

MEETING MINTUES OF THE BYRAM TOWNSHIP PLANNING BOARD: January 4, 2024

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

ROLL CALL:

Members Present: Mayor Rubenstein, Messrs. Proctor, McElroy, Morytko, Smith, Walsh, and Chairman Shivas

Members Absent: Ms. Raffay, Mr. Serrilli

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

OATHS OF OFFICE

Messrs. Smith, Morytko, and Stoner took their oaths of office, led by Ms. Hubbard.

REORGANIZATION:

Nomination and Appointment of Chairman: Mr. Walsh nominated George Shivas for the position of Chairman, seconded by Mr. McElroy. There were no other nominations. Mr. Walsh motioned to close the nomination, seconded by Mr. McElroy.

Ayes: Mayor Rubenstein, Messrs. Proctor, McElroy, Morytko, Smith, Walsh, and Chairman Shivas

Absent: Ms. Raffay, Mr. Serrilli

Nomination and Appointment of Vice-Chairman: Mayor Rubenstein motioned to table this vote, seconded by Mr. Walsh.

Ayes: Mayor Rubenstein, Messrs. Proctor, McElroy, Morytko, Smith, Walsh, and Chairman Shivas

Absent: Ms. Raffay, Mr. Serrilli

Ms. Hubbard said they can approve the resolutions together in one vote. Mr. Morytko motioned to approve the below listed resolutions related to reorganization, seconded by Mr. McElroy:

Ayes: Mayor Rubenstein, Messrs. Proctor, McElroy, Morytko, Smith, Walsh, and Chairman Shivas

Absent: Ms. Raffay, Mr. Serrilli

None opposed. Motion carried.

Resolution PB1-2024 Annual Notice of the Calendar Dates of the Scheduled Regular Meetings of the Byram Township Planning Board

Resolution PB2-2024 Authorizing Contract for Professional Legal Services

Resolution PB3-2024 Authorizing Contract for Professional Engineering Services

Resolution PB4-2024 Authorizing Contract for Professional Planning Services

Resolution PB5-2024 Appointing Secretary of the Board

Resolution PB6-2024 Designation of Newspaper for Notices

Resolution PB7-2024 Adopting Rules of Procedures of the Planning Board

Rules and regulations for the Board

COMMITTEE APPOINTMENTS

Chairman Shivas said they'll be moving this item to next meeting's agenda.

MINUTES: December 21 2023. Mr. McElroy motioned to approve the minutes, seconded by Mr. Morytko.

Ayes: Mayor Rubenstein, Messrs. McElroy, Morytko, Walsh, and Chairman Shivas

Abstaining: Mr. Proctor, Mr. Smith

Absent: Ms. Raffay, Mr. Serrilli

None opposed. Motion carried.

RESOLUTIONS

Z21-2023 Paul and Theresa Kane, 3 Sandys Road, Block 404 Lot 32, R-5 Zone

Approval for expansion of driveway

Mayor Rubenstein motioned to approve the resolution, seconded by Mr. Morytko.

Ayes: Mayor Rubenstein, Messrs. McElroy, Morytko, Walsh, and Chairman Shivas

Abstaining: Mr. Proctor, Mr. Smith

Absent: Ms. Raffay, Mr. Serrilli

None opposed. Motion carried.

NEW BUSINESS

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 to 01/18/2024 with proper noticing, seconded by Mr. Smith.

Ayes: Mayor Rubenstein, Messrs. Proctor, McElroy, Morytko, Smith, Walsh, and Chairman Shivas

Absent: Ms. Raffay, Mr. Serrilli

None opposed. Motion carried.

Z26-2023 Alex Rubenstein, 2 and 8 Carpenter Road, Block 237 Lots 519, 521, 522, R3 Zone

Approval for minor subdivision, site plan for a single-family dwelling, and site plan construction of a new single-family dwelling

Mr. Walsh motioned to carry the application to 01/18/2024, seconded by Mr. Smith.

Ayes: Messrs. Proctor, McElroy, Morytko, Smith, Walsh, and Chairman Shivas

Abstaining: Mayor Rubenstein

Absent: Ms. Raffay, Mr. Serrilli

None opposed. Motion carried.

