

BYRAM TOWNSHIP PLANNING BOARD AGENDA
For Thursday, April 3 2025, 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 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.
4. **FLAG SALUTE**
5. **MEETING MINUTES-** March 20, 2025
6. **RESOLUTIONS**
SP1-2025 Lake Lackawanna Investment Company (Skot Koenig), 14 Reis Avenue, Block 364 Lot 8, R2 Zone
Application for hot dog cart on golf course
7. **STATUS UPDATE**
Z14-2024 Rupesh Patel (Kyosis LLC), 1 Catalina Drive, Block 337 Lot 9.14, R2 Zone
Application for new home construction
8. **NEW BUSINESS**
Z15-2024 Jennifer and Eric Schuffenhauer, 271 Lackawanna Drive, Block 344 Lot 2.03, R2 Zone
Application for garage, deck, relocation and proposal of driveways, rear yard storage of vehicles, and steep slope disturbance
9. **BILLS:** Harold Pellow (6): \$2,842.50 / Colliers (1): 1,080.00
10. **REPORTS FROM COMMITTEES**
Environmental Commission
Open Space
Township Council
11. **OPEN TO THE PUBLIC**
12. **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.

MEETING MINTUES OF THE BYRAM TOWNSHIP PLANNING BOARD: March 20 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, Proctor, McElroy, Morytko, Smith, Walsh, Chairman Shivas

Members Absent: Ms. Colligan

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

OPENING STATEMENT: Adequate notice of this meeting of the Byram Township Planning Board was given as required by the Open Public Meeting Act. A resolution indicating the time, date, and location of regular Board meetings for the year 2025 was forwarded to the Board's designated newspaper, and posted on the bulletin boards and main doors of the Municipal Building.

FLAG SALUTE: led by Chairman Shivas

MINUTES: March 6, 2025

Motion of Mayor Rubenstein to approve the minutes, second of Mr. McElroy.

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

Abstaining: Mr. Proctor, Mr. Smith

Absent: Ms. Colligan

None opposed. Motion carried.

SUBCOMMITTEE

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

Application for hot dog cart on golf course

Mr. Walsh said because there's no change to water movement, traffic circulation, landscaping, lighting, or signage, the Subcommittee found it appropriate to grant the site plan waiver. Mr. Stoner noted this was originally submitted as a variance application; he determined it was more appropriate for a site plan waiver, so it was modified. The application number should be updated to a waiver of site plan number. Ms. Hubbard confirmed this is a temporary structure. Mr. Stoner confirmed it's not permanent, and isn't an accessory structure. Ms. Lewandowski entered the meeting at this time.

Motion of Mr. Walsh to approve the site plan waiver request, second by Mr. McElroy.

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

Abstaining: Mayor Rubenstein

Absent: Ms. Colligan

None opposed. Motion carried.

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 they reviewed this at the last meeting, and needed more information to confirm the use, seating, and parking aren't changing. They're confirmed the seating is 88 spots, with a previous approval for 90. They're required to have 45 parking spots, which they do. Mr. Stoner said there is existing signage that doesn't meet current zoning standards, but it's pre-existing. They're not proposing to modify the sign, just change the artwork and name.

Motion of Mr. Walsh to approve the site plan waiver request, second by Mr. McElroy.

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

Abstaining: Mayor Rubenstein

Absent: Ms. Colligan

None opposed. Motion carried.

RESOLUTIONS

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

Ms. Hubbard noted the Subcommittee requested that language be added that states to accompany new ownership, the dimensions and location of the signage shall be consistent with the current signage and/or previously approved signage. Motion of Mr. Walsh to approve the resolution, second by Ms. Raffay.

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

Abstaining: Mayor Rubenstein

Absent: Ms. Colligan

None opposed. Motion carried.

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

Motion of Mr. McElroy to approve the resolution, second by Mr. Morytko.

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

Abstaining: Mr. Proctor, Mr. Smith

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

None opposed. Motion carried.

