

**MEETING MINTUES
BYRAM TOWNSHIP PLANNING BOARD
MEETING, November 4, 2021**

CALL TO ORDER

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

ROLL CALL

	Mr. Chozick	Ms. Franco	Mr. McElroy	Mr. Morytko	Ms. Raffay	Mayor Rubenstein	Mr. Serrilli	Ms. Shimamoto	Mr. Smith	Mr. Walsh	Chairman Shivas
HERE	H	H	H	H	H	H	H	H	H	H	H
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 September 16, 2021 Meeting Minutes

Mr. Serrilli motioned to approve these minutes, seconded by Mayor Rubenstein. The following vote was taken:

	Mr. Chozick	Ms. Franco	Mr. McElroy	Mr. Morytko	Ms. Raffay	Mayor Rubenstein	Mr. Serrilli	Ms. Shimamoto	Mr. Smith	Mr. Walsh	Chairman Shivas
MOTION							√				
SECONDED						√					
AYE		√			√	√	√	√		√	√
NAY											
ABSTAIN	√		√	√					√		
ABSENT											

Motion carried.

Approval of the October 7, 2021 Meeting Minutes

Mr. Morytko motioned to approve these minutes, seconded by Ms. Shimamoto. The following vote was taken:

	Mr. Chozick	Ms. Franco	Mr. McElroy	Mr. Morytko	Ms. Raffay	Mayor Rubenstein	Mr. Serrilli	Ms. Shimamoto	Mr. Smith	Mr. Walsh	Chairman Shivas
MOTION				√							
SECONDED								√			
AYE	√	√		√		√	√	√	√	√	
NAY											
ABSTAIN			√		√						√
ABSENT											

Motion carried.

RESOLUTIONS

Z13-2021 Veronica Sullivan, 5 Landone Trail, Block 122 Lot 33, R-5 Zone

Extension of exterior wall with variance for setback to body of water.

Mr. Serrilli motioned to approve this resolution, seconded by Mr. Smith. The following vote was taken:

	Mr. Chozick	Ms. Franco	Mr. McElroy	Mr. Morytko	Ms. Raffay	Mayor Rubenstein	Mr. Serrilli	Ms. Shimamoto	Mr. Smith	Mr. Walsh	Chairman Shivas
MOTION							√				
SECONDED									√		
AYE	√	√			√		√	√	√	√	√
NAY											
ABSTAIN			√	√		√					
ABSENT											

Motion carried.

SP5-2021 Center for Humanistic Change, 12 Route 206, Block 42 Lot 110, VB Zone
Interior renovations and addition of exterior elevator.

Mr. Walsh motioned to approve this resolution, seconded by Mr. Serrilli. The following vote was taken:

	Mr. Chozick	Ms. Franco	Mr. McElroy	Mr. Morytko	Ms. Raffay	Mayor Rubenstein	Mr. Serrilli	Ms. Shimamoto	Mr. Smith	Mr. Walsh	Chairman Shivas
MOTION										√	
SECONDED							√				
AYE	√	√			√		√	√	√	√	√
NAY											
ABSTAIN			√	√		√					
ABSENT											

Motion carried.

Water Use and Conservation Management Plan 2021
To be adopted as an element of the Master Plan

Mr. Walsh motioned to approve this resolution, seconded by Mr. Smith. The following vote was taken:

	Mr. Chozick	Ms. Franco	Mr. McElroy	Mr. Morytko	Ms. Raffay	Mayor Rubenstein	Mr. Serrilli	Ms. Shimamoto	Mr. Smith	Mr. Walsh	Chairman Shivas
MOTION										√	
SECONDED									√		
AYE	√	√	√	√	√		√	√	√	√	√
NAY											
ABSTAIN						√					
ABSENT											

Motion carried.

NEW BUSINESS

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.

This application requested to be carried until 12/02/2021. Ms. Hubbard noted that they're missing an EIS and don't think they'll have it until then. Mr. Walsh confirmed the report is about the impact on Lubbers Run, so it's an environmental report, not an EIS.

