

**MEETING MINTUES
BYRAM TOWNSHIP PLANNING BOARD
MEETING, June 2, 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.
 Planner Paul Gleitz, P.P. AICP
 Secretary Caitlin Phillips

Chairman Shivas noted the speaker system isn't working so people will need to speak a bit louder.

FLAG SALUTE led by Chairman Shivas

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.

MEETING MINUTES

Approval of May 19, 2022 Meeting Minutes

Mr. Morytko motioned to approve the minutes, seconded by Mr. McElroy:

	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

SP7-2021 Princeton Property Management, 86 Tamarack Road, Block 360 Lot 40, R3 Zone

Conversion of a prior bed and breakfast to dormitory use.

Chairman Shivas said the generator discussed at the hearing need to be added. Mr. Smith motioned to approve the resolution with that change, seconded by Mr. Morytko:

	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.

Z07-2022 Kevin Prokup, 335 Amity Road, Block 336 Lot 31, R-2 Zone

Approval for greenhouse, wood burning boiler, and detached garage renovations and associated variances for accessory structures

Mr. McElroy motioned to approve the resolution, seconded by Ms. Shimamoto:

	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.

Z08-2022 Jose Quinones, 187 Lackawanna Drive, Block 264 Lot 280, R-5 Zone

Approval for construction of a deck, as well as an adjustment to the roof.

Mr. Morytko motioned to approve the resolution, seconded by Ms. Shimamoto:

	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.

Z03-2021 Linda Burke, 12 Meadowbrook Terrace, Block 297 Lot 14, R-5 Zone

Extension of approval to construct an addition on their home

Mr. Morytko motioned to approve the resolution, seconded by Ms. Shimamoto:

	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.

SUBCOMMITTEE

SP2-2022 Byram Donuts, LLC, 25 Route 206, Block 29 Lot 201, VB Zone

Approval for drive thru, new driveway, parking expansion, loading space, and new signage

Mr. Walsh said one of the primary changes is the traffic circulation that would help with stacking in the drive thru. They will need more fire protection detail or review of the fire protection by the fire department. An EIS is not required but they want the applicant to speak to the impact that sewer, stormwater, traffic, and lighting could have on the area. They don't have stormwater calculations, and need turning templates, especially for the bypass. They'll also need a Highlands Exemption.

Mr. Walsh motioned to deem the application complete and schedule it for 07/21, seconded by Ms. Shimamoto:

	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.

OLD BUSINESS

SP8-2021 Goksun Goksu, 12 Ghost Pony Road, Block 361 Lot 2.03, R-3 Zone

Expansion a 4-family dwelling to 6 family

Mr. Schepis introduced Daniel Wolhleb, who lives at 12 Ghost Pony Road and was sworn in. He's lived there for three years, and has no issues with water entering the dwelling, and has heard no complaints from other neighbors regarding the same. They had one septic issue where someone flushed products they shouldn't have and it clogged the system, but otherwise no complaints. He didn't have any issues with water pressure. Mr. Schepis stated that he asked Mr. Wolhleb to count the number of cars overnight; he counted five in the lot. He reviewed the plans submitted and thinks they look nice, and are an upgrade to what's there now. Chairman Shivas confirmed the apartments are all first and second floor. He asked if any water runs across the property; Mr. Wolhleb said nothing on the property itself. He's not sure of any water running into the street. Mr. Walsh asked how often there is parking on the street. Mr. Wolhleb said sometimes there are people for special events; lately not too often. Mr. Walsh confirmed street parking is for when guests come over, and not generally overnight.

