

**MEETING MINTUES
BYRAM TOWNSHIP PLANNING BOARD
MEETING, September 16, 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
ABSENT											
EXCUSED	E			E			E		E		
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

MINUTES

Approval of the 09/02 meeting minutes.

Mayor Rubenstein motioned to approve the 09/02 minutes, seconded by Ms. Franco. 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

Z09-2021-Colleen Table and Mark Rooney, 10 Ka Ton Nah Trail, Block 144, Lots 130.01, R-5 Zone

Proposed second story to a single-family dwelling.

Mr. Walsh motioned to approve this resolution, seconded by Ms. Raffay. 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.

Z10-2021 Peter Smith, 9 Weasug Trail, Block 187 Lot 1, R5 Zone

Approval for an existing shed's repairs and maintenance.

Mr. Walsh motioned to approve this resolution, seconded by Ms. Raffay. 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

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

Construction of an accessory structure for a workshop.

Dennis Fornarucci of 3 Opa Pass was sworn in. He wants to put a 14 x 20 foot structure for storage and hobbies on his property. There is an 8 x 12 shed there now. There was a road that ran between his property and the one next to him; it was vacated years ago and he got a survey to show this vacation. Chairman Shivas confirmed he owns both sides of the vacated area and that there will only be the one driveway. Ms. Hubbard asked why that’s the location for the shed. Mr. Fornarucci said the appearance would be best, and in front it would be too near Opa Pass. He noted there’s also a lot of shelf-rock on the property. Ms. Shimamoto asked why not attach the shed to the house; Mr. Fornarucci said that wouldn’t be aesthetically pleasing. Ms. Shimamoto said putting the shed on the house would eliminate a lot of the variances. Mr. Stoner asked for confirmation of the size of the proposed shed. Mr. Fornarucci said it should be 14 x 24; he also included soffits. Ms. Hubbard confirmed the soffits add the extra 4 ft. The Board discussed the plans that were submitted, which had measurement discrepancies. Mr. Fornarucci will build this on a concrete slab and will put footings around the side. Mr. Stoner confirmed the measurements Mr. Fornarucci would like to use; he’d stay 10 ft from the property line and move 2 ft towards the house. Ms. Shimamoto asked about stormwater management; Mr. Fornarucci said the property slopes towards Opa Pass, and he’ll put crushed stones around the garage, and shrub beds around that. Mr. Walsh said the building should be labeled 14 x 24 for clarity. Mr. Stoner discussed updating the zoning tables. Chairman Shivas said the plans need to be corrected to be able to get a building permit; the Board will need a drawing that shows the exact details. Mr. Fornarucci wants to change the rear setback to 13.

Chairman Shivas opened to the public. Gina Niemiera and Richard Tyrpak of 10 Panther Pass were sworn in. Ms. Niemiera said they live below the property in question, and since last year Mr. Fornarucci has removed many trees and excavated his property, including boulder removal. They are now getting washout in their basement which didn’t happen before this work was done. She also noted that the proposed area is not where the garage is going to go. Chairman Shivas asked the direction of the runoff; Mr. Tyrpak said it comes off of Mr. Fornarucci’s property onto theirs because their property sits below. Ms. Niemiera said there’s a paper path between the properties. She noted that they’re concerned there will be more runoff with the garage being built. Ms. Raffay asked if anything is destabilized; Ms. Niemiera noted the debris from what was removed. Ms. Hubbard asked Mr. Fornarucci why the excavation was done. Mr. Fornarucci said it has nothing to do with the garage; the area that’s excavated is separate. Mayor Rubenstein asked how much area he thinks was disturbed; Mr. Fornarucci said around 10 x 20 feet. Mr. Stoner said this created a stormwater issue since the land is now disturbed. Mr. Tyrpak said this happens every time it rains now. Mr. Stoner said the garage would increase the pervious coverage. Mr. Fornarucci said there’s one small gutter; the biggest runoff is across Opa Pass. Mayor Rubenstein noted the importance of vegetation. Mr. Tyrpak said the water is pouring under the foundation into their basement. Mayor Rubenstein asked when Mr. Fornarucci removed the trees and he said a year and a half ago. Ms. Shimamoto asked if they knew where the water went before this removal; Mr. Tyrpak said it was just going into the woods and they didn’t have any issues. Their mulch has been washed out onto the grass as well. Chairman Shivas said they may not be able to control all the water, but they can control the water from the new garage. Mr. Fornarucci will need to put a drainage pit or gutters to stop any more water being added. Mr. Shivas recommended making a test hole to see where to place the area capturing the runoff. He also suggested Mr. Fornarucci consider different methods to help the neighbors being affected. Mr. Fornarucci said the house doesn’t drain to the neighbors’ property; there’s a cliff nearby and the house is above that. Mayor Rubenstein noted Mr. Fornarucci should correct the measurements on the shed and consider plantings. Mr. Fornarucci said it’d take around a month to get this done. Chairman Shivas closed to the public.

