

BYRAM TOWNSHIP PLANNING BOARD AGENDA
For Thursday, January 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. **REORGANIZATION:** Nomination of Vice-Chair
6. **COMMITTEE APPOINTMENTS:** Site Plan Subcommittee
7. **RESOLUTIONS**
 - Z28-2023 Sergey Tsukanov, 44 Strawberry Point, Block 320 Lot 14., R-5 Zone
Approval for sauna in side yard
 - 8. **MEETING MINUTES-** January 4, 2023
 - 9. **NEW BUSINESS**
 - Z16-2023 Barbara Krassner, 11 Pathfinder Trail, Block 115 Lot 6, R5 Zone
Approval for deck on an undersized lot
****CARRIED TO 02/01****
 - SP8-2023 Byram Car Wash, 56 Route 206, Block 365 Lot 1.01, VC Zone
Approval for replacement of vacuums and monument sign
****CARRIED TO 02/15****
 - Z26-2023 Alex Rubenstein, 2 and 8 Carpenter Road, Block 237 Lots 519, 521, 522, R3 Zone
Approval for minor subdivision, site plan for a single-family dwelling, and site plan construction of a new single-family dwelling
 - SP7-2023 Panther Lake RV, LLC, 6 Panther Lake Campground, Block 360 Lots 23, 24, 31, 31.10, and 31.11, CR Zone
Approval for changes to pool and patio area, including bathrooms, a pavilion, cabana facilities, expansion of patio, and enhancements to lighting and landscaping
10. **EXTENSION REQUEST**
 - Z08-2022 Jose Quinones, 187 Lackawanna Drive, Block 264 Lot 280, R-5 Zone
Extension request for construction of a deck
11. **REPORTS FROM COMMITTEES**
 - Architectural Review Committee
 - Environmental Commission
 - Open Space
 - Township Council
 - Zoning Report
12. **OPEN TO THE PUBLIC**
13. **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.

Resolutions Approved at Previous Meeting

In the matter of Paul Kane
Case No. Z21-2023
MF#5000.090

BYRAM TOWNSHIP

PLANNING BOARD

RESOLUTION OF MEMORIALIZATION

RELIEF GRANTED:

- ° Expansion of Width of Driveway at Right-of-Way
- ° Grade of Residential Driveway more than 4% within 25 feet of the Dwelling
- ° Driveway Grade greater than 15%
- ° Grade of Residential Driveway more than 2% within 20 feet of the Right-of-Way.

WHEREAS, Paul Kane has applied to the Planning Board, Township of Byram seeking approval to expand the driveway for premises located at 3 Sandys Road, and known as Block 404, Lot 32 on the Tax Map of the Township of Byram which premises are in a “R-5” 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:

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1. The Applicant is the owner and occupant of the subject property. The Applicant is proposing to expand the width of the driveway, requiring the following relief from the Township's Zoning Ordinance:
 - a. Section 240-40B(2) – No driveway shall exceed a grade of 15%
 - b. Section 240-40B(3) – Within 25 feet of a residential dwelling, no driveway shall exceed a grade of 4%
 - c. Section 240-40B(4) – Within 20 feet of the right-of-way, no driveway shall exceed a grade of 2%
 - d. Section 240-40B(5) – Dimension of Driveway width shall be a minimum of 12 feet and a maximum of 13 feet
2. The Applicant submitted the following documents, along with the Application for a Variance:
 - a. Survey of Property, prepared by Teunisen Surveying & Planning Co., Inc, dated December 19, 1989.
 - b. Map of Property, prepared by DMC Associates, Inc., Land Surveyors, dated June 11, 1964, marked up by the Applicant, indicating a second driveway.
 - c. Driveway Extension, narrative with marked up survey, prepared by the Applicant, undated.
 - d. Portion of Survey marked up with dimensions, prepared by the Applicant, undated.
 - e. Tax Map, Sheet 7.06, prepared by Harold E. Pellow, revised through February 2019.
3. The Board received a memorandum from