Chairman Shivas opened to the public. Mike Finn of 22 Ghost Pony Road asked if they had seen water running down the road. Mr. Wolhlebb said from his property, he's seen in the dirt near the neighbor. He confirmed they never got flooded in their apartment. Chairman Shivas asked if he had a basement; Mr. Wolhlebb said no. Joan Salvias of 25 Ghost Pony Road said she has photos from 9:40 this morning of the water runoff. Mr. Walsh noted he understands the witness to not have testified about water in the road, but only about inside the building. Tim Hanson of 15 Ghost Pony Road confirmed the number of cars in the lot last night was 5. He asked if Mr. Wolhlebb has seen more than 5 cars in the past year. He said yes, depending on family members; up to 5-6 cars for one apartment. Mr. Hanson confirmed no neighbors mentioned water issues to Mr. Wolhlebb. Chairman Shivas closed to the public.

Mr. Schepis said he filed an OPRA request to the town for any permits, approvals, and information on the history of the property. He submitted **Exhibit A3**, the tax records of the property. Mr. Walsh confirmed the purpose of this document is to assert that the property was assessed as a 4-family dwelling; it was never single-family.

Mr. Schepis re-introduced Mr. Mantyla to review the stormwater management updates. Mr. Mantyla remains under oath and his license is still current. He discussed the revised plans, with a larger infiltration system, which can control the runoff from the building, existing and proposed. He added some inlets and curbing to catch water off the parking lot. They've also done a soil evaluation, with a test hole on 05/17. The first four feet are a clay material with poor infiltration. At four feet, there's gravelly/sandy loam, which would be the bottom of the infiltration system. The test hole was excavated to 8 feet. They encountered ground water at around 6 feet. The infiltration system has to be 2 feet above the water table, which they have. The stormwater from the roof is running over to the southernmost corner of the lot, into a stone scour hole. The scour hole is to stop erosion, not for infiltration. He suspects the poor soil quality at the top contributes to the water runoff. There was further discussion about the scour hole and piping. Their proposal is to install a new system partially under the new parking lot, and tie the existing 3 pipes into that. Mr. Walsh noted he's seen a week after a rain event, there's still water percolating out of the scour hole. Mr. Mantyla said it could be because of the bad soils for the first four feet, making it hard to drain. Mr. Mantyla noted there's also a curtain drain between the building and the septic, which may be causing the prolonged water. Mr. Walsh asked how far the test pit is from the scour hole. Mr. Mantyla said what's labeled as a pit is the scour hole, and it's left and 10 feet off the property line. The new system will be near the parking lot, which is where the test hole was dug. Mr. Mantyla submitted **Exhibit A4**, photos and a soil log. The soil tests were done 05/17, the day after a large rain; Mr. Mantyla was present for this. He reviewed the soil log contents. He noted the system is shallower with chambers, which are open on the bottom with a bed of stone, which is wrapped in filter fabric to prevent silt. Mr. Schepis confirmed this means the opening of the infiltration system is in the beginning of the good soil, and that the proposed work would help with current conditions and roof runoff; this would be a benefit to install. Mr. Mantyla believes this will control the existing and proposed water off the buildings and parking lot. Chairman Shivas asked about the ground water; he confirmed this time of year is the wettest. Mr. Mantyla noted this would be the highest water table, in the spring. Chairman Shivas confirmed the system is two feet above the groundwater. Mr. Mantyla said in the stone pit, there will be six chambers for the water. Mr. Schepis confirmed the chambers are empty. Mr. Mantyla said there's also storage in the stone. Mr. Chozick asked if the water behind the house is directed to the pit. Mr. Mantyla said it's not intended to collect surface runoff, but the roof and parking lot. Mr. Chozick's concern is if the volume of water will be overwhelmed by the curtain drain. Mr. Mantyla said that may happen in an extreme storm, not at a high volume. Mr. Chozick asked if this would keep up with the week-long drainage. Mr. Mantyla said it has 72 hours to drain to be adequate; it shouldn't be prolonged. Mr. Chozick noted this may help a little bit, but is unsure of a marked improvement, especially considering the water table level. Mr. Mantyla said 2 feet is sufficient. Mr. Chozick said it's not just the building, but water coming down off the hill. Mr. Mantyla said this is calculated to control the existing and proposed roof and 60-70% of the parking area. Even if they stop all the water runoff of this property, there's still other water that crosses into the road. Mr. Stoner asked if Mr. Mantyla saw any mottling in the soil; he said when they dug to 8, it bled out the sides, so no mottling above 74 inches. Mr. Stoner's concern is there's rock everywhere. He can't tell how much this will improve the situation; putting the system in the ground makes sense, but the benefit is unknown due to the rocks. Mr. Stoner noted there's not much distance below to drain the water. Mr. Mantyla said typically it would move laterally. Mr. McElroy added that there's no guarantee that good soil is surrounding this, considering the rock. He noted the proofs for a use variance are higher—he's not looking for the same conditions. He asked why the system wasn't designed to try to capture all the water—is there a system that can be designed that would guarantee a benefit. Mr. Mantyla said the proposed system could be enlarged to capture the rest of the water. His assumption was that the Board asked for stormwater management for the building. Mr. Stoner said the unknown is the groundwater conditions and that impact on the system. He thinks additional test holes would

