

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

ROLL CALL:

Members Present: Mayor Rubenstein, Ms. Raffay, Messrs. McElroy, Morytko, Serrilli, Smith, and Chairman Shivas

Members Absent: Messrs. Proctor and Walsh

Also Present: Engineer Cory Stoner, Attorney Andrew Brewer on behalf of Alyse Hubbard, 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

MINUTES: February 15, 2024. Mr. McElroy motioned to approve the minutes, seconded by Mr. Morytko.

Ayes: Mayor Rubenstein, Ms. Raffay, Messrs. McElroy, Morytko, Smith, Chairman Shivas

Abstaining: Mr. Serrilli

Absent: Messrs. Proctor and Walsh

None opposed. Motion carried. Mayor Rubenstein abstained from the resolution section of the minutes.

RESOLUTIONS

Z16-2023 Barbara Krassner, 11 Pathfinder Trail, Block 115 Lot 6, R5 Zone

Approval for deck on an undersized lot

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

Ayes: Ms. Raffay, Messrs. Morytko, Serrilli, Chairman Shivas

Abstaining: Mayor Rubenstein, Messrs. McElroy and Smith

Absent: Messrs. Proctor and Walsh

None opposed. Motion carried.

SUBCOMMITTEE MEETING

SP1-2024 Byram Waterloo LLC (Starbucks of Byram), 33 Route 206, Block 36 Lot 40, VB Zone

Application for preliminary and final site plan for development of Starbucks coffeehouse with drive-through

Ms. Raffay said the checklist is complete, and they'll waive the EIS if the applicant provides testimony at the hearing. They requested a copy of the traffic study, color renderings of the building, and the location of the mechanical equipment, ten days prior to the hearing. Mr. Stoner asked if the Architectural Review Committee would have enough time to review this. Mr. Morytko noted the ARC hasn't met in awhile—they would need to see who has been appointed. Mr. McElroy said he didn't see anyone get appointed for the ARC. There's typically a member or two of the Board, but it's not just Board members. Mayor Rubenstein confirmed it's a Council appointment. Mr. Stoner noted this doesn't exist then now. Chairman Shivas said the ARC needs to review this; Mayor Rubenstein said they can set the hearing date subject to ARC review. Ms. Raffay said they'll need to get members together; Mr. McElroy said then they'll need to notice for the meeting, so the timing may be difficult.

Ms. Raffay motioned to deem the application complete and schedule a hearing for 04/04, seconded by Mr. Serrilli.

Ayes: Mayor Rubenstein, Ms. Raffay, Messrs. McElroy, Morytko, Serrilli, Smith, Chairman Shivas

Absent: Messrs. Proctor and Walsh

None opposed. Motion carried.

NEW BUSINESS

SP8-2023 Byram Car Wash, 56 Route 206, Block 365 Lot 1.01, VC Zone

Application for replacement of vacuums and monument sign

Ms. Raffay motioned to carry the application to 04/04, seconded by Mr. Morytko.

Ayes: Mayor Rubenstein, Ms. Raffay, Messrs. Morytko, Serrilli, Smith, Chairman Shivas

Abstaining: Mr. McElroy

Absent: Messrs. Proctor and Walsh

None opposed. Motion carried.

Z04-2024 Christine Turcios, 497 Stanhope Road, Block 342.02 Lots 23, R-5 Zone

Application for covered roof not meeting the side yard setback

Christine Turcios was sworn in. They're looking to build a shed, attached to the existing building, with a roof, two doors, and a covered side. They started construction, but realized they need a permit. Chairman Shivas asked if they'll be able to maintain the side without going on the neighbor's property. Ms. Turcios said yes, there's space in between the fence. They will access the backyard through doors in the front and back. On the other side of the house there is a gate. Ms. Raffay confirmed the survey shows what's there now, without the siding or overhangs. Ms. Turcios said they will put an overhang for a gutter. The runoff will go into the driveway and then the street. There will be vinyl siding that matches the house. Mr. McElroy asked if there are any bushes; their house looks higher than the surroundings. They may not have room though. Ms. Turcios said there's a chain-link fence on the neighbor's side with privacy bushes. Mayor Rubenstein asked about the septic. Ms. Turcios said they bought the

