

MEETING MINTUES OF THE BYRAM TOWNSHIP PLANNING BOARD: February 20 2025

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

ROLL CALL:

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

Members Absent: Ms. Raffay

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

OATH OF OFFICE:

Karen Lewandowski took her oath of office.

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: February 6, 2025

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

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

Abstaining: Mayor Rubenstein, Ms. Lewandowski

Absent: Ms. Raffay

None opposed. Motion carried.

RESOLUTIONS

Z20-2024 William Grabler, 39 Meteor Trail, Block 162 Lot 44, R5 Zone

Application for construction of a home addition and site improvements

Motion of Mr. Proctor to approve the resolution, second of Ms. Colligan.

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

Abstaining: Mayor Rubenstein, Mr. Morytko, Ms. Lewandowski

Absent: Ms. Raffay

None opposed. Motion carried.

SUBCOMMITTEE

SP5-2024 Gary Niec, 18, 22, and 24 Route 206, Block 41 Lots 90.01, 90.02, 94, VB Zone

Application for mixed use retail and residential development including a three-story building with up to seven retail spaces and 72 apartments

Mr. Walsh said this will require a use variance, and they have items they're still looking for, including: a Highlands Applicability letter; details on the sewer system and water supply, including how it will be handled with volume and capacity; and they have a limited EIS, but need it to be updated to include additional information. Mr. Stoner said they're bifurcating the site plan. Ms. Hubbard said the application, when deemed complete, is only presenting for the use. The Board would be deciding if the site is sufficient to support the use. If the use is approved, they will come back again will full site plans.

Motion of Mr. Walsh to deem the application incomplete, second by Mr. McElroy.

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

Abstaining: Mayor Rubenstein, Mr. Proctor

Absent: Ms. Raffay

None opposed. Motion carried.

SP2-2025 Salt Gastropub, 109 Route 206, Block 364 Lot 8, R2 Zone

Application for kitchen extension and outdoor dining

Mr. Walsh said they need more items including: a current survey, as the one submitted is from 1974 and doesn't reflect existing conditions; additional site detail including parking and lighting; an Environmental Impact Survey particularly the stream behind the site, clarification of the numbers, specifically consistency between parking, seats, and septic capacity; the application needs to include all variances including the use variance for the proposed beer garden; and other checklists items outlined in Mr. Stoner's memo. Mr. Stoner said the beer garden is a conditional use in the zone, so this makes this a use variance application.

Motion of Mr. Walsh to deem the application incomplete, second by Mr. McElroy.

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

Abstaining: Mayor Rubenstein, Mr. Proctor

Absent: Ms. Raffay

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

Chairman Shivas said this needs to be carried to 06/19/2025. Mr. Smith noted they carried this application a lot. Ms. Phillips noted this is more of a notification for anyone following the application; they will need to re-notice. They need state approvals before coming back to the Board. Mr. Stoner said the permit they're trying to acquire is not simple. Ms. Hubbard said it may make sense to have them withdraw the application.

Motion of Mr. Morytko to carry the application to 06/19/2025, second by Mr. Proctor.

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

Absent: Ms. Raffay

None opposed. Motion carried.

PRESENTATION: Musconetcong Watershed Association Presentation with Craig Fleming

Craig Fleming, the Water Quality Program Coordinator of the Musconetcong Watershed Association (MWA), thanked the Board for having him at the meeting. They are an independent non-profit. The river is 42.5 miles long, and they have about 50 volunteers known as the River Watchers. They do data collection throughout the year, monitor for Harmful Algal Blooms (HABs), monitor for road salts in the winter, and in the spring and fall they do macroinvertebrate habitat assessments and bacteria monitoring. The river is classified as C1, which means they need a 300 foot riparian buffer to protect it from pollutants and heat. There are three different breaks in the river, which is where dams are. This is important to consider regarding fish passage through water. They're looking to connect the segments of the river.

Mr. Fleming reviewed pollution. Point source pollution is any discernable way that pollution is discharged, and non-point source pollution is anything that's not point source pollution, including insecticides and herbicides, oil, chemicals from runoff and energy production, sediment, salt, and bacteria. He noted a map showing places that are sewer-serviced in and around Byram. Septic systems are one of the leading contributors to bacterial pollution. The MWA monitors pollutants including HABs, which they do year-round. HABs is when algae grows out of control and can cause harmful or toxic events. Algae is an important part of ecosystems—HABs are more dangerous when there are too much. HAB communities can be comprised of cyanobacteria, which have a health impact to humans and animals. HABs have a higher chance of being in areas with slow-moving, warm, nutrient-rich, saline waters. As the climate changes, we can see that the exacerbating factors will get worse.

