

## MEETING MINTUES OF THE BYRAM TOWNSHIP PLANNING BOARD: July 3 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, Smith, Walsh, Chairman Shivas

*Members Absent:* Ms. Lewandowski

*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: June 19, 2025

Motion of Mr. Morytko to approve the minutes, second of Ms. DeMagistris.

*Ayes:* Mss. Raffay, DeMagistris, Colligan; Messrs. Morytko, Smith, Walsh

*Abstaining:* Mayor Rubenstein, Mr. McElroy, Chairman Shivas

*Absent:* Ms. Lewandowski, Mr. Proctor

None opposed. Motion carried.

### SUBCOMMITTEE

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

Amended application to construct a dwelling on a property with three front yards

Chairman Shivas said this application has been withdrawn at this time.

### NEW BUSINESS

Z09-2024, Daniel Scully, 33 Allamuchy Trail, Block 144 Lot 135 and 136, R-5 Zone

Amended application to construct a dwelling on a property with three front yards

Robert McBriar, an attorney at Schenck, Price, Smith, and King, introduced the applicant and professionals. Mr. Proctor entered the meeting at this time. Architect Paul Ashworth was sworn in at Newton NJ. He is licensed and was deemed an expert. Mr. Ashworth submitted **Exhibit A1**, a red-outlined plan. Mr. Ashworth said they started excavation earlier this year and found extensive rock, and the excavators stopped at a certain point. Dykstra re-surveyed the area, and they shrunk the house down to meet that available area. The red lines on the plans show what was previously there, which is within inches. The roof height dropped. No calculations changed, and all the stormwater comments and drainage remain the same.

Mr. Stoner noted the building coverage reduces a variance and the variances are made better by this amended plan. Nothing has changed except the footprint. He noted the only difference is with the garage; the west elevation was two stories, and now there is a floor over the area so there's more volume on the southern side. It was a one-car garage, but now it's two stories high. The Board discussed the variances. Mr. Walsh confirmed the nearest house is in the back left on Ka-Ton-Nah, and this is further from that house than the previous approval. He asked the distance. Mr. Ashworth said it's about 7-8 feet. Ms. Raffay confirmed the septic is designed for three bedrooms. Chairman Shivas asked if the lots have been incorporated. Mr. McBriar said there was a merger, and the Tax Assessor said after the merger the lots are known as 135. It's been recorded with the County Clerk's office. Ms. Raffay confirmed the landscaping was approved at the last application, and it's already

been looked at and nothing has changed. She reviewed the previous conditions. Mr. Ashworth said one of the main items was the runoff, so they had to add gardens and swales. Mr. Stoner said they added a berm that keeps the water off the neighbor's property. Mayor Rubenstein asked how they ensure the previous conditions are carried forward. Ms. Hubbard said they can note that all prior conditions that don't conflict will remain. She confirmed Mr. Stoner went through resolution compliance for construction purposes. Mr. Proctor asked if this relates to the new tree ordinance and if they're taking down any live trees. Mr. Stoner said they were approved before those items went into effect. Ms. Phillips this is an amended application. Mr. Ashworth noted there aren't any trees on the property. Mr. Stoner said the ordinance states tree removal is permitted but the Board needs to discuss it, or it's part of a zoning permit application, and this is part of a non-major stormwater development. Mr. Walsh confirmed there is no other tree removal or earthwork on the site.

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

Motion of Mr. Morytko to approve the application, second by Ms. Raffay.

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

*Absent:* Ms. Lewandowski

None opposed. Motion carried. Mr. McBriar requested a waiver of the reading of the resolution so the applicant can proceed at his own risk. Ms. Hubbard said they can waive the reading. Mr. Stoner asked for an updated zoning permit for the property.

## **REPORTS FROM COMMITTEES**

Environmental Commission- Mr. McElroy said they met last week, but he was not present.

Open Space- Mr. Morytko said there was no meeting; there is one in August.

Township Council- Mayor Rubenstein said they named the Miss Byram winners. The Boy Scouts of America have a camp nearby, and up until Tuesday, any guns are owned by one of the people who lives on the property. Due to a change in federal laws and BSA policy, they want to transfer the ownership of the weapons to the Patriots' Path Council. To do that they need a federal firearms license, and to get that, the Zoning Officer in the town in which the license is stationed needs to say the use of the property is conducive to the zoning. This pre-dates zoning. The Township Attorney thought the Council should approve the request. The BSA will be in front of the Board in the next few months for a site plan, and one of the items may be a certification of pre-existing non-conforming use. He also noted the paving of Route 206 from Route 80 to the tunnel. One decision was if they're keeping the stamped concrete in the shared turn lane, and they may not. He noted the previous Council never signed the previous agreement, so it wasn't executed. Ms. Raffay asked about narrowing the lanes, to help bring the speed down and to help with bikes.

## **BILLS:**

Maraziti and Falcon (6): \$2,223.25. A motion to approve the bills was made by Mr. Walsh, seconded by Ms. Colligan. All were in favor. Motion carried.

## **OPEN TO THE PUBLIC**

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

## **ADJOURNMENT**

A motion to adjourn the meeting was made at 8:57 pm by Mr. McElroy, seconded by Mr. Proctor. All were in favor. Motion carried. The meeting was adjourned.

Submitted by Caitlin Phillips