house in 2021, and they had the septic checked. It's in the back yard, about 10-15 feet back, with the field directly beyond that. Chairman Shivas confirmed that's their fence; it was there when they bought the house. Mr. Smith confirmed there's no access from inside the house. Ms. Raffay asked if they can make it more narrow. Ms. Turcios said they put the posts and concrete in already so they'd need to remove them. Ms. Raffay asked how they came up with the sizing. Ms. Turcios said they had a garage that was turned into storage space because their basement is full. The garage was too small to put the cars in, so they're trying to find room for things like lawnmowers. They're electrical contractors so there are also tools and scaffolding. Ms. Raffay asked about putting it on the other side of the house. Ms. Turcios said there's a door with cement steps, so there's no space. There's a deck that wraps around halfway, and additional steps. Mr. Serrilli confirmed the interior floor is dirt. He asked if they spoke to the Construction Official. Ms. Turcios said he was there to do an inspection for the garage; he told them what needs to be done to pass inspection. He was there around a month ago, and saw it the way it is now. Mr. McElroy asked about putting a shed in the back yard. Ms. Turcios said the septic is there, and a deck. There are also two big trees in the middle. Mayor Rubenstein noted they're electrical contractors, and asked how they didn't know they needed a permit. Ms. Turcios said she works for one, she is not one personally. She noted when they started, they were planning on a carport; she found out you need a permit for that as well. Chairman Shivas asked if they'd be okay bringing the structure in two feet. They could leave the roof, and let it overhang, but instead of being 11 feet it would be more like 9 feet, so they could have more room to maintain the outside area. Ms. Raffay said it's two feet off the property line, not the fence. It looks like it may be touching the fence. She asked about making it shorter. Ms. Turcios confirmed the garage goes all the way to the back of the house. Ms. Raffay said they could maybe make the structure go halfway instead of the full length. She doesn't like that it's so close. Mayor Rubenstein reiterated Chairman Shivas' suggestion to move it in a few feet and leave the roof as is. Mr. Smith asked how the survey was measured. Ms. Turcios assumes it was to the post—she wasn't there when it was done. Mayor Rubenstein confirmed Ms. Turcios is okay moving the columns.

Mr. Serrilli said at least three feet from the fence would work to provide room. The Board reviewed the setback and how far back the structure should be. Mr. McElroy noted this is slanted, so the distances change between the front and back. Chairman Shivas noted the only reason to be on that side would be to maintain the area. Mr. Morytko said there's also a 24 foot long wall near the neighbor. Ms. Turcios wasn't planning to put any windows. Mayor Rubenstein said there's a lot of vegetation in the area. Mr. McElroy and Ms. Raffay said this is not between the two houses though. Mr. Morytko noted moving this in would provide room for landscaping. Ms. Turcios noted they've spoken to their neighbor already about this.

Mr. Stoner is concerned about drainage. Ms. Turcios said they'll run a gutter along where the rocks are, closer to the neighbor, and there's a sewer grate nearby. Mr. Stoner noted it shouldn't go into the neighbor's yard. They should put concrete down because this is more similar to an addition. Ms. Turcios said they were planning to put pallets down to keep things dry. Ms. Raffay noted this is covered, so there's no airflow, which means the moisture will build up. Mayor Rubenstein noted they want it two feet in from where it is now, which is 4 feet off the closest property line. Ms. Turcios said they can do that. Mr. Stoner said the new shed shouldn't interfere with the existing discharge. Ms. Raffay, Mr. McElroy, and Mr. Morytko noted they're still not okay with how close this is. Mr. Morytko noted if this had come before them before it was built, they would have asked for it to be further back. He's trying to find a balance with that and knowing it was started. Mr. Brewer noted the Board doesn't have to consider that. Mr. McElroy said it seems the structure is driving the variance. Mr. Brewer noted it should be measured from the property line. Mr. Smith noted that would be 5 feet from the property line, with a width of 8 feet. He said he'd like the overhang to move back with it. Mr. Smith noted the overhang would be 6 inches. Mr. Brewer confirmed Ms. Turcios is amending her application to include the numbers that have been stated.

Mr. Smith motioned to approve the application with the finished wall 5 feet from the property line, with a maximum 6 inch overhang, along with the condition that drainage from the new structure will be directed to the roadway, away from the neighbor's property, to the Engineer's satisfaction, seconded by Mr. McElroy.

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

Ayes: Mayor Rubenstein, Ms. Raffay, Messrs. McElroy, Morytko, Serrilli, Smith, Chairman Shivas
Absent: Messrs. Proctor and Walsh

None opposed. Motion carried. Chairman Shivas recommended putting plastic down over the dirt to keep the moisture from coming in. Mr. Brewer explained the appeal period. Mr. Brewer noted typically if an applicant wants to start work ahead of the appeal period, they sign a waiver stating they understand it's at their own risk.

Z05-2024 Dennis Fornarucci, 3 Opa Pass, Block 142 Lot 102, R-5 Zone

Application for addition on left side of house and addition to existing deck

Dennis Fornarucci was sworn in. He wants to put a 9x27 addition on the side of his house, expanding the bedroom and adding a bathroom and walk-in closet. He also wants to put an 8x12 addition on the deck near the front door. Mayor Rubenstein confirmed the "proposed garage" on the survey is there now. Mr. Stoner reviewed

