

MEETING MINTUES OF THE BYRAM TOWNSHIP PLANNING BOARD: June 5 2025

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

ROLL CALL:

Members Present: Mss. Colligan, DeMagistris, Lewandowski; Messrs. Mayor Rubenstein, Proctor, McElroy, Morytko, Smith, Walsh, Chairman Shivas

Members Absent: Ms. Raffay

Also Present: Engineer Cory Stoner, Attorney Alyse Hubbard, Planner Dan Bloch, 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: May 15, 2025

Motion of Mr. McElroy to approve the minutes, second of Ms. Colligan.

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

Abstaining: Mr. Proctor

Absent: Ms. Raffay

None opposed. Motion carried.

RESOLUTIONS

Z15-2024 Jennifer and Eric Schuffenhauer, 271 Lackawanna Drive, Block 344 Lot 2.03, R2 Zone
Application for garage, deck, relocation and proposal of driveways, rear yard storage of vehicles, and steep slope disturbance

Motion of Mr. Proctor to approve the resolution, second by Mayor Rubenstein.

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

Abstaining: Mr. Morytko, Mr. Walsh, Ms. Lewandowski

Absent: Ms. Raffay

None opposed. Motion carried.

SUBCOMMITTEE

SP3-2025 Aqua New Jersey, Inc., Lynn Drive, Block 337.04 Lot 25.45, R3 Zone

Application for utility enclosure for PFAS water treatment equipment

Mr. Walsh said they discussed the application tonight, which is for updating the well systems. The waivers they feel are appropriate are an Environmental Impact Statement, and a landscape and lighting plan, though they'd like to see that information at the hearing. The Highlands application is in process. They'd also like a general map detailing the system, including the well houses and tanks, and locations throughout the neighborhood. Mr. Stoner noted the Highlands application should be a condition of any approval. Ms. Phillips asked Mr. Richard Wells, a representative for Aqua in the audience, what their preferred date it. Mr. McElroy asked about a potential conflict with the application.

Motion of Mr. Walsh to deem the application complete and schedule it for a hearing on 07/03/2025, second by Ms. DeMagistris.

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

Absent: Ms. Raffay

None opposed. Motion carried.

NEW BUSINESS

Z06-2025 Tiffany Heineman, 205 Lake Drive, Block 255 Lot 191, R5 Zone

Application for an addition, deck, and site improvements

Tiffany Heineman was sworn in as the applicant. Adam Finkle was sworn in as the architect; he is licensed in New Jersey, and has presented in front of other Boards including Butler, Boonton, Piscataway, and East Brunswick, and his license is in good standing. He was deemed an expert.

Ms. Heineman is looking to build an addition. There is currently a three-season room. She likes the area, and wants to make the house safer. Mr. Finkle reviewed the property and interior. The existing kitchen is small, and the bathroom is off of the kitchen. There is no bathroom currently on the second floor. There is a shed on the property; they have no history of an approval for this being submitted. Ms. Hubbard said they can amend their application. Mr. Finkle said it's 8.96 feet from the side. Ms. Heineman said she moved there in 2017 and believes it was there even before the prior owners. Her leach field is close to that location, and the neighbors never had an issue with it. The Schuffenhauers entered the meeting at this time. Ms. Heineman asked to amend the application to include the side yard setback for the shed. Mr. Finkle said there are patio areas on the property. The house has a septic system, and there is an application to the County. There is a well, and there are plans for gas in the neighborhood. He noted the flood elevations. They are in the Highlands' preservation area.

