

MEETING MINTUES OF THE BYRAM TOWNSHIP PLANNING BOARD: October 16 2025

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

ROLL CALL:

Members Present: Mss. Raffay, DeMagistris, Colligan, Lewandowski; Messrs. McElroy, Smith, Walsh, Chairman Shivas

Members Absent: Messrs. Mayor Rubenstein, Proctor, Morytko

Also Present: Engineer Cory Stoner, Attorney Alyse Hubbard, Secretary Caitlin Phillips

OPENING STATEMENT: Adequate notice of this meeting of the Byram Township Planning Board was given as required by the Open Public Meeting Act. A resolution indicating the time, date, and location of regular Board meetings for the year 2025 was forwarded to the Board's designated newspaper, and posted on the bulletin boards and main doors of the Municipal Building.

FLAG SALUTE: led by Chairman Shivas.

MINUTES: September 18, 2025

Motion of Mr. McElroy to approve the minutes, second of Ms. DeMagistris.

Ayes: Ms. Raffay, DeMagistris; Messrs. McElroy, Walsh, Chairman Shivas

Abstaining: Mss. Colligan, Lewandowski; Mr. Smith

Absent: Messrs. Mayor Rubenstein, Proctor, Morytko

None opposed. Motion carried.

RESOLUTIONS

Z09-2025 Aaron Shrensel, 148 Glenside Trail, Block 306 Lot 2238, R5 Zone

Application for deck extension and fence

Motion of Mr. McElroy to approve the resolution, second of Mr. Walsh.

Ayes: Mss. Raffay, Colligan, DeMagistris; Messrs. McElroy, Smith, Walsh, Chairman Shivas

Abstaining: Ms. Lewandowski

Absent: Messrs. Mayor Rubenstein, Proctor, Morytko

None opposed. Motion carried.

NEW BUSINESS

SD1-2025 Angela Prestia, 127 North Shore Road, Block 125 Lot 33, R5 Zone

Application for subdivision of lots

Ms. Phillips said they didn't complete their noticing, so needed to be carried.

Motion of Mr. Smith to carry the application to 11/06, second of Ms. Colligan.

Ayes: Mss. Raffay, Colligan, DeMagistris, Lewandowski; Messrs. McElroy, Smith, Walsh, Chairman Shivas

Absent: Messrs. Mayor Rubenstein, Proctor, Morytko

None opposed. Motion carried.

Z10-2025 Jeffrey Miller, 568 Waterloo Road, Block 384 Lot 8, R1 Zone

Application for interpretation of use, to rent out home for weddings

Mx. Phillips said they're amending their application to include a use variance, so they will need to refile, but they requested to be on 11/20. Ms. Hubbard said they'll need to notice for this meeting.

Motion of Ms. Colligan to carry the application to 11/20, second of Ms. DeMagistris.

Ayes: Mss. Raffay, Colligan, DeMagistris, Lewandowski; Messrs. McElroy, Smith, Walsh, Chairman Shivas

Absent: Messrs. Mayor Rubenstein, Proctor, Morytko
None opposed. Motion carried.

Z05-2025 Joshua Guerra, 3 Camelot Drive, Block 336 Lot 3.16, R2 Zone

Application for ATV track and landscaping

Joshua Guerra was sworn in at 3 Camelot Drive. He thanked the Board for their time, and said his family has lived at this address for over three years. They chose this home for the woods, to use for recreation like hiking and riding ATVs and mountain bikes. Since living here, they've been slowly cleaning out the dead organics, reducing chances of wildfires. There are falling trees, dead organics, and rocks and boulders. His goal is to navigate the land with limited injury, and wants to create a safe path in the woods. They need machinery to move the boulders. He doesn't plan to remove living trees, just dead ones. They're requesting a D1 variance for the construction of ATV trails. They have six acres, so wouldn't be near the property line. This is not for public use, so heavy traffic on the trail isn't expected. This won't be visible from the street, and loud noise shouldn't be a concern because of the property line distances. Hours of use would comply with township ordinances. Landscaping and maintenance would also follow hours of operation. They don't plan to use the ATVs late at night unless in an emergency. Since the trail is in the woods, ATV lights would be similar to landscaping lights. They have plenty of parking in their driveway for family. They're on a dead-end street, so traffic is mainly neighbors. They're not aiming to have large groups on the trail, just for their family to have fun. In areas where there is a safety concern, they plan to use hay bales to cushion the impact. They plan to use woodchips on the trail, to prevent soil from drying out. This will contribute to the health of the soil. For soil erosion, they don't plan to make downward slopes on the property lines. The property has valleys to absorb excess water. The trail will not be paved.

