

BYRAM TOWNSHIP PLANNING BOARD AGENDA
For Thursday, April 18 2024, at 7:30 P.M.
Meeting Held at: 10 Mansfield Drive, Byram Township NJ

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **OPENING STATEMENT:** Adequate notice of this meeting has been published specifying the time and place in compliance with the provisions of the Open Public Meetings Act.
4. **FLAG SALUTE**
5. **MEETING MINUTES-** April 4, 2024
6. **RESOLUTIONS**
SP8-2023 Byram Car Wash, 56 Route 206, Block 365 Lot 1.01, VC Zone
Application for replacement of vacuums and monument sign
7. **SUBCOMMITTEE**
SP2-2024 Raimo of Stanhope, 43 Route 206, Block 35 Lot 36, VB Zone
Application for amendment to accessory structure and principle building
8. **OLD BUSINESS**
Z02-2024 Catherine Trader, 55 North Shore Road, Block 157 Lot 272, R-5 Zone
Approval for concrete pad and propane tanks in the side setback
9. **NEW BUSINESS**
Z27-2023 Nicco Brancaccio, 22 Adair Street, Block 17 Lot 19, R-5 Zone
Application for shed in the front yard

Z07-2024 Dana Taylor, 16 Weaver House Cove Road, Block 109 Lot 2, R-5
Application for a deck in the side yard

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
10. **DISCUSSION ITEM:** Architectural Review Committee
11. **BILLS:** Harold Pellow (6): \$1,808 / Maraziti and Falcon (11): \$4,742.50
12. **REPORTS FROM COMMITTEES**
Architectural Review Committee
Environmental Commission
Open Space
Township Council
Zoning Report
13. **OPEN TO THE PUBLIC**
14. **ADJOURNMENT**

The Board Engineer and Planner are sworn in at the beginning of each year and are deemed to be under oath on a continuing basis.

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

ROLL CALL: Mayor Rubenstein, Messrs. Proctor, McElroy, Morytko, Smith, Chairman Shivas

Members Absent: Ms. Raffay, Messrs. Serrilli and Walsh

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

OPENING STATEMENT: Adequate notice of this meeting has been published specifying the time and place in compliance with the provisions of the Open Public Meetings Act.

FLAG SALUTE: led by Chairman Shivas

MINUTES: March 7, 2024. Mr. McElroy motioned to approve the minutes, seconded by Mr. Morytko.

Ayes: Mayor Rubenstein, Messrs. McElroy, Morytko, Smith, and Chairman Shivas

Abstaining: Mr. Proctor

Absent: Ms. Raffay, Messrs. Serrilli and Walsh

None opposed. Motion carried.

RESOLUTIONS

Z04-2024 Christine Turcios, 497 Stanhope Road, Block 342.02 Lots 23, R-5 Zone

Application for covered roof not meeting the side yard setback

Mr. Morytko motioned to approve the resolution, seconded by Mr. McElroy.

Ayes: Messrs. McElroy, Morytko, Smith, Chairman Shivas

Abstaining: Mayor Rubenstein, Mr. Proctor

Absent: Ms. Raffay, Messrs. Serrilli and Walsh

None opposed. Motion carried.

Z05-2024 Dennis Fornarucci, 3 Opa Pass, Block 142 Lot 102, R-5 Zone

Application for addition on left side of house and addition to existing deck

Mr. McElroy motioned to approve the resolution, seconded by Mr. Morytko.

Ayes: Mayor Rubenstein, Messrs. McElroy, Morytko, Smith, Chairman Shivas

Abstaining: Mr. Proctor

Absent: Ms. Raffay, Messrs. Serrilli and Walsh

None opposed. Motion carried.

Z19-2022 Kevin and Kate Grey, 25 Carpenter Road, Block 238 Lot 508, R-3 Zone

Amended extension request for new single-family home

Mr. Morytko motioned to approve the resolution, seconded by Mr. McElroy.

Ayes: Messrs. McElroy, Morytko, Smith, Chairman Shivas

Abstaining: Mayor Rubenstein, Mr. Proctor

Absent: Ms. Raffay, Messrs. Serrilli and Walsh

None opposed. Motion carried.

SUBCOMMITTEE MEETING

SP6-2023 Tomahawk Lake, 155 Tomahawk Trail, Block 343 Lots 1, 2, and 3, CR Zone

Application for amended site plan and use variance approval to use Lot 3 for additional parking, reconfigure the overflow parking area and employee parking area, construct a slide and merry-go-round, and modify a ticket office for larger square footage

Ms. Hubbard said this will be tentatively carried to 06/06, provided they are deemed complete first.

NEW 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. Hubbard said they need to re-notice. Mr. Proctor motioned to carry the application to 04/18 with further notice, seconded by Mayor Rubenstein.

Ayes: Mayor Rubenstein, Messrs. Proctor, McElroy, Morytko, Smith, and Chairman Shivas

Absent: Ms. Raffay, Messrs. Serrilli and Walsh

None opposed. Motion carried.

OLD BUSINESS

SP8-2023 Byram Car Wash, 56 Route 206, Block 365 Lot 1.01, VC Zone

Application for replacement of vacuums and monument sign

Mr. McElroy recused from this application. Mr. Blount represented the applicant. Rocco Marucci was sworn in as an engineer, at P.O Box 509 in Cedar Knolls. He works with Marucci Engineering and is a municipal engineer in Livingston. His license is in good standing. He reviewed the plan changes, including coordinating the vacuum equipment with the manufacturer. They reduced the sign height to 15 feet. The plans show the equipment for the vacuums; it will be connected with a single header pipe and a central vacuum system with landscaped screening.