his report and the variances, noting his concern for stormwater runoff. Mr. Fornarucci said he put in an 8 foot depression that's 4 feet deep, and a retaining wall around it. He's had trouble putting grass in. He put in a stone wall and leveled the front yard. He put crushed stone on the dirt part of the road. His neighbor put in a barrier of bags of stone. Mr. Stoner noted stormwater runs down Opa Pass, goes through the rain garden, and overflows down to the neighbor. Mr. Fornarucci said he has a gutter on the side of the house; he ran a pipe into the front yard underground, into the high side of the depression. Mr. Stoner said that was supposed to be a stone trench. With the addition, the runoff should go into a seepage pit on that side of the property. Mr. Fornarucci said the addition area is rock. All the runoff goes into the depression, which slows the water down and percolates into the ground. Ms. Raffay asked what the modular blocks are. Mr. Fornarucci said they're garden pavers, which go around the depression. When the depression fills, it drains out the far side into Opa Pass, which goes down a cliff into the neighbor's yard. Ms. Raffay asked what Mr. Stoner suggests now that more impervious coverage is being added. Mr. Stoner said he's like to have a seepage pit or stone trench near the addition to not keep adding water into the same depression. Mr. Fornarucci said there's a lot of rock so doesn't think it can go in the ground. He eliminated a lot of runoff by leveling the property. Mr. Stoner said it's not eliminated, just moved somewhere else. He doesn't have quantitative data to review for this. Ms. Raffay noted if that area was leveled off, he could put water collection there. Mr. Stoner said for an addition that size, he could do a 3 foot trench by ten feet wide—he doesn't think he can get to 6 feet deep. Mr. Fornarucci asked where to dig it—he doesn't have that much room. Ms. Raffay said near the deck. Mr. Fornarucci said that's the only way to the house. Ms. Raffay said there's an area next to the deck with a stone wall and soil. Drainage collection could go there, and covered with filter fabric. Mr. Stoner said it's underground; he will discuss the dimensions with Mr. Fornarucci.

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Chairman Shivas requested that Mr. Fornarucci keep everything clean while working on the project. Mayor Rubenstein asked about the Environmental Commission comments about the swale. Mr. Fornarucci said that's the depression. Mr. Stoner noted the site should be stabilized. Mr. Fornarucci said he planted two lawns that washed out, and then leveled the area so he can plant again. When the weather is better he will put the lawn in the front, and when the addition is done, he'll add shrubbery. Mr. Morytko asked if the area for the proposed addition is the only option. Mr. Fornarucci said it's an 8-foot addition, to make it more livable. Mr. Morytko motioned to approve the application based on the stormwater conditions and Mr. Stoner working with Mr. Fornarucci on this, seconded by Mr. Serrilli.

Ayes: Mayor Rubenstein, Ms. Raffay, Messrs. McElroy, Morytko, Serrilli, Smith, Chairman Shivas

Absent: Messrs. Proctor and Walsh

None opposed. Motion carried. Mr. Brewer explained the appeal period. The Board confirmed Mr. Fornarucci needs to get his zoning permit before starting the work.

BILLS

Harold Pellow (1): \$69.00: A motion to approve the bill was made by Mayor Rubenstein, seconded by Mr. Morytko. All were in favor. Motion carried.

Maraziti Falcon (14) \$4,392.50: A motion to approve the bills was made by Mr. Morytko, seconded by Mr. Serrilli. Mayor Rubenstein abstained; all else in favor. Motion carried.

REPORTS FROM COMMITTEES

Architectural Review Committee: Mr. Morytko said there's been no meeting.

Environmental Commission: Mr. McElroy said he was not present at their latest meeting.

Open Space: Mr. Morytko said there is a meeting next month.

Township Council: Mayor Rubenstein said they will be passing a new sound ordinance; the current one is from 1979 and doesn't conform with the state model. This model ordinance will be certified by the state, which allows the County to do sound measurements on a complaint, which they don't do now. They approved an inter-governmental transfer. Mr. Stoner said they have road opening permits and Elizabethtown Gas is bringing gas out of Green up Whitehall Road, down 206, up Tamarack, into Forest Lakes, and Cranberry Lake would be next. Mayor Rubenstein asked how far they'll get this year. Mr. Stoner said they're planning to have two crews work from both ends on Tamarack and Forest Lake. Cranberry Lake is later. They'll likely do side roads. Chairman Shivas noted if they work on the tunnel, that is the route currently used. Mr. Stoner said NJ Natural Gas is finishing up West Brookwood, and are working on East Brookwood now. For paving, they're finishing up on Fieldstone, and they have DOT grants. Ms. Raffay asked if they will be paving any roads. Mr. Stoner said just the trench repairs, and they'll provide funding for the final repairs.

OPEN TO THE PUBLIC

Chairman Shivas opened and closed to the public.

ADJOURNMENT

Chairman Shivas noted he's looking to have the annual report ready by April. He asked the Board members to send him a message with any issues on ordinances. Mayor Rubenstein noted basic accessory structures and Ms. Raffay noted lot coverage.

A motion to adjourn the meeting was made at 9:00pm by Mr. McElory, seconded by Mr. Serrilli. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted by Caitlin Phillips