Mr. Finkle reviewed the setbacks. They're proposing a kitchen/dining area since there isn't much space now. He reviewed the interior. They're adding a deck in the rear, along with site improvements. They're looking to expand two bedrooms and add a bathroom, as well as a laundry space and closet. They considered building off of the right side, but that would be too close to the septic field. The left side is already too close. Chairman Shivas asked how far the deck is to the water. Mr. Finkle said it's 25 feet. Mr. Stoner noted they're outside the flood hazard area. The deck can't be closer than 25 feet. Mr. Finkle said the height is going from 17.02 feet to 21.49 feet, so it's under the 35 foot requirement. The style is a lake tudor, and they're trying to keep within the character of the neighborhood, and look like what's there now. He noted a vegetative buffer. There is a landscape architect working on this who will provide a plan for review. There is a paver patio near the lake, which is replacing a gravel patio. It's keeping the same footprint. Chairman Shivas discussed drainage. Ms. Heineman said it's loose stone. Mayor Rubenstein asked about pitching the water to the vegetative buffer. Chairman Shivas noted they'll need to add a silt fence during construction. Mr. Stoner said it should drain to the center of the property. Chairman Shivas asked about the driveway turnaround. Mr. Finkle said it's gravel and the well-cap is near the area. They can move the driveway a little but don't want to encroach on the well system. Ms. Heineman said the Lake Lackawanna area has tight lots. She wants to do something about that area but the well is there, and she's not sure where the gas line is going. Mr. Finkle said there's a telephone pole nearby. Ms. Heineman said the mailboxes are all in the area as well. Mr. Walsh asked if the sightlines are difficult. Ms. Heineman said it's pretty open. There are utility lines that are kept clear. Chairman Shivas noted it's a lightly-traveled road. Mr. Stoner noted they should get County approval. The Highlands Exemption can be approved. Ms. Heineman asked to amend her application to include the rear setback to the lake. Chairman Shivas asked about the deck. Mr. Finkle said those are walkways, which will be demolished.

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

Motion of Mr. Morytko to approve the application with the discussed changes, second by Mr. Proctor.

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

Absent: Ms. Raffay

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

Z15-2024 Jennifer and Eric Schuffenhauer, 271 Lackawanna Drive, Block 344 Lot 2.03, R2 Zone
Application for garage, deck, relocation and proposal of driveways, rear yard storage of vehicles, and steep slope disturbance

Mayor Rubenstein confirmed the Schuffenhauers were present to hear about their resolution, and noted it was approved earlier in the meeting. Mr. Schuffenhauer noted he had questions. Ms. Hubbard said it's up to the Board if they want to entertain a discussion. Chairman Shivas allowed them to appear. Mr. Morytko, Ms. Lewandowski, and Mr. Walsh abstained from this discussion. Ms. Hubbard noted this is not a public hearing; they can make comments but the Board already acted. She noted to Mr. Schuffenhauer the page numbers of the resolution are at the bottom. Mr. Schuffenhauer asked about page 18, numbers 8 and 9. Mr. Stoner said at the hearing they had multiple plans representing what they are proposing, so they need to put that all on one plan before they get construction permits. Then when the work is done, they need to provide an as-built. Mr. Schuffenhauer asked about page 19, number 14, which discusses stormwater. Ms. Hubbard said it's just how they have it now. Mr. Schuffenhauer said it already goes onto their neighbor's property. Mr. Stoner noted they can't change what's there. Mr. Schuffenhauer asked about page 19, number 19. He's aware he said he'd put all the items up top, and asked if at no time he can have something resembling a boat or an RV in the front of the house in the driveway. Mr. Stoner said it can be personal vehicles only. Mr. Schuffenhauer said they're still personal. Chairman Shivas said they can't be stored there. Mr. Schuffenhauer said he'd bring the RV down for a week or two to get it ready for a vacation, so it'd be in the driveway. Chairman Shivas said the intent is that it can't be there for long-term storage. Mr. McElroy said anything more than a week is long term to him. One of the reasons he voted for the application was because there wouldn't be vehicles and boats in the front yard. They need to be careful about defining what is considered storage. His understanding was that they wouldn't be in the front yard. Ms. Hubbard said they were granted outdoor storage in the rear yard, which most residential homes don't have, so there is a place to store those items that's properly screened. Mr. Schuffenhauer asked if this goes into effect this instant, and noted he can't get the RV up there with the amount of rain. He's concerned that within the next year before things are finished, he doesn't want the Zoning Officer citing him. Mrs. Schuffenhauer said they brought the RV down because they went on a trip, and they're planning to use it again. They didn't bring it down to store it there. Ms. Colligan noted there's a timeline by which they need to do certain things, and need to abide by that. Mr. Stoner said there are items that are listed to be done immediately that are related to violations. Mr. Schuffenhauer said there are items for the next 0-3 months. Mr. Stoner said there are also items to be done "Immediately," including the driveway, moving the items to outdoor storage, and removing the RV. He noted this will be the driest time of the year, to help with moving the RV.