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

Resolution extension for new single-family home

Chairman Shivas noted they had an extension already. Motion of Mr. Proctor to approve the resolution, second by Mayor Rubenstein.

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

Absent: 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

Chairman Shivas noted they requested to be carried to 08/21/2025. Ms. Phillips noted they need to re-notice regardless, but this is for notification for anyone interested in this application. They needed more time to get the plans together and work with their professionals. They signed consent forms for extensions. Mr. Stoner noted this keeps the application open so they don't need to start over. Ms. Hubbard said they could dismiss this without prejudice and have them come back; she's not sure if there are significant changes. Ms. Raffay is concerned about the length of time. If there are a lot of other applications, it's not fair to take up spots for this. Mr. McElroy suggested extending this to the next meeting, and in the interim, ask the applicant to provide an explanation of the reasons why they're looking to extend to August. Are they making significant changes to the plans? Mayor Rubenstein said the applicant should come here to tell the Board.

Motion of Mr. McElroy to carry this to 04/03 and request the applicant to be at the next meeting to provide an explanation of the need for the extension and what the plans are for the application going forward, second by Mr. Proctor. Mr. Morytko confirmed they don't need to notice for this discussion. Ms. Raffay noted they need to show up, are not bringing plans, and there is no testimony. Ayes: Mss. Raffay, DeMagistris, Lewandowski, Messrs. Mayor Rubenstein, Proctor, McElroy, Morytko, Smith, Walsh, Chairman Shivas
Absent: Ms. Colligan
None opposed. Motion carried.

BILLS: Maraziti Falcon (7): \$3,584.00. A motion to approve the bills was made by Mr. Morytko, seconded by Mayor Rubenstein. All were in favor. Motion carried.

REPORTS FROM COMMITTEES

Environmental Commission- Mr. McElroy said there is a meeting next week.

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

Township Council- Mayor Rubenstein said Doris Flynn was appointed as deputy clerk. They passed the nuisance ordinance for noise. Elizabethtown Gas debated putting gas in Cranberry Lake. Messrs. Sabatini and Roseff went with Mayor Rubenstein to Trenton to meet with them and discuss. The company is worried about the cost after experiencing rock issues in Forest Lakes. They agreed to send a survey to residents of Cranberry Lake. Mayor Rubenstein reviewed the plans for gas in the town. They should be in Lackawanna by this fall. Mr. Proctor noted there have been no objections to the declaratory judgment. He visited a forum and can send the information to the Board.

OPEN TO THE PUBLIC

Chairman Shivas opened to the public. Mr. Ghazal thanked the Board for approving the waiver and resolution. He wants to work with the town and help those in need. They're hoping to open in about five weeks. Chairman Shivas closed to the public.

Chairman Shivas said the annual report is being worked on, and he needs the Board's comments for anything that may need to change. He would like to provide this to the Council by 04/01.

ADJOURNMENT

A motion to adjourn the meeting was made at 8:00 pm by Mr. McElroy, seconded by Mayor Rubenstein. All were in favor. Motion carried. The meeting was adjourned.

Submitted by Caitlin Phillips

Resolutions Approved at Previous Meeting

In the matter of Cocchi
Case No. Z23-2024
MF#5000.123

BYRAM TOWNSHIP
PLANNING BOARD
RESOLUTION OF MEMORIALIZATION

RELIEF GRANTED: **Front Yard Setback**
 Building Height - Stories
 Critical Disturbance of Steep Slopes
 Planning Variance – Private Roadway

WHEREAS, Donald Cocchi has applied to the Planning Board of Township of Byram seeking approval to construct a single-family home on the premises located at 8 Cub Lake Road, and known as Block 360, Lot 3 on the Tax Map of the Township of Byram which premises are in the “R-2” 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 of the subject property and is proposing to construct a single-family home, requiring the following relief from the Township’s Zoning Ordinance:

