

MEETING MINTUES OF THE BYRAM TOWNSHIP PLANNING BOARD: November 16, 2023

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

ROLL CALL:

Members Present: Mayor Alex Rubenstein, Ms. Franco, Mr. McElroy, Ms. Raffay, Mr. Morytko, Mr. Smith, Mr. Proctor, Mr. Walsh, Chairman Shivas

Members Absent: Mr. Serrilli

Also Present: Engineer Cory Stoner, Attorney 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: November 2 2023. Mayor Rubenstein motioned to approve the minutes, seconded by Mr. Morytko.

Ayes: Mayor Rubenstein, Mr. McElroy, Mr. Morytko, Mr. Proctor, Mr. Walsh, Chairman Shivas

Abstaining: Ms. Franco, Ms. Raffay, Mr. Smith

Absent: Mr. Serrilli

None opposed. Motion carried.

RESOLUTUIONS

Z20-2023 Sal and Catherine Volonnino, 65 Lake Drive, Block 249 Lot 53, R-5 Zone

Approval for garage in the front yard

Mr. McElroy motioned to approve the resolution, seconded by Mr. Morytko.

Ayes: Mayor Rubenstein, Mr. McElroy, Mr. Morytko, Mr. Proctor, Mr. Walsh, Chairman Shivas

Abstaining: Ms. Franco, Ms. Raffay, Mr. Smith

Absent: Mr. Serrilli

None opposed. Motion carried.

SUBCOMMITTEE

SP7-2023 Panther Lake RV, LLC, 6 Panther Lake Campground, Block 360 Lots 23, 24, 31, 31.10, and 31.11, CR Zone

Approval for changes to pool and patio area, including bathrooms, a pavilion, cabana facilities, expansion of patio, and enhancements to lighting and landscaping

Mr. Walsh said there are a series of improvements around the pool, but the pool will not be modified.

Elevations were provided at the meeting. Waivers sought are related to existing conditions or minimal disturbance, so can be granted. Mr. Walsh motioned to deem the application complete and schedule it for a hearing on 12/21, subject to the architectural beings submitted for the whole Board prior to the hearing, seconded by Mr. McElroy.

Ayes: Mayor Rubenstein, Ms. Franco, Mr. McElroy, Ms. Raffay, Mr. Morytko, Mr. Smith, Mr. Proctor, Mr. Walsh, Chairman Shivas

Absent: Mr. Serrilli

None opposed. Motion carried.

NEW BUSINESS

Z22-2023 John Brennan, 135 Lake Drive, Block 250 lot 120, R-5 Zone

Approval for addition to single-family home, and memorialization of existing shed and fence

Glenn Kienz from Weiner Law Group represented applicant John Brennan. Mr. Brennan wants to add a second story, staying within the existing footprint. John Brennan was sworn in as the applicant, and Jason Dunn was sworn in at 11 Lawrence Road in Newton as the planner. His license is current and in good standing, and he has recently testified in Newton, Hardyston, Byram, and Sparta. He was deemed an expert.

Mr. Brennan said they bought the house about a year ago. The issue with the house is the size for their family. They haven't moved in yet—they're waiting for the approvals and the construction to finish. There were issues with the septic; when it was inspected at closing it failed; necessary repairs were made, and a new septic is in. It's sized for two bedrooms, and they want to keep it two bedrooms. Items on the architectural plans labeled "existing" are what is proposed. In the proposed, they'd now like to connect the sitting room to the bedroom to make it larger. There is no shed anymore—it was removed because it was sitting on the septic area. It still shows the shed on the survey. There is an existing fence; from talking with neighbors Mr. Brennan noted this is a joint, neighborly fence which they'd like to keep. Mr. Dunn submitted **Exhibit A1**, photos of the property showing the fence, taken today. It depicts the fence being lower in the front and stepping up in the back area. Mr. Dunn said it's four feet in the front. Mayor Rubenstein asked why Mr. Brennan doesn't want a shed. Mr. Brennan said there's not a lot needed for yardwork. Mayor Rubenstein said they're in front of the Board, so they could ask for it now. The Board discussed

