

## MEETING MINTUES OF THE BYRAM TOWNSHIP PLANNING BOARD: April 3 2025

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

### ROLL CALL:

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

*Members Absent:* Mr. Morytko, Ms. Lewandowski

*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:** March 20, 2025

Motion of Mr. Proctor to approve the minutes, second of Mr. Smith.

*Ayes:* Mss. Raffay, DeMagistris, Messrs. Mayor Rubenstein, Proctor, McElroy, Smith, Walsh, Chairman Shivas

*Abstaining:* Ms. Colligan

*Absent:* Mr. Morytko, Ms. Lewandowski

None opposed. Motion carried.

### RESOLUTIONS

SP1-2025 Lake Lackawanna Investment Company (Skot Koenig), 14 Reis Avenue, Block 364 Lot 8, R2 Zone

Application for hot dog cart on golf course

Mr. Stoner said the resolution should be updated to say the cart is on the south side of Reis Avenue. Motion of Mr. Proctor to approve the resolution, second by Mr. McElroy.

*Ayes:* Mss. Raffay, DeMagistris, Lewandowski, Messrs. Proctor, McElroy, Smith, Walsh, Chairman Shivas

*Abstaining:* Ms. Colligan, Mayor Rubenstein

*Absent:* Mr. Morytko, Ms. Lewandowski

None opposed. Motion carried.

### STATUS UPDATE

Z14-2024 Rupesh Patel (Kyosis LLC), 1 Catalina Drive, Block 337 Lot 9.14, R2 Zone

Application for new home construction

Chairman Shivas said they need to understand why he's requesting the extension. Mr. Patel said they're close to being ready, based on the suggestions at the last meeting. His engineer can't attend the available meeting dates, and Mr. Patel is busy in June and July. Mayor Rubenstein asked if there will be substantial changes. Mr. Patel said there are changes based on the suggestions. They're considering a circular driveway. Chairman Shivas confirmed there would still only be one road entrance. Mr. Patel noted an issue is that they'd encroach on the conservation easement. He wants his engineer to see if this is feasible and wouldn't affect stormwater or slope. The Council will need to be involved. Mr. Stoner said the original major subdivision included a conservation easement at the front of this property. The question becomes how does the easement get adjusted if it's on a recorded map. Ms. Hubbard said the conservation easement is granted by the municipality, so the Board doesn't approve that. If the Council doesn't want to take action unless the Board makes it a condition of approval, then if the

Board doesn't approve that proposed driveway, it doesn't go to the Council. If the Council doesn't approve this, then the applicant needs to come back to the Board. Mr. Stoner noted it would then be a resolution by ordinance. Mayor Rubenstein said there have been negotiations where if you want part of the easement relieved, there will be additional land asked for in an updated easement. Mr. Patel wants to think ahead for moving items or having deliveries. Mayor Rubenstein noted there are reasons the easement is the way it is. He recommended proposing construction that fits the confines of the property, which is the highest likelihood of success. He noted sometimes applicants keep asking for extensions and it's because there are significant changes. If that's the case, it should be a new application. Ms. Hubbard noted it's been carried since November and it's being asked to be moved to August. Mr. Patel said he could fit in to June, but he needs his engineer. Ms. Raffay noted he hasn't decided on the driveway yet, so it's not ready. He should come in with a complete proposal. Ms. Hubbard noted the Board has recently taken the position that if applications are moved for 6 months or remain inactive, they dismiss the application for it to be re-filed. Maybe the application should be withdrawn and then re-filed when ready, so there's less pressure for a hearing date. Chairman Shivas noted the Board has a schedule, so if they're holding a spot for this application, other applicants then have to wait. Mr. McElroy noted if the application is withdrawn, then previous testimony isn't considered. The Board gave feedback and he's changed the application based on that. There would be an additional cost for the professionals to have to re-do testimony. Mayor Rubenstein noted it sounds like a lot is changing so there's going to be more testimony anyway. Ms. Colligan noted there is also new application fees and escrow for re-filing. The Board and applicant discussed hearing dates. Mayor Rubenstein asked about having the engineer attend virtually. Ms. Raffay noted if there's complicated changes and updates to the easement, they need to be sure the engineer is capable of doing everything online. Mr. McElroy said he'd be more inclined if they didn't anticipate public input. Ms. Phillips noted if the meeting is in June, they need new plans and information ahead of that hearing date for review. Mr. Walsh noted the request for August came from the applicant. If they're already pushing it to June, is it much of a difference to push it to August? He'd rather wait and have the application more complete rather than be rushed. Mr. McElroy noted if Mr. Patel is not ready in August, he needs to re-file. Mayor Rubenstein noted the earlier he can submit the plans, the better, because then Mr. Stoner can review them and provide feedback to help with any additional revisions. Mr. Patel wants to make sure the engineer and architect are on the same page.

