

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

ROLL CALL: Mss. DeMagistris, and Raffay; Mayor Rubenstein; Messrs. Proctor, McElroy, Smith, Walsh, and Chairman Shivas

Members Absent: Messrs. Morytko, Serrilli, Ms. Colligan

Also Present: Engineer Cory Stoner, Planner Daniel Bloch, 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

OATHS OF OFFICE:

Board Members: Anneliese DeMagistris, Richard Proctor, and Marie Raffay took their oaths of office.

Professionals: Cory Stoner and Daniel Bloch took their oaths of office.

REORGANIZATION

Nomination of Chair: Mr. McElroy motioned to nominate George Shivas, seconded by Ms. Raffay. No other nominations were made. Mayor Rubenstein motioned to close the nominations, seconded by Ms. Raffay. All were in favor, none opposed.

Nomination of Vice-Chair: Mr. McElroy motioned to nominate Marie Raffay, seconded by Mr. Proctor. No other nominations were made. Mayor Rubenstein motioned to close the nominations, seconded by Mr. Proctor. All were in favor, none opposed.

Nomination of Attorney: Ms. Raffay motioned to nominate Alyse Hubbard, seconded by Mr. Proctor. No other nominations were made. Mr. McElroy motioned to close the nominations, seconded by Mr. Proctor. All were in favor, none opposed.

Nomination of Engineer: Ms. Raffay motioned to nominate Cory Stoner, seconded by Mr. Proctor. No other nominations were made. Mr. McElroy motioned to close the nominations, seconded by Mr. Proctor. All were in favor, none opposed.

Nomination of Planning Consultant: Mr. Proctor motioned to nominate Daniel Bloch, seconded by Mr. McElroy. No other nominations were made. Mr. McElroy motioned to close the nominations, seconded by Mr. Proctor. All were in favor; Ms. Raffay abstained.

Nomination of Conflict Planner: Mr. McElroy motioned to nominate Paul Gleitz, seconded by Mr. Proctor. No other nominations were made. Mr. Proctor motioned to close the nominations, seconded by Mr. McElroy. All were in favor; none opposed.

Nomination of Secretary/Administrative Officer: Mr. McElroy motioned to nominate Caitlin Phillips, seconded by Mr. Proctor. No other nominations were made. Mr. McElroy motioned to close the nominations, seconded by Mr. Proctor. All were in favor, none opposed.

Nomination of Newspaper: Ms. Phillips noted normally this is the New Jersey Herald and the Sunday

Herald. Ms. Hubbard said the statute passed, so they can publish digitally. If the Council designates another newspaper the Board should follow suit. They should have the Star Ledger so they can publish digitally, but the designated newspaper of the town is currently the NJ Herald. Ms. Raffay motioned to nominate the New Jersey Herald and the Sunday Herald, seconded by Mr. McElroy. No other nominations were made. All were in favor, none opposed.

Resolution PB1-2025 Annual Notice of the Calendar Dates of the Scheduled Regular Meetings of the Byram Township Planning Board

Resolution PB2-2025 Authorizing Contract for Professional Legal Services

Resolution PB3-2025 Authorizing Contract for Professional Engineering Services

Resolution PB4-2025 Authorizing Contract for Professional Planning Services

Resolution PB5-2025 Authorizing Contract for Conflict Planner Services

Resolution PB6-2025 Appointing Secretary of the Board

Resolution PB7-2025 Designation of Newspaper for Notices

Resolution PB8-2025 Adopting Rules of Procedures of the Planning Board
Rules and regulations for the Board

Mr. McElroy motioned to adopt resolutions PB1-PB8, seconded by Mr. Proctor. Ms. Raffay noted she abstains from PB4-2025.

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

Absent: Messrs. Morytko, Serrilli, Ms. Colligan

None opposed. Motion carried.

COMMITTEE APPOINTMENTS

Chairman Shivas said he will move these to the next meeting. Ms. Phillips noted the next meeting is 02/06 and there is a Subcommittee scheduled. Chairman Shivas said the people that were part of the Subcommittee last year (Ms. Raffay and Messrs. Walsh, Serrilli, and McElroy) are re-appointed for this upcoming meeting only.

MINUTES: December 19, 2024. Motion of Mayor Rubenstein to approve the minutes, second by Mr. Proctor.

Ayes: Ms. DeMagistris; Mayor Rubenstein; Messrs. Proctor, McElroy, Smith, Walsh, and Chairman Shivas

Abstaining: Ms. Raffay

Absent: Messrs. Morytko, Serrilli, Ms. Colligan

None opposed. Motion carried.

OLD BUSINESS

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

Application for new home construction

Motion of Mr. McElroy to carry the application to 03/20/2025, second by Mr. Proctor.

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

Absent: Messrs. Morytko, Serrilli, Ms. Colligan

None opposed. Motion carried.

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

Motion of Mr. Proctor to carry the application to 02/20/2025, second by Ms. DeMagistris.

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

Absent: Messrs. Morytko, Serrilli, Ms. Colligan

None opposed. Motion carried.