Mr. Fleming discussed solutions. He noted having a 300-foot buffer may not be possible for some people. They could put in a small buffer, detach their rain gutters, and install a rain garden around their house. This makes three different points for water to enter the soil and help filter out pollutants. He also mentioned trenches, bioswales, and curb cuts. If you plant native species, it helps with this, as well as adds an aesthetic impact since they can bloom throughout different seasons. This also helps with pollinators. You could also save water and use it for irrigation on your property. He also suggested pervious pavement and strategic pavement, such as putting the driveway on the side where the sun hits earlier in the day, which would help melt snow and reduce salt usage. Proper septic maintenance is also important. Mr. Fleming noted these methods work best when they are maintained.

Mr. Fleming shared a list of native species, and what soils they work best in. This will help more plants survive. There is also a database that tells you what soils are on each property. He shared diagrams on how to best plant trees and shrubs, including depth and spacing. Native plants' root systems are deeper and longer than non-native species. He reviewed live-staking plantings. In the first flush of a rain event is where the most pollutants enter the system. If people can reduce the peak discharge, they can lower the pollutants entering the system. He noted things to consider when making these positive changes. Native wildflower gardens bloom at different times of the year and help with pollinators and water quality. Having both a bulkhead and riparian buffer helps reduce erosion and filters out pollutants from runoff. People often want to be in the lakes they live near, so filtering out pollutants helps keep things safe and healthy. Instead of removing trees and boulders, keeping them helps soil stay in place and prevent erosion and future costs to fix this. Native plants with deeper root systems help to slow down the water.

Mr. Stoner noted regarding the watershed improvement plan, this is part of the MS4 permits. The town obtained a grant this year. Mr. Fleming mentioned grants that have been given to the MWA. When they partner with municipalities on inventories, they can let MWA know their priorities, and MWA can put it in their plans. When they look for funding for projects, they can point to the plans, so that the background work and site evaluations are already done. Peter Dlugos, the Environmental Commission Chair and public member during this meeting, noted Byram is the Township of Lakes with three major lake communities. People worry about HABs and how they disrupt the summer season. Members of lake community Boards should consider what can be done. A lot of lake houses have septic systems. In some communities there are no waterfront homes, but are across the street. There are steep slopes, so when there are thunderstorms there is runoff from the hill, washing into yards. He's interested in the potential of bacteria to travel through the ground over time. If septic systems are not maintained, to what extent can bacteria move through the water and soil into the lake? Mr. Fleming noted that because of non-point source pollutants, you can't point to one in particular, and it's a cumulative effect. It helps when a whole neighborhood follows guidelines. People should reduce the amount of nutrients

making their way into the system, and get their septic systems checked regularly. The MWA offers trainings to teach residents how to inspect their own septic systems, to know when it's time to pump. He noted if anyone knows someone on a lake that is willing to provide access to the lake from their property, that would help them get data they need to see if there are any issues. Mayor Rubenstein noted the town just completed a watershed management plan a few months ago with Princeton Hydro. A few lakes are township-owned, which they can provide access to. Cranberry is a State lake, so they have access to that from the State boat launch. Mr. Smith said he's one of the Forest Lakes board members, so he can help. Mayor Rubenstein said he's part of Lackawanna, and Mr. Walsh said he's in Cranberry.

Mr. Dlugos noted invasives are a problem because of the amount of deer. Invasives mean forests don't regenerate and filter water. He asked how to handle the deer, and noted there's a bow-hunting program in the town. He noted there are some people that feed deer in the area. Mr. Fleming said when they do tree plantings, they place a tube or cage to help the tree grow.

Mr. Morytko said regarding bulkheads, that comes up a lot at the Board and they ask for plantings. Sometimes the discussion gets to them having a bulkhead, so they don't need a buffer. Mr. Fleming said the benefit of the bulkhead is erosion control. There's typically a drop-off with this and there's nothing slowing the water or stopping the pollutants. If there is compacted soil there, there's nothing infiltrating into the ground. Mr. Walsh noted this means the water just runs over the bulkhead. Chairman Shivas said they ask applicants to put in a buffer for at least some of the bulkhead. Mr. Dlugos asked about an education program for residents about buffering. Mr. Morytko said they try to talk to people about it at the Board, but if they don't have an application then they don't know. Mr. McElroy said the ordinance doesn't exclude the buffering, it requires it all the time. Mayor Rubenstein noted the way the code is written, if they don't do the buffer then they need a variance. Mr. Walsh noted there's a lot of properties that couldn't do the buffer even if they want to, because of things like lot size or rocky areas. But they need to be more formal about granting it as a variance and hearing more testimony as to why there's a hardship. Ms. Phillips noted it's also good educationally for the applicants, to know about plantings helping against costs for erosion and soil issues, and keeping the lake clean. Mr. Fleming noted having something is better than having nothing there. The MWA is available to provide talks about the benefits of riparian buffers and rain gardens.