need to be dug to determine where the rocks are, and a flood test to see where the water goes. Mr. McElroy asked if there's a possibility the system is designed that has no improvement. Mr. Mantyla said no—it will make a large improvement. Ms. Shimamoto said the previous systems were removed for these updates; she asked if those could be put back and still have the new system, which would help with runoff. Mr. Mantyla said those systems were only calculated for the increase but can be expanded. Mr. Smith asked if it's possible this system can't be installed. Mr. Mantyla said additional excavation would determine that. It's easier to find a location where there's no rock. Ms. Raffay asked about monitoring the cleanliness of the systems. Mr. Mantyla said it's up to the owner. Mr. Stoner asked about runoff from the parking lot with oil and debris; Mr. Mantyla said that's found on any road or parking lot. There are inlets to collect it. Mr. Stoner noted hood systems that would help. Mr. Mantyla said he's willing to add that to the plan. Ms. Raffay said the point is with debris, it'd be harder to drain.

Mr. Schepis asked Mr. Stoner what he'd like to see to address the Board concerns. Mr. Stoner said the biggest concern is the draining of the basin. He recommends flood tests, more test holes for rocks, and a profile of where the rocks are. He'd want to see more in that corner of the property. He'd also like more provisions to see getting this in the ground in different locations. Mr. Stoner said he doesn't want the constant flow of water leaving the property. Mr. Schepis confirmed that working with the system to help address water runoff would address concerns of the Board. At this time the Board took a ten minute recess.

The meeting was called back into order. Mr. Schepis said getting the information Mr. Stoner asked for will take significant work. They are agreeable to having their professionals work with Mr. Stoner to come up with additional areas of infiltration in addition to what's proposed. They are agreeable to having this as a condition of obtaining building permits. They want to have an approval before they put in the work of testing. Mr. Gleitz asked about a timeframe for if Mr. Stoner is not satisfied. Ms. Hubbard asked if that's something Mr. Stoner is comfortable doing. Mr. McElroy said the issue is Mr. Stoner doesn't vote, so his determinations may be different than the rest of the Board. He doesn't want to put all the work on Mr. Stoner. Mr. Chozick said this seems a bit too qualitative—he wants to see quantitative data about the drainage and improvements. Mr. McElroy said if they can't get the quantity needed, they'd need to come back. Ms. Hubbard and Mr. Gleitz noted they could bifurcate the application. Mr. Schepis said they would take this as a condition of preliminary and come back with a final site plan. Mr. Schepis said they're amending their application to ask for preliminary approval subject to meeting the condition of addressing the stormwater issues discussed.