The concrete and curbing will be replaced. The dimensions of the vacuums are also included. Mr. Blount submitted **Exhibits A3-A7**, photos of the current sign visibility. Mr. Marucci said the applicant is working with the state to see if they can relocate or trim the tree blocking the sign. Mr. Blount said the applicant has no objection to the Planner reviewing the landscaping.

Chairman Shivas asked about the sound levels. Mr. Marucci reviewed the equipment's decibel calculations; he believes it will meet the municipal code, at the boundary. Mayor Rubenstein noted they updated the sound ordinance at the Council, now following the DEP model. Mr. Stoner noted their plan follows the requirements. Mr. Marucci said the vacuums will be run during business hours. Mr. Paladino said the hours are 8am-7pm; they decided not to have them run 24 hours. Mr. Proctor asked if that means the lights will also be shut off. Mr. Marucci said they will stay on, and are part of security. Mr. Stoner reviewed his report. The applicant agreed to a light test once everything is installed. Mr. Stoner asked if the lights are adjustable. Mr. Paladino said they should be able to be moved. Chairman Shivas confirmed they don't face straight out to the highway. Mr. Stoner asked what the vacuums will look like. Mr. Paladino submitted **Exhibit A8**, the manufacturer information for the vacuums. Mr. Paladino said the vacuums are proposed to be red because it matches the building. The central vacuum is silver, the arms are red, the hose is black, and the main pipe is an aluminum, steel color. Mr. Morytko noted the colors have changed since last meeting. Mr. Paladino said they reviewed color combinations—their colors are blue and red, and the company doesn't have an aluminum color, so they coat them. The most neutral color is silver, and red seems to blend in the most with the building. Mr. Blount submitted **Exhibit A9**, a rendering of the proposed vacuum.

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

Mr. Proctor motioned to approve the application as submitted, seconded by Mayor Rubenstein.

Ayes: Mayor Rubenstein, Messrs. Proctor, Morytko, Smith, Chairman Shivas

Abstaining: Mr. McElroy

Absent: Ms. Raffay, Messrs. Serrilli and Walsh

None opposed. Motion carried. Mr. McElroy re-entered the meeting.

NEW BUSINESS

SP1-2024 Byram Waterloo LLC (Starbucks of Byram), 33 Route 206, Block 36 Lot 40, VB Zone

Application for preliminary and final site plan for development of Starbucks coffeehouse with drive-through

Alexis Lazzara represented the applicant. They are proposing to construct a restaurant/coffeehouse. They are finalizing a lease with Starbucks. She reviewed the variance relief and waivers requested. Kerry Pehnke from Langan Engineering was sworn in as a project engineer. Her license is in good standing and she is an expert in traffic. She worked in Howell, North Brunswick, West Deptford, Burlington, West Hampton, Wayne, and Hamilton. William Schaefer was sworn in as a civil engineer from Langan. He worked on Shoprites in New Jersey, and was deemed an expert. Mr. Schaefer reviewed the site, and submitted **Exhibit A1**, a colored version of the site plan, page 3. They designed the site so you can immediately enter either the parking area or drive through. They're asking for a setback waiver for the awning, which is an existing condition. The new building will be further back than the existing. There is a sewer easement that's 20 feet wide, owned by the town. They have a sidewalk, drive isle, drive through lane, bypass lane, and buffer area. There is a loading space, which blocks some of the parking spaces, but it will be done off-hours. The busiest time will be in the morning, with a majority of cars being on Route 206 South. 18 cars can stack into the drive through. Ms. Hubbard asked what if a car is parked at that loading area. Ms. Lazzara said Starbucks will make every effort to load and unload when there are no cars there, so it'll be as late as possible. Mr. Stoner asked why this couldn't be anywhere else on the lot. Ms. Lazzara said Ms. Pehnke can speak to that. Chairman Shivas asked the size of the loading vehicles. Mr. Schaefer said it will be a box truck. Mayor Rubenstein confirmed Starbucks has control over what kinds of cars enter the site. Mr. Morytko confirmed the black strip is curbing with landscaping. Mr. Smith asked how many cars it is between placing the order and picking it up. Mr. Schaefer said seven cars. He submitted **Exhibit A2**, an updated landscaping plan. Changes include additional landscaping, including the northern buffer area and the west side near the sewer easement. There is also accent landscaping near the sidewalks. They added 5 trees and 150 shrubs and perennials. Mr. Stoner noted this site is in the Village Business district, so these are required. These standards were asked of other applicants. It's a good goal to meet these standards to soften the appearance.

Ms. Lazzara and Mr. Schaefer reviewed Mr. Gleitz's report. Mr. Schaefer noted they can't plant in the easement area. There are brick pavers and shrubs at the outdoor seating area. Chairman Shivas noted one of the parking areas looks to be an entrance into the site—why is the front of the building not facing either of the roads? Mr. Schaefer said they need the drive-thru lane to go in that area to provide enough space, which couldn't be there if the building was flipped. Mr. Schaefer said there is a fence along the north of the property that adds to the buffering. It is the neighboring property's fence. He said there is an area left empty of landscaping to provide

space for snow removal. They're using smaller trees because there are overhead wires. Mr. Stoner noted only one of the four sides of the building has foundation plantings. Mayor Rubenstein said smaller drive isles make it more difficult to navigate. There's a steep grade near Sunnyside. He said a 12 foot isle, decreasing the buffer area, would be better. Mr. Stoner noted the concern for the amount of asphalt compared to landscaping. The site is pushed into a corner; if they moved the building more west, they could have more room for landscaping. Mayor Rubenstein said, reviewing the loading information, the truck has to turn into the drive through to get into that area. Mr. Schaefer noted, regarding not moving the building, they're trying to keep it similar to what exists today to decrease the disturbance and not disturb slopes in the back. Mr. Stoner noted they could get an extra 10 feet of landscaping if things were shifted, and possibly a bigger island. Mayor Rubenstein said he's not worried how busy the site is—it's not really a residential neighborhood. He would rather see a site where the vehicles can move around better, and is not worried as much about the landscaping. Mr. Morytko noted there's no physical barrier between the lanes. Mr. Smith likes the idea of a 12-foot bypass lane.