Mr. Guerra showed his plan. He explained that it shows the property line, and 50 feet in is where the trail is. The trail moves based on what's in the way. The trail will be cleaned of boulders and organics. Areas with too much dirt will be covered with woodchips to prevent soil erosion and keeping moisture in the ground. Chairman Shivas asked how wide the trail will be. Mr. Guerra said it needs to be able to have an ATV go through, so between 6-8 feet so two can pass through. Widths may vary depending on the area. Chairman Shivas asked how many ATVs will be on the trail at the same time. Mr. Guerra said no more than 4. Chairman Shivas asked about lighting. Mr. Guerra said they'll use reflectors to help stay on the trail. Chairman Shivas confirmed there's no visible light. He asked about hours of operation. Mr. Guerra said when he's off work, or the kids are home from school, or family is over. It would be between 10am and 6-7pm. Chairman Shivas noted right now it's dark at 6pm. Ms. Raffay said sometimes it gets dark after 9pm. Mr. Guerra said they know not be out later than 8pm because of the township ordinance for noise. Ms. Raffay asked about the level of noise made. Mr. Guerra said the way they make ATVs now, they don't have the larger sound like on the older ones or ones that are modified. The noise would be low. Mr. Guerra said he's ridden his around and the noise is low. He said especially because they're so far from the property line and neighbors. Mr. McElroy asked what "ATV" entails. Are they quads, dirt bikes, motorcycles, or other types of vehicles? Each makes drastically different sounds. How is he going to control if friends or family come there, what vehicles they use? Mr. Guerra said if they have theirs modified, they won't ride it on his property. It'd be only 3 or 4 at a time. It'd be four-wheelers. They won't use dirt bikes.

Ms. Raffay said the plan provided states this a depiction of the aspiration of the use, and that it's not an exact layout. Usually an applicant shows exactly what they're doing and how. Mr. Guerra said the trees and boulders weren't taken into consideration, it's a birds-eye view. If there's a tree or boulder blocking the path, they'll steer more to the right or left. Ms. Raffay confirmed they haven't done an inventory to see where things would go. Mr. Guerra said as he walked the land and that's what made the most sense, but knowing exactly how many feet each way would take too long. Ms. Raffay said there's a way to do that, with a topographic map and an inventory of what's there so it can be laid out. If the pattern is different than what's proposed, it may contribute to more noise, dust, or erosion. Mr. Guerra said they plan to stick to this because it's the path of least resistance. A tree inventory would be a big expense. He considers this land clearing, landscaping, or gardening, to move things out of the way. He noted this is not a commercial project. Ms. Raffay said she doesn't have an idea of the runoff. Mr. Guerra said the property moves around in different patterns. At the property lines, he's not carving out a slope down. He hasn't seen any runoff in the street. Any places that collect water, he puts something down to keep mosquitoes away. Ms. Hubbard asked about any significant slopes, or if it's relatively level. Mr. Guerra said there's different levels, some sloping and some level areas. The house is lower than the back of the property. Ms. Hubbard asked where he stores the ATVs. She doesn't see a shed nearby. Mr. Guerra said there's only 2 ATVs, and they're in the garage. Ms. Raffay confirmed other people visiting would bring their own for the trail. She asked where they'd park their trailer. Mr. Guerra confirmed it'd be the driveway. Ms. Raffay said people would likely park on the street. Mr. Guerra said usually they have pick-up trucks and they just drop the bed, and use a ramp. Chairman Shivas asked about the blockage around the trail. Mr. Guerra said it'll be all natural. Chairman Shivas confirmed it'll be 50 feet from the property line. He asked if he considered putting anything in between as a buffer, to reduce noise and light. Mr. Guerra said he could put some bushes in certain areas for privacy. Chairman Shivas noted there's a list of native species to plant. He confirmed this won't be a racetrack. Ms. Raffay asked about the impact to the neighbors. Mr. Guerra said he's been riding the ATV around and no one has complained. He thinks a leaf blower creates more noise. When he dropped off the notification letters, the neighbors said they don't hear anything. Mr. Walsh asked where the septic is located. Mr. Guerra said it's in front of the house. It is original to the house. Mr. Walsh noted there's disturbance on the front left of his yard. Mr. Guerra said that's the access he uses to bring equipment for cleanup, get woodchips and soil delivered, and dead trees removed. That area is safe to go in without destroying things. Mr. Walsh confirmed they can't get to the back of the house from the driveway. Mr. Guerra said there's an opening that leads to the side yard, and provides access to the trail. You can access it with the ATV, but not a truck. Ms. Raffay said the access road isn't shown on the plan. Mr. McElroy said for the plan they need to know exactly what's being proposed. Ms. Hubbard noted he's creating a second driveway without approval, and there are regulations in the code that need to be followed. Mr. Smith asked how they bring the ATVs to the back now. Mr. Guerra said they ride them through the front yard, to either side of the property. Mr. Smith confirmed they normally go to the left side because there's more room. He asked if he has plans to protect other people from going on the trail. He confirmed there's no open woods; they would need to cross through other people's property. Ms. Hubbard asked about a large property nearby. She confirmed it's not open space land.