Mr. McElroy motioned to carry this application without further notice, seconded by Mr. Walsh. The following vote was taken:

	Mr. Chozick	Ms. Franco	Mr. McElroy	Mr. Morytko	Ms. Raffay	Mayor Rubenstein	Mr. Serrilli	Ms. Shimamoto	Mr. Smith	Mr. Walsh	Chairman Shivas
MOTION			√								
SECONDED										√	
AYE	√	√	√	√	√	√	√	√		√	√
NAY											
ABSTAIN									√		
ABSENT											

Motion carried.

SP6-2021 Cranberry Lake Community Club, PO Box 360, Block 193 Lot 1, R5 Zone,
Variance for dock repair and maintenance.

This application needs to be carried to 12/02/2021. Ms. Hubbard noted this was originally scheduled for 12/02 but the applicant's attorney notified for tonight, so this is to notify anyone present.

Mayor Rubenstein motioned to carry this application 12/02 without further notice, seconded by Mr. McElroy. The following vote was taken:

	Mr. Chozick	Ms. Franco	Mr. McElroy	Mr. Morytko	Ms. Raffay	Mayor Rubenstein	Mr. Serrilli	Ms. Shimamoto	Mr. Smith	Mr. Walsh	Chairman Shivas
MOTION						√					
SECONDED			√								
AYE	√	√	√	√	√	√	√	√	√		√
NAY											
ABSTAIN										√	
ABSENT											

Motion carried.

OLD BUSINESS

Z11-2021-George Bukos, 5 Brookwood Drive, Block 54, Lots 20, R-5 Zone

To keep an existing shed that doesn't meet right and rear yard setbacks.

Mr. Bukos acknowledged that he remains under oath from his last hearing. He submitted an updated survey. Ms. Hubbard noted that the roof is over the property line, and confirmed he will amend the roofline, so he's looking for a zero setback. Mr. Stoner noted it'll be a zero side yard setback and a 2.8 feet side setback. Ms. Shimamoto noted that the fence is not on his property, but there's no one here complaining. Mayor Rubenstein confirmed he didn't put that fence up and it was there before him. Mr. Walsh confirmed there are two fences, neither put up by Mr. Bukos. He noted that it's on the neighbor's property so it's the neighbor's fence.

Mayor Rubenstein asked how hard it is to move the shed. Mr. Bukos said it would be hard because there's not a lot of space. Mayor Rubenstein clarified he meant moving it a little bit away from the property line. Mr. Bukos said that's not an issue, but he prefers to take the gutter off of the overhang, which would be the easiest solution. Ms. Hubbard asked if that would create a problem with runoff; Mr. Bukos said he can move the gutter in for more clearance, so he'd take a piece of the overhang off. Chairman Shivas noted there are no objectors to request anything else being done.

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

Mayor Rubenstein noted the application needs to be updated to reflect the new setbacks. Chairman Shivas corrected the zoning table, approved by Mr. Bukos.

Mr. Walsh motioned to approve this application with this change, seconded by Mr. Serrilli. Mayor Rubenstein confirmed Mr. Stoner will inspect this in about a month to make sure it complies. He confirmed the shed is the original from 1999. The following vote was taken:

	Mr. Chozick	Ms. Franco	Mr. McElroy	Mr. Morytko	Ms. Raffay	Mayor Rubenstein	Mr. Serrilli	Ms. Shimamoto	Mr. Smith	Mr. Walsh	Chairman Shivas
MOTION										√	
SECONDED							√				
AYE	√	√	√	√	√	√	√	√	√	√	√
NAY											
ABSTAIN											
ABSENT											

Motion carried.

Z06-2021 Dennis Fornarucci, 3 Opa Pass, Block 142 Lot 102, R-5 Zone

Construction of an accessory structure for a workshop.

Mr. Fornarucci acknowledged that he remains under oath. He's looking to build a shed for a workshop. Since the last meeting he was told to build a retention wall to control the water runoff to help with the house below him. He submitted Exhibit A1, six photos of the work being done for the stormwater mitigation, taken 11/03 and 11/04.

