it when approved for 28 feet. Mr. Stoner said it's based on the plan presented, so it's 28 feet based on what's being discussed now. Ms. Raffay asked about a survey. Mr. Blount submitted **Exhibit A2**, a copy of their survey, dated August 19, 2020. Mr. Smith noted the older deck had vegetation under it but it's now gravel. Mr. Stoner said this is a de minimis change. Ms. Franco noted the Environmental Commission comments about the vegetation and buffer. Mr. Blount said they proposed enhancing the vegetation on the sides. Mr. Stoner said the vegetation buffer should be maintained, and if enhanced, they need to use native species. Chairman Shivas noted

they need another outside agency approval. Mr. Stoner asked about the wood stairs to the boat dock, since they'll need to be replaced at some point. Ms. Costic said they're railroad ties now. They would replace them with stone or something more natural. There's red bricks on the landing which don't fit in. The only purpose of the stairs is to get to the boat house. Mr. Stoner said this could be pulled in to the application. Ms. Costic said the stairs are dilapidated, so it may not follow that exact line. Ms. Hubbard said the issue is disturbance so if they don't maintain that area, they need to come back to the Board. Mr. Stoner said it needs to be the same footprint. Ms. Bruno said it would be more narrow with a stone step. It's out of the footprint, but it aligns better. Ms. Hubbard said the size is not as important as the disturbance. Ms. Bruno said they'll do a patio under the deck. Ms. Hubbard reviewed the notice. Mr. Stoner reviewed the ordinance. Ms. Raffay confirmed it speaks to buildings. Mr. Proctor asked about DEP issues. Mr. Stoner said they should be 25 feet off the lake, but if they're in the same footprint they may be okay. Ms. Costic said it's more important that the stairs are safe, and that they blend in with the nature. Ms. Raffay asked about the expansion, and why it can't be out of the setback. Ms. Costic said there's a cliff in the back, and a pool. The back of the house is nice but you can't see the lake. The decks there are also nice because they're elevated. There's a little shed; it had wood in it and the dogs use it now. Chairman Shivas noted they're replacing an existing deck that's deteriorating.

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Mr. Smith motioned to approve the application with the need to submit the survey and adding dimensions to the plans for the deck, and the line for the setback to the water's edge, along with the adjusted setback request, seconded by Mr. Serrilli:

*Ayes:* Ms. Franco, Messrs. Morytko, Serrilli, Smith, Proctor, Chairman Shivas

*Absent:* Mayor Rubenstein, Messrs. McElroy and Walsh

*Nays:* Ms. Raffay

None opposed. Motion carried. Ms. Hubbard explained the appeal period.

## **BILLS**

Maraziti and Falcon (5): \$892.50. A motion to approve the bills was made by Mr. Morytko, seconded by Mr. Smith. All were in favor. Motion carried.

## **REPORTS FROM COMMITTEES**

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

*Environmental Commission:* Mr. McElroy was not present.

*Open Space:* Mr. Morytko said there's a meeting next week.

*Township Council:* Ms. Franco said they had a hearing for a junkyard license transfer for North Jersey Auto Wreckers to Crown Vehicle Salvage. They had a first reading for the ordinance for stored salt. They discussed the fire department capital program, and the substitution of vehicles. The ordinance is for private/business to not store salt in a way that stormwater may get to them.

## **OPEN TO THE PUBLIC**

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

## **ADJOURNMENT**

A motion to adjourn the meeting was made at 8:45pm by Ms. Franco, seconded by Mr. Proctor. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted by Caitlin Phillips