

MEETING MINTUES OF THE BYRAM TOWNSHIP PLANNING BOARD: March 6 2025

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

ROLL CALL:

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

Members Absent: Ms. Colligan, Messrs. Proctor and Smith

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: February 20, 2025

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

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

Abstaining: Ms. Raffay

Absent: Ms. Colligan, Messrs. Proctor and Smith

None opposed. Motion carried.

SUBCOMMITTEE

WOSP1-2025 Fady Ghazal (Freddy's Bar and Grill), 172 Lackawanna Drive, Block 265 Lot 287, NC Zone

Application for revisions to site for a restaurant and bar

Mr. Walsh said in order to grant the waiver, the applicant has to demonstrate certain things aren't changing, including the use, circulation, exterior of the building, parking capacity, seating, and stormwater runoff. The Subcommittee needs more information, and request the applicant provide additional information to confirm parking, seating, and the use aren't changing. Then the Subcommittee can re-review this at the next meeting. Ms. Raffay noted it's the amount seats that needs clarification. Mr. Stoner noted to the applicant that there should be plans that show the seating in the building, with the layout. Ms. Hubbard said if he can provide the requested plans, she will prepare a resolution in advance of the next hearing so it can be signed the same night if approved.

Motion of Mr. Walsh to carry this application to the next meeting for reconsideration, second by Ms. Raffay.

Ayes: Mayor Rubenstein, Mss. Raffay, DeMagistris, Lewandowski, Messrs. McElroy, Morytko, Walsh, Chairman Shivas

Absent: Ms. Colligan, Messrs. Proctor and Smith

None opposed. Motion carried.

NEW BUSINESS

Z23-2024 Donald Cocchi, 8 Cub Lake Road, Block 360 Lot 3, R2 Zone

Application for construction of three-story dwelling with attached garage on an undersized lot Donald Cocchi and James Glasson were sworn in. Mr. Glasson is from Civil Engineering and his license is in good standing. Chairman Shivas deemed him an expert. William Haggerty from Dolan and Dolan represented the applicant. He reviewed the site information. The zone changed from R2 to R3; the application would still need a variance for building height. There are wetlands transition areas.

The property was part of a major subdivision. He submitted **Exhibit A1**, a declaration of deed restriction. Mr. Glasson submitted **Exhibit A2**, a colorized sheet of his plan. The property is in the Highlands Preservation area. The road is a paved private road. The property is near Andover Township. There is a conservation easement. Mr. Glasson submitted **Exhibit A3**, a colorized sheet. They're proposing a two-story four-bedroom house with a walk-out basement. The walk-out basement is due to the slope of the area; they need a variance for a third story. There is a two-car garage. There is a deck proposed in the back, and a walkway in the front. The proposed septic system was approved by the Health Department for four bedrooms. There is a proposed well and underground drywell system for the roof. There are utilities along Cub Lake Road already. They need a variance because this is a private road, so they don't have frontage on a town road.

Mayor Rubenstein asked about how this works with the neighbors. Mr. Haggerty said in the 2006 approval it was a requirement that an association be formed, reflected in the deed. That association is responsible for the road maintenance, through paid dues. Mr. Cocchi said it's a state registered non-profit, with trustees. Chairman Shivas asked where the fill is coming from. Mr. Glasson said there's a driveway cut-in now, so it's just moving around. There is a small retaining wall in the back; it is two feet, up to four feet, and then back down to 2 feet. Mr. Glasson said they have Upper Delaware Soil erosion. Ms. Raffay asked about the driveway drainage. Mr. Glasson said the property drains to the back, so they have a swale on the right to get the water between the house and the disposal area. The roof area goes to a drywell. They'll run things through lawn areas. Mayor Rubenstein noted there is a deed restriction with the DEP and there is a conservation easement. Mr. Stoner noted the conservation easement runs with the land. Mr. Glasson said it's not in favor of the town; it's in the deed that he can't touch it. The Board discussed the conservation easement.

Mr. Stoner reviewed his report. Mr. Glasson noted the access easement. Mr. Stoner confirmed the maintenance is split with everyone there. Ms. Hubbard confirmed they plow their street, not the town. Mr. Stoner needs a copy of the map the deed restriction refers to. That should be a condition of any approval. Mayor Rubenstein discussed the conservation easement. Mr. Glasson discussed Highlands Exemptions. Mayor Rubenstein confirmed there is an access agreement for the road and maintenance. He noted Mr. Cocchi owns two properties in Andover, and asked what he plans to do with them. Mr. Cocchi said he might sell them. Ms. Raffay asked about landscaping and tree removal. Mr. Cocchi noted he doesn't have any landscaping ideas yet. He wants to keep some of the mature trees. Ms. Raffay asked if they're putting a generator on the property for the septic system. Mr. Glasson discussed the system. There is no proposed generator. Ms. Raffay asked about fill. Mr. Glasson said that's mainly for the septic. For the driveway, that's quarry material. There will be no dirt. Mayor Rubenstein reminded Mr. Glasson about the town ordinance for dirt; they need to provide certification. Ms. Hubbard confirmed a tree permit isn't needed because it's in the application. Mr. Stoner said they should make a note that it's being done.

Chairman Shivas asked about the inside of the house. He asked what's happening over the garage. Mr. Cocchi said it's a step-down room. He noted this is modular. Ms. Raffay noted sliding doors for the deck. Ms. Hubbard confirmed the garage is on a slab. Mr. Cocchi explained the walk-out deck. Mr. Glasson noted it's recessed into the roof.

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

Motion of Mr. McElroy to approve the application, second by Mayor Rubenstein. Mr. Walsh noted the condition of receiving the map requested by Mr. Stoner. Mr. Stoner said he will need an opportunity to review it to make sure the areas match. Ms. Hubbard noted the certifications for soil.

Ayes: Mayor Rubenstein, Mss. Raffay, DeMagistris, Lewandowski, Messrs. McElroy, Morytko, Walsh, Chairman Shivas

Absent: Ms. Colligan, Messrs. Proctor and Smith
None opposed. Motion carried.

BILLS: Harold Pellow and Associates (5): \$2,970.00. A motion to approve the bills was made by Mr. Walsh, seconded by Mr. Morytko. All were in favor. Motion carried.

Maraziti Falcon (6): \$5,022.50. A motion to approve the bills was made by Mayor Rubenstein, seconded by Mr. Walsh. All were in favor. Motion carried.

REPORTS FROM COMMITTEES

Environmental Commission- Mr. McElroy said they had a meeting but he didn't attend. He spoke to the Chair and there was nothing to report.

Open Space- Mr. Morytko said there is a meeting in April.

Township Council- Mayor Rubenstein said they swore in Guy Mariani as the new police chief. They recognized Dan Dewald's retirement. They introduced the budget. They introduced the noise ordinance which is qualitative rather than quantitative. They don't need a sound meter.

Chairman Shivas asked Mr. Stoner if he looked at the Byram Car Wash sign. Mr. Stoner noted there is more an issue with the vacuums. Mayor Rubenstein noted it's more a question of brightest rather than if it's on. Mr. Morytko noted it can only be on during business hours. The Board reviewed the conditions of the approval. Mr. Stoner will review the minutes to confirm if their lighting is in compliance with the approval.

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 8:50 pm by Mr. McElroy, seconded by Mr. Walsh. All were in favor. Motion carried. The meeting was adjourned.

Submitted by Caitlin Phillips