Mr. Stoner said this is not a permitted use, so they need to meet the positive and negative criteria for granting the use variance. Mr. Guerra said it's not a paved track, it's just clearing obstacles. He

doesn't see how this would be a detriment to the neighbors. They still have vegetation and animals still visit. Ms. Hubbard asked about the benefit. She explained the variance process, and that a use variance needs 5 of 7 positive votes. There are zoning goals and there's a higher standard of proof. The benefit speaks to addressing a goal of zoning. Mr. Guerra said a benefit is clearing out dead organics, which helps against wildfires. Ms. Raffay said the benefit is for the use, not the actions involved. Chairman Shivas noted there are certain things allowed on a residential property and this isn't one of them. Ms. Hubbard added there are goals that are defined that need to be met. Mr. McElroy said normally for D variance applications, they have an attorney or planner. Mr. Guerra said this started because he was clearing things out to help move around. He was told he can't do this because it's land disturbance so he can't be using heavy machinery. He sees it as landscaping, which would need machinery. Ms. Hubbard said there are certain standards by law. His application isn't just landscaping, it's clearing land with a trail system for ATV use. What he's doing to the land and how it'll be used when it's done are both part of the application. Mr. Guerra said he just sees it as a place to play. Ms. Hubbard said that's not how the law sees it. The reports provided are the guidance provided. Mr. McElroy said he has questions about the sound. There's an ordinance that lists specific decibel levels. With 4 ATVs, that may be above the allowable decibel levels. He wants testimony from someone about those levels and the sound impact and that they've been tested. Mr. Smith said this is something that stays with the land, so it's not granted to him specifically. Mr. Guerra can promise certain things, but the next owner has permission for the track and they don't know what they'll do with it. Mr. Guerra said he will use woodchips, so if people don't use the trail, things can regrow. Mr. Walsh noted the approval would still be there. Mr. Guerra confirmed there's no way to have it attached to specially him and not the land, and that there can't be a specific timeframe that this can be effective. Mr. Guerra said he doesn't intend to hire professionals for something he just wants to play with. He didn't see it progressing to this magnitude. Mr. McElroy said this is a legal process, and it can be difficult. Mr. Guerra asked if they can ride the ATVs on their property. Ms. Hubbard said they need to abide by the ordinances. It's the trail system and bringing in equipment that triggers the application. Mr. Smith noted he has the right idea, but this is the way the law handles it. But he mentioned how he got to the Board, which is from being told he can't do what he was doing. What was being done must have been enough to be noticed. Mr. Stoner noted they still need to review the noise ordinance, and that needs to be satisfied. Ms. Raffay noted they have no details or topography to guide the review. There's zoning in place to protect everyone, including neighbors and applicants. Zoning helps determine uses in an area, and neighbors have an expectation when they purchase a property of what will be in the area. Chairman Shivas said even with minor noise, if there's no landscaping, it could travel off the property. There's a lot of steps needed to pass a D variance. Mr. Guerra said if they plant any trees they'd die. Mr. Walsh noted they don't have that information; there's no documents to demonstrate that.

Chairman Shivas opened to the public. Samuel Palumbo of 61 Lee Hill Road was sworn in. He's lived there 28 years. The subject property is all old-growth forest, so the trees are bare up to the canopy, so there's nothing to block the noise unless something new is planted. There's a plateau, and all the properties get puddles in their back yards when it rains. The septic is in the back yard and wells are in the front. Quads cause erosion, and the water will go into their yards. He noted he has information on decibels of a quad. He said a non-modified quad is 80-100 decibels. Ms. Hubbard asked where the information is from, so they can verify it. Mr. Palumbo said it's

standards on noise levels. Ms. Hubbard confirmed he Googled it. Mr. Palumbo said you can hear a lawn mower 4-5 yards away, and a lawn mower is only 90 decibels. On top of the plateau, the noise will dissipate to other houses. This would be in their back yard. He's concerned about property value.

Kevin Wills at 57 Lee Hill Road was sworn in. He said a lot of his points were already made, but he wants to discuss the noise. They live on a rocky, sound-reflective hill. He is a land surveyor and studied Environmental Science, so has a little background. He noted Mr. Guerra doesn't have an assessment for runoff or noise. Having multiple ATVs will cause noise. As people grow up, the bikes get bigger and the noise is louder. There's not a buffer zone between the track. His well is close to the property line. He's worried about the excavation, since there's a lot of rocks and ledge. He asked Mr. Guerra who his contractor is. Mr. Guerra said his friends. Mr. Wills noted on the plan provided, Mr. Guerra's engineer has a note absolving themselves of responsibility if anything goes wrong, and it's on the contractor. He confirmed they are licensed. Mr. Wills said the contractor will be responsible for dirt sliding into his property, and issues with his well. There's a lot of liability for this work. He noted he applauds what he's looking to do, but it's a bad spot since he's surrounded by 7 property owners. Mr. Walsh asked when they received notice, if they shared these concerns with the applicant. Mr. Wills said yes; not the erosion or well, but he mentioned the noise and the neighbor issues. He doesn't want him to start the work, and then get complaints.