Mr. McElroy motioned to move this application to 11/04, 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.

Z12-2021 Dustin Lovenberg, 151 Lake Drive, Block 250 Lot 135, R-5 Zone

Addition to a single-family dwelling and proposed garage.

Dustin Lovenberg of 151 Lake Drive was sworn in. Mr. Lovenberg wants to build a garage and a master suite above the first floor. The suite will be in the middle of the house. There is no garage currently, and the proposed garage will be attached to the house. There was discussion about the

variances needed. Mr. Lovenberg’s cars are currently parked under trees that have damaged them. There are 4 people in the home so they want the master suite area. Mr. Lovenberg cited submitted photos to show the placement of the garage. He noted that his hardship is having an under-sized lot. Mayor Rubenstein confirmed above the garage is just storage space. Chairman Shivas confirmed he’s having a new septic system put in. Mr. Lovenberg said that’s 99% complete; he’s just waiting for the electrician’s permits. The septic will be in the rear left and the leech field is on the right side. Mr. Stoner asked about the existing driveway; Mr. Lovenberg said he’d like to keep it for recreational use such as basketball, and storing his boat in the winter. Ms. Hubbard noted that this lot isn’t undersized, although it is irregularly shaped. Ms. Shimamoto asked, looking at the survey, that his driveway is partly in the right-of-way which affects his parking. Mayor Rubenstein noted this also relates to his boat. Ms. Shimamoto said that if the new driveway accommodates the needed parking, she doesn’t have an issue. Mr. Lovenberg said the boat is around 24 feet. Ms. Shimamoto asked about stormwater management. Mr. Lovenberg said he plans on adding gutters and has already done a rain garden, along with a bulkhead. The septic was done on Wednesday; he submitted Exhibits A1-A3 of the vegetation that was planted. The rain garden is in the back left corner of the property. Mr. Stoner noted the water runs off his yard near the septic. Mr. Lovenberg said the gutters will likely be pointed towards the wall since the stones there help with drainage. Mr. Stoner confirmed the rain garden is behind the septic system. Ms. Shimamoto said on the survey it looks like the ground slopes to the right corner near the lake. Mr. Lovenberg said he has landscaping in that area; he made a seating area with river rock. He submitted Exhibit A4 depicting this area. Ms. Shimamoto said the Environmental Commission requests putting some landscaping in these drainage areas to help with the water near the lake.

Chairman Shivas opened to the public. James Reid and Leslie Chorun of 149 Lake Drive were sworn in. Mr. Reid said they’re concerned with the second story. They live next door and are 15 feet apart, so the second story would overshadow their property and block their view and light. Mr. Reid also noted other nearby properties have two stories and would make them feel closed in. They submitted Exhibit O-1, a survey from Timothy Robinson from 1984 of the subject property, along with Exhibit O-2, which is a zoomed-in version of the same map. Exhibit O-3 is a survey of 149 Lake Drive. Exhibit O-4 is a set of 6 photos showing the view from the kitchen window. Exhibit O-5 is 6 photos showing the distance between the properties. Ms. Chorun spoke about the shoreline area, and how the changes affect them the most because they live the closest to the subject property. She said Mr. Lovenberg advanced the shoreline into the lake with the new bulkhead. She said it now blocks the wind and leads to algae from the stagnation. She submitted Exhibit O-6, 5 photos of the shoreline. She noted the older survey doesn’t look the same as the current one. She reiterated that her main concern is the second-story addition blocking their view. Mr. Stoner noted that while they’re 15ft from the setback, the addition is not going that close. Mayor Rubenstein added that the addition is towards the middle; the addition is behind the setback. Ms. Chorun said even with the setback being further, the height would block the view from their kitchen window. Mr. Reid added that there is a lot more property to build on and wonders why it should be where it’s proposed. Ms. Raffay sympathized with the issue, but noted that the addition isn’t driving any of the variances, so he’s allowed to build it that way. Ms. Chorun asked why he couldn’t build further away. Mr. Lovenberg stated the septic field is in that area. Mr. Stoner asked why it couldn’t be placed over the proposed garage. Mr. Lovenberg said cosmetically it wouldn’t look good, and the current floor plan has a set of stairs in the living room to go up, so all the electric was set up for that configuration. Ms. Chorun said there wasn’t any opportunity for public input on that change of the bulkhead. Chairman Shivas said in the past they tried to work with the lake communities to set regulations, but each club controls the waters’ edge at each lake, so they manage those changes. Mr. Stoner said the DEP also gets involved. Ms. Hubbard noted that the reason they were noticed for this meeting was because of a variance request. Chairman Shivas closed to the public.