Motion of Mr. Walsh to carry the application to 08/21 with notice, second by Mr. McElroy.

*Ayes:* Mss. Colligan, DeMagistris, Messrs. Mayor Rubenstein, Proctor, McElroy, Walsh, Chairman Shivas

*Nays:* Ms. Raffay, Mr. Smith

*Absent:* Mr. Morytko, Ms. Lewandowski

None opposed. Motion carried.

## **OLD BUSINESS**

Z15-2024 Jennifer and Eric Schuffenhauer, 271 Lackawanna Drive, Block 344 Lot 2.03, R2 Zone  
Application for garage, deck, relocation and proposal of driveways, rear yard storage of vehicles, and steep slope disturbance

Mr. Walsh recused from this application. Jennifer and Eric Schuffenhauer were sworn in as the applicants. Chairman Shivas noted this application is a result of violations, and they want to do additional work. Mr. Schuffenhauer said most of the violations have been cleared up. Mr. Stoner said there are violations that haven't been cleared up with the court and they needed to come back to the Board. Most notably is the outdoor storage. They also have tract disturbance, and soil fill was brought in and the property was graded. Court proceedings are on hold until the Board application is complete. They're also proposing a garage, deck, and sheds. Mr. Schuffenhauer said there are three areas that are identified as steep slope disturbance. The slopes are already stabilized, but they

needed to come to the Board because they were disturbed. Chairman Shivas asked about the driveway. Mr. Stoner said there is a rock outcropping; today there is an area in front of it that was disturbed. Ms. Schuffenhauer said they couldn't drive over the slopes because it's steep. Mr. McElroy asked if the fill is impacted by the soil importation ordinance. Mr. Stoner said they provided soil testing information and a trucking manifest, which shows it's clean fill. He talked about the swales. Chairman Shivas asked about the chain link fence. Ms. Schuffenhauer said that's their dog-run area. Chairman Shivas confirmed it's enclosed. Ms. Raffay confirmed the fence is being removed. Mr. Schuffenhauer said once the fence goes around the entire property, they're taking down the smaller containment area. Ms. Hubbard asked if the fence around the property closes. Mr. Stoner said it doesn't connect all the way around. Mr. Schuffenhauer said it will be a stockade fence. Ms. Raffay said all the markups should be on one map. Mr. Stoner said there's a letter from the County that says the two driveway openings can remain and they can re-establish the circular driveway. This letter is in the packets to the Board.

Mayor Rubenstein noted there is a lot of stuff in the front yard. He confirmed those items in the front yard will be moved into the proposed storage areas in the back. He asked about the garage. Mr. McElroy confirmed they don't plan to have this as a commercial operation. Mr. Schuffenhauer said he tinkers with cars, and is not a mechanic. Mayor Rubenstein confirmed there's an attic in the garage, and they plan to pave the horseshoe part of the driveway. Mr. Stoner reviewed the sheds. Mayor Rubenstein confirmed there will be three sheds on the property. Mr. Stoner noted there is a chicken coop which would be a fourth accessory structure. Mayor Rubenstein confirmed there's an in-ground pool. Mr. McElroy asked about storage at the temporary building materials area. Ms. Raffay confirmed that area won't be there when the project is done. Mr. McElroy noted a condition in the resolution could be not issuing a CO without having the temporary items removed. Chairman Shivas noted there are two decks. Mr. Schuffenhauer said one of them is in the back of the property.