- a. Section 240-52-C(2) – Minimum Front Yard Setback: 100 feet required, 43.8 feet proposed
 - b. Section 240-52-C(7) – Maximum Height in Stories: 2½ stories permitted, 3 stories proposed
 - c. Section 240-29.2 – Disturbance of Critical Areas with a slope of greater than 25%
2. The construction of a single-family home on the subject property also requires a Planning Variance, pursuant to N.J.S.A. 40:55D-35, which states, in part:

No permit for the erection of any building or structure shall be issued unless the lot abuts a street giving access to such proposed building or structure. Such street shall have been duly placed on the official map or shall be (1) an existing State, county or municipal street or highway, or (2) a street shown upon a plan approved by the planning board, or (3) a street on a plat duly filed in the office of the county recording officer prior to the passage of an ordinance under this act or any prior law which required prior approval of plats by the governing body or other authorized body.

3. The Applicant submitted the following documents along with the Application for a Variance:
- a. Variance Plan prepared by Civil Engineering, Inc. dated October 28, 2024, consisting of four (4) sheets.
 - b. Architectural Plans, prepared by Professional Building Systems, Inc., dated September 26, 2024, revised October 9, 2024, consisting of eight (8) sheets.
 - c. Tax Map, prepared by Harold E. Pellow, PE, LS, dated June 2006, Sheet 7.01.

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- d. Sewage Disposal Permit granted by Sussex County Division of Health, dated November 7, 2024.
 - e. System Review of Individual Subsurface Sewage Disposal, filed with Sussex County Department of Health and Human Services, dated December 17, 2024.
 - f. Letter from Dolan and Dolan, PA, dated February 4, 2025, with Supplemental Submission.
 - g. Declaration of Deed Restriction, from Jacqueline F. McGowan and Donald T. Cocchi to Crepeau Contraction, LLC, dated May 24, 2006, recorded on July 1, 2006, in Book 3043, Page 219.
 - h. Access Easement and Driveway Maintenance Agreement of Property Owners, dated May 24, 2006, recorded on July 1, 2006, in Book 3043, Page 252.
 - i. Deed from Donald T. Cocchi and Jacqueline F. McGowan to Donald T. Cocchi, dated January 15, 2009.
 - j. Resolution of Findings and Conclusions, Application No. SB1-02, dated April 20, 2006, granting Major Preliminary and Final Subdivision approval.
 - k. Photos of the property, six (6) total.
4. The Board received a memorandum:
- a. Cory L. Stoner, P.E., P.P., Harold E. Pellow & Associates, Inc., the Planning Board Engineer, Engineering Review, dated January 30, 2025, revised February 7, 2025.

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- b. Cory L. Stoner, P.E., P.P., Harold E. Pellow & Associates, Inc., the Planning Board Engineer, Highlands Exemption Determination dated November 18, 2024.
 - c. Elaine Evers, Environmental Commission Secretary, Dated February 6, 2025.
5. The following documents were marked for identification at the public hearing:
- a. A-1 - Declaration of Deed Restriction, dated May 24, 2006.
 - b. A-2 – Colorized version of Variance Plan, Sheet 2, dated February 26 2025.
 - c. A-3 – Colorized Version of the Developable Area, portion of Sheet 4 of the Variance Plan, dated February 26, 2025.
6. A duly noticed public hearing was conducted on March 6, 2025, at which time Donald Cocchi, the Applicant and James G. Glasson, P.E., who was accepted as an expert engineer, presented sworn testimony in support of the application.
7. The subject property is a 1.56-acre, vacant lot that was created as part of a subdivision, approved April 20, 2006. At the time of the subdivision, the property was located in the R-3 Zone, and was conforming to the zoning requirements. Since then, the property has been rezoned to the R-2 zone and is now undersized as to lot area (minimum of 5 acres is required) and lot width (200 feet required, where 152 feet is existing). The property is located on Cub Lake Road, which is a private, partially unimproved roadway that crosses into Andover Township. The property has open space on both sides; the western property line borders Andover and the vacant land to the east is located in Byram.

