

**MEETING MINTUES  
BYRAM TOWNSHIP PLANNING BOARD  
MEETING, MARCH 17, 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 March 3, 2022 Meeting Minutes

Ms. Raffay motioned to approve the minutes, seconded by Mr. Chozick. The below vote was taken:

	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**

SP2-2021 Matthew Akerman, 34 Route 206, Block 40 Lot 15, VB Zone

Variations for outdoor storage, conducting wood sales, and using land for a non-permitted use

Ms. Hubbard said there were a few minor revisions. Paragraph 22 was edited to reflect that the applicant will obtain DEP approval if trees are removed. A few conditions and grammar edits were also changed. Chairman Shivas asked about the height of the wood pile. The previous meeting minutes confirmed there would be a 6-foot barrier of wood around the pile. Mr. Stoner thinks the current wording is fine, reflecting the typical height but no maximum. Mr. Walsh asked about tree removal and wanted language to be added that any trees removed for this work should be replaced. Mr. Chozick noted they don't know how many trees were removed earlier in the process. He recalls the applicant said only the 3 trees in the new area will be removed and replaced. Mr. Stoner said the applicant has to get DEP approval for this and will stake out the corners; Mr. Stoner can do an inspection to make sure it matches the DEP approval and the area is well-defined. Ms. Hubbard confirmed the resolution should state work is subject to engineer approval.

Mr. Walsh motioned to approve the resolution subject to the new language, seconded by Mr. Chozick. The below vote was taken:

	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.

**Adopting Rules of Procedures of the Planning Board**  
**Rules and regulations for the Board**

Mayor Rubenstein motioned to approve the resolution, seconded by Mr. Chozick. The below vote was taken:

	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 MEETING**

**SP7-2021 Princeton Property Management, 86 Tamarack Road, Block 360 Lot 40, R3 Zone**  
**Conversion of a prior bed and breakfast to dormitory use.**

Mr. Walsh explained this application seeks to convert the bed and breakfast to a dormitory for their academy of high school students. Because they're planning to use a lot of existing items on site, items can be waived, including paving, curbs, utilities, and environmental impact. They need additional fire protection details, septic and well information, parking, dumpsters, utilities including generators, lighting, and operation information. Mr. Walsh motioned to deem this application complete and schedule a hearing for 05/05, seconded by Mr. Morytko. The below vote was taken:

	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.

**SP1-2022 Highland Avenue Properties, 227 Route 206, Block 212 Lot 1, NC Zone**  
**Approval for operation of an irrigation & landscape maintenance company.**

Mr. Walsh said this application doesn't plan to change much about the site or building, but they need further information including lighting, storage details and location information, floor plans, and because the property is close to the swamp and Dragon Brook, they want the plan to include the buffer for the wetlands and riparian area, as well as an EIS. Mr. Walsh motioned to deem this application incomplete. Chairman Shivas said if they can get this information in by 04/07, they can have another review meeting and potentially hear them 04/21. This motion was seconded by Mr. Morytko. The below vote was taken:

	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**

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. Chozick motioned to carry this application to 04/07 with no further notice, seconded by Ms. Shimamoto. The below vote was taken:

	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.

Z04-2022 Richard Mondragon, 105 Stonehedge Lane, Block 337 Lot 62, R-3 Zone  
Approval for a 6ft fence where 4ft is permitted

Richard Mondragon of 105 Stonehedge Lane was sworn in. He wants to put a 6 foot fence around a portion of the backyard. He has two front yards because the property is a corner lot; he wants the 6 foot fence for uniformity around the property and because he intends to own a moderate-to-large dog and needs the extra height. Chairman Shivas confirmed the fence will not go around the full length of the lot, but along the side yards and rear. Ms. Raffay confirmed the fence is 10 feet off the side property line, noting that the measurements are marked as inches when they should be feet. Mayor Rubenstein confirmed the measurements would then be 6 foot fencing, 10 feet to the side property on Stonehedge, 17 feet from the property behind him on Catalina, and 39 feet from the Catalina side of the road. Mr. Stoner confirmed the measurement are taken from the property line; Mr. Mondragon left the stakes from the survey in the ground and measured from them.

