

**MEETING MINTUES
BYRAM TOWNSHIP PLANNING BOARD
MEETING, May 19, 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 May 5, 2022 Meeting Minutes

Mr. McElroy motioned to approve the minutes, 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.

RESOLUTIONS

Resolution of Memorialization Appointing Attorney

Mr. Walsh motioned to approve the resolution, 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.

SP1-2022 Highland Avenue Properties, 227 Route 206, Block 212 Lot 1, NC Zone

Preliminary and Final Site Plan approval for an irrigation company

Mr. McElroy motioned to approve the resolution, seconded by Mayor Rubenstein:

	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

Approval for a firewood shelter, greenhouse, garden fence, wood burning boiler, and detached garage renovations and associated variances for accessory structures

Kevin Prokup was sworn in. He's looking to renovate his garage, install a wood-burning boiler, and construct a vegetable garden fence, greenhouse, and wood shelter. Chairman Shivas said he doesn't have to worry about the fence because as long as it's not in the front yard, a 6-foot fence can be added. Mr. Prokup noted the garage is old and needs to be renovated. On the side is a shed that's built on the outside; it would be cheaper to demolish it and rebuild. Ms. Hubbard confirmed they're just demolishing the shed portion and erecting a third bay in its place, and Mr. Stoner confirmed he's renovating the garage portion. Mr. Stoner noted this is a 2-bay garage with an attached shed. The plans the Board have doesn't show a second-floor; Mr. Prokup confirmed the Board needs plans that show a proposed second floor in order to approve that. Ms. Hubbard noted if the roof is 15 feet or under it wouldn't need a variance. There was some discussion on the height of the garage. Mr. Prokup asked for a height variance for the garage. Mr. Stoner confirmed he's trying to match the existing pitch of the roof. Mr. Stoner noted that there's nothing near him so the height is less of a concern. He also needs a variance for the square footage. Mayor Rubenstein asked about merging the lots; Mr. Prokup said he has nothing against it. There was further discussion about merging the lots. The Board then discussed the distance from the stream. Mr. Stoner noted he's in a riparian buffer, but the lot is technically already disturbed. The rebuild of the garage would have little impact on the water. Mr. Prokup said towards the water some of it is flat and near the water there's a bigger slope. Ms. Shimamoto noted this is a category 1 waterway, so she has an issue with anything closer than it is now; she has no issue with the garage. Mayor Rubenstein asked if they should approve each structure individually. Mr. Stoner said each one stands on their own. There were options provided so they have to get narrowed down.

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

Ms. Shimamoto noted they have no plans for the greenhouse. Mr. Prokup noted they've looked through catalogs at pre-fab structures. Chairman Shivas said without plans or information it's hard to okay a plan. They need additional details like materials and measurements. Mr. Stoner asked which location they're going to place the greenhouse. Mr. Prokup noted location C is near the chicken coop, which has power and water. They proposed location A because it has more sunlight, but they prefer location C. Ms. Shimamoto confirmed they won't cut down any trees. Mr. Stoner confirmed they're proposing a greenhouse that's less than 15 feet high, under 500 square feet, and in location C. Ms. Shimamoto has issues with the distance to the water. The chicken coop that's there now is 40 feet away and she has an issue allowing anything closer than that. Mr. Morytko asked about moving the greenhouse closer to the driveway; Mr. Prokup said they'd have to take out the pine tree. Ms. Shimamoto said she has an issue with anything that could hurt the water quality. Mr. Prokup noted the only areas that are flat are close to the pond or brook. To the left of the house is flat but has a septic; the side of the house has a slope. Mr. Walsh confirmed Ms. Shimamoto's concerns are about fertilizers and other items used in greenhouses. Mr. Prokup said they think they won't be doing this on ground in a way rain could wash out. Mr. McElroy confirmed the plants would be contained. Mr. Stoner asked about the floors; Mr. Prokup is considering concrete but no drain. Ms. Hubbard noted that there's a proposed trench for electric and water; Mr. Prokup noted that was more for a spigot. Mr. Prokup noted they'll be using the greenhouse most in winter, so they'd need the electric for heat. The trench is 4 feet for the water. Ms. Hubbard said there's a lot of options without a concrete proposal, so it's hard to make a decision. Mr. Prokup asked for 15x20 for the greenhouse to be safe; it's not glass or domed. It will be as close to the pine tree as possible.

Chairman Shivas asked about the wood-burning boiler. Mr. Prokup confirmed it'll be used to heat the house; it's next to the trench. Mr. Stoner asked if it's in a structure. Mayor Rubenstein noted he has one of these, and it's on a concrete pad and is metal. Ms. Shimamoto asked about byproduct. Mayor Rubenstein said it's only steam and ash. Mr. Prokup noted the location for this is probably further than what's proposed. Ms. Hubbard asked about dimensions; Mayor Rubenstein noted his is 5x7; Mr. Prokup said this one would probably also be 5x7. There was some discussion about potential locations. There are trees in location D. Ms. Shimamoto asked if it would make sense to have the location near where they split the wood. Mr. Prokup said there's not a lot of space that's usable. Ms. Shimamoto asked about putting it under the deck. Mr. Prokup said he likes the idea; Chairman Shivas noted it could cause problems with bugs and snakes. Mr. Prokup noted that the best location for this is C, but they prefer the greenhouse there.