NEW BUSINESS

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 carry the application to 02/06/2025, second by Mr. Smith.

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

Absent: Messrs. Morytko, Serrilli, Ms. Colligan

None opposed. Motion carried.

Z22-2024 Prestige Country Homes, 10 Newton Avenue, Block 36 Lot 50.02, R4 Zone

Application for construction of a second-floor addition

Jason Rittie from Einhorn, Barbarito in Denville represented the application. They are looking to build a 686 square foot addition with related site improvements. Mr. Walsh entered the meeting at this time. William Wrede was sworn in at 1040 Route 10 in Randolph; he trades under Prestige Country Homes, of which he is the owner and president. Mr. Rittie confirmed Prestige owns this property, which Mr. Wrede bought in December 2023. Mr. Rittie confirmed they comply with the lot area but it's narrow. Mr. Wrede said the house is 680 square feet, and he's looking to add another 680 square feet on top. The house has been unoccupied for 4 years, so is in bad condition. It's serviced by a well, septic, and natural gas. They have a County permit for a replacement of a 3-bedroom septic; the septic is new.

Mr. Rittie noted in Mr. Stoner's review, the house is three stories. Mr. Wrede said there are homes in the area that look like this one. He submitted **Exhibit A1**, three photos taken today of neighboring houses. Mayor Rubenstein noted the septic permit looks to be for an alteration. Ms. Raffay asked about the basement. Mr. Wrede said there's a furnace, and doesn't plan to finish the basement. It's a low area of about 6.5 feet, and is not a full walkout. They have a door with two steps down into the basement. Mr. Stoner noted if there is more than 5 feet exposed it's considered a basement.

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

David Ewald was sworn in from the architecture firm John J. Haeberle. He has worked in the field for 39 years, and has been with this firm for 14 years. He has testified in front of New Jersey Boards before. He prepared the architectural drawings. Chairman Shivas noted he is not an expert but does work in the architectural field. Mr. Ewald said the home is a one-story ranch with two bedrooms. The basement has a furnace and storage area. They want more living space for a variety of family sizes. He discussed the cantilevers. Chairman Shivas asked about the front deck. Mr. Ewald said it's open and they don't plan to do anything to it besides clean it up. Ms. Raffay asked about the deck in the back. Mr. Ewald said there is plywood and some storage. The deck needs to be rebuilt. Ms. Raffay noted there looks to be some room underneath. Mr. Smith noted there's a door accessing the basement under the deck. He asked what the surface under the deck will be. Mr. Wrede said he'll probably put white stone and clean it up; he wasn't looking to change any impervious coverage. Ms. Hubbard noted it looks like the configuration of the deck is changing slightly. Mr. Stoner noted the project needs a zoning permit; there is construction of a new deck which will be no closer than the existing deck to the sideline, and doesn't trigger another variance. Chairman Shivas asked about the height. Mr. Ewald said the deck is free-

standing and will match the existing. They discussed the plans. Mr. Proctor confirmed the survey is not updated. Mr. Wrede said he will do an as-built survey. Mayor Rubenstein noted the property is in a C1 transition area. Mr. Stoner said it could be in a riparian buffer but would qualify for a permit-by-rule. He noted they qualify for a Highlands Exemption because it's work on an existing house.

Mr. Rittie reviewed the variances for the application. There is a hardship with the side setback because of the narrow lot. They meet the height requirement but there is a basement that makes it three stories. There are similar homes in the area. It's not a massive addition; it's kept in the character of the neighborhood. Ms. Hubbard confirmed the property is sloped from front to back.

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Ms. Raffay said this is in keeping with the neighborhood and it's not over-bearing. Motion of Ms. Raffay to approve the application, second by Mr. Proctor.

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

Abstaining: Mr. Walsh

Absent: Messrs. Morytko, Serrilli, Ms. Colligan

None opposed. Motion carried.

DISCUSSION ITEM: Definition of Minor Site Plan

Ms. Hubbard said when reviewing the checklist, they found the town's code doesn't define minor site plan. The Municipal Land Use Law says it should be defined by municipal ordinance, and anything that's not a minor is a major. There were conversations and research, and they're working with the administration on how to approach this. Right now, they have a waiver of site plan process which is similar to what the MLUL defines as a minor site plan, where you waive notice of a public hearing and it can be determined by Subcommittee. There is a gap between waiver of site plan and major site plan; once they determine how to handle it, they'll bring a recommendation to the Board. The two ideas are defining a minor site plan or a procedure where some minor applications would be pulled into the waiver of site plan process, which would require more work from the Subcommittee. They want to see if the Board thinks it's appropriate to have the Subcommittee hear additional applications, or have a checklist for minor applications. These applications would be something like a commercial site putting up a new sign, where environmental impact statements or traffic studies are not needed.