variances that may be needed. Mr. Kienz asked to amend the application to include a shed, five feet from the side yard. Mr. Stoner requested they stay 25 feet from the lake for the riparian buffer. There is a maximum of 100 square feet proposed, likely a 10x10 shed. Ms. Raffay confirmed noticing is ok for this. Ms. Hubbard confirmed it'll be on footings or stone, not a concrete pad.

Mr. Dunn reviewed the property. He agreed with Mr. Stoner's chart. The parcel is narrow and undersized. He believes the improvement proposed is reasonable and will be an upgrade. It won't have any negative impacts on the neighborhood. Chairman Shivas asked about overhangs. Ms. Hubbard noted the blue lines on the plans are the overhangs. Mr. Dunn said the footprint is the same but the overhangs change. Chairman Shivas noted on the Careaga map, it says the property is in Hopatcong. They should have that fixed so their documents are correct for future reference. Mayor Rubenstein asked about the propane tank; Mr. Brennan noted it's actually an oil tank. Mayor Rubenstein confirmed there's a crawlspace. Mr. McElroy asked about the shed distance in relation to lake landscaping. Mr. Proctor noted they have a bulkhead. Ms. Raffay asked about the height. Things didn't seem to scale correctly for the roof. Mr. Kienz said the side elevation is 26 feet. Mr. Stoner said there's 25 feet to the ridgeline which is the midpoint of the roof. The average grade estimate is likely under 25. Ms. Raffay asked about the attic and the space for people living there. Mayor Rubenstein noted his septic system is an ecoflow which has a maintenance profile filed with the County that needs to be adhered to. The septic also needs to be pumped every three years. He noted the house can never have a third bedroom because of the septic. The resolution should note that there can't be a third bedroom. Mr. Brennan said the septic company told him it can't be more than a two-bedroom septic; there's not enough room for more. Ms. Raffay asked about septic pumping schedules. Mayor Rubenstein said there's an agreement with the County, which he will need to follow. Mr. Walsh confirmed the sitting room is becoming part of a bedroom. Mr. Stoner said the plans should be updated for resolution compliance to show the updated proposal and the new shed. Ms. Raffay asked about the window placements. The Board reviewed it. Mr. Brennan is not removing any trees; some may be trimmed. Ms. Franco asked about the wall removal—Ms. Raffay said he may need a header, which the architect should help with.

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

Ms. Hubbard said the conditions are amending the application for a shed, no third bedroom with the existing septic, and updated architectural and survey. Mayor Rubenstein motioned to approve the application with those conditions, seconded by Mr. Walsh:

Ayes: Mayor Rubenstein, Ms. Franco, Mr. McElroy, Ms. Raffay, Mr. Morytko, Mr. Smith, Mr. Proctor, Mr. Walsh, Chairman Shivas

Absent: Mr. Serrilli

None opposed. Motion carried. Ms. Hubbard said the resolution will be ready on 12/07, and explained the appeal period.

BILLS

Harold Pellow and Associates (9): \$1,177.00. A motion to approve the bills was made by Mayor Rubenstein, seconded by Mr. Walsh. All were in favor. Motion carried.

REPORTS FROM COMMITTEES

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

Building Committee: The Board noted this should be removed from updates.

Environmental Commission: Mr. McElroy said there was no meeting.

Open Space: Mayor Rubenstein said there was no meeting.

Township Council: Mayor Rubenstein said it was routine business.

OPEN TO THE PUBLIC

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

ADJOURNMENT

Ms. Hubbard asked about the application review subcommittee. A motion to adjourn the meeting was made at 8:13pm by Mr. McElroy, seconded by Ms. Franco. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted by Caitlin Phillips