Ms. Pehnke said years ago Route 206 was expanded, with a raised median. Left turns became restricted. They need two access points, one on 206 and one on Waterloo. They have an application in to the DOT because they're changing the driveway. They provided the DOT with an analysis of the intersections. They found that the Starbucks wouldn't significantly alter what's there today. A lot of traffic associated with this type of use is pass-by, so it's taken from existing traffic and directed in and out on their way they were headed. They are working with the County on the Waterloo driveway to meet their more conservative standards. Ms. Lazzara said they need to go before the County in May. Chairman Shivas asked why the 206 entrance isn't squared off. Ms. Pehnke said it's to bring it in perpendicular to 206, as otherwise it would be a sharper turn. The majority of vehicles are expected to access the site on Waterloo and exit to 206. They did a gravity model for the DOT application; 65% of people will turn from Waterloo Road. Mr. McElroy asked what defines a trip. Ms. Pehnke said coming in and out are two separate trips. Based on national standards using a coffeeshop with a drive thru, they found peak time is 7:15am, with 123 total cars going in and 118 out, because some people sit inside. Mr. McElroy asked what percent of trips are for the drive-thru or going inside. Ms. Pehnke said generally 65% use the drive-thru, but it varies throughout the day. The 18 car queue will be efficient for stacking, especially for peak times. Ms. Pehnke discussed delivery information. Mr. Smith said if there was a delivery, people coming in from Waterloo can't go anywhere except the first two parking spots, not even to the drive-through. Mayor Rubenstein added that they also can't leave. If deliveries occur when the business is closed, it's not really an issue, but "off-peak" hours is not closed. Ms. Lazzara said Starbucks confirmed their deliveries are 10pm-12am. Mayor Rubenstein confirmed Starbucks will be closed by 10pm. Ms. Pehnke said the hours are 5:30am-10pm weekdays and Saturday, and 6am-9pm Sunday. Mr. Smith said at the stop sign to get to the drive-thru, there will be issues with people making the left turn and people turning from 206 onto the site. Ms. Pehnke is not concerned with it—volume-wise, it's not significant traffic and there would be a gap to get through. Mr. Smith asked if there's concern about queuing; Ms. Pehnke doesn't think the volume is significant enough for a lasting impact. Mr. Smith is concerned about traffic backing up onto 206 and into the loading area. This is more about the congestion at that one spot rather than the space on the total site. Ms. Lazzara said when Starbucks testifies, they have experience combating stacking on other sites. Mr. McElroy asked how long people sit in the drive-through. Mr. Smith reiterated there is cross-traffic from three different directions converging. Mayor Rubenstein asked Ms. Pehnke how she feels about the 10 foot lane. She said there is striping rather than a physical barrier, so people can cross over. The width allows for the size of a regular vehicle.

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David Romano was sworn in as the co-manager of Byram Waterloo LLC and the developer of Shoprite Supermarkets and other shopping centers for 50 years. Mr. Romano said they spent a lot of time on this plan with professionals because they are sensitive to the issues of the community regarding another coffee shop in town and the backup onto 206. The way they have the circulation laid out provides the most queuing. They didn't want cars to have to circle to get to the drive-through. This design was agreed to by Starbucks and Langan. They tried having a drive isle at 12 feet—if they want that, he can try getting a grading easement with Weber Brothers to add plantings to their property. They're sensitive to landscaping, to make sure the buffer complies with the ordinance. They met with the County, who was happy to have the entrance moved. There is a site line distance with trees in the right-of-way; they will get a waiver. Starbucks can determine that deliveries will occur once the store is closed. Mr. Stoner asked why the deliveries couldn't be in the back of the parking lot. Mr. Romano said he assumes they can; they expect the trucks to come off Route 80. He noted, regarding the congestion at the drive-through entrance, there is an 18-car stack. Mr. Smith said when coming from Waterloo, a driver would have to do a 360 to get to the driveway, and then a second circle to get out. Mr. Romano said most people will be headed south, and a lot of people will be coming in the morning. He noted he owns the Shoprite Plaza; when there is snow it gets taken care of and the curbs are visible. They will be maintaining the Starbucks site; they needed a place to put the majority of snow, the easement area. He discussed this with Mr. Pellek who wrote the Fire

Department review; he doesn't have a problem with this. Mr. Stoner said they can't cover the manhole in that corner. The Board took a brief recess.