Ms. Hubbard asked about the detaching gutters process. Normally the Board asks about gutters and where they're draining. They don't want water directed to a neighbor's property. Mr. Fleming said when the gutter gets to the ground and has a turn, you take the turn off and let it infiltrate it into a native flower bed. One of the main goals is to have the rain fall and infiltrate right there. Chairman Shivas asked about dry wells, where there are pipes and water is dispersed. Controlling water to a spot is easier than controlling water coming off the whole roof. Mr. Fleming said there are multiple solutions. They would keep the gutters on the roof and let it drain to a central area, into a rain garden or dry well. Mr. Smith confirmed they're looking to avoid having the water piped far away from the house. Mr. Fleming said if there are ten houses on one side of the road and all of them are directing water to the street, there's nowhere for the water to go into the ground. Patricia Moschella, a public participant of the meeting, asked where to get the presentation. Mr. Fleming said he can send it to her. Ms. Phillips will post it to the website.

DISCUSSION ITEM- Affordable Housing Subcommittee

Mayor Rubenstein said the Township attorney recommended putting together a subcommittee with Council and Board members to meet if there's a dispute. He and Mr. Proctor are on the Subcommittee, and Mr. McElroy and Ms. Raffay are interested in joining. Ms. Hubbard noted those on this subcommittee would likely work on the Fair Share Housing Plan.

REPORTS FROM COMMITTEES

Environmental Commission- Mr. McElroy said they are meeting next Thursday.

Open Space- Mr. Morytko said they discussed a scope of work presentation from the Trails Conference for mapping trails and volunteer training, and recommended this to the Council. Mayor Rubenstein said they talked about what apps to use for mapping, and they have an idea where they want to go with updating the maps.

Township Council- Mayor Rubenstein said they passed an ordinance that the police can patrol Venture II's property. Mr. Proctor said they appointed Ms. Lewandowski.

Zoning Report- Everyone had a copy.

OPEN TO THE PUBLIC

Chairman Shivas opened to the public. Georgette Schroeder said she saw an agenda item for the apartment complex. Ms. Hubbard said this hasn't been deemed complete. Mayor Rubenstein said an application has been submitted, and the application needs to be considered complete. Mr. Stoner noted the items needed. Mayor Rubenstein noted once it's deemed complete, it still needs to be scheduled for a hearing. Chairman Shivas noted this application is bifurcated for a use variance, so they'd come back with another application. The hearing date will be advertised.

Ms. Schroeder noted there is an ice problem on Briar Lane, which she noted at a Council meeting. Recently people have salted the area. There's no way for the runoff to get to the drain. She said there is a cigarette shop next to the pizza shop nearby, where people are often smoking marijuana outside. The Board noted if they're doing something illegal, the police should be called. Mayor Rubenstein noted it is not a dispensary. Ms. Schroeder said leaving QuickChek, no one is stopping at the stop sign at Brookwood. You can't see people going to make the right. Mayor Rubenstein will mention it to the Chief of police.

Patricia Moschella requested that the Board allow residents to access the meeting via Zoom. Some people want to attend the meetings but can't come in person. She wants to watch the meeting even if she can't make a comment. She confirmed regarding the proposed apartment complex that they are not being notified because it was not deemed complete. Mayor Rubenstein recommended following the agendas. Ms. Hubbard noted she can also request to be added to an email list to receive agendas. Ms. Moschella added that she agrees with the comment about the stop sign at QuickChek. It is for coming in and out of Brookwood. Ms. Schroeder agreed about having the meetings on Zoom.

Mr. Dlugos said the Environmental Commission is finalizing their goals for the year. He would like to give a quick presentation to the Board. Chairman Shivas said Mr. McElroy notified the Board that the Environmental Commission is looking into the list of plants. The Board would like to see that. Mr. Dlugos said he enjoyed the presentation, and noted that people need to fence everything they plant. Having information about protecting plantings would be helpful. Chairman Shivas closed to the public.

ADJOURNMENT

A motion to adjourn the meeting was made at 8:55 pm by Mr. McElroy, seconded by Mr. Proctor. All were in favor. Motion carried. The meeting was adjourned.

Submitted by Caitlin Phillips