Robert Geiss of 59 Lee Hill Road was sworn in. He said he has worked in industry manufacturing, and there is an industry standard for decibel levels before getting hearing damage, which is 72. He mentioned the environmental impact, and needing a study. They're using oil and gas, which gets into the ground. He noted that when Mr. Guerra first approached him, he was told it would be for walking, hiking, and running. Then it changed after all the noise last summer from the equipment, that it's going to be an ATV trail, which wasn't mentioned until the end.

Andrew Schwartz of 63 Lee Hill Road was sworn in. He noted the Board touched on most of his points. He noted they have clear visibility to the applicant's house, since there's no foliage down low. Lighting would also be a problem—you can see across the property, so the house lights are a problem, so the ATV lights would be visible if ridden at night. He noted the construction noise. He played a recording from his property, of the construction noise from Mr. Guerra's property. Ms. Hubbard noted this is exhibit O1. She confirmed this was from last year, and asked for it to be sent. Mr. Schwartz said the excavator was dropping giant boulders, which shook their house. They noticed a crack in the floor—they can't say it was from it, but they hadn't seen it before. He asked how the property owners nearby can know if they won't experience shockwaves from construction, and guarantee no foundation damage. He used to ride dirt bikes, and what's being proposed is a road. It's 8 feet wide and graded.

Mr. Palumbo asked if this gets approved, who polices it. Ms. Hubbard said the zoning and construction offices, and the police. He noted as neighbors, they'd need to keep an eye on things and report them. Ms. Hubbard said they can report complaints as they would for anything else. Mr. Schwartz noted air quality from dust, that would affect the neighborhood. This could impact HVAC systems. Ms. Hubbard confirmed this is from his own assertions. Mr. Schwartz said they're not aware of a site safety plan that includes buffers or barriers. Chairman Shivas closed to the public.

Chairman Shivas asked the applicant how he'd like to proceed. He noted Mr. Guerra hasn't met the criteria. Ms. Hubbard said if he asks for a vote, he needs 5 out of 7 positive votes. If he's denied, he can come back with a significant change to the plan. If he asks to carry, he can decide what to do, and if he wants to hire professionals, or he can withdraw the application. He noted they decided that tonight is the only night for this, and they're not putting more money into it. He asked to vote on the application to close this out. Ms. Hubbard noted they just need the first seven votes.

Motion of Ms. Raffay to deny the application, second of Ms. Colligan.

Ayes: Mss. Raffay, Colligan, DeMagistris; Messrs. McElroy, Smith, Walsh, Chairman Shivas

Absent: Messrs. Mayor Rubenstein, Proctor, Morytko

Abstaining: Ms. Lewandowski

None opposed. Motion carried. Ms. Hubbard said there will be a resolution. Mr. Guerra thanked the Board for its time. He asked if he can clean the property, like removing trees. Mr. Stoner said if he's using equipment to move earth, he needs approval from the Soil Conservation District. Mr. Guerra said they have fallen dead trees, and he wants to remove them, and maybe use the ATV to haul things out. Mr. Stoner said he should file a zoning permit to remove the trees, since there's a tree ordinance. Don't use an excavator. He will need to stabilize everything, including the disturbed area by the road.

BILLS: Harold Pellow (11): \$2,208.50. A motion to approve the bills was made by Mr. Smith, seconded by Mr. McElroy. All were in favor. Motion carried.

Maraziti and Falcon (7): \$3,888.50. A motion to approve the bills was made by Mr. Smith, seconded by Ms. Colligan. All were in favor. Motion carried.

Colliers (3): \$2,205.00. A motion to approve the bills was made by Ms. Lewandowski, seconded by Ms. Colligan. All were in favor. Motion carried.

REPORTS FROM COMMITTEES

Environmental Commission- Mr. McElroy said they have a meeting next week. He noted they'll need a new representative in January, since he is stepping down from the Environmental Commission.

Open Space- Ms. Phillips said they met with the Forester, Heather Gracie, and discussed scheduling the controlled burn for possibly March of next year. They reviewed revising the Forest Stewardship plan, to inventory parcels.

Township Council- No one was here to represent this.

OPEN TO THE PUBLIC

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

ADJOURNMENT

A motion to adjourn the meeting was made at 9:05 pm by Mr. McElroy, seconded by Mr. Walsh. All were in favor. Motion carried. The meeting was adjourned.

Submitted by Caitlin Phillips