

**MEETING MINTUES
BYRAM TOWNSHIP PLANNING BOARD
MEETING, July 7, 2022**

CALL TO ORDER

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

ROLL CALL

	Mayor Rubenstein	Chris Franco	Andrew McElroy	Lisa Shimamoto	Marie Raffay	John Morytko	Robert Chozick	Eric Serrilli	Greg Smith	Michael Walsh	George Shivas
Present		√				√	√	√		√	√
Absent											
Excused			√	√	√				√		
Late	√										

Also present: Attorney Alyse Hubbard, Esq.
 Engineer Cory Stoner, P.E. C.M.E.
 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 June 16, 2022 Meeting Minutes

Mr. Walsh motioned to approve the minutes, seconded by Mr. Chozick:

	Mayor Rubenstein	Ms. Franco	Mr. McElroy	Ms. Shimamoto	Ms. Raffay	Mr. Morytko	Mr. Chozick	Mr. Serrilli	Mr. Smith	Mr. Walsh	Chairman Shivas
Motion										√	
Second							√				
Aye		√					√			√	√
Nay											
Abstain						√		√			
Absent	√		√	√	√				√		

Motion carried.

RESOLUTIONS

WOSP5-2022 ELICC Americas Corporation, 54 Route 206, Block 365 Lot 2, VC Zone

Review of Waiver of Site Plan application to run a curtain wall business out of site, with contractor’s office and storage of equipment.

Mr. Walsh motioned to approve the resolution, seconded by Mr. Chozick:

	Mayor Rubenstein	Ms. Franco	Mr. McElroy	Ms. Shimamoto	Ms. Raffay	Mr. Morytko	Mr. Chozick	Mr. Serrilli	Mr. Smith	Mr. Walsh	Chairman Shivas
Motion										√	
Second							√				
Aye		√					√			√	√
Nay											
Abstain						√		√			
Absent	√		√	√	√				√		

Motion carried.

NEW BUSINESS

Z12-2022 Emily and Zachary Levin, 15 Mayne Avenue, Block 28 Lot 305.02, R-4 Zone

Approval for side yard setback for porch enclosure.

Chairman Shiva notified the applicants that the recorder broke, so asked them if they confirm they’re ok proceeding with the hearing by relying on the minutes of the Board secretary. Ms. Hubbard noted if this is ever appealed, they’ll rely on the minutes as the record. They agreed. Emily Levin and Zachary Levin of 15 Mayne Avenue were sworn in. They just purchased this property that has the construction already done, so they’re looking to make sure all permits are in place for what was a patio that was screened in, that is now part of the house and is walled off. This work was done in 1991. Mr. Levin said the screened-in porch was enclosed, so the footprint hasn’t changed; they just want to make sure everything is up to code. The house is already close to the sides of the lot, so they need relief for the side yard setbacks. Ms. Levin said this was submitted as a C1 variance because of the irregular, narrow lot. Mr. Stoner said the lot is undersized and it’s pre-existing nonconforming. Ms. Levin said as far as she knows no permits were obtained, so they’ll get those after coming to the

Board. Mr. Stoner said Highlands would not apply. Chairman Shivas said the Environmental Commission asked about lot coverage. Ms. Levin said there's a paver patio. Mr. Stoner said there's no coverage ordinance. Mr. Levin said the patio was probably put in around the same time as the porch; the stones are permeable so stormwater can get through. There's plants nearby to help with runoff. They haven't seen any water issues.

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

Mr. Chozick motioned to approve this application, seconded by Mr. Serrilli:

	Mayor Rubenstein	Ms. Franco	Mr. McElroy	Ms. Shimamoto	Ms. Raffay	Mr. Morytko	Mr. Chozick	Mr. Serrilli	Mr. Smith	Mr. Walsh	Chairman Shivas
Motion							√				
Second								√			
Aye		√				√	√	√		√	√
Nay											
Abstain	√										
Absent			√	√	√				√		

Motion carried.