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

Approval for replacement of vacuums and monument sign

Mr. Proctor motioned to carry the application to 01/18/2024, seconded by Mr. Walsh.

Ayes: Mayor Rubenstein, Messrs. Proctor, McElroy, Morytko, Smith, Walsh, and Chairman Shivas

Absent: Ms. Raffay, Mr. Serrilli

None opposed. Motion carried.

SP7-2023 Panther Lake RV, LLC, 6 Panther Lake Campground, Block 360 Lots 23, 24, 31, 31.10, and 31.11, CR Zone

Approval for changes to pool and patio area, including bathrooms, a pavilion, cabana facilities, expansion of patio, and enhancements to lighting and landscaping

Mr. Proctor motioned to carry the application to 01/18/2024, seconded by Mr. Morytko.

Ayes: Mayor Rubenstein, Messrs. Proctor, McElroy, Morytko, Smith, Walsh, and Chairman Shivas

Absent: Ms. Raffay, Mr. Serrilli

None opposed. Motion carried.

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. Proctor motioned to carry the application to 02/15/2024 with proper noticing, seconded by Mr. McElroy.

Ayes: Mayor Rubenstein, Messrs. Proctor, McElroy, Morytko, Smith, Walsh, and Chairman Shivas

Absent: Ms. Raffay, Mr. Serrilli

None opposed. Motion carried.

Z25-2023 Ryan Tiernan, 11 Ranger Trail, Block 300 Lot 2345, R5 Zone

Approval for ex post facto work on driveway

Mr. Proctor motioned to carry the application to 02/15/2024 with noticing, seconded by Mr. Morytko.

Ayes: Mayor Rubenstein, Messrs. Proctor, McElroy, Morytko, Smith, Walsh, and Chairman Shivas

Absent: Ms. Raffay, Mr. Serrilli

None opposed. Motion carried.

Z28-2023 Sergey Tsukanov, 44 Strawberry Point, Block 320 Lot 14., R-5 Zone

Approval for sauna in side yard

Sergey Tsukanov was sworn in, in Secaucus NJ. They're looking to put in a sauna, and need a variance because it's located 3 feet from the side yard. Mr. Stoner noted the drawings say the setback is 2 feet. Ms. Hubbard said he applied for 2 feet and the noticing was for 2 feet. Chairman Shivas said the zoning table of the application indicates 3 feet. He said they'll correct the paperwork to 2 feet. He confirmed Mr. Tsukanov can maintain the side of the sauna without going on the neighbor's property. Ms. Hubbard asked why the sauna couldn't be located anywhere else. Mr. Tsukanov said the lot is irregularly shaped and the proposed area is on a hill. The majority of the lot has a septic field. Mr. Stoner said the back of the property drops off. He added this was an application in 2019 where the previous owner disturbed steep slopes, and the back property which was wooded was clear-cut for the septic system. They came to the Board for a variance for disturbance of steep slopes. The proposed fence is marked on the survey in orange, and the part of the fence already constructed is marked in blue. Mr. Stoner noted there are also evergreen trees along the property line that would buffer the sauna. Mr. Tsukanov said the proposed fence was approved through a zoning permit in October. Mr. Stoner said the part of the fence that was previously proposed by the prior owner in 2019 wasn't installed because the evergreen trees would have needed to be removed. There was also a rock outcropping where they couldn't get the fencing in. Mr. Tsukanov said tree removal wasn't