Mr. Schuffenhauer said they've been granted the outdoor storage, but around Byram, lots of people don't have storage in their backyard and they have a boat or RV in their driveway, so why are they different. Mr. McElroy said this is not the time to relitigate the hearing. There are a lot of items in the application he didn't like, but the main reason he voted for it was because of the improvement of the lot and getting items removed. The application is done, and they had plenty of opportunities during the hearing. If they didn't want these conditions, they shouldn't have agreed to them when it was discussed. What's in the resolution is what was asked for and agreed to. Mr. Schuffenhauer asked why they're different from someone else if other people have a boat in their front yard and they can't. Ms. Hubbard said they were granted outdoor storage in the back yard, and that was their application.

Chairman Shivas said hardly anyone else in town has outdoor storage anywhere on their property. Mr. McElroy said they were cited by the Zoning Officer for multiple violations. The application was to rectify those violations. The time to ask about storing these items in the front yard was during the application. Mr. Smith said if they see someone else with a boat in their front yard and feel they're in violation of the ordinance, they can call the Zoning Officer. The situation is unique to each property. Mr. McElroy said this is a question for the Zoning Officer or the governing body who writes the ordinances in the town, not the Planning Board. They came in with an application, and the Board reviewed it with the ordinances set forth. If they don't like the ordinances, they should go to the governing body. Mrs. Schuffenhauer said if they're camping or need a camper in the front, the way this is written, it sounds like they can't have it in the driveway or they're at risk of getting a violation, where other neighbors have campers or a boat, which is more reasonable, and they'd want to be treated the same way. They plan to store everything in the back as it was approved. Mayor Rubenstein said if they plan to store it the way the approval dictates, there shouldn't be a problem. Mrs. Schuffenhauer said there are times where it may not be easy to get back up the hill. Mayor Rubenstein said the resolution was built on the expectations set at the hearing. They had lengthy conversations on where things would be stored, and he doesn't think any of this should be a surprise. Ms. Colligan said it says "store" not "park." Mr. McElroy said the Zoning Officer enforces this, so the conversation should be with them. Chairman Shivas said the Board is not a policing authority. Mr. McElroy said the Zoning Officer will make the determination between parked and stored. Mr. Schuffenhauer said he doesn't think it's fair if there's a possibility of a fine if he parks the RV for two weeks. Chairman Shivas suggested calling the Zoning Officer to alert him when they're using the RV and bringing it down and give him an idea of the timeframe. That way they can see what the Zoning Officer says, and so he knows what the plan is. Mr. Schuffenhauer said this is still going beyond the rest of Byram. Chairman Shivas said the rest of Byram doesn't have all the stuff that they do in the front yard. Mr. Schuffenhauer asked, if all those items are removed, and then all they have are cars. Chairman Shivas said they testified that they would have more cars soon, and then things might start piling up again. The rest of Byram hasn't had the problem of complaints about items being in the front yard. He doesn't think the conversation with the Zoning Officer should be difficult. The things they came in for, they were granted variances, and those variances stand on their own merit. They caused this problem from what they did before this, and they agreed to where they'd store their items. Mr. Stoner said it's outdoor storage. Most of the time, the Town's focus isn't on one boat in a front yard. Mr. Schuffenhauer asked if it's because they have so much stuff. Mr. Stoner said they have multiple boats, multiple RVs, broken-down trucks, and different items. Mr. McElroy said the Zoning Officer issued multiple summonses. Mr. Schuffenhauer said they plead guilty to those because it's easier. Mr. McElroy said those are not the Board's ordinances—they are provided the ordinances and the applications. Some applications come from the Zoning Officer based on summonses. The Board may not like some ordinances, but their job is to hear the applications that appear before them. They work with applicants to try to come up with plans, like they did with them, and make modifications if needed. Mrs. Schuffenhauer said the resolution is more strict than the ordinances—they're being held to a higher standard. Mr. Schuffenhauer asked why the resolution is different than the ordinance. Mayor Rubenstein noted this is what was agreed to by them in the hearing. The resolution is memorializing what was discussed, the testimony that was given, and the decisions that were made. Mr. Bloch said the Board already voted on this. If they want to change the resolution they need to re-apply and come back to the Board and tell them why they want to change it. Mr. Schuffenhauer said he wants clarification on what's going to happen. Mr. McElroy said the clarification comes from the Zoning Officer, who enforces the ordinances. Ms. Hubbard said if they're unhappy with the resolution they need to reapply.