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

Mayor Rubenstein motioned to approve the application, seconded by Mr. Chozick. The below vote was taken

	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. Ms. Raffay confirmed the corrected measurements are part of the record now. There were further questions about a shed on the property. Mr. Mondragon said the house was bought in March 2020, and the shed was there at that time; he’s looking to have that grandfathered in. Ms. Raffay confirmed it’s in what’s considered the front yard and needs to be memorialized. Mr. Walsh moved to reopen the hearing, seconded by Ms. Raffay. All were in favor. Mr. Chozick estimated the

shed is around 8 x 12. Ms. Hubbard said she'll write a shed of conforming size and height in the front yard, to be memorialized.

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

Mr. Serrilli motioned to approve the shed and fence, seconded by Ms. Raffay. The below vote was taken

	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.

Z03-2022 Joyce Slochower, 301 Amity Road, Block 336 Lot 39, R-2 Zone

Approval for a cabana whereas the property does not abut a road

Joyce Slochower of 301 Amity Road and Thomas Baio of 343 Millburn Avenue, Millburn, were sworn in. Mr. Baio is a licensed architect and has been practicing for 31 years, and appeared before similar Boards, and remains in good standing with the Board of architects, and he's the deputy mayor of Mendham Township. He was deemed an expert. Ms. Slochower said her dad built the home in 1939, and was bought with an easement off of Amity. She'd like to add a cabana for the swimming pool, with a bathroom and outdoor shower. Mr. Baio said the bathroom functions will be connected to the existing septic system and well. Chairman Shivas asked about the hot water heater; Mr. Baio said it's predominantly for the sink and shower. The shower is outdoor, with no roof; the drain will go to the lower part of the ground and not into the septic. Mr. Baio entered Exhibit A1, a view of the property from Amity Road. He noted he's not sure how this is not abutting a road; Chairman Shivas confirmed the driveway is not on the property—it's an easement that's landlocked. Mr. Baio submitted Exhibit A2, a rendering of a proposed cabana and bathroom. He noted that the bathroom proximity is important to Ms. Slochower because she has children and grandchildren visit and wants a facility closeby. It won't add to the septic, and no one can see the cabana because the property is far inland. Ms. Hubbard discussed with Mr. Baio that this is a planning variance because this property doesn't have frontage on the road. The purpose of this variance is to ensure emergency vehicles can access the property. She also brought up the size of the cabana as a potential variance; Mr. Baio said the size is 400 square feet. They also mentioned the variance for a structure in the front yard. Mr. Baio submitted Exhibit A3, a letter from Ken Dykstra, stating the septic system is for a 4 bedroom dwelling, and the system is sufficient. Mr. Stoner agrees with Mr. Dykstra's comments. He confirmed this won't drain to the septic. Mr. Baio said the ground drops 10 feet from the cabana—they'll put in a daylighted pipe to be drained by gravity. Chairman Shivas confirmed the pipe will have screening over it to protect against pests. Mr. Stoner said he's ok with this subject to Construction approval. Mr. Serrilli confirmed the diagram for drainage needs to be updated to reflect Mr. Dykstra's comments. Chairman Shivas confirmed the toilet and sink will be connected to the septic system. Mr. Stoner suggested adding the cabana as 413 square feet for protection if measurements change slightly. Ms. Hubbard reviewed the variances, including the size of the accessory structure, planning variance, and structure in the front yard. Ms. Shimamoto asked about the existing fence; Chairman Shivas noted it's 4 feet high. Ms. Raffay confirmed there will be electricity; Mr. Slochower said only an outdoor grill using propane would be added.

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

Mr. Walsh motioned to approve the application, subject to updated architectural drawings, seconded by Mr. Chozick. The below vote was taken:

	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.