mentioned as part of the zoning permit. The fence is not up yet and he will not be removing any of the trees. Mr. Stoner noted there's a laid-up stone wall. He confirmed the fence will be 6 feet tall. The Board discussed if the fence was in the front yard. Mr. Smith said from the pictures it doesn't look to cross to the front of the house. Mr. Proctor asked if the fence is relevant to the Board application if it was approved by the zoning permit. Mr. McElroy said they could make a condition of approval that there's confirmation of the zoning permit approval. Mr. Stoner noted his concern is wherever the fence is placed, the applicant doesn't take trees down, and that the tree-line is maintained. He doesn't think the way the fence is proposed will be how it's put up, because it will need to be behind the tree line which is likely on the property line. The Board noted if he moves the fence in, away from the trees, the sauna will also need to be moved to provide room for maintenance. Mayor Rubenstein asked why Mr. Tsukanov wants the sauna 10 feet from the house; he said he doesn't, but didn't want to add another variance. The Board discussed ways to adjust the placement, bringing the sauna closer to the house and bringing the fence in more on his property. Mr. Tsukanov noted he doesn't want it too close to the house because it would then obstruct the view. Mr. McElroy said they can have it be a minimum of 5 feet from the house to give the applicant room to adjust the placement, and a minimum of 2 feet from the fence. Mr. Stoner said before the fence is constructed, the applicant should stake the property line and have Mr. Stoner review it. Mr. Smith noted on the survey markup, the sauna looks to be close to the front yard. Mr. Stoner said the Board could make an interpretation that due to the odd configuration of the lot, it could be considered a side yard. Mr. Stoner reviewed the setbacks. Mayor Rubenstein noted he doesn't have a problem with the location of the sauna, but noted they could also grant it in the front yard in the resolution. The question is if it's in the front yard setback even though it's in the side yard. Mr. Walsh said he would be comfortable with an interpretation that it's in the side yard, so it's not subject to the front yard setback.

Mr. McElroy asked if the sauna runs on electricity, how much noise it makes, and what are the operational impacts. Mr. Tsukanov said there's an electric heater inside the sauna, with 6KW of power, which heats up to about 180 degrees in an hour, and doesn't make any noise. Mr. Walsh noted in a previous application for this property, the left side was cleared, and it was supposed to be replanted. His concern is the back left side where it flows to the lake. Mr. Stoner said he can look at it again for this application. Mr. Tsukanov said he hasn't seen any erosion problems. Ms. Hubbard confirmed he doesn't live in the house, it's mainly used like a summer home for him. Mr. McElroy asked how the sauna is secured. Mr. Tsukanov said there will be packed gravel with concrete pavers, and the sauna sits on a wooden item. Mr. Proctor confirmed he will probably do some kind of path leading to the sauna. Chairman Shivas asked if there's any water connected. Mr. Tsukanov said no; it's hot, dry steam with an electrical heater and stones. Mr. Proctor asked Mr. Stoner if there's a concern about the fence posts killing any trees. Mr. Stoner said he wouldn't worry about it, since the fence will likely need to be moved away from the trees. Chairman Shivas said the fence needs to bend towards Mr. Tsukanov's property if it needs to be adjusted. Mr. Stoner said he needs to go around his septic system; the white tube sticking up is part of it. The Board discussed the septic system. Mayor Rubenstein said it looks far away from the sauna. He confirmed they're amending the application to reflect 2ft instead of 3; they're adding a variance for the distance to the primary structure with a minimum of 5 feet from the house and 2 feet from the fence; the applicant needs to stake the property line; and they've concluded this is not in the front yard. Mr. McElroy noted they should confirm there's a zoning permit for a fence. Mr. Stoner said the fence would act as a buffer. Mayor Rubenstein confirmed Mr. Tsukanov is planning to finish the fence, and that they could say the sauna can't go in until the fence is installed.

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

Mr. Proctor motioned to approve the application with the list of conditions, seconded by Mr. Smith.

Ayes: Mayor Rubenstein, Messrs. Proctor, McElroy, Morytko, Smith, Walsh, and Chairman Shivas

Absent: Ms. Raffay, Mr. Serrilli

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

REPORTS FROM COMMITTEES

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

Environmental Commission: Mr. McElroy said there's been no new meeting.

Open Space: Mr. Morytko said their reorganization is in February.

Township Council: Mayor Rubenstein said they had their reorganization meeting. They're going to replace the playground at CO Johnson Park with a Completely Inclusive Playground (CIP). They're applying for a grant with Green Acres funding. They'll be discussing this at three public meetings, including the next Council meeting, a special Council meeting, and the Recreation meeting next week. Part of the grant application is showing public outreach and comment. Mr. Proctor added they decided to move forward with the purchase of a fire truck, and they appointed people. Mr. McElroy said the playground is a good idea because it includes adults and grandparents as well as kids, to provide better access.

OPEN TO THE PUBLIC

Chairman Shivas opened and closed to the public.

ADJOURNMENT

A motion to adjourn the meeting was made at 8:20pm by Mr. McElroy, seconded by Mr. Proctor. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted by Caitlin Phillips