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8. The property is sloped from east to west, with wetlands to the north and a conservation area that surrounds the wetlands. The conservation area was established by a New Jersey Department of Environmental Protection's Transition Area Waiver and Permits. The site conditions restrict development to the southern portion of the site. As part of the subdivision, a Declaration of Deed Restriction, and an Access Easement and Driveway Maintenance Agreement of Property Owners were executed and recorded. The Deed Restriction limits use of the northern portion of the property, establishing limits of the final transition areas and conservation easement area and the Agreement provides for the maintenance of Cub Lake Road.
9. As a result of the Deed Restriction, approximately one acre of the lot is undevelopable, leaving one half of an acre within the front yard setback on which to construct the home. The proposed dwelling will have a conforming rear yard setback and side yard setbacks, but is non-conforming as to the front yard setback, as the entire home is within the front yard setback. The proposed front yard setback will be 43.8 feet, where 100 feet is required.
10. The Applicant is proposing to construct a two-story, four (4) bedroom home, with a walk-out basement. The first floor will consist of a living room, family room, dining room, kitchen and half bathroom. The second floor will consist of four bedrooms, two bathrooms and a storage area/sitting room above the garage, with a small deck. There is a full basement under the home, with rough plumbing for a future bathroom, but the garage is built on slab. Due to the grading and topography of the property, the rear of the home will have three (3) stories, where

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only 2½ stories are permitted in the zone, requiring a variance. All façade heights are less than 40' and conforming in the zone.

11. The developable portion of the property, approximately 4,200 square feet, has a slope of 25% or more, requiring variance relief. The slopes were created when Cub Lake Road and the existing driveway on the property were constructed. The proposed dwelling will have a side entry from the garage, with 2 bay doors. The existing driveway will be reconstructed to work with the grading on the site. A small retaining wall is proposed in the rear of the home on the western side of the lot that will not exceed 4' in height.
12. A small 340 square foot deck is proposed in the rear. There is a landing from the front door and walkway to the driveway. The proposed impervious coverage will be 52,097 square feet, which is approximately half of what is permitted in the zone.
13. The Applicant obtained approval from the Sussex County Division of Health for a 4-bedroom septic. The property will be serviced by a well and existing underground electric. A drywell is proposed to collect all of the runoff from the roof and swales are proposed on both sides of the home to direct stormwater runoff around the dwelling toward the wetlands in the rear of the property.
14. The Applicant received a Soil Erosion and Sediment Control Certification from the Upper Delaware Soil Conservation District. There will be no soil importation as part of the construction, but the Applicant will import fill for the septic system. The Applicant shall comply with Chapter 210.5.b of the Township's Code that requires submission of a certification verifying that the soil is acceptable per New

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Jersey Department of Environmental Protection requirements set forth in N.J.A.C. 7:26D.

15. The property is located within the Highlands Preservation Area and the proposed improvements can be accomplished under Highlands Exemption #2, which permits the construction of a single-family dwelling, with less than 1 acre of disturbance and less than ¼ of an acre of impervious coverage.

16. Cub Lake Road is a private roadway that is maintained by a homeowner's association comprised of the property owners that front on the road. When maintenance is required, the Association establishes an assessment for each lot in equal parts. The Applicant testified that there are existing homes along Cub Lake Road in Byram and that the roadway is sufficient for emergency vehicle access, as required by N.J.S.A. 40:55D-35, which states that an improved street shall be adequate with respect to public health, safety and general welfare.

17. No one from the public was in attendance at this hearing.

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. The Board determined that the relief can be granted pursuant to N.J.S.A. 40:55D-70c from the following Sections of the municipal zoning ordinance:

- a. Section 240-52-C(2) – Minimum Front Yard Setback: 100 feet required, 43.8 feet approved.