Joseph Marra was sworn in as the architect at 22 Howard Boulevard in Mount Arlington. He licensed in New Jersey and has worked as an architect for 45 years; he was deemed an expert. Inside the building will be 26 seats, which is about 60% of the building footprint. Mr. Marra submitted **Exhibit A3**, renderings of the building. They're proposing traditional building elements, including brick, stone, painting, and siding. On the 206 side are architectural columns and a canopy. They have accent lighting and an outdoor seating area. The colors are a light grey field brick with a beige accent brick. Natural stone materials are at the entrances. The roof is gable and hip designed. Mr. Marra noted you won't see the mechanical equipment with the proposed design. They're proposing a future walk-in cooler. If added, it will be painted to match the field color of the brick. It is on the site and floor plans, so is part of the application, but is not proposed right away. Chairman Shivas asked if the wall on Waterloo Road is blank. Mr. Marra said the design of the wall meets the architectural review guidelines including lighting, multiple materials, different kinds of siding, and different color brick. There are also three rows of landscaping: against the building, outside the drive-up lane, and trees along Waterloo Road. The length of that wall is about 2.5 cars, so it's not expansive. On the other side, the only difference is the windows. There are no useful windows they could put in there because of the equipment along that wall. Chairman Shivas noted CVS has a blank wall similar to this, and they have fake windows that breaks up the visuals. This wall faces Waterloo and 206. Mr. Marra said if they put windows in they'd be fake. Mayor Rubenstein noted he doesn't see the word "Starbucks" anywhere. Mr. Marra said this is the Starbucks branding look—they chose not to use it. They wanted the siren logo, the little drive-through sign, and the sign above the main entrance. Mayor Rubenstein said even the sign doesn't say "Starbucks." Mr. Marra said everyone knows Starbucks and knows the "siren," which is synonymous with Starbucks. Ms. Lazzara said they got the Starbucks brand book and that's what they want. Mayor Rubenstein asked how many other Starbucks have been constructed where the front of the building is facing the back of the property. Mr. Marra said that's a function of the site. Ms. Hubbard said the frontage has no windows, design, or sign. Mr. Marra said all elements in architectural review guidelines are represented. Mr. Morytko said he has worked on a lot of projects with the architectural review process—he gives them credit for the design features. The design standards are set for the people walking into the building as well as for the town, for a community. It's one of the most visible areas—adding a few design features found elsewhere on the building would help. Mr. Marra said this is not the typical Starbucks design—they're often more modern-looking. This building was shaped into the guidelines the town wanted to see. They showed Starbucks several options and they decided on this one.

Mr. Marra reviewed the signs. There are six directional signs, three being two-sided. The two-sided ones say "thank you" and "exit only." These are at the Waterloo exit, at the drive-thru exit, and the 206 exit. They have two signs on the 206 south side that say "drive through" with an arrow. The last sign is at the entrance from Waterloo Road, saying "drive through" on both sides. Mr. Marra discussed the traffic signs, free-standing sign, building-mounted signs, and the menu board signs. There is a pre-menu board, a display board, and a triple-board to place the order. Mr. Morytko said at Waterloo Road, there are three directional signs clustered together. Mr. Marra said those are traffic control signs. Mayor Rubenstein asked why these are needed. Mr. Morytko added if they're turning in, they're already going in the right direction. Mr. Marra said these signs were proposed by Langan, so he's assuming it's for safety. Mayor Rubenstein said this can be done with less signs. Mr. Smith asked if these signs could be replaced with striping. Ms. Lazzara said Starbucks had specific signs they requested. The Board discussed painted directions. Mr. Morytko said the sign near Waterloo says "drive through," is there concern over confusion since it doesn't say "entrance?" Mr. Marra said the drive-thru is a predominant part of the Starbucks business.

John McDonough was sworn in as a Planner, and deemed an expert. Mr. McDonough submitted **Exhibit A4**, photos of the property taken today. He noted the sign is already up so they can see the impact. The site has been vacant for three years—it is an important commercial site in town. This project will revitalize the site and enhance the area with a name brand. This area has good walkability with the sidewalks. They're proposing down-directed lights with back shields. He finds this project to include safe and efficient circulation and good design. He reviewed the waivers and variances. This is a permitted use and serves the public good. He discussed viability—banks are closing more often, so it's not as viable a use to repurpose this as a bank. They are repurposing a site that's already been developed. Mr. McDonough said they can work with the Board professionals to make the signage more appealing. Chairman Shivas said the Board would like to have input on the reduction of the signs. He noted they need to now carry this application as they are at the cut-off time for the meeting. He recommended they need to look at the blank wall. Ms. Hubbard added that Mr. Gleitz should look at the landscaping exhibit submitted tonight before the next meeting.

Mr. McElroy motioned to carry the application to 05/02 with no further notice, seconded by Mr. Proctor.
Ayes: Mayor Rubenstein, Messrs. Proctor, McElroy, Morytko, Smith, Chairman Shivas

Absent: Ms. Raffay, Messrs. Serrilli and Walsh
None opposed. Motion carried.

DISCUSSION ITEM:

Chairman Shivas received comments for the annual report from one person, so it will be added. If anyone has any comments, they should let him know within the week, otherwise it will be sent to the Town Council.

BILLS

Harold Pellow and Associates (9): \$2,258.25. A motion to approve the bill was made by Mr. Proctor, seconded by Mr. Morytko. All were in favor. Motion carried.

Maraziti & Falcon (12): \$2,712.50. A motion to approve the bill was made by Mr. Morytko, seconded by Mr. Proctor. All were in favor. Motion carried.

REPORTS FROM COMMITTEES

Architectural Review Committee: Mr. Morytko said there’s been no meeting. Mayor Rubenstein said they should talk about this at the next meeting.

Environmental Commission: Mr. McElroy said they reviewed applications. They will hand out saplings. They’re applying for a grant for mapping tools for trails.

Open Space: Mr. Morytko said they have a meeting on Monday.

Township Council: Mayor Rubenstein said they passed a noise ordinance and the budget. Mr. Proctor said they proclaimed child abuse prevention and autism awareness month.