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- a. Cory L. Stoner, P.E., P.P., the Planning Board Engineer, dated December 14, 2023.
4. The following were marked for identification:
 - a. B-1- Google Street view of the property, submitted by Mike Walsh during the hearing.
5. A duly noticed public hearing was conducted on December 21, 2023, at which time Paul Kane presented sworn testimony in support of the application. The subject property is a rectangular shaped lot, consisting of a bi-level frame dwelling, a driveway and landscaping beds that are framed with railroad tie walls. The property is non-conforming as to minimum front yard setback, minimum side yard setback and maximum lot disturbance. The house is situated within the front half of the property, approximately 35 feet from the lot line.
6. The Applicant is proposing to remove the railroad tie wall and landscaping and expand the width of the driveway by approximately 13 feet. The property slopes from the house to the roadway, which results in grades that exceed the permitted driveway grade per the Township's Ordinance. The existing driveway grade is in excess of the permitted driveway grade, the expansion will expand the existing grade for the proposed width of the driveway.
7. The proposal includes the construction of a Belgium Block retaining wall approximately 14 feet across the expanded portion of the driveway and approximately 50 feet to the roadway.
8. The Applicant testified that his family has four (4) vehicles and currently has to "jockey" the cars to access the driveway. The application included the construction

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- of a second driveway on the adjacent vacant lot that is owned by the Applicant. However, the application was amended to remove the second driveway. The proposed expansion will provide sufficient off-street parking and reduce the need to jockey the family vehicles.
9. The property is uniquely situated, as Sandys Road takes a 90 turn before approaching the subject property. Sandys Road is narrow and on-street parking is limited. The grade of the driveway makes it difficult to park vehicles during inclement weather. The additional width will alleviate the situation.
 10. The proposed driveway will be consistent with the neighborhood.
 11. No one from the public was in attendance for the 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. Relief can be granted pursuant to N.J.S.A. 40:55D-70C from the following Sections of the municipal zoning ordinance:
 - a. Section 240-40B(2) – No driveway shall exceed a grade of 15%; the existing and expanded driveway grade is approved in excess of 15%.
 - b. Section 240-40B(3) – Within 25 feet of a residential dwelling, no driveway shall exceed a grade of 4%; the existing and proposed grade of the driveway within 25 feet of the dwelling is approved in excess of 4%.

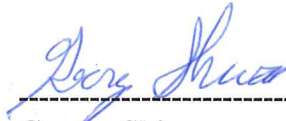
- c. Section 240-40B(4) – Within 20 feet of the right-of-way, no driveway shall exceed a grade of 2%; the existing and proposed grade of the driveway within 20 feet of the right-of-way is approved in excess of 2%.
 - d. Section 240-40B(5) – Dimension of Driveway width shall be a minimum of 12 feet and a maximum of 13 feet; the proposed driveway is approved with a width that will be approximately 13 feet in addition to the driveway width that currently exists.
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 located near the curve of Sandys Road with limited on-street parking. The property is sloped toward the street and the proposed driveway grades are consistent with the existing grades. The additional driveway width will provide sufficient space for 4 vehicles to park off the street. The proposed driveway is consistent with the driveways in the neighborhood. Accordingly, the Board determined that the relief granted was not inconsistent with the Zone Scheme or the Master Plan.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the 21st day of December, 2023 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.
2. 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.
3. The Applicant shall be bound to comply with the representations made before the Board at the public hearing, which are incorporated herein and were relied upon by the Board when granting this approval. Same shall be enforceable as if they were conditions of approval.
4. The Applicant shall comply with the reports submitted by the Township's Professionals and Commissions.
5. The property shall be staked by a licensed surveyor prior to the start of construction to ensure that all construction activities related to the driveway and retaining wall are within the Applicant's property.
6. The Board Engineer shall inspect the staked driveway prior to the start of construction, including grading and cutting into the soil.
7. The driveway must be paved per Section 240-40B(1) of the Township's Ordinance.
8. Payment of all fees, costs, and escrows due shall be paid within twenty (20) days of said request by the Board's Secretary.

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9. Pursuant to Section 45-23 of the Township's Ordinances, the variance granted herein shall expire in one year unless construction has commenced.