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- b. Section 240-52-C(7) – Maximum Height in Stories: 2½ stories permitted, 3 stories approved.
 - c. Section 240-29.2 – Disturbance of Critical Areas with a slope of greater than 25% shall be permitted.
- 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 subject property is undersized as to lot area and lot width and constrained by the conservation area in the rear and the steep slopes, which create a hardship for the Applicant to construct a single-family home without variance relief. The house is conforming as to height in feet, but due to the topography of the lot, the rear of the home is 3 stories. Additionally, the conservation area limits the buildable lot area, forcing the construction to be within the front yard setback. The slopes on the property are manmade and construction within the buildable area is not possible without disturbing the slopes.
- 4. The Board determined that permitting the construction of the home would not result in a substantial detriment to the surrounding area, as the home is in a remote

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location, surrounded primarily by vacant land. The relief is not inconsistent with the Master Plan and the Zoning Scheme, as this property was conforming when the subdivision was approved that created the lot. The required relief is a result of the unique conditions on the site.

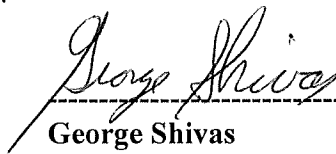
5. Additionally, the Board is satisfied that Cub Lake Road is sufficient for emergency vehicle access, as required by N.J.S.A. 40:55D-35, which states that an improved street shall be adequate with respect to public health, safety and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the 6th day of March, 2025 that the approval of the within application be granted subject, however, to the following conditions:

1. The Applicants shall comply with all the conditions and standards set forth in Section 240 of the Township's Ordinances. The Applicants 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 Applicants shall be bound to comply with the representations made before this Board by the Applicant, and his 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. Applicants shall pay all fees, costs, and escrows due or to become due. Any monies are to be paid within twenty (20) days of said request by the Board's Secretary.

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4. Applicants shall submit a Certificate that taxes are paid to date of approval to the Board Secretary.
5. Applicants shall obtain permits and approvals from the Township's Construction and Zoning Department prior to the commencement of work.
6. 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.
7. Applicant shall submit the Certification from the Upper Delaware Soil Conservation District for review by the Board's Engineer.
8. Applicant shall submit the final plan, prepared by Matrix Environmental and Geological Services that was approved by the New Jersey Department of Environmental Protection and referenced in the Declaration of Deed Restriction, for review and approval by the Board's Engineer.
9. Applicant shall submit an As-Built survey, subject to the approval of the Board Engineer, prior to the issuance of a Certificate of Occupancy.
10. Applicant shall comply with Section 210.5.B of the Township's Soil/Fill Ordinance.
11. Stormwater runoff shall be maintained on the property, continuing the current drainage pattern, and not directed onto an adjacent lot.
12. Applicant shall comply with Section 215.63 of the Township's Ordinance, Development Fees.


George Shivas

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On motion of: Mr. McElroy

Seconded by: Mr. Morytko

The vote on the Resolution was as follows:

AYES: Eight (8): Mayor Rubenstein, Mss. Raffay, Demagistris, Lewandowski; Messrs. McElroy, Morytko, Walsh, Chairman Shivas

NAYS: Zero (0)

ABSTAINING: Two (2): Messrs. Proctor and Smith

ABSENT: One (1): Ms. Colligan

I certify that the above Resolution is a true copy of a Resolution adopted by the Planning Board on March 20, 2025.

Caitlin Phillips

Caitlin Phillips, Planning Board Secretary

Dated: 03/21/2025

Prepared by: Alyse Landano Hubbard, Esq.

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In the matter of Fady Ghazal

Case No. WOSP1-2025

MF# 5000-127

BYRAM TOWNSHIP

PLANNING BOARD

RESOLUTION OF MEMORIALIZATION

RELIEF GRANTED:

Waiver of Site Plan

WHEREAS, Fady Ghazal, d/b/a Freddy's Bar and Grill has applied to the Planning Board of the Township of Byram for Waiver of Site Plan Approval to the renovation of the interior of the restaurant and a change of ownership for the existing premises located at 178 Lackawanna Drive and known as Block 265, Lot 287 on the Tax Map of the Township of Byram, which premises are in a "NC" Neighborhood Commercial 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 reviewed the matter after a report from the subcommittee has made the following factual findings:

1. Applicant is Fady Ghazal, doing business as Freddy's Bar & Grill. The Property is owned by Two Jersey Boys Real Estate Holding, LLC, who has consented to the

application. The Applicant is seeking a waiver of site plan to renovate the bar area, which will change the maximum seating capacity of the restaurant.