Zoning Report: Everyone had a copy.

OPEN TO THE PUBLIC

Chairman Shivas opened and closed to the public.

ADJOURNMENT

A motion to adjourn the meeting was made at 11:00pm by Mr. McElory, seconded by Mr. Proctor. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted by Caitlin Phillips

Resolutions Approved at Previous Meeting

In the matter of Christine Turcios
Case No. Z04-2024
MF#5000.098

BYRAM TOWNSHIP
PLANNING BOARD
RESOLUTION OF MEMORIALIZATION

RELIEF GRANTED: Side Yard Setback

WHEREAS, Christine Turcios has applied to the Planning Board of the Township of Byram seeking approval to construct an addition to the premises located at 497 Stanhope Road, and known as Block 342.02, Lot 23 on the Tax Map of the Township of Byram which premises are in a “R-5” Residential Zone;

WHEREAS, by ordinance adopted by the Township Council of the Township of Byram under statutory authority, the Planning Board and Zoning Board of Adjustment were combined into one Board which Board possesses and may exercise all powers granted to the Planning Board and Zoning Board of Adjustment pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., said single Board being known as the Planning Board of the Township of Byram; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant and having conducted a public hearing has made the following factual findings:

1. The Applicant is the owner and occupant of the subject property. The Applicant is proposing to construct an addition of a shed, with a roof and three walls, on the side of the existing home, requiring the following relief from the Township’s Zoning Ordinance:

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- a. Section 240-54C(3) – Minimum Side Yard Setback: 15 feet is required and 2 feet was proposed.
2. The Applicant submitted the following documents along with the Application for a Variance:
 - a. Survey prepared by John J. Vogel, II, Land Surveyor, dated January 5, 2024.
 - b. Notice of Violation issued by Nick Cutrone, Zoning and Code Enforcement Officer, dated January 8, 2024.
 - c. Pictures of the proposed addition, under construction, five (5) total.
3. The Board received a memorandum from
 - a. Cory L. Stoner, P.E., P.P., the Planning Board Engineer, dated January 17, 2024.
 - b. Environmental Commission, no date
4. A duly noticed public hearing was conducted on March 7, 2024, at which time Christine Turcios, presented sworn testimony in support of the application.
5. Applicant came to the Board due to the issuance of a Notice of Violation
6. The Applicant Christine Turcios testified in support of the Application.
7. Ms. Turcios testified that they started to build the shed without permits because they were unaware of the requirement to obtain variance or other approvals prior to construction. The proposed structure is intended for solely storage, it will not be heated or cooled and there will be no access to the house from the shed. The rear yard can be accessed by going on the other side of their home.

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8. The plans submitted with the Application that indicated the structure would be two (2) feet from the property line at the closest point was measured from the 4" by 4" posts and did not take into account the thickness of the siding or roof overhang. The fence along the shed is on the subject property and was there when the Applicants bought the house.
9. The Applicant testified that there are four children in the family and that the basement storage area is now a play area for their children and the storage that had been in the basement moved to the garage. The shed is for storage of what had been in the garage, equipment used in her husband's electrical contracting business.
10. The Members of the Board expressed concern about how close the wall was to the property line.
11. In response to questions from the Board, the Applicant testified that the roof leaders will not divert water to the neighbor's yard and will run toward the sewer grate on the street.
12. The Applicant amended the Application to move the wall of the shed three (3) feet further away from the property line so that the finished wall will be no less than five (5) feet from the property line; and the roof will be no closer than 4'6" from the property line, there being a four (4) inch wide gutter and two (2) inch overhand from the finished wall, with the plans to be changed to the satisfaction of the Board Engineer.
13. The Applicant amended the request for a side yard variance for the structure to be five (5) feet from the side yard property line measured from the finished

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wall and 4'6" measured from the roof, whereas a minimum of 15 feet is required.

14. The Applicant consented to the condition that the water from the roof of the shed will be diverted and discharged to the street and away from the neighbor's property, to be confirmed by the Board Engineer.

WHEREAS, the Board has determined that the relief requested by the Applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Township of Byram for the following reasons:

1. The Board found the witness testimony to be competent and credible. Relief can be granted pursuant to N.J.S.A. 40:55D-70c from the following Section of the municipal zoning ordinance.
 - a. Section 240-54C(3) – Minimum Side Yard Setback: 15 feet is required and 5 feet (from the finished wall) and 4 feet 6 inches (from the roof) was approved.
2. N.J.S.A. 40:55D-70c(1) indicates that a variance may be granted under its "hardship" provisions, with the hardship being related to the exceptional narrowness, shallowness, shape of the property, unusual topographic conditions or by reason of the location of the existing structures on the property. Under the c(2) subsection, variance relief may be granted where it is determined that the proposed relief advances one or more of the purposes of zoning (which purposes are set forth in N.J.S.A. 40:55D-2) and where it is

further determined that the benefits of granting the variance outweigh any detriments which might result from it.