Mr. Stoner said they do site plan reviews and completeness reviews. In the ordinance, it has situations that qualify for a site plan waiver and the Subcommittee brings a recommendation to the Board. Right now there is just site plan waiver and site plan, and it doesn't differentiate between minor and a major. Designating a minor would be easier, because it deals with things like signs, landscaping, parking spaces with no drainage changes, small accessory structures, adding a propane tank on a commercial property, and so on. Having them submit a minor site plan would mean a reduced checklist and them not needing as many professionals. One idea is having the applicant come in front of the whole Board, or have the Subcommittee review these to determine it's a minor site plan. Ms. Hubbard said this is an ordinance so the Council needs to get involved; the Board would make a recommendation on what they think is appropriate. Mr. Proctor asked what the professionals see other towns doing. Mr. Bloch said every town is different. Ms. Hubbard said Dover does an expedited waiver of site plan, and the professionals review it and provide a memo. Mr. Stoner said Sparta has a site plan subcommittee that reviews all the minor applications, and that is a more work for them. Ms. Hubbard noted this needs guidelines to help determine what kind of application something is. Mr. Stoner noted the goal is having a lower fee and an easier application. He likes the idea of defining what the minor is, defining the waiver of site plan process, and determining a process for how to review them. For a minor site plan, it can still be reviewed in front of the Board but with an easier checklist.

Mr. McElroy asked how many applications the Board has reviewed that would apply. Ms. Hubbard noted it hasn't been a lot; Ms. Raffay noted there's not really a way to know without defining this. Mr. Smith noted this may make more people submit applications, who have been holding off on the process because there's no minor site plan. Mr. McElroy said it's great to have a minor site plan process because it's simplified and cheaper. In the beginning, this should come to the full Board, because the Board is active and a lot of members may have comments or concerns that the Subcommittee may not identify. Mr. Stoner noted in the future if they want to move it to the Subcommittee, they can do a separate ordinance. Mr. McElroy noted the administration may not want to do that. Mr. Stoner said they discussed this with Mr. Sabatini, and he wants this to be as simple as possible. The Council is concerned about the cost for residents. One of the thoughts was doing this as a subcommittee—the applicant doesn't even need to be at that meeting. Mr. Stoner said knowing this Board, he thinks they'd want these going to the meeting. Mr. McElroy confirmed for the subcommittee, the applicant and their professionals wouldn't attend. Ms. Hubbard said if it's a variance, it can't go to Subcommittee. Mr. McElroy noted as a Subcommittee member he wouldn't want to approve an application without the Board if it involves a sign. Mr. Proctor likes the use of a checklist and hearing it at the Board. Chairman Shivas said the Board answers for all decisions, so if the Subcommittee approves something without Board review, it's the Board's responsibility. Mr. Bloch said some towns do classification where the Board looks at it and determines what type of application it is. Mr. Stoner noted it may slow the applications down. Mr. McElroy noted if they're there at the Board, they may as well review it. Mr. Walsh noted he'd rather review something at the Board level that could have been done at the Subcommittee than have the Subcommittee approve something that should have gone to the Board.

Mr. Stoner noted this came up with the application revisions. There are different types of applications that can be filed, and most towns have a minor site plan. They have just been doing site plans—if it's not a waiver of site plan, then right now it's a site plan application. Mr. McElroy noted applicants would then request waivers for items if they're not applicable. Mayor Rubenstein confirmed the waiver process would still exist, this is just an intermediate option. These comments will be brought back to the administration to determine next steps.

BILLS:

Harold Pellow and Associates (12): \$3,347.13. A motion to approve the bill was made by Mr. Walsh, seconded by Mr. Proctor. All were in favor. Motion carried.

REPORTS FROM COMMITTEES

Environmental Commission- Mr. McElroy said there is a meeting coming up.

Open Space- Ms. Phillips said they met on Monday and talked about the Forest Stand Improvement, goals for 2025, capital budget items, controlled burns, and invasive species. They learned about algal blooms and how high water tables may lead to them entering aquifers and wells. Algal blooms are more prevalent in higher temperatures, so climate change is a factor, and the use of fertilizers makes algae grow. Ms. Phillips will get the presentation notes to distribute.

Township Council- Mayor Rubenstein said they had their reorganization meeting.

Zoning Report- Everyone has a copy.

Ms. Raffay asked about the Car Wash sign, and noted it's bright. Mayor Rubenstein said that is a resolution compliance item, so the Zoning Officer would take care of it. Ms. Phillips noted there may also be something in the resolution about not having the messages change so often. Mr. Stoner noted he'd look at it. Ms. Raffay confirmed they're allowed to keep the vacuum lights on. Mayor Rubenstein thinks there was testimony about being able to adjust their brightness.

OPEN TO THE PUBLIC

Chairman Shivas opened to the public. No one was present, so Chairman Shivas closed to the public.

EXECUTIVE SESSION: Affordable Housing

Ms. Hubbard read the executive session resolution at 8:55 pm. Mayor Rubenstein motioned to approve the resolution, seconded by Mr. Proctor. All were in favor.

ADJOURNMENT

A motion to adjourn the meeting was made at 9:15 pm by Mr. McElroy, seconded by Mr. Proctor. All were in favor. Motion carried. The meeting was adjourned.

Submitted by Caitlin Phillips