Mr. Walsh said he likes the ideas presented, but there needs to be more details, including the dimensions and orientation of the greenhouse, and the wood structures. Mr. Prokup said to put the wood shelter aside. He said the greenhouse will be 15x20 or less, and the long side will be parallel to the road. It will be not closer to the brook than 35 feet. There was discussion about the drain. Mr. Stoner said they should stipulate it won't drain to the water. Mayor Rubenstein said they can stipulate that the greenhouse has to be on a concrete pad, and confirmed the use can be only for residential. He noted an as-built survey should be submitted when the work is done. The Board reviewed the variances

requested. Mr. McElroy asked about the proximity between the greenhouse and the boiler. Mr. Stoner noted they could add that accessory structures must be at least 6 feet apart. Mayor Rubenstein suggested fire code compliance. Ms. Hubbard confirmed he's withdrawing the request for the wood shelters. Mr. Stoner noted part of the code talks about agricultural activities. He confirmed there was a farmland assessment on both lots; this was their third year. Mr. Stoner said the chicken coop and greenhouse are not part of this. Mayor Rubenstein confirmed they don't sell eggs. Ms. Hubbard confirmed the need for these variances include the locations being close to water and there are no other spots to put items. There are slopes and large rocks. Chairman Shivas confirmed some of the acreage includes the lake; Mr. Prokup said one lot has about 75% of the lake.

Mr. Walsh motioned to approve the garage renovations with the aforementioned conditions, the greenhouse with a max of 20x15 with an orientation parallel to the stream, conditioned on no discharge towards the stream, and no less than 35 from the stream, to approve the boiler, no larger than 7x7 and no less than 40 feet to the stream and having all code compliance, and having an as-built survey being submitted after work is complete. Mr. Stoner added that the structures should be 6 feet apart. He confirmed the boiler doesn't need a structure variance, just the distance to the water. Chairman Shivas asked about the drain for the greenhouse; Mr. Walsh said he wants it as no discharge to the stream to let the applicant handle it as he sees fit. Ms. Hubbard confirmed the slab for the greenhouse, there will also be no second-story on the garage, and only be residential uses. This was seconded by Mayor Rubenstein:

	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.

Jose Quinones of 187 Lackawanna Drive and Michael Bengis, the architect of 35 North Western Way in Hopatcong were sworn in. Mr. Bengis was a Board Chairman for Hopatcong and has been an architect for 46 years; his license is in good standing in New Jersey and he was deemed an expert. Mr. Bengis said they're looking to fix the roof and make deck improvements. There will be a stairway to the front door. Mr. Quinones said the deck is for safety because of the rocks around the property. He's trying to keep it as close to the boulder as possible, but because they may need to find solid ground, they've extended a bit further out than the rocks. Chairman Shivas asked about what's considered a front yard; Mayor Rubenstein said it's a front yard and two side yards. Mr. Stoner said anything along Lackawanna is a front yard. Mayor Rubenstein said the back is where the driveway is, and asked if they had an easement. Mr. Quinones said he doesn't know; he purchased the house as it is. Ms. Hubbard noted the driveway is not on the survey. Mr. Quinones noted the driveway is not paved. Mr. Stoner went over the variances needed. The boulder is about 20-30 feet higher than the road. Mr. Walsh confirmed the variance would be for 26.5 feet. Mr. Morytko confirmed they're looking for a bit more than needed. Ms. Shimamoto said she's less concerned about cars for this property because they're on a cliff. Ms. Hubbard confirmed the stones are natural, not built.

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

Mr. Walsh confirmed the hardship is the steep slopes and configuration of the lot. Mr. Bengis added that this is for safety as well. Ms. Shimamoto motioned to approve the application, seconded by Mr. Morytko. Mr. Stoner confirmed an as-built survey will be needed for a CO:

	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. Hubbard noted they should talk to the surveyor about why the driveway isn't on the survey.

EXTENSION OF APPROVAL

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

Extension of approval to construct an addition on their home

Ms. Shimamoto confirmed this is the first extension, and motioned to extend the resolution, 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 the meeting of 05/24 was rescheduled; final documents are in.

Environmental Commission: Ms. Shimamoto said there was a special meeting to review the Lake Management Plan, and there's another meeting next week. They're looking for members because they're having an issue getting a quorum.

Open Space: Mr. Morytko said they talked about trails and possibly having a subcommittee for trail improvements.

Township Council: Ms. Franco said they approved a resolution to prioritize the improvements at North Shore. Mayor Rubenstein said the DOT will be in Byram to tour the town next week. Topics include the tunnel, the Route 80 accident quota, potholes, and the Mansfield bike trail.

Zoning Report: Everyone had a copy.

BILLS

Harold Pellow & Associates (10): \$3,355.13

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

Law Offices of Larry Wiener (11): \$1,755.00

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

Respectfully submitted,
Caitlin Phillips