Mayor Rubenstein discussed the garage. Ms. Hubbard asked if there will be electricity. Mr. Schuffenhauer said the working area, but no heat in the attic. Mr. Proctor confirmed there will be no plumbing. Mr. McElroy asked why it can't be pushed further back. Mr. Stoner noted the setbacks from the road. Mr. McElroy noted it would be less of a variance if it was further back. Mr. Schuffenhauer said right behind the garage is mountain rock. Mrs. Schuffenhauer said their house is the lowest part and then it goes up from there, so they would need to dig into rock. Ms. Raffay asked why the garage needs to be that size. Mr. Schuffenhauer said that's what fits what they have. Ms. Raffay asked what they're storing. Mrs. Schuffenhauer said they have seven kids and four will have a driver's license next year. Mr. Schuffenhauer said they have boats and RVs. Ms. Raffay noted those are stored further back. Mr. Schuffenhauer noted he might want to bring them in the garage. Chairman Shivas confirmed the fences will be similar.

Mayor Rubenstein discussed the driveway. Mr. Stoner said they could consider it an existing driveway. It's a County roadway. Mayor Rubenstein confirmed they can memorialize that it's there. Mr. Stoner said he's satisfied that if the County says it's okay, the Town should be.

Mayor Rubenstein discussed the left-side deck and reviewed the variances. Mr. McElroy confirmed it will be between the house and the pool. Mr. Schuffenhauer said there's a deck there already, and they want to extend it. There are concrete pavers underneath. They want to walk out their kitchen to get to the pool. Mr. Schuffenhauer said right now they go out the back door, through a fence, and down stairs. Mrs. Schuffenhauer said you have to go around the porch. Mr. Schuffenhauer said it will be one wrap-around deck. They want to make it easier to get from the kitchen to the pool in case there was ever an incident. Mayor Rubenstein confirmed there is currently a garage. Mr. Schuffenhauer noted it will be part of the basement. He won't do anything except block it off. Mayor Rubenstein confirmed it won't become livable space. Ms. Hubbard noted they're concerned about the

septic capacity. Mayor Rubenstein confirmed there are four bedrooms and the septic is a four-bedroom. Chairman Shivas confirmed the porch will stay. Mayor Rubenstein confirmed it doesn't connect to the new deck. He confirmed with Mr. Stoner that none of the fences need variances. Mr. Stoner said the fences play into the outdoor storage. Mayor Rubenstein confirmed the sheds don't need variances either.

Mayor Rubenstein discussed the outdoor storage. He noted it's unusual for a residential application. Ms. Raffay asked what will be stored on the property and in the sheds and garage. Mr. Schuffenhauer said for the sheds it would be tools. Mrs. Schuffenhauer added there would be things for the pool. Ms. Hubbard confirmed those items are going in the garage. Ms. Raffay noted the kids might want their bikes in the garage. Mrs. Schuffenhauer said up top where it's flat, they can ride around; they don't let them use anything with wheels in the front because it's dangerous. They're not planning to have a business, it's just personal things being stored. Ms. Raffay said there's a lot of sheds, outdoor storage, and garage space. The floor plan for the upper-level of the garage showed all of the equipment they were just discussing. They're asking for relief for these things, and they need to be able to justify it in a resolution. Ms. Hubbard said legally to get relief for what they're asking, they need to either show a hardship as to why it's needed or explain why it's better than what's there. If the size of the garage is driven by topography or the shape of the property, there needs to be a reason to grant those. There needs to be testimony for Ms. Hubbard to write the justification for why they need something that size. Mrs. Schuffenhauer noted a lot of it comes back to having a big family and everyone does activities and sports. Mr. Schuffenhauer likes to fix cars so they have tools. Some violations were for tools being outside. They have items for the pool to maintain it, blow-up toys, and life vests. Mr. McElroy asked if eliminating the violations is part of the benefit. Ms. Hubbard noted it's subjective; the Board can consider if having a larger garage to clean up the property is a benefit. Mr. Stoner noted the main thing is clearing up the violations and finishing the court proceedings. They could take everything off the property, so in keeping it, they need to justification and a plan. The outdoor storage needs to be in a place that's not a public nuisance. Chairman Shivas asked how the driveway leads to the outdoor storage and how they maneuver things. Mr. Stoner said it's a flat area. He noted there is a steep slope area to get there which may make moving things difficult. Mrs. Schuffenhauer said they won't be doing this often. Mr. Stoner asked what the gravel parking area near the garage is. Mr. Schuffenhauer said they plan to have their daily vehicles. Mr. Stoner confirmed no boats or trailers will be in that area, and not in the front of the house.