Chairman Shivas opened to the public. Mike Finn asked if the septic system has been tested. Mr. Mantyla said he's not aware. Mr. Finn asked if there's a distance that septic has to be from the proposed system. Mr. Mantyla said 50 feet. Mr. Finn asked the distance the septic needs to be from the existing well. Mr. Mantyla said he think it's 100 feet. Mr. Finn asked, when adding another 50% to the building, the septic would need to be expanded. Mr. Finn was sworn in. He said more water is being dumped with more buildings being added. He thinks one of the units is vacant, which changes the septic usage. Mr. Mantyla said they're assuming full occupancy. Mr. Finn said they've only addressed the stormwater. Mr. Finn asked if they looked at the previous records; Mr. Mantyla has not. Mr. Stoner asked what the process is for the septic. Mr. Schepis said they could have that as a condition of approval to get septic approval. Mr. Stoner said he looked at the records and there were a lot of problems in the past; Mr. Finn said the records stop at 2015. There was further discussion about the drainage. Mr. Finn recommended the Board members visit the site if they haven't already. Joan Salvias said the discussion has only covered the issues that regard the current structure, and adding more causes concern. Mr. Mantyla said the proposed system will cover stormwater issues with this as well. Ms. Salvias asked if the parking lot will be expanded. Mr. Mantyla said it will be a bit larger, and will be in approximately the same location, to provide for the 12 required parking spaces. Ms. Salvias asked where the system will fit. Mr. Mantyla said it's partially under the parking lot. Ms. Salvias asked how far it's allowed to be to the property line; right now the test hole is inches away. Mr. Mantyla said the system is 10 feet off the property line which is standard. The location may move. Ms. Salvias acknowledges she remains under oath. Ms. Shimamoto said she understands the objection to be expansion due to the stormwater. Ms. Salvias said that's the only complaint they think the Board will listen to. Ms. Shimamoto said they need to know everything, otherwise they'll only focus on one issue. Ms. Hubbard noted they haven't gotten to the rest of the testimony yet. Mr. Gleitz said they shouldn't predict what the Board will or won't listen to—complete testimony should be provided for the Board to consider. Otherwise, solutions will only be suggested on the issues they've heard. Vicky Finn of 22 Ghost Pony Road asked if they're discussing the expansion or the current problems. Chairman Shivas said while it's in front of the Board, they'll address the water issues. If there was no application, they'd need to go to another entity to address the current problems. Ms. Finn asked if testimony here could be brought into another meeting to discuss current problems. Ms. Hubbard said this is a public meeting. All the documents are available to the public. Chairman Shivas closed to the public.

Michael Bet, a licensed architect at 201 East Ridgewood Avenue in Ridgewood, was sworn in. He provided his credentials, and spoke in front of Union City, Teaneck, and Clifton. He was deemed an expert. Mr. Schepis submitted **Exhibit A5**, a rendering of existing conditions. Mr. Bet went over the current conditions. Mr. Schepis said there was testimony from the public that at one time this was a garage; Mr. Bet said based on a visual inspection, he didn't see an opening typical for a garage. They'd be upgrading the existing finishes throughout. The exhibit submitted shows a color change to a darker shingle, and page 2 of the exhibit is what's proposed. They're looking to make it look more like an R5 use of a single family. The porch coverings would be removed and a single porch would replace it. The base would be stone. Mr. Schepis asked about the dormers on top; Mr. Bet said they would scale down the building and make it look seamless. Mr. Gleitz asked about replacement of doors and windows. Mr. Bet said doors will be; windows will be salvaged when possible. Mr. Gleitz confirmed there are no interior improvements. Mr. Bet set the additional units would mimic the current layout. The dormers would cantilever out. Ms. Shimamoto asked about the windows for the bedrooms—they're not standard egress windows. Mr. Bet said anything constructed new would need to comply. Ms. Shimamoto said the picture won't look like this when built. There was further discussion about windows. Mr. Schepis said this is what they'll submit for the preliminary, and answer any issues with the windows with the final site plan. Chairman Shivas asked if improvements are proposed other than in front. Mr. Bet said the finishes in front would apply to the rest.