George Shivas

On motion of: Mayor Rubenstein

Seconded by: Mr. Morytko

The vote on the Resolution was as follows:

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

NAYS: Zero (0)

ABSTAINING: Two (2): Mr. Proctor, Mr. Smith

ABSENT: Two (2): Ms. Raffay, Mr. Serrilli

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

Caitlin Phillips

**Caitlin Phillips, Planning Board
Secretary**

Dated: 01/05/2024

Prepared by: Alyse Landano Hubbard, Esq.

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**BYRAM TOWNSHIP
PLANNING BOARD
RESOLUTION AUTHORIZING CONTRACT
FOR PROFESSIONAL LEGAL SERVICES**

WHEREAS, the Township of Byram has a need to retain the services of an Attorney to provide legal counsel to the Board for the calendar year 2024 (the Legal Services); and

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-24, authorizes the Board to contract for the services of and fix the compensations of its legal counsel, subject to the appropriation of funds by the governing body; and

WHEREAS, Alyse Landano Hubbard, Esq. of Maraziti Falcon, LLP, has submitted a proposal, dated December 7, 2023, indicating that they will provide Legal Services at a rate of \$175.00 per hour, not to exceed \$17,500, subject to the terms and conditions set forth attached proposal; and

WHEREAS, Alyse Landano Hubbard, Esq. of the law firm of Maraziti Falcon, LLP has completed and submitted a Business Entity Disclosure Certification that they will not make any reportable contributions to any political candidate or candidate committee and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contract Law, N.J.S.A. 40A:11-1, et seq. requires that the resolution authorizing the award of contracts for Professional Services without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, the Chief Financial Officer of the Township of Byram has certified that funds are available for this contract.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the 4th day of January 2024 that as follows:

1. The Chairman and Secretary of the Planning Board are hereby authorized and directed to execute the attached agreement with the law firm of Maraziti Falcon.
2. This Contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5(a)(a) of the Local Public Contracts Law because Alyse Landano Hubbard, of Maraziti Falcon, LLP, has served as the Board Attorney for a number of years and have special knowledge that is particularly valuable to the Board.

BE IT FURTHER RESOLVED that notice of this action shall be printed once in the official newspaper of the Township of Byram as required by law and this Resolution shall take effect immediately.



George Shivas

On motion of: Mr. Morytko

Seconded by: Mr. McElroy

The vote on the Resolution was as follows:

All in Favor: Mayor Rubenstein, Mr. Proctor, Mr. McElroy, Mr. Morytko, Mr. Smith, Mr. Walsh, Chairman Shivas

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

Caitlin Phillips

**Caitlin Phillips, Planning Board
Secretary**

Dated: 01/05/2023

Prepared by: Alyse Landano Hubbard, Esq.

**BYRAM TOWNSHIP
PLANNING BOARD
RESOLUTION AUTHORIZING CONTRACT
FOR PROFESSIONAL ENGINEERING SERVICES**

WHEREAS, the Planning Board of Township of Byram has a need to retain the services of a professional engineering for the calendar year 2024 (the Engineering Services); and

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-24, authorizes the Board to contract for the services of and fix the compensations of its engineer, subject to the appropriation of funds by the governing body; and

WHEREAS, Cory Stoner, P.E., of Harold E. Pellow and Associates, Inc., has submitted a proposal, dated November 20, 2023, indicating that they will provide Engineering Services at a rate of \$142.00 per hour, not to exceed \$17,500, subject to the terms and conditions set forth attached proposal; and

WHEREAS, Cory Stoner, P.E. has completed and submitted a Business Entity Disclosure Certification that they will not make any reportable contributions to any political candidate or candidate committee and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contract Law, N.J.S.A. 40A:11-1, et seq. requires that the resolution authorizing the award of contracts for Professional Services without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, the Chief Financial Officer of the Township of Byram has certified that funds are available for this contract.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the 4th day of January 2024 that as follows:

1. The Chairman and Secretary of the Planning Board are hereby authorized and directed to execute the attached agreement with the Harold E. Pellow and Associates, Inc.
2. This Contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S. 40A:11-5(1)(a)(i) of the Local Public Contracts Law because Harold E. Pellow and Associates, Inc. have served as the Board Engineer for a number of years and have special knowledge that is particularly valuable to the Board.