Chairman Shivas asked about the fencing and the angles. Mr. Schuffenhauer said it's to hide things more. Mr. McElroy asked where the snowmobiles will go because there's a snowmobile trailer. Mr. Schuffenhauer said they'll stay in the trailer. Mr. McElroy confirmed all of these items are their personal stuff; they're not changing any of this out or charging anyone to store things. Mr. Schuffenhauer said he provided registrations to Mr. Cutrone. Mr. Smith likes the fence in the storage area, because it delineates where the storage is. He wants a condition that it will always be there, or that the outdoor storage area needs to be screened in some way. He doesn't like the storage area if that is not there, because it helps show the limits of the storage. Mayor Rubenstein said the storage doesn't bother him as long as he can't see it. Mr. Schuffenhauer is okay with a condition of the storage area being approved provided there is screening or fencing. Mayor Rubenstein suggested the condition could be the stockade fence being there and maintained. Chairman Shivas said this could be called a plot plan, and the fences need to be part of it. Mr. Stoner said the condition would be having the plans modified with these items. Mayor Rubenstein recommended having an as-built at the end of this. Mr. Stoner noted they should discuss what happens if they don't do one of the items. For example, if they don't build the garage, what does that do to the approval for the outdoor storage? Mr. McElroy said the outdoor storage is okay if it's further back and if the rest of the property is okay. If the applicant fails to meet the timelines, does that make the resolution void and they need to come back? He doesn't want this to extend beyond the outlined timeframes. If things go beyond the

timeframe, the applicant should have to come back. Mr. Schuffenhauer said they could satisfy the Town for the violations without the garage; they want the garage but they can still take care of the front. Mr. McElroy said the justification of the garage is for storage. He doesn't want outdoor storage in residential areas, but he sees that it's shielded and the lot will be cleaned up. The timeline is critical to make it happen. If they can handle the storage without the garage, why is it needed? Mr. Schuffenhauer said it will benefit them tremendously to move things. It's a four-bedroom house with nine people, so they have a lot of stuff. Mrs. Schuffenhauer said it's to help with the violations, but it also helps to have space to store things. Mr. McElroy asked why they couldn't have a bigger shed. Mrs. Schuffenhauer said one of the issues of the violations was working on the vehicles outdoors. If they had a garage, he could work in there. You can't do that in a shed. She also doesn't think more sheds would look as nice. Ms. Hubbard noted hardship is related to the property, not the applicant. Mr. Stoner noted they have a narrow, deep lot and a lot of it is on the side of a mountain. The house is positioned close to the roadway.

Chairman Shivas noted they need to re-do their timeline. Mr. Schuffenhauer submitted **Exhibit A1**, an updated timeline. Mayor Rubenstein confirmed the RV is being removed from the property. Mr. McElroy asked if they can start the fencing with the outdoor storage. Mr. Stoner said no permits should be issued without the outdoor storage and fencing being addressed. All the items labeled to be done immediately should be done before any other permits are issued. He asked if they're keeping the artificial trees. Mr. Proctor confirmed no living trees will be taken down for this work. Mr. Stoner confirmed fencing is sufficient for the screening rather than the fake trees. He noted additional screening helps break up the fence. He prefers permanent trees. Mrs. Schuffenhauer doesn't think anything would grow there because it's ledge rock. Mayor Rubenstein asked about the fence color. Mrs. Schuffenhauer said it's brown so it matches the environment. Mr. Schuffenhauer said it's composite. The Board noted scaffolding. Mr. Schuffenhauer said they use that to jump in the pool. Mayor Rubenstein said a lot of this started from neighborhood complaints. People care about aesthetics. They should start with things to clean up the property. Mr. Stoner suggested that within 60 days of approval, the items under "immediately" should be done. He noted there are outstanding summonses. There is an excavator on the property. Mr. Schuffenhauer said that's only there until the project is done. Mr. McElroy clarified it's for the foundation. He noted they can give them 12 months to keep it on site. If it goes past that, he should talk to the Zoning Officer. Mr. Proctor said this is a temporarily approved area for storage, and then when the timeframe is up, it's liable to a violation. Mr. Schuffenhauer said they're okay with 12 months, and asked if it could be extended. Mr. Stoner thinks they'd need to come back. Mr. Smith suggested crossing out "immediately" and change it to within 60 days. Mr. Schuffenhauer mentioned the appeal period. Ms. Hubbard said he could start these things now. Mr. Stoner noted they need a permit for their fence. They need the fencing around the outdoor storage and to move the fence out of the County right-of-way. This should be done in the 0-3 month timeframe. When those items are done, they can apply for zoning and building for the other items.

