

MEETING MINTUES OF THE BYRAM TOWNSHIP PLANNING BOARD: April 17 2025

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

ROLL CALL:

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

Members Absent: Mr. Morytko, Ms. Raffay

Also Present: Engineer David Simmons, 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. Mr. Proctor, Ms. Colligan, and Mr. Smith entered the meeting at this time.

MINUTES: April 3, 2025

Motion of Mr. McElroy to approve the minutes, second of Mayor Rubenstein.

Ayes: Mss. DeMagistris, Colligan, Lewandowski; Messrs. Mayor Rubenstein, Proctor, McElroy, Smith, Chairman Shivas

Abstaining: Mr. Morytko

Absent: Ms. Raffay, Mr. Walsh

None opposed. Motion carried.

OLD BUSINESS

Z08-2024 Diane and William Carkhuff, 82 South Shore Road, Block 189 Lot 1, R-5 Zone

Application for construction of a new single-family dwelling

Ms. Phillips said they signed the consent form and indicated they are ready to come back to the Board. Motion of Mr. Proctor to carry the application to 06/19 with notice, second by Ms. Colligan.

Ayes: Mss. Colligan, DeMagistris, Lewandowski; Messrs. Mayor Rubenstein, Proctor, McElroy, Morytko, Smith, Chairman Shivas

Absent: Ms. Raffay, Mr. Walsh

None opposed. Motion carried.

NEW BUSINESS

Z04-2025 Judy Barbuto, 4 Rose Trail, Block 178 Lot 26, R-5 Zone

Application for replacement of porch and cantilever roof

Judy Barbuto was sworn in as the applicant. Ms. Barbuto has a cabin that's been in her family for 60 years. She wants more room for family to visit, and it's getting in to disrepair. She is making her kitchen larger, and the front is extended to help with when family visits. Originally it was a porch, so at certain heights you may need to duck to get in. Chairman Shivas confirmed she's not adding any bedrooms, but is enlarging the size of the bedroom. Ms. Barbuto said she just replaced her septic two months ago.

Chairman Shivas noted the stone wall looks like it goes beyond her property line. He confirmed the area is gravel. Mr. McElroy asked about the shed. Ms. Barbuto said it's been there since her parents. Mr. McElroy noted this should be included in the resolution. Chairman Shivas said the septic doesn't look like it's on the property. Mayor Rubenstein confirmed she doesn't own the property next to the subject property. Ms. Barbuto said facing the house, the septic is on the left. There is a leech field, and it gets emptied every 3 years. Chairman Shivas asked if the fence is hers. She said that's also

been there for awhile. Chairman Shivas said she will need a variance for this because of the height in the front yard. Ms. Hubbard reviewed the variances. Mayor Rubenstein confirmed there's no permit for the shed. Chairman Shivas noted this also should get a variance.

Mayor Rubenstein asked what changed in the survey. Ms. Barbuto said the septic has been updated, and the fence doesn't go to the curb. Mayor Rubenstein confirmed the fence has been there and the neighbor doesn't have an issue with it. Ms. Barbuto said the shed is on blocks. Mr. Smith confirmed the fence is continuous even behind the shed. Chairman Shivas noted the fence goes past the property line. Ms. Barbuto said about five years ago, a tree fell in the property of the person that lives behind her. They put that part of the fence up because it was broken. Chairman Shivas noted the shed needs a variance for the distance from the house. Mayor Rubenstein noted the deck is attached to the house. Ms. Barbuto said the shed faces the street. The Board asked about the area labeled "patch floor," and Ms. Barbuto said it's her bathroom. Mayor Rubenstein confirmed the new patio area will not impede vehicles alongside it, and asked about driveway variances. Ms. Hubbard asked Mr. Simmons if there's a distinction between the driveway and what's in front of the house. Mr. Simmons said on the right-hand side is where you'd park a car. On the left it's gravel. The Board reviewed the code for driveway information. Mr. Smith said it looks like the driveway is over the leech field. Mayor Rubenstein noted there are two open building permits that need to be closed. Chairman Shivas noted the stone wall is on her property. Ms. Hubbard confirmed that the variances are triggered by the undersized lot and the narrowness of the lot.

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

Motion of Mayor Rubenstein to approve the application with the conditions listed, second by Mr. Proctor.

Ayes: Mss. Colligan, DeMagistris, Messrs. Mayor Rubenstein, Proctor, McElroy, Morytko, Smith, Chairman Shivas

Absent: Ms. Raffay, Mr. Walsh

None opposed. Motion carried. Ms. Hubbard explained the appeal period.

Z03-2025 Peter Ianzano, 83 Lake Drive, Block 249 Lot 73, R-5 Zone

Application for home addition and garage

Michael Selvaggi represented the applicant, and provided background on the property. The applicant is looking to demolish the detached garage and build an addition that will include a two-car garage. The number of bedrooms will remain at three. There's a shed in the back that is non-conforming and will be removed. The only new non-conformity is the maximum principle building structure. The elimination of the existing garage and the shed lessens the non-conforming conditions.

Peter Ianzano Junior was sworn in as the applicant. He purchased the property in October, but is not living there yet. The bedrooms are small, so he wants to make them a useable size. The garage is right on the street and looks like it's going to fall down, and he thought it would look nicer with an attached garage. Mr. Selvaggi confirmed he was conscious of not having the improvements go any closer to the lake. Chairman Shivas asked about the overhangs. He asked where the driveway will be. Mr. Ianzano said where the garage is now. Chairman Shivas confirmed the sidewalk on the side of the house will be removed. Mr. Proctor noted an issue with the plans, in which the second floor plans (A1.2) and the sheet on A2.1 don't seem to match. They discussed the windows and garage. Mr. Ianzano said the roof area for the garage is open; he wanted it to look symmetrical. Mr. Smith asked why the garage is open rather than making the bedrooms bigger. Mr. Selvaggi noted having more bedrooms would trigger a variance. Mr. Smith confirmed he's planning to add a car lift for personal use, not for anything commercial, and it's for storage rather than to work on cars. Mayor

Rubenstein noted there is an open building permit. Mr. Lanzano said the propane company opened the permit. Chairman Shivas confirmed the patio pavers will be removed.