3. The existing dwelling has limited room for storage. The lot is uniquely situated, limiting the possible locations of the shed. The structure is proposed to serve the needs of the homeowner and will infringe upon the side yard setback in order to accommodate the property's physical limitations and provide sufficient room for storage on the property.
4. The Board determined that relief could be granted without impairing the zoning ordinance or Master Plan, as the subject property was uniquely situated. The Applicant agreed to reduce the size of the proposed shed to reduce the extent of the variance. The benefits of this project outweigh the detriments that may result from the improvements. Based on the unique configuration of the lot, existing fence and vegetation; the shed will have little visual impacts to the area.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the 4th day of April 2024 that the approval of the within application, as amended, be granted subject, however, to the following conditions:

1. The Applicant shall comply with all the conditions and standards set forth in Section 240 of the Township's Ordinances. The Applicant shall be subject to all other applicable rules, regulations, ordinances and statutes of the Township of Byram, County of Sussex, State of New Jersey, or any other jurisdiction.
2. The Applicant shall be bound to comply with the representations made before this Board by the Applicant, and its professionals, at the public hearing. The

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representations are incorporated herein and were relied upon by this Board in granting the approval set forth herein and shall be enforceable as if those representations were made conditions of this approval

3. The Applicant shall comply with the reports submitted by the Board's Professionals and Commissions.
4. Plans shall be amended to provide the wall of the shed shall be no closer than 5 feet from the side yard property line and the roof no closer than 4 feet 6 inches from the side yard property line.
5. Applicant to provide that drainage from the shed to be diverted and discharged to the street and away from the neighboring property with such plans subject to the review and approval by the Board Engineer.
6. Payment of all fees, costs, escrows due or to become due. Any monies are to be paid within twenty (20) days of said request by the Board's Secretary.
7. Applicant shall submit a Certificate that taxes are paid to date of approval to the Board Secretary.
8. An inspection of all improvements shall be subject to the review of the Board Engineer prior to the issuance of a Certificate of Occupancy and/or the closure of zoning or construction permits.
9. Prior to occupancy, the owner/tenant shall first obtain a Certificate of Occupancy from the Township of Byram Construction Department.
10. Applicant shall submit the Zoning and Construction Permits within 30 days of the adoption of the Resolution, and complete construction of the addition

within 90 days of the adoption of the Resolution, or the Township shall issue a
Summons for the construction of the addition.


George Shivas

On motion of: Mr. Morytko

Seconded by: Mr. McElroy

The vote on the Resolution was as follows:

AYES: Four (4): Mr. McElroy, Mr. Morytko, Mr. Smith, Chairman Shivas

NAYS: Zero (0)

ABSTAINING: Two (2): Mayor Rubenstein, Mr. Proctor

ABSENT: Three (3): Ms. Raffay, Mr. Serrilli, Mr. Walsh

I certify that the above Resolution is a
true copy of a Resolution adopted by
the Planning Board on April 4th, 2024.

Caitlin Phillips

**Caitlin Phillips, Planning Board
Secretary**

Dated: 04/05/2024

Prepared by: Alyse Landano Hubbard, Esq.
and Andrew Brewer, Esq.

{372092.DOC.1}7

In the matter of Dennis Fornarucci
Case No. Z05-2024
MF#5000.099

BYRAM TOWNSHIP

PLANNING BOARD

RESOLUTION OF MEMORIALIZATION

RELIEF GRANTED: **Front Yard Setback**
 Side Yard Setback
 Distance between Principal Structure and
 an Accessory Structure

WHEREAS, Dennis Fornarucci has applied to the Planning Board of the Township of Byram seeking approval to construct an addition and a deck on the existing dwelling for premises located at 3 Opa Pass, and known as Block 142, Lot 102 on the Tax Map of the Township of Byram which premises are in a “R-5” Residential Zone;

WHEREAS, by ordinance adopted by the Township Council of the Township of Byram under statutory authority, the Planning Board and Zoning Board of Adjustment were combined into one Board which Board possesses and may exercise all powers granted to the Planning Board and Zoning Board of Adjustment pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., said single Board being known as the Planning Board of the Township of Byram; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant and having conducted a public hearing has made the following factual findings:

1. The Applicant is the owner and occupant of the subject property. The Applicant is proposing to construct an addition and a deck on the existing

{372096.DOC.1}1

dwelling requiring the following relief from the Township's Zoning Ordinance:

- a. Section 240-14 – Minimum Front Yard Setback: 45 feet is required, 37.5 feet is existing, 33 feet is proposed to the addition, 24 feet proposed to the deck.
 - b. Section 240-16B(1) – Minimum Distance between a principal building and an accessory structure: 10 feet is required, 17 feet is existing, 7.5 feet is proposed.
 - c. Section 240-55C(3) Minimum Side Yard Setback: 15 feet is required, 13.6 feet to the existing dwelling and 13.6 feet is proposed to the deck.
2. The Applicant submitted the following documents, along with the Application for a Variance:
- a. Map of the Property, prepared by Stewart Engineering and Surveying, LLC, date July 23, 2021, improvements indicated by Applicant.
 - b. Architectural Sketches, prepared by Dennis Fornarucci, dated February 3, 2024, consisting of 4 sheets.
 - c. Architectural Sketches, with additional dimensions, undated, preparer unknown, consisting of 4 sheets.
 - d. System Review of Individual Subsurface Sewage Disposal, submitted with the Sussex County Department of Health and Human Services, approved on February 5, 2024, along with Septic System Design, prepared by Lyon Engineering, dated June 6, 2021, Survey and Architectural Plans noted above.