Z02-2022 Chris Gratto, 55 Lake Drive, Block 249 Lot 42.02, R5 Zone

Approval for setback to the water, and other structures existing and proposed on property

Christopher Gratto of 55 Lake Drive was sworn in. He noted his primary goal is to repair the deck that’s been there since the 1960s—the railings aren’t safe for children. He also wants to have other items on the property memorialized. The deck he’s looking to fix is the rear deck. The woodshed in the front yard is a shed that’s been there since the 60s. Mr. Gratto went through the numbered items on his property. The sandbox is not a permanent structure; the flower beds are raised. The deck is the same size, but it’s close to the lake so it needs a variance for the setback to the water. He intends to take the deck down and put in proper footings and get an inspection; the deck is not covered, and will be raised one foot higher to help when people step out of the home. The Board discussed the setback to the water. The dock landing is pavers, and doesn’t need a variance, and neither do the garden box or sandbox. The storage shed is proposed, and needs a variance; it will be against the house. The windshield for the oil tank is to keep the fuel from freezing; the tank is existing but he wants to have a shed-type structure surrounding it. The street-side deck needs to be memorialized, and is attached to the house. The fence, at its highest, is 8 feet and needs a variance. He’s also proposing a lower dog fence that’s 5 feet high in the side yard and doesn’t need a variance. The fence will be vinyl and will be squared off. Mr. Stoner said this fence will help buffer the view of other items on the property. The items needing a variance include the deck, the sheds for the front yard, planting, toys, and enclosure for the tank, and the fence.

Mr. Chozick asked about the yard condition; Mr. Gratto said it’s grass and planter boxes, as well as a bulkhead near the lake. Ms. Raffay noted she doesn’t consider the enclosure for the tank a shed. She noted she’s not worried about the amount of structures because the area for these items isn’t even as large as a garage. Mr. Walsh noted it would be good to grant the variance because it helps have things memorialized later on. Ms. Shimamoto asked, regarding the enclosure for the tank, if there’s a minimum dimension for the tank, to provide room to access the interior. Mr. Stoner said things need to be separated for electrical purposes; the spacing could be approved by the Construction Official. Mayor Rubenstein noted the dimensions may be more than the 2ft indicated. Mr. Walsh noted that the house and tank need to stay where they are, and the tank should be protected, so he doesn’t have an issue. Mayor Rubenstein confirmed there will be a gate for maintenance. Ms. Raffay noted that the Zoning Officer points to a few variances in his report that the Board doesn’t think need a variance; Mr. Stoner said they can say they’ve reviewed the report and while noted, variances are not required.

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

Mayor Rubenstein suggested a marked up as-built survey when this is done, to confirm locations. Mr. Walsh motioned to approve the application as modified with the memorializations included, conditional to the as-built survey being submitted, seconded by Ms. Shimamoto. The below vote was taken:

	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’s no meeting.

*Building Committee:* Mr. Morytko said there's no meeting.

*Environmental Commission:* Ms. Shimamoto said the meeting is next week. She discussed the plastic bag collection going on, and will look into overwrap recycling for boats. Mr. Walsh said if there was a recycling destination, a lot of people in the community would be involved.

*Open Space:* Mr. Morytko said the meeting was cancelled for this month.

*Township Council:* Mayor Rubenstein said they've discussed the management plan with Princeton Hydro, including five lakes (Lackawanna, Cranberry, Jefferson, Forest, and one other not determined). The lake management plan will help to get grants. They also discussed the capital budget and the new municipal building scope of work, including EV charging stations.

*Zoning Report:* Everyone had a copy.

Chairman Shivas said he had a discussion with a group interested in building apartments in town. Ms. Raffay said other people have had trouble at the property because of the lack of utility access. Chairman Shivas said this is the last commercial property, and would want it to be used for that purpose. He noted their other idea was to have the area be light-industrial offices. Ms. Raffay noted that potentially have residents there would help existing businesses in town. Ms. Hubbard noted Mr. Gleitz suggested having retail on the first floor. Ms. Raffay noted that space isn't great at the moment, and thinks it could help to have things start up.

## **BILLS**

Larry Wiener (5)- \$1,815.00

A motion to approve the bills was made by Mayor Rubenstein. The motion was seconded by Mr. Walsh. All were in favor. Motion carried.

Latini & Gleitz (13)-- \$7,085.00

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

## **OPEN TO THE PUBLIC**

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

## **ADJOURNMENT**

A motion to adjourn the meeting was made at 9:30 by Ms. Raffay. The motion was seconded by Mr. Chozick. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted,  
*Caitlin Phillips*