BE IT FURTHER RESOLVED that notice of this action shall be printed once in the official newspaper of the Township of Byram as required by law and this Resolution shall take effect immediately.


George Shivas

On motion of: Mr. Morytko

Seconded by: Mr. McElroy

The vote on the Resolution was as follows:

All in Favor: Mayor Rubenstein, Mr. Proctor, Mr. McElroy, Mr. Morytko, Mr. Smith, Mr. Walsh, Chairman Shivas

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

Caitlin Phillips

**Caitlin Phillips, Planning Board
Secretary**

Dated: 01/05/2024

Prepared by: Alyse Landano Hubbard, Esq.

**BYRAM TOWNSHIP
PLANNING BOARD
RESOLUTION AUTHORIZING CONTRACT
FOR PROFESSIONAL PLANNING SERVICES**

WHEREAS, the Township of Byram has a need to retain the services of an Attorney to provide planning service to the Board for the calendar year 2024 (the Planning Services); and

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-24, authorizes the Board to contract for the services of and fix the compensations of its planner, subject to the appropriation of funds by the governing body; and

WHEREAS, Paul Gleitz, P.P., of Latini and Gleitz Planning, has submitted a proposal, dated November 28, 2023, indicating that they will provide Planning Services at a rate of \$180.00 per hour, not to exceed \$17,500, subject to the terms and conditions set forth attached proposal; and

WHEREAS, Paul Gleitz, P.P. of Latini & Gleitz Planning has completed and submitted a Business Entity Disclosure Certification that they will not make any reportable contributions to any political candidate or candidate committee and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contract Law, N.J.S.A. 40A:11-1, et seq. requires that the resolution authorizing the award of contracts for Professional Services without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, the Chief Financial Officer of the Township of Byram has certified that funds are available for this contract.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the 4th day of January 2024 that as follows:

1. The Chairman and Secretary of the Planning Board are hereby authorized and directed to execute the attached agreement with the Latini & Gleitz Planning.
2. This Contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5(a)(a) of the Local Public Contracts Law because the Latini & Gleitz Planning have served as the Board Planner for a number of years and have special knowledge that is particularly valuable to the Board.

BE IT FURTHER RESOLVED that notice of this action shall be printed once in the official newspaper of the Township of Byram as required by law and this Resolution shall take effect immediately.



George Shivas

On motion of: Mr. Morytko

Seconded by: Mr. McElroy

The vote on the Resolution was as follows:

All in Favor: Mayor Rubenstein, Mr. Proctor, Mr. McElroy, Mr. Morytko, Mr. Smith, Mr. Walsh, Chairman Shivas

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

Caitlin Phillips

**Caitlin Phillips, Planning Board
Secretary**

Dated: 01/05/2024

Prepared by: Alyse Landano Hubbard, Esq.

**BYRAM TOWNSHIP
PLANNING BOARD
RESOLUTION OF MEMORIALIZATION
ADOPTING RULES OF PROCEDURES
OF THE PLANNING BOARD**

WHEREAS, Section 40:55D-8 of the Municipal Land Use Law, states the following:

Every municipal agency shall adopt and may amend reasonable rules and regulations, not inconsistent with this act or with any applicable ordinance, for the administration of its functions, powers and duties and shall furnish a copy thereof to any person upon request and may charge a reasonable fee for such copy. Copies of all such rules and regulations and amendments thereto shall be maintained in the office of the administrative office; and

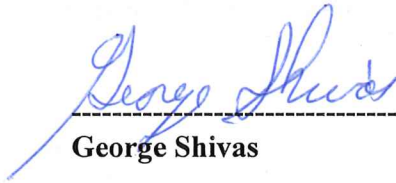
WHEREAS, the Planning Board has reviewed the Model Rules and Regulations for a Planning Board (Model Rules), as set forth in Appendix III of *New Jersey Zoning & Land Use Administration*, William M. Cox & Stuart R. Koenig, Revised and Updated by Jonathan E. Drill & Lisa A. John-Basta, Gann Law, 2021 Edition at a public hearing held on March 3, 2022; and

WHEREAS, the Planning Board made minor modifications to the Model Rules and approved same as the Township of Byram, Planning Board, Rules of Procedure (“Rules of Procedure”); and

WHEREAS, the Planning Board has reviewed the Rules of Procedure, is satisfied with the Rules of Procedure, and has adopted same.