{372096.DOC.1}2

3. The Board received a memorandum from
 - a. Cory L. Stoner, P.E., P.P., the Planning Board Engineer, dated March 1, 2024.
 - b. Environmental Commission, undated.
 - c. Pictures of the property from varying view, 36 pictures total.
4. A duly noticed public hearing was conducted on March 7, 2024, at which time Dennis Fornarucci presented sworn testimony in support of the application.
5. Mr. Fornarucci testified that he planned to construct a 9' by 27' addition with a deck onto his existing home. The Applicant further testified about the three variances and that the shed will be 7.5 feet from the garage, creating the need for the third variance.
6. Mr. Fornarucci consented to the condition that the water that drains from the additions and the garage will be directed to a seepage pit, that will be approved as to size and design by the Board Engineer.
7. Applicant consented to the condition that he will complete the existing swale as per the plans previously approved by the Board, subject to the review and approval by the Board Engineer.
8. The Applicant further testified that the reason for the variances is due to the topography and location of the existing improvements, such that the proposed locations for the construction of the addition and deck are limited.
9. The property is located within the Highlands Preservation Area, per the New Jersey Highlands Water Protection and Planning Act, which excludes the

regulation of construction of improvements to single-family dwelling, including an addition and a deck.

WHEREAS, the Board has determined that the relief requested by the Applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Township of Byram for the following reasons:

1. The Board found the witness testimony to be competent and credible. Relief can be granted pursuant to N.J.S.A. 40:55D-70c from the following Sections of the municipal zoning ordinance:
 - a. Section 240-14 – Minimum Front Yard Setback: 45 feet is required, 37.5 feet is existing, 33 feet is proposed to the addition, 24 feet proposed to the deck are approved.
 - b. Section 240-16B(1) – Minimum Distance between a principal building and an accessory structure: 10 feet is required, 17 feet is existing, 7.5 feet is approved.
 - c. Section 240-55C(3) - Minimum Side Yard Setback: 15 feet is required, 13.6 feet to the existing dwelling and 13.6 feet is approved to the proposed deck.
 2. N.J.S.A. 40:55D-70c(1) provides that a variance may be granted under its “hardship” provisions, with the hardship being related to the exceptional narrowness, shallowness, shape of the property, unusual topographic conditions or by reason of the location of the existing structures on the property. Under the c(2) subsection, variance relief may be granted where it is
- {372096.DOC.1}4

determined that the proposed relief advances one or more of the purposes of zoning (which purposes are set forth in N.J.S.A. 40:55D-2) and where it is further determined that the benefits of granting the variance outweigh any detriments which might result from it.

3. The location of the existing home and garage near the front and side yard property lines and the existing topography of the subject property significantly limit where any additions can be constructed to the existing home. The structures are proposed to serve the needs of the homeowner and will infringe on the front and side yard setbacks as well as the minimum distance between a principal building and accessory structure in order to accommodate the location and existing structures and provide sufficient room to utilize the home.
4. The Board determined that relief could be granted without impairing the zoning ordinance or Master Plan, as the subject property was unique due to the location of the existing home and natural topography. The benefits of this project outweigh the detriments that may result from the improvements. Based on the unique configuration and location of the lot, the improvements will have little visual impacts to the area.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the 4th day of April 2024 that the approval of the within application be granted subject, however, to the following conditions:

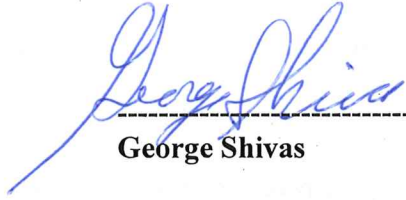
1. The Applicant shall comply with all the conditions and standards set forth in Section 240 of the Township's Ordinances. The Applicant shall be subject to {372096.DOC.1}5

all other applicable rules, regulations, ordinances and statutes of the Township of Byram, County of Sussex, State of New Jersey, or any other jurisdiction.

2. The Applicant shall be bound to comply with the representations made before this Board by the Applicant, and its professionals, at the public hearing. The representations are incorporated herein and were relied upon by this Board in granting the approval set forth herein and shall be enforceable as if those representations were made conditions of this approval
3. The Applicant shall comply with the reports submitted by the Board's Professionals and Commissions.
4. Applicant shall submit a plan by which water that drains from the additions and the garage will be directed to a seepage pit, with such plans to be approved as to size and design by the Board Engineer prior to the issuance of building permits.
5. The Applicant will complete the existing swale as per the plans previously approved by the Board, subject to the review and approval by the Board Engineer prior to issuance of a Certificate of Occupancy.
6. Payment of all fees, costs, escrows due or to become due. Any monies are to be paid within twenty (20) days of said request by the Board's Secretary.
7. Applicant shall submit a Certificate that taxes are paid to date of approval to the Board Secretary.
8. An inspection of all improvements shall be subject to the review of the Board Engineer prior to the issuance of a Certificate of Occupancy and/or the closure of zoning or construction permits.

{372096.DOC.1}6

9. Prior to occupancy, the owner/tenant shall first obtain a Certificate of
Occupancy from the Township of Byram Construction Department.


George Shivas

On motion of: Mr. McElroy

Seconded by: Mr. Morytko

The vote on the Resolution was as follows:

AYES: Five (5): Mayor Rubenstein, Mr. McElroy, Mr. Morytko, Mr. Smith, Chairman Shivas

NAYS: Zero (0)

ABSTAINING: One (1): Mr. Proctor

ABSENT: Three (3): Ms. Raffay, Mr. Serrilli, Mr. Walsh

I certify that the above Resolution is a
true copy of a Resolution adopted by
the Planning Board on April 4th, 2024.

Caitlin Phillips

**Caitlin Phillips, Planning Board
Secretary**

Dated: 04/05/2024

Prepared by: Alyse Landano Hubbard, Esq.
and Andrew Brewer, Esq.