Z09-2022 Anthony and Kelly Ioffredo, 25 Ranger Trail, Block 301 Lot 2338, R-5 Zone
Approval to enclose a bilco door and an addition to a single-family home

Ms. Hubbard reminded the applicants there's no recording of the meeting so they'd rely on the minutes if there was an appeal. They agreed. Kelly and Anthony Ioffredo III of 25 Ranger Trail were sworn in. They're looking to build up on their bilco door to enlarge their kitchen, and add an addition with a dining room and garage. The bilco door is abandoned; there's an existing foundation. They're too close to the property line, and discussed the needed relief. Ms. Ioffredo said from Mr. Stoner's report, they realize they have an encroachment. They can bring back the eave of the structure or bring back the structure itself if needed. The bilco door is 1.5 feet away from the property line, so they can build on top of what's existing. They're not sure which part is encroaching. Mr. Ioffredo said they just got gas conversion; this is in the discussed area. He submitted **Exhibit A1**, depicting the gas in the area. Mr. Stoner said for surveys, it's common practice to measure to the wall. Ms. Hubbard said they should have a surveyor stake the property before construction. Mayor Rubenstein said if approved, this would then have a zero setback. Mr. Stoner said all utilities have to be on their property. Mr. Walsh noted the applicant can't move the utilities themselves, so how could this be a condition of approval. He suggested remaining silent on the gas meter. Ms. Hubbard said the applicant should advise the gas company.

Mr. Stoner said the lot is undersized; he discussed the variances needed. There are no architectural elevations. Ms. Ioffredo said they put 24 feet to be safe to cover what they need. Mr. Stoner confirmed the addition will look similar to the rest of the house. Ms. Ioffredo submitted **Exhibit A2**, a sketch of the front of the house with the addition. They don't have a well; they have town-provided water. Mr. Ioffredo said they have a letter from the County Board of Health, approving the addition as noted, **Exhibit A3**. They also provided **Exhibit A4**, a plan of the septic information. Ms. Ioffredo noted they're not looking to add any bedrooms. The septic system is in front of the house, under the driveway. They'll be paving the driveway again after the addition is done. The paving won't interfere with the septic. Chairman Shivas confirmed there are access points for the septic. Mr. Stoner said this falls under exemption 5 for Highlands. Because the lot is small, it's causing the other variances.

Mr. Stoner noted they need Lake Mohawk club approval. Mr. Ioffredo confirmed that approval would then be sent to the Board secretary. It was noted that building permits can't be pulled until that approval is provided. There was discussion about how the club approval relates to the Board approval. Chairman Shivas said in the past they've added a note in the resolution saying the applicant should contact the club. Ms. Hubbard referenced the Environmental Commission letter and their concerns about buffers and the vernal pool area. Mr. Ioffredo said he has gutters and the road slopes towards their house.

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

The Board discussed the encroachments. Mr. Ioffredo said when they bought the property, it was understood that the shed is encroaching, and that it was allowed with the owner of lot 1. They're not making any changes to the shed. Mr. Stoner said a condition should be a survey that's been certified. Mr. Morytko motioned to approve this application with a zero setback, seconded by Mr. Serrilli:

	Mayor Rubenstein	Ms. Franco	Mr. McElroy	Ms. Shimamoto	Ms. Raffay	Mr. Morytko	Mr. Chozick	Mr. Serrilli	Mr. Smith	Mr. Walsh	Chairman Shivas
Motion						√					
Second								√			
Aye	√	√				√	√	√		√	√
Nay											
Abstain											
Absent			√	√	√				√		

Motion carried.

Z10-2022 Diane Carkhuff, 82 South Shore Trail, Block 189 Lot 1, R-5 Zone

Approval for improvements and second-story addition to a single-family home.