Chairman Shivas opened to the public. Carol Johnson at 3 Ghost Pony Road asked what's happening with the well that's there on the right side of the building. Mr. Bet said anything interfering with the construction would be accommodated. Mr. Schepis said the well is 30 feet from the addition. Mr. Finn asked if residents are living in the building as work is being done. Mr. Bet said this will be addressed prior to construction. Mr. Finn asked the order of operations with the septic. Mr. Bet said that's addressed by the general contractor. Mr. Stoner said the CO is issued after the improvements are done. Mr. Finn said the property was previously garages. Mr. Walsh asked how this pertains to this situation. Mr. Finn said it was not intended for residents; there were water issues from the work being done. Chairman Shivas closed to the public.

John Leoncavallo was sworn in as the Planner at 388 Washington Road Suite E in Sayreville. He testified in front of 280 Boards including Somerset and Byram, and was deemed an expert; his licenses are in good standing. **Exhibit A6** was submitted, photos of the building from the ground and from a drone. The photos were taken on April 7th. Mr. Leoncavallo reviewed the photos. Mr. Schepis confirmed this house is similar in character to ones nearby. Mr. Leoncavallo went through the variances and relief sought. He noted the use has been there for a long time. The positive criteria includes benefits for diversity of housing, improved aesthetics, improved utilities and drainage, and general welfare. Mr. Leoncavallo stated this will have no adverse effect on the public. They're adding a larger porch for shielding from the rain and to give it more of a single-family aesthetic. Mr. Schepis noted there are woods around the area; Mr. Leoncavallo said there is screening. Mr. Schepis asked about the parking; Mr. Leoncavallo said there's no striping now so people don't know where to park. Mr. Schepis noted there's no landscaping or lighting now, but there are some proposed. Mr. Leoncavallo said this frames the parking, and improves the area. Mr. Leoncavallo confirmed this meets the variance requirements. Chairman Shivas said this meeting will have to come to a close.

Mr. McElroy motioned to carry the application to 06/16 with no further notice, seconded by Mr. Smith:

	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.

OPEN TO THE PUBLIC

Chairman Shivas opened to the public. Peter Smith was sworn in and said he's trying to get a building permit but needed a septic test. The septic company found a clause in meeting minutes from 1989 that states he's not allowed to add additional square footage to the house. They want a letter rescinding this statement. Mr. Stoner said this isn't a variance; Mr. Gleitz said this is from the Board of Health; Mr. McElroy said Vicky is their representative. Chairman Shivas said this isn't a Planning Board issue. There was further discussion about the procedures. Mr. McElroy asked if the Board of Health could pass a resolution; Ms. Hubbard said she thinks that's the relief needed. Mr. McElroy said to reach out

to the Board of Health and they can discuss it at the next meeting. Mr. Stoner recommended also speaking to the County. Chairman Shivas closed to the public.

PUBLIC HEARING

Historic Preservation Element of the Master Plan

Mr. Gleitz said this was to help the Cranberry Lake Bridge process. The document shows existing places, goals, and history of the town, as well as an updated list that includes the bridge. Mr. Gonzalez from the Historical Society said this is for elements in the town that may want to be preserved in the future. He confirmed the corrections he suggested have been updated to include caption corrections and adding his name to the element.

Mr. McElroy motioned to approve this updated element of the Master Plan, seconded by Mr. Morytko:

	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 their meeting was rescheduled for 06/28.
- Environmental Commission:* Ms. Shimamoto said they’re looking for members.
- Open Space:* Mr. Morytko said there’s a meeting on 06/13.
- Township Council:* No one was there to represent them.

BILLS

Latini & Gleitz (6): \$1,960.00
 A motion to approve the bills was made by Mr. Walsh. The motion was seconded by Mr. Chozick. All were in favor. Motion carried.

ADJOURNMENT

A motion to adjourn the meeting was made at 11:00 pm by Mr. McElroy. The motion was seconded by Mr. Walsh. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted,
Caitlin Phillips