Mr. Walsh asked if for the area Mr. Lovenberg is planning to use for basketball, if he’d park cars there. Mr. Lovenberg said if people came over it would make sense to have them park there to avoid parking on the street, but he doesn’t anticipate himself using that for parking. Mr. Stoner said it should be considered another driveway. The Board noted the new driveway would be the one needing a variance.

Ms. Shimamoto motioned to approve this application as presented, with an additional variance for the driveway, seconded by Mr. Walsh. The Board added the condition of landscaping to the Engineer’s satisfaction. Mr. Stoner noted that the buffering along the bulkhead should also be inspected by the engineer. Mr. Stoner confirmed there will be gutter leading to a drain and a drywell being added that will be reviewed by Mr. Stoner before being constructed. 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

Z02-2021 Eric Schuffenhauer, 271 Lackawanna Drive, Block 344 Lot 2.03, R-2 Zone

Addition of a pole barn, attached garage, front porch, and pool deck on property with critical lot disturbance.

Chairman Shivas noted that this application needs to be moved to 10/21 per the applicant’s request. Mr. Stoner noted they submitted a survey plan and driveway profile.

Mr. McElroy motioned to carry this application to 10/21, seconded by Ms. Franco. 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 was not present.

Building Committee: Mayor Rubenstein said there was no meeting.

Environmental Commission: Ms. Shimamoto said there is a meeting next week.

Open Space: Mayor Rubenstein said there’s a meeting in October.

Township Council: Mayor Rubenstein said his only point was the discussion item up next.

Zoning Report: Everyone had a copy.

DISCUSSION ITEM: Potential Hybrid Meetings

Mayor Rubenstein said the Council is considering hybrid meetings and he wants to go over that idea with the Board. Ms. Raffay doesn’t think the Planning Board is the place for hybrid meetings. Not every person comes in with a professional, and when people are uncomfortable with the technology, it becomes difficult to present. It’s unfair to have the Board personnel handle the IT issues that may come up. She also said the conversations are more organic in person. Mr. McElroy agreed, saying he’s felt a difference in online and in-person meetings, and feels in-person meetings are more positive. Mayor Rubenstein noted that the public could be hybrid and the applicant and Board be in-person if they choose. Mr. McElroy asked about the possibility of live-streaming; he’s gone to meetings without participating. Ms. Hubbard noted the Board cannot host a meeting without the ability for public participation. They couldn’t switch last-minute to online for bad-weather either. Chairman Shivas noted that Vernon Township has live-stream options for informational purposes. The Board discussed the differences in noticing for live-stream and hybrid; they’d be okay with livestreaming but participation must be in person. Mr. Walsh said livestreaming helps the information be accessed more easily. Ms. Shimamoto asked the cost of this; Mayor Rubenstein said since this would be used for other groups as well, the cost to the Planning Board would be free; the total cost is estimated at \$20-25,000 to outfit the room. There would also be zoom licenses to renew each year.

BILLS

Harold Pellow and Associates (9)- \$2,372.07

A motion to approve the bills was made by Mr. Chozick. The motion was seconded by Mayor Rubenstein. All were in favor. Motion carried.

OPEN TO THE PUBLIC

Chairman Shivas opened to the public. Ms. Chorun asked about sump pumps, and the Board directed her to speak with the town’s Zoning Officer. Chairman Shivas closed to the public.

ADJOURNMENT

A motion to adjourn the meeting was made at 9:50 by Mr. McElroy. The motion was seconded by Ms. Franco. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted,
Caitlin Phillips