2. The Board received the following:
 - a. A complete application for Waiver of Site Plan Approval signed January 29, 2025, with attached documents.
 - b. Architectural Drawings, prepared by Fox Architectural Design, PC, dated January 15, 2025, revised January 16, 2025, consisting of two (2) sheets.
 - c. Proposed Improvement Plan, prepared by Douwe Dykstra, Dykstra Associates, dated November 5, 2008, revised November 7, 2008, consisting of one (1) sheet.
 - d. Resolution for WOSP5-2020, for BBG Restaurant, LLC dba Alibi Beach Bar & Grill, date August 6, 2020.
3. The Board received a memorandum from Cory Stoner, P.E., P.P., C.M.E., the Board's Engineer, dated February 27, 2025.
4. The application was discussed by the Waiver of Site Plan Committee on March 6, 2025. The operator of the site will be changing from the Alibi Beach Bar & Grill to Freddy's Bar & Grill. The Applicant is proposing to renovate the bar area, which will result in 20 seats. The restaurant will have a total 68 seats at tables throughout the various seating areas, for a total of 88 seats. The current parking configuration provides 45 parking stalls, which can accommodate 90 seats. The Applicant may not exceed the current parking provided on site.
5. The Applicant did not submit a sign plan for review and must replace the sign, in kind, or install a sign that is conforming to the Township's Ordinances.

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6. Pursuant to Section 215-55.B.(1), a change in use is exempt from site plan approval if the change would not involve any of the following:
- a. Any structural alteration to the exterior of the building.
 - b. Any anticipated increase in the number of parking spaces required by the use which cannot be accommodated by existing parking on site.
 - c. Any storm drainage installation or need for the same as may be determined by the Board Engineer.
 - d. Any increase in stormwater runoff which the Board Engineer determines cannot be dealt with by existing stormwater drainage facilities.
 - e. Any direction of stormwater runoff.
 - f. Any change in vehicular traffic circulation patterns within the site.
 - g. Any elimination or change in landscaping, buffering or lighting.
7. The Committee considered the plans submitted and the requirements per the ordinance and made a recommendation to the Board that the Waiver of Site Plan application be granted.

WHEREAS, the Board has determined that the relief requested by the Applicant is in accordance with the Ordinances of the Township of Byram relative to site plan waivers.

1. The Board finds that all of the requirements of the Township's Waiver of Site Plan Ordinance, as set forth in Section 215-55.B, have been met as follows:
- a. The interior renovations will not require or involve any structural alteration to the exterior of the building.

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- b. There will be no increase in the number of parking spaces, the parking demand for the use can be accommodated on site.
- c. No storm drainage installation nor the need for same will be required in connection with the interior renovations.
- d. There will be no increase in stormwater runoff which cannot be dealt with by existing stormwater drainage facilities.
- e. There will be no redirection of stormwater runoff.
- f. No change in vehicular traffic circulation pattern will take place as a result of the interior renovations.
- g. There will be no elimination or change in landscaping, buffering, or lighting.

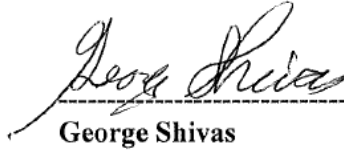
NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the 20th day of March, 2025 that the approval of the within application be granted subject, however, to the following conditions:

- 1. The Applicant shall pay all fees, sureties, and escrows required by ordinance.
- 2. The Applicant shall be bound to comply with the representations made in the application, by the Applicant, and the same are incorporated herein and are representations upon which the Board has relied 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 all prior resolutions of approval, which are not inconsistent with the approval granted herein.
- 4. There shall be no more than 88 seats in the restaurant; when outdoor seating is in use, the total occupancy for indoor and outdoor seating combined shall not exceed

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90 seats.