Mayor Rubenstein asked about the encroachment on the neighbor's property. Mr. Schuffenhauer said it's there because of where the well is. They'll move it to the other side of the well and re-seed it. Mr. Stoner asked if they can do that now. Mr. Schuffenhauer said they can do that within 0-3 months. Mrs. Schuffenhauer said they wanted to handle bringing things to the storage area first to get that cleared away. Mr. Stoner said the storage and encroachment are the biggest items. That should be done before other permits are issued. Ms. DeMagistris asked how they're getting the sheds delivered if the fence is going to be there. Mr. Schuffenhauer said it will likely come in a kit; it's not pre-built. Ms. Raffay asked about the gravel driveway and the grade. Mr. Stoner said they exceed the slope, and they're going to use geo-tech type material with gravel. Mayor Rubenstein asked about paving. Mr. Stoner said there's a variance for the steepness of slope and not paving. Ms. Raffay asked about safety, since they're bringing cars up there and the gravel may be unstable. Mr. Stoner noted it won't be used often and they're addressing the erosion with the gravel system. Mr. Proctor asked about the

two entrances to the driveway. Mayor Rubenstein said there is a septic record that shows the “u” shape since 2005. Mr. Proctor confirmed they should memorialize it now.

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

Mr. Stoner said their timeframe should be included in the conditions. Motion of Ms. DeMagistris to approve the application with the conditions stipulated, second by Mr. Smith.

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

*Nays:* Ms. Raffay

*Abstaining:* Mr. Walsh

*Members Absent:* Mr. Morytko, Ms. Lewandowski

None opposed. Motion carried. Ms. Hubbard explained the appeal period. Mr. Walsh re-entered the meeting at this time.

### **BILLS:**

Harold Pellow (6): \$2,842.50. A motion to approve the bills was made by Mr. Walsh, seconded by Proctor. All were in favor. Motion carried.

Colliers (1): 1,080.00. A motion to approve the bills was made by Mr. Walsh, seconded by Proctor. All were in favor. Motion carried.

### **REPORTS FROM COMMITTEES**

Environmental Commission- Mr. McElroy said the Recreation Director presented what’s going on in their Department. The Environmental Commission will work with them on trails. They are planning for Arbor Day and will likely hand out trees. They discussed dirty dirt and did a memo to the Council.

Township Council- Mayor Rubenstein said they passed the budget, with no public comments made. They recognized Autism Awareness. Mr. Proctor noted it’s Child Abuse Prevention month. They introduced three ordinances, about rules and regulations for the Police Department and a capital expenditure for the roads. Mayor Rubenstein said this is a result of not paving the roads recently because of natural gas. He said Tilcon reached out and said the quarry will be active for 6-12 months. They have rock to process and they will do additional blasting. Tilcon has a service to have them call you to notify for blasting. Ms. DeMagistris said it’s a two-hour window to notify you. She noted her concern if it will impact water. Mayor Rubenstein said they should be starting next week. Mr. Stoner said they’ll do inspections.

### **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 10:07 pm by Mr. McElroy, seconded by Mr. Proctor. All were in favor. Motion carried. The meeting was adjourned.

Submitted by Caitlin Phillips