{372096.DOC.1}7

In the matter of Kevin and Kate Grey (Extension)
Case No. Z19-2022
MF 5000-053

BYRAM TOWNSHIP
PLANNING BOARD
RESOLUTION OF MEMORIALIZATION

AMENDED

RELIEF GRANTED: Extension of Variance Relief

WHEREAS, Kevin and Kate Grey applied to the Planning Board of the Township of Byram for permission to construct a single-family home requiring bulk variance relief for the premises located at 25 Carpenter Road and known as Block 238, Lot 503 on the Tax Map of the Township of Byram which premises are in a “R-3” Residential Zone;

WHEREAS, by ordinance adopted by the Township Council of the Township of Byram under statutory authority, the Planning Board and Zoning Board of Adjustment were combined into one Board which Board possesses and may exercise all powers granted to the Planning Board and Zoning Board of Adjustment pursuant to the Municipal Land Use Law, N.J.S.A. 40:55B-1, et seq., said single Board being known as the Planning Board of the Township of Byram; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant and having conducted a public hearing the subject application was approved; and

{369580.DOC.1}1

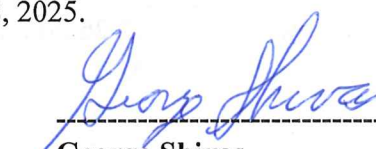
WHEREAS, based on the foregoing, the Board was requested to revisit the subject approval:

1. The Applicants are the owners of the subject property, and received Planning Board Approval to construct a single-family home, requiring variance relief from the following Sections of the Township's Zoning Ordinance:
 - a. Section 240-53.C(2) – Minimum Front Yard Setback: 75 feet is required, 38 feet was approved.
 - b. Section 240-53.C(7) – Maximum 2½ Stories of Building Height permitted, 3 stories was approved.
 - c. Section 240-98.C – Disturbance of Critical Slopes Greater than 25% is prohibited, 19.8% of Critical Slopes disturbance was approved.
2. The approval was granted on January 19, 2023, memorialized in a Resolution dated February 2, 2023, and published in the New Jersey Herald on February 8, 2023.
3. The Applicant submitted a request via email on January 22, 2024, seeking an extension of variance approvals, which explained that the Applicants encountered an unexpected life event that required their focus and was their priority financially.
4. Section 45-23 of the Township's Ordinances provides that any variance granted that permits the creation or alteration of a structure shall expire unless construction has commenced within one year from the date of publication of the resolution.
5. The Applicant has requested a one-year extension of said approval.

{369580.DOC.1}2

WHEREAS, the Board determined that, based on the information provided, the Variance Approval shall expire on February 8, 2025 and the Applicant is entitled to a one-year extension of the subject variance approvals to commence construction.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the 1st day of February 2024 that the variance approvals, as stated herein, shall be extended for a period of one year from the date of the publication of the Resolution, to February 8, 2025.



George Shivas

On motion of: Mr. Morytko

Seconded by: Mr. McElroy

The vote on the Resolution was as follows:

AYES: Four (4): Mr. McElroy, Mr. Morytko, Mr. Smith, Chairman Shivas

NAYS: Zero (0)

ABSTAINING: Two (2): Mayor Rubenstein, Mr. Proctor

ABSENT: Three (3): Ms. Raffay, Mr. Serrilli, Mr. Walsh

I certify that the above Resolution is a true copy of a Resolution adopted by the Planning Board on April 4, 2024 and is in effect for one year.

Caitlin Phillips

**Caitlin Phillips, Planning Board
Secretary**

Dated: 04/05/2024

Prepared by: Alyse Landano Hubbard, Esq.

{369580.DOC.1}3

Byram Township Planning Board
Bills for April 18 2024

Harold Pellow	DATE	AMOUNT
Inv. 79648 Trader: meeting, review	2024.03.25	\$142.00
Inv. 79649 Turcios: report, review	2024.03.25	\$213.00
Inv. 79651 Fornarucci: inspect, review	2024.03.25	\$434.00
Inv. 79664 Byram Car Wash: meeting	2024.03.25	\$142.00
Inv. 79665 Brancaccio: memo, review	2024.03.25	\$213.00
Inv. 79653 Starbucks: review	2024.03.25	\$664.00
HP Total		\$1,808.00

Maraziti and Falcon	DATE	AMOUNT
Inv. 56498 Planning Board: communications, meeting, emails	4/4/2024	\$227.50
Inv. 56499 Carkhuff communications, review	4/4/2024	\$647.50
Inv. 56502 Tomahawk Lake: communications, review	4/4/2024	\$1,470.00
Inv. 56203 Grey: Communications, resolution	4/4/2024	\$17.50
Inv. 56504 Car Wash: review	4/4/2024	\$35.00
Inv. 56505 Stabucks: review, communications	4/4/2024	\$595.00
Inv. 56506 Rubenstein: review, communications	4/4/2024	\$297.50
Inv. 56507 Trader: communiations	4/4/2024	\$122.50
Inv. 565078 Turcios: review, resolution, communications	4/4/2024	\$665.00
Inv. 56509 Fornarucci review, resolution	4/4/2024	\$612.50
Inv. 56510 Brancaccio: review	4/4/2024	\$52.50
Maraziti Falcon total		\$4,742.50

GRAND TOTAL		\$6,550.50
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ZONING REPORT

(April 2024 for activity during March 2024)

Zoning Activity	March
ZP Approved	19
ZP Denied	1
ZP Not Required	0
ZP Var/Site Plan Waiver Compl.	3
ZP Change of Tenant Waiver	0

Investigation of Complaints	March
Property Maint./Zoning Complaints	
Complaints Received	12
Open Cases	9
Cases Cleared	3
Summonses Issued	0

	March
Signs removed from roadside	11



Nick Cutrone, Zoning and Code Enforcement Officer