Mayor Rubenstein discussed the vegetative buffer and confirmed there's just a wall there now for the lake. Mr. Selvaggi said they're not exacerbating that non-conformity. Mayor Rubenstein explained the need for vegetation, and reviewed the code. Mr. Lanzano said this goes down on a hill so 10 feet would be difficult. The wall is about four inches taller than the grass. He's not planning to regrade that area. Chairman Shivas said the code doesn't say that a bulkhead exempts someone from the buffer. Mr. Proctor noted the bulkhead and the buffer serve different purposes. Chairman Shivas added that the buffer helps to clean the water before it gets into the lake. Mr. McElroy noted there can be variations between 0-10 feet—anything above nothing is helpful. Mr. Proctor confirmed he'd like to put in a dock at some point. Ms. Hubbard asked how additional roof runoff is being dealt with. Mr. Selvaggi confirmed Mr. Lanzano would put in landscaping in the area where it slopes to a 45-degree angle, and about 5 feet would work. Chairman Shivas noted he will need a silt fence during construction. Mr. Proctor asked what the current height of the structure is, noting neighbors may want to enjoy the lake view and doesn't know if the height is increasing. Chairman Shivas noted a canopy on the property.

Alexander McClean of Belleville was sworn in as the Planner. He studied at Rutgers and is certified by the AICP. He has testified in Mount Arlington, Toms River, and Newark, and his licenses are in good standing. He is the Principal Planner in East Orange. He was deemed an expert. He confirmed he reviewed Mr. Stoner's report, and reviewed the justification for the variances. He submitted **Exhibit A1**, aerial photos of the property. He noted the proposed work is modest and consistent with what's in the area. Surrounding homes have a second floor. This home was built in 1940, and other homes in the area were more recent, so they're building it up to modern standards. The height is below the maximum height requirement so there is no impact to the streetscape. There is an efficient use of land with the consolidation of the garage. There is no substantial detriment to the public good. Mr. Selvaggi noted the driveway is going to be five feet wider. Mr. McClean said it's a de minimis change. Mr. Selvaggi confirmed with Mr. McClean that the five-foot planting buffer is achieving the goal of the ordinance.

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Motion of Mr. McElroy to approve the application with the variances listed, second by Ms. DeMagistris. Chairman Shivas confirmed they will do a 50% buffer for planting. Mr. Selvaggi said they can submit a plan of the plants for the Engineer's review. It may be the last item they do, after construction. They will put up the silt fence. Ms. Hubbard confirmed they haven't applied to the Soil Conservation District yet.

Ayes: Mss. Colligan, DeMagistris, Lewandowski; Messrs. Mayor Rubenstein, Proctor, McElroy, Morytko, Smith, Chairman Shivas

Absent: Ms. Raffay, Mr. Walsh

None opposed. Motion carried. Mr. Selvaggi asked if the plans are submitted, if they could start the review prior to the resolution. Ms. Hubbard said they can waive receipt of the resolution.

REPORTS FROM COMMITTEES

Environmental Commission- Mr. McElroy said there is a meeting next week. For Arbor Day, the seedlings will be handed out Saturday at 10am at Wild West City.

Open Space- Mr. Morytko said they discussed invasive species, and are exploring the possibility of a controlled burn with the state at Tamarack. There's a lot of barberry there. They met with someone from the state forest service to discuss this. They will also possibly have volunteers remove invasive

species at Glenside. They will be working with the NYNJ Trails Conference with some upcoming classes. The new playground should be open soon. Work has begun on field 8.

Township Council- Mayor Rubenstein said they transferred the liquor license for Alibi to Freddy's Bar and Grill. They closed out three ordinances. They're paving streets. They're buying DPW equipment. There are improvements at CO Johnson to renovate the field house, have new lights for the football field, a new announcer's stand, and the football group wants to donate a scoreboard. Before the Council meeting that night, they had the grand re-opening of the tennis and pickleball courts outside the municipal building. Tennis players were there for a demonstration. Ms. Phillips noted there are tennis and pickleball lessons through the Recreation Department. Mayor Rubenstein said those programs have been busy; all the new recreation programs are well traveled, with a lot of people doing a lot of things. Senior exercise is popular.

Ms. DeMagistris asked about the gas in town. Mayor Rubenstein said the company would need about 90% to bring gas to that area. People need to fill out the survey. Ms. Colligan asked why they won't do Cranberry Lake. Mayor Rubenstein said the rock is worse there, and Cranberry Lake's housing is older, so a lot of the septic records are deficient. Many don't have any records, and if they don't know where things are, things may be hit. The company would then need to build in a cost to anticipate that. They also learned a lot through working in Forest Lakes, where they hit a lot of water lines. Mr. Smith said they had a good idea of where the lines are and they were still hit. Mayor Rubenstein noted they can't say they won't do it, but if they do they may ask for a lot of money for the project. The last estimate was \$17,000. Mr. Smith noted when they were in Forest Lakes, they were told it would be done in three days, and it took them about a month for one street. Chairman Shivas reviewed history in that area.

Zoning Report- Everyone had a copy.

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 9:10 pm by Mr. McElroy, seconded by Mr. Proctor. All were in favor. Motion carried. The meeting was adjourned.

Submitted by Caitlin Phillips