Mr. Stoner noted that since his last meeting he met with Mr. Fornarucci and the neighbors. On Opa Pass, the water runs down the roadway and through Mr. Fornarucci's property and gathers in one spot and into the neighbor's property, where it fills up the yard and their basement. He explained the exhibit photos are a basin to stop this. There's rock on the bottom with plantings around it; it may not stop all the water but it will help decrease the runoff and disturbance. In normal storms it should catch and go into the ground. Mr. McElroy asked if the neighbors were satisfied with this solution. Mr. Stoner said he spoke to them and they seemed happy that any work was being done to help them. Chairman Shivas confirmed the bottom underneath is about 3 feet deep. Mr. Stoner said this was filled in with stones; Mr. Fornarucci wanted it to look like a garden area. He noted that's his front lawn so he wants it to look nice. Ms. Shimamoto asked about plantings, and noted they should be native species. Mr. Walsh asked about the maintenance. Mr. Stoner said the silt and sediment need to be cleaned out. Mr. Stoner said the idea is to have filter fabric on the bottom, fill it with stone, and he likes that this is exposed because it stops it getting clogged easily. He noted the importance is slowing down the water.

Mr. Stoner said he was there about a week or two ago. Mayor Rubenstein asked about the condition of the area since the original photos dated in March show a lot of raw land. Mr. Stoner submitted Exhibit B1, a photo he took of the property in front of the house, taken about a month ago prior to the rain garden. Mr. Stoner submitted Exhibit B2, showing the area before the basin was constructed, marked up, and the vegetation in the area. Mr. Walsh noted he was there earlier this week and he saw that a bit of the area was torn up from the excavator and it looks like there were trees removed. Mr. Fornarucci said 2 trees were removed, one which was in the center of the rain garden. Mr. Stoner said one of the trees was half-dead and near the house. Mr. Walsh asked his plan to restore the areas that

were disturbed. Mr. Fornarucci said it'll be a lawn area with grass. He said the only issue is from the property line to the road is Opa Pass. Mr. Walsh asked how close does Opa Pass go to where the rain garden is built. Mr. Stoner said it's right on the edge. Opa Pass is a paper street and there's nothing really beyond it. He thinks the basin location is the best way to catch the runoff. Anything that's by the basin that's disturbed will be part of Opa Pass or the driveway, and anything that's not the driveway should be landscaped. Mr. Stoner said there should be a condition that the property is landscaped.

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

Mr. Chozick motioned to approve this application with the engineer's satisfaction for landscaping, seconded by Mr. Walsh. The following vote was taken:

	Mr. Chozick	Ms. Franco	Mr. McElroy	Mr. Morytko	Ms. Raffay	Mayor Rubenstein	Mr. Serrilli	Ms. Shimamoto	Mr. Smith	Mr. Walsh	Chairman Shivas
MOTION	√										
SECONDED										√	
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. Mayor Rubenstein said they started a finance subcommittee. They met today and the financial model looks pretty good and they'll discuss it at the next Council meeting.

Environmental Commission: Ms. Shimamoto said there is nothing to report.

Open Space: Mr. Morytko said the Committee is recommending a trails grant to the Council soon, focused on marking/blazing of Cranberry Lake and a trail off of Tamarack. They also reviewed the plans for the dog park and the changes made and provided feedback. The engineers can go to the DEP and review the plans. Mayor Rubenstein said they need certain DEP permits for the work.

Township Council: Mayor Rubenstein said they decided to get lake management plans done. The Highlands gave them \$150,000 for a watershed and lake management plan. They're still working on the project. Mr. Stoner said Byram's gone through the modules, and they cover a lot of grant checklist items.

BILLS

Law Offices of Larry Weiner (10)- \$3,435.00

A motion to approve the bills was made by Mayor Rubenstein. 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 8:10 pm by Mr. McElroy. The motion was seconded by Mr. Chozick. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted,
Caitlin Phillips