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NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the 4th day of January, 2024 that the Planning Board Rules of Procedures are hereby adopted and this Resolution shall take effect immediately. The Rules of Procedures shall be available to any person, a reasonable fee may be charged for a copy, and they shall be maintained in the administrative office of the Planning Board Secretary.



George Shivas

On motion of: Mr. Morytko

Seconded by: Mr. McElroy

The vote on the Resolution was as follows:

All in Favor: Mayor Rubenstein, Mr. Proctor, Mr. McElroy, Mr. Morytko, Mr. Smith, Mr. Walsh, Chairman Shivas

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

Caitlin Phillips

**Caitlin Phillips, Planning Board
Secretary**

Dated: 01/05/2024

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Prepared by: Alyse Landano Hubbard, Esq.

**BYRAM TOWNSHIP
PLANNING BOARD
RESOLUTION FOR DESIGNATION OF
NEWSPAPER FOR NOTICES**

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. requires that adequate notice be provided for all public bodies; and

WHEREAS, Municipal Land Use Law (MLUL), N.J.S.A. 40:55d et seq. requires that a brief notice of all decisions of a planning board be noticed in the official newspaper of the municipality; and

WHEREAS, per the MLUL, the Planning Board is required to select a public place for the posting of notices for all regular and special meetings.

NOW, THEREFORE, BE IT RESOLVED, that the public place for the posting of notices of all regular and special meetings of the Planning Board be the bulletin board for the calendar year 2024, located within the Municipal Building at 10 Mansfield Drive, Stanhope, New Jersey, and

BE IT FURTHER RESOLVED that all notices of the meetings of the Board be furnished to, and published as required and all decisions be published in the following newspapers:

1. New Jersey Herald
2. Sunday Herald


George Shivas

On motion of: Mr. Morytko

Seconded by: Mr. McElroy

The vote on the Resolution was as follows:

All in Favor: Mayor Rubenstein, Mr. Proctor, Mr. McElroy, Mr. Morytko, Mr. Smith, Mr. Walsh,
Chairman Shivas

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

Caitlin Phillips

**Caitlin Phillips, Planning Board
Secretary**

Dated: 01/05/2024

Prepared by: Alyse Landano Hubbard, Esq.

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**BYRAM TOWNSHIP
PLANNING BOARD
RESOLUTION
APPOINTING CAITLIN PHILLIPS AS
SECRETARY OF THE PLANNING BOARD**

WHEREAS, the Planning Board has a need to appoint a secretary for the year of 2024; and

WHEREAS, Section 40:55D-24 of the Municipal Land Use Law, authorizes the Board to employ or contract for and fix compensation for experts and staff as deemed necessary; and

WHEREAS, Section 45-6 of the Township's Ordinances authorizes the Planning Board to select a Secretary, who may be a member of the Planning board or a municipal employee designated by the Board;

WHEREAS, the Planning Board hereby selects Caitlin Phillips as the Secretary of the Board; and

WHEREAS, pursuant to Section 215-4 of the Township's Ordinances, the Secretary is hereby designated as the Administrative Officer for the purpose of receiving applications for development and all other procedures and applications before the Planning board.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the 4th day of January 2024 that Caitlin Phillips is appointed as the Secretary of the Planning Board and this Resolution shall take effect immediately.



George Shivas

On motion of: Mr. Morytko

Seconded by: Mr. Morytko

The vote on the Resolution was as follows:

All in Favor: Mayor Rubenstein, Mr. Proctor, Mr. McElroy, Mr. Morytko, Mr. Smith, Mr. Walsh,
Chairman Shivas

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

Caitlin Phillips

**Caitlin Phillips, Planning Board
Secretary**

Dated: 01/05/2024

Prepared by: Alyse Landano Hubbard, Esq.