Diane and William Carkhuff of 30 Dogwood Drive in Chester were sworn in, along with Peter Barry from Mendham. Mr. Barry is not a professional, but has presented to various Boards in New Jersey. He's not a registered architect. He prepared the plans. They don't want to use an architect until they get an approval. Ms. Hubbard confirmed they acknowledge there is no recording and they're relying on the minutes, which will be used if there's an appeal. The house has been in Mr. Carkhuff's family since 1964 and he's spent his summers there. The house was built around 1932. They're looking to make this their year-round residence. The property abuts a fire lane easement. The house needs repairs and replacement of the septic system. The system has been approved by the County. They want to add additional storage and living space. Variances were reviewed. Chairman Shivas said they need to check the building height, because if it's over, it needs to be re-noticed as a D variance. Mr. Stoner said there are multiple roof lines. He reviewed how the heights are measured. The highest point is a dormer; if measured that way, it stays under 27.5. The Board reviewed definitions of heights. Mayor Rubenstein said the definitions are silent on dormers. The retaining wall is near the septic, which is about 10 feet off the addition. The septic will be where the deck is, which will be removed. Mr. Walsh said the fire lane isn't a paper street. Mayor Rubenstein said it provides public access to the lake's edge. Mr. Stoner adjusted the setback variances. Mr. Walsh said the area is pretty flat. Mr. Stoner said if there's a bulkhead, a vegetative buffer may not be required. He confirmed there's no driveway improvements proposed. Mr. Stoner asked about the boathouse. Mr. Carkhuff said he's looking to put a roofline on this. Mr. Stone said it's not shown; it would need a variance for the distance from the water. The boathouse is in the middle of their property. The bulkhead was made in 2000. The boathouse is 12.5 feet tall, and there's no power. Ms. Hubbard reviewed their notice; the boathouse wasn't included, so it can't be discussed. They're not adding bedrooms. Mr. Stoner said this falls under permit by rule, and qualifies for Highlands exemption 5. Mr. Stoner asked if the septic system addresses the retaining wall. Mr. Barry said it was designed to be 4 feet to not exceed anything. Mr. Stoner noted a condition should be that equipment and materials stay out of the right-of-way. Mr. Carkhuff said next to the fire lane is a community well. They notified the "call before you dig." It's not marked; there's a brown shed that houses the well. There was further discussion about the well and noticing for neighbors. Mayor Rubenstein confirmed the yellow shed on the property is being removed. Mr. Morytko confirmed the size of the shed is 10x15. Chairman Shivas said the Environmental Commission has concerns about the dock eroding. Mr. Carkhuff said the bulkhead comes to a beach area, and there's stonework there. Chairman Shivas asked about the well and septic. The well is on the street side and the original septic is 20 feet from the well; this will be abandoned and the new one will be more than 50 feet from the well. Chairman Shivas asked about stormwater runoff. Mr. Stoner said they can't do a holding pit because it would be near the water table or septic. Mr. Walsh confirmed the grade doesn't change. Ms. Hubbard confirmed they're planning vegetation. Mr. Carkhuff said there is some now; in front of the wall, there will be shade vegetation. The cement bulkhead is solid poured and is around 4-5 inches above the lawn. Mr. Stoner confirmed the roof liters will be channeled through the back yard, not to the neighbors. The Board reviewed the variances.

Chairman Shivas opened to the public. Richard Conceicao of 8 Maugtaug Trail was sworn in, and confirmed he's aware there's no recording. His only concern is the height. Mr. Stoner noted there will be an increase of around 11 feet. Mr. Conceicao's lake view will be blocked; he's hoping the roofline can be modified so the peaks aren't as high. Carl Mangels of 74 South Shore Road was sworn in. He's a neighbor and the secretary and treasurer of Briar and Della Heights property association. They own the structure at 84 South Shore Road. He's worried that the pipes for the water line may be damaged because they're only a little below the surface. They're about 8-18 inches from the street. Mr. Walsh confirmed the driveway won't be touched; Mr. Mangels is worried about the construction process. Mr. Carkhuff said they did a percolation test and this concern can be addressed. They're aware of where the line is, and can make sure to take care of it. Mayor Rubenstein asked what happens if it's damaged. Ms. Hubbard said there's usually an easement. The water has been there since the 1920s; Mr. Stoner said there are historical rights. Mr. Chozick said it should be on the contractors that if it's damaged they should repair it. Mr. Carkhuff said he'll make sure the contractor has insurance. Mr. Walsh asked about the water line; Mr. Carkhuff said it comes from the well house and crosses the fire lane, and runs parallel to the street. He takes responsibility if the line gets

damaged. Mr. Mangels said the well house is adjacent to the fire lane. He asks that no equipment or dumpsters are placed in front of the doorway so it can be serviced. Mayor Rubenstein said they can't place anything in the ROW. All activities are confined to the property. Access through the fire lane was discussed. Mr. Stoner said in the past applicants have requested approval from the Council. Ownership was discussed. Mr. Walsh said using the lane for access is different than storage. Mr. Stoner said the lane should be maintained and restored. Chairman Shivas closed to the public.