Mr. Schuffenhauer asked about page 20, item 27. Mr. Proctor said every property is subject to this; the Zoning Officer, Construction Official, and the Board Engineer can stop at any property whenever they need to. It's not unique to Byram—other towns in New Jersey do the same thing. Ms. Hubbard

said they can't enter a property but they can do an inspection. Mr. Schuffenhauer is aware Mr. Stoner will need to come inspect, but that's with notice. Those abstaining re-joined the meeting.

ADOPTION OF AN AMENDMENT TO THE 2025 MASTER PLAN FOR THE "2025 HOUSING ELEMENT AND FAIR SHARE PLAN"

Mr. Bloch reviewed the documentation. There are two parts, including the Housing Element, which goes through demographics. The second part is the Fair Share Plan, where they look at how the needs are met. He reviewed the process for this, and the obligations. The prior round obligations from 1987-1999, where Byram had an obligation of 33 units, remain. He reviewed the rounds and units, as well as the Village Center set-asides. They have to identify any potential developers that want to build affordable housing, so he mentioned the application for Gary Niec. Ms. Hubbard said this is the only application that's been submitted to the Board, and it's not deemed complete. Chairman Shivas said on page 25, it notes the town has no natural gas, which needs to be modified. Mayor Rubenstein suggested noting there is limited natural gas and it's currently being expanded with multiple gas companies. He noted there are a few references to Lopatcong and Borough instead of Township. Mr. Smith said on page 11, the pie chart is missing one of the pieces.

Mr. Stoner asked about the unmet need. Mr. Bloch said there are things listed to meet the unmet need. You have to provide a realistic opportunity and re-zone in some situations. For unmet need, you would provide opportunities for options. You're still in compliance but it's more about providing options. Chairman Shivas said Byram is 98% Highlands, so there's little land to build. Mr. Bloch said the state was COAH, now it's DCA, and there's a formula for unmet need. They present the number of affordable housing units that they need statewide, and then they break it down into regions. There's another formula to figure out what each town in each region's share is of that number. They take into account vacant land factors, non-residential factors, and income factors. Those three combined is how they get their obligation share. COAH then noted sometimes there's not enough land to build, so that's why the vacant land adjustment option was added. Mayor Rubenstein noted that doesn't account for Highlands. Chairman Shivas asked about a mother-daughter house situation. Ms. Hubbard noted they'd need to go through the lottery system. Mr. Smith noted on pages 26-27, the water company list needs to be updated. Mr. Stoner said the updated list should be in the Stormwater documentation on the website. Ms. Hubbard noted the resolution is also prepared.

Chairman Shivas opened to the public and no one spoke so he closed to the public. Mr. Bloch noted they have 48 hours to send this to the program.

Motion of Mr. McElroy to approve this with the resolution, second by Ms. Colligan.

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

Absent: Ms. Raffay

None opposed. Motion carried.

REPORTS FROM COMMITTEES

Environmental Commission- Mr. McElroy said they met last week and discussed lake buffering.

Open Space- Mr. Morytko said they have a meeting next week.

Township Council- Mayor Rubenstein said they passed two ordinances for Belton Street and the checklist and accessory structures. A new ordinance was introduced for light nuisance and trespass. Mr. Proctor said they have a new Fire Department member, and reviewed the audit. They went through the approval for sale of public properties. Mayor Rubenstein said at the next Council meeting there will be a presentation by the Lenape Valley High School Historical Society about the Roseville Schoolhouse. Tomorrow is the CO Johnson playground grand opening. Chairman Shivas said there was a letter about how the taxes are put together, and 26% is from the town.

Zoning Report- Everyone had a copy.

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 9:20 pm by Mr. McElroy, seconded by Mr. Proctor. All were in favor. Motion carried. The meeting was adjourned.

Submitted by Caitlin Phillips