5. To accompany new ownership, the dimensions and location of the signage shall be consistent with the current signage and/or previously approved signage.


George Shivas

On motion of: Mr. Walsh

Seconded by: Ms. Raffay

The vote on the Resolution was as follows:

AYES: Nine (9): Mr. Proctor, Mr. McElroy, Ms. Raffay, Mr. Morytko, Mr. Smith, Mr. Walsh, Ms. Demagistris, Ms. Lewandowski, Chairman Shivas

NAYS: Zero (0)

ABSTAINING: One (1): Mayor Rubenstein

ABSENT: One (1): Ms. Colligan

I certify that the above Resolution is a true copy of a Resolution adopted by the Planning Board on March 20, 2025 and is in effect for one year.

Caitlin Phillips

Caitlin Phillips, Planning Board Secretary

Dated: 03/21/2025

Prepared by: Alyse Landano Hubbard, Esq.

{361230.DOCX.1}5

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 Applicants and having conducted a public hearing the subject application was approved; and

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

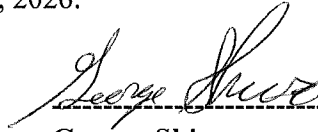
1. The Applicants are the owners of the subject property, and received Planning Board Approval to construct a single-family home, requiring variance relief from the following Sections of the Township's Zoning Ordinance:
 - a. Section 240-53.C(2) – Minimum Front Yard Setback: 75 feet is required, 38 feet 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 Applicants received an extension of the approval on February 1, 2024, which extended the approval to February 8, 2025, via Resolution adopted on April 4, 2024.
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. Via email on March 14, 2025, the Applicants requested another extension of the approval, stating that they are unable to complete the construction in the allotted time frame and that the additional time will allow for financial consideration and resource planning.

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6. Accordingly, the Applicants have requested another one-year extension of said approval.

WHEREAS, the Board determined that, based on the information provided, the Variance Approval shall expire on February 8, 2026 and the Applicants are 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 20th day of March, 2025 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, 2026.



George Shivas

On motion of: Mr. Proctor

Seconded by: Mayor Rubenstein

The vote on the Resolution was as follows:

AYES: Ten (10): Mayor Rubenstein, Mss. Raffay, Demagistris, Lewandowski; Messrs. Proctor, McElroy, Morytko, Smith, Walsh, Chairman Shivas

NAYS: Zero (0)

ABSTAINING: Zero (0)

ABSENT: One (1): Ms. Colligan

I certify that the above Resolution is a true copy of a Resolution adopted by the Planning Board on March 20, 2025 and is in effect for one year.

Caitlin Phillips

**Caitlin Phillips, Planning Board
Secretary**

Dated: 03/20/2025

Prepared by: Alyse Landano Hubbard, Esq.

{369580.DOC.1}3

Byram Township Planning Board Bills
April 3 2025

Harold Pellow	Date	Amount
Inv. 82659 Wawa: review	3/13/2025	\$ 120.00
Inv. 82661 Niec: meeting, reports	3/13/2025	\$ 833.75
Inv. 82663 Grabler: meeting	3/13/2025	\$ 290.00
Inv. 82665 Cocchi: Review	3/13/2025	\$ 300.00
Inv. 82666 Salt: meeting, review	3/13/2025	\$ 998.75
Inv. 82667 Ghazal: Review	3/13/2025	\$ 300.00
	3/13/2025	
Harold Pellow Total		\$ 2,842.50
Colliers	Date	Amount
Inv. 0001028491 Niec: review	2/27/2025	\$ 1,080.00
Colliers Total		\$ 1,080.00
Grant Total		\$ 3,922.50