Mr. Stoner said they need to submit plans that agree with the testimony. The drawings need to be signed. Mayor Rubenstein reviewed the height and said this will be a huge addition. Mr. Walsh said the façade height is under. Chairman Shivas said there are other large houses in the area. Mr. Chozick asked how the proposed compares. Mr. Carkhuff said the addition is going up the road height, all the woods are going up the hill. Mayor Rubenstein reviewed the square footage. The proposed is about 3,497 feet and the existing is around 1,700 feet. Ms. Hubbard noted what's been discussed is different than the information that was noticed. A second story, doubling the square footage, or demolishing the house are all different things. Chairman Shivas said 4,000 square feet is big for two bedrooms. Mr. Carkhuff said they don't have a basement so the one large area is for utilities and storage. The attic was also discussed; it is habitable and there's a bathroom. Mr. Barry said it's not considered a story. Mr. Stoner said the house may be considered three stories because of the height. Mr. Carkhuff said there's equipment and storage in the 600 square foot area. There was discussion about the fireplace. Mr. Serrilli sees a lot of opportunity for more than a two-bedroom use. The attic with a bathroom could mean more people using the house. Ms. Hubbard asked about justification for this relief. Mr. Carkhuff said the height is based on the septic because it takes a lot of the frontage, so they need to go up. Ms. Carkhuff said that's the only place for the septic. Ms. Hubbard asked why the septic justifies the size. Mr. Barry said the septic has to be put on a slab; there's no basement for storage. The bathroom in the attic is justified by using the attic as a home office. They want to save the existing house; it is falling down and doesn't have a septic right now. Mr. Stoner confirmed the septic was treated as an alteration. Chairman Shivas discussed the height of the wall. Mr. Stoner said a new septic system would mean getting approvals. Ms. Hubbard said the notice said a second-story addition and winterization, but what's presented is not that. Mr. Walsh noted whether it's new or existing, it's too big. Chairman Shivas asked about access and maintenance. The height was further discussed. The notice was further reviewed. Ms. Hubbard said it would need to be re-noticed because it would open them up to appeal. Mr. Stoner said if this is being re-noticed, things can be revisited. Ms. Hubbard said the public should clearly understand what's proposed. The boathouse could be added to the notice. Mr. Walsh noted that each item on its own isn't much of an issue, but together it's large. Ms. Carkhuff confirmed the application stays open. Mr. Barry confirmed the application can be revised or amended.

Mayor Rubenstein motioned to carry this application to August, 08/18, subject to noticing, seconded by Mr. Serrilli:

	Mayor Rubenstein	Ms. Franco	Mr. McElroy	Ms. Shimamoto	Ms. Raffay	Mr. Morytko	Mr. Chozick	Mr. Serrilli	Mr. Smith	Mr. Walsh	Chairman Shivas
Motion	√										
Second								√			
Aye	√	√				√	√	√		√	√
Nay											
Abstain											
Absent			√	√	√				√		

Motion carried.

EXTENSION OF APPROVAL REQUEST

Z09-2021 Barbara Bolen, 89 Glenside Trail, Block 312 Lot 2050, R-5 Zone

Extension of approval to renovate home and add detached garage.

Mr. Stoner said they applied for a zoning permit for the garage, and still need the architectural for the house. He has no concerns on the extension request. Mayor Rubenstein motioned to approve this application, seconded by Mr. Serrilli:

	Mayor Rubenstein	Ms. Franco	Mr. McElroy	Ms. Shimamoto	Ms. Raffay	Mr. Morytko	Mr. Chozick	Mr. Serrilli	Mr. Smith	Mr. Walsh	Chairman Shivas
Motion	√										
Second								√			
Aye	√	√				√	√	√		√	√
Nay											
Abstain											
Absent			√	√	√				√		

Motion carried.

REPORTS FROM COMMITTEES

Architectural Review Committee: Mr. Morytko said there was no meeting.

Building Committee: Mr. Morytko said there was no meeting.

Environmental Commission: Ms. Shimamoto was not there.

Open Space: Mr. Morytko said there was no meeting; it was cancelled.

Township Council: Mayor Rubenstein said on 06/21 the Council reviewed the Planning Board report. The soil importation ordinance draft has been reviewed, and is in progress. The impervious coverage ordinance had no interest from the Council. They discussed the review of zoning ordinances, focused on basic accessory structures. The Council wants the Board to engage the professionals, particularly the Planner, to fix this section of the code. The EV ordinance was reviewed and they found it not necessary to get into because they're subject to the state statute anyway. They already approved the cottage food information. Ms. Franco said there's a new trails management committee. Mayor Rubenstein said it would incorporate the Open Space, Environmental Commission, and Recreation members, funded out of the Open Space Committee.

BILLS

Maraziti Falcon LLP (11)- \$5,775.00

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

OPEN TO THE PUBLIC

No one was in the public. Chairman Shivas discussed Tomahawk Lake, due to July 4th. They didn't take care of the public as testified in their application, so they may come back to the Board to fix the situation.

ADJOURNMENT

A motion to adjourn the meeting was made at 10:45 pm by Mr. Chozick. The motion was seconded by Ms. Franco. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted,
Caitlin Phillips