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MEETING MINTUES OF THE BYRAM TOWNSHIP PLANNING BOARD: January 4, 2024

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

ROLL CALL:

Members Present: Mayor Rubenstein, Messrs. Proctor, McElroy, Morytko, Smith, Walsh, and Chairman Shivas

Members Absent: Ms. Raffay, Mr. Serrilli

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

OATHS OF OFFICE

Messrs. Smith, Morytko, and Stoner took their oaths of office, led by Ms. Hubbard.

REORGANIZATION:

Nomination and Appointment of Chairman: Mr. Walsh nominated George Shivas for the position of Chairman, seconded by Mr. McElroy. There were no other nominations. Mr. Walsh motioned to close the nomination, seconded by Mr. McElroy.

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

Absent: Ms. Raffay, Mr. Serrilli

Nomination and Appointment of Vice-Chairman: Mayor Rubenstein motioned to table this vote, seconded by Mr. Walsh.

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

Absent: Ms. Raffay, Mr. Serrilli

Ms. Hubbard said they can approve the resolutions together in one vote. Mr. Morytko motioned to approve the below listed resolutions related to reorganization, seconded by Mr. McElroy:

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

Absent: Ms. Raffay, Mr. Serrilli

None opposed. Motion carried.

Resolution PB1-2024 Annual Notice of the Calendar Dates of the Scheduled Regular Meetings of the Byram Township Planning Board

Resolution PB2-2024 Authorizing Contract for Professional Legal Services

Resolution PB3-2024 Authorizing Contract for Professional Engineering Services

Resolution PB4-2024 Authorizing Contract for Professional Planning Services

Resolution PB5-2024 Appointing Secretary of the Board

Resolution PB6-2024 Designation of Newspaper for Notices

Resolution PB7-2024 Adopting Rules of Procedures of the Planning Board
Rules and regulations for the Board

COMMITTEE APPOINTMENTS

Chairman Shivas said they'll be moving this item to next meeting's agenda.

MINUTES: December 21 2023. Mr. McElroy motioned to approve the minutes, seconded by Mr. Morytko.

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

Abstaining: Mr. Proctor, Mr. Smith

Absent: Ms. Raffay, Mr. Serrilli

None opposed. Motion carried.

RESOLUTIONS

Z21-2023 Paul and Theresa Kane, 3 Sandys Road, Block 404 Lot 32, R-5 Zone

Approval for expansion of driveway

Mayor Rubenstein motioned to approve the resolution, seconded by Mr. Morytko.

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

Abstaining: Mr. Proctor, Mr. Smith

Absent: Ms. Raffay, Mr. Serrilli

None opposed. Motion carried.

NEW BUSINESS

Z16-2023 Barbara Krassner, 11 Pathfinder Trail, Block 115 Lot 6, R5 Zone

Approval for deck on an undersized lot

Mr. Proctor motioned to carry the application to 01/18/2024 with proper noticing, seconded by Mr. Smith.

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

Absent: Ms. Raffay, Mr. Serrilli

None opposed. Motion carried.

Z26-2023 Alex Rubenstein, 2 and 8 Carpenter Road, Block 237 Lots 519, 521, 522, R3 Zone

Approval for minor subdivision, site plan for a single-family dwelling, and site plan construction of a new single-family dwelling

Mr. Walsh motioned to carry the application to 01/18/2024, seconded by Mr. Smith.

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

Abstaining: Mayor Rubenstein

Absent: Ms. Raffay, Mr. Serrilli

None opposed. Motion carried.

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

Approval for replacement of vacuums and monument sign

Mr. Proctor motioned to carry the application to 01/18/2024, seconded by Mr. Walsh.

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

Absent: Ms. Raffay, Mr. Serrilli

None opposed. Motion carried.

SP7-2023 Panther Lake RV, LLC, 6 Panther Lake Campground, Block 360 Lots 23, 24, 31, 31.10, and 31.11, CR Zone

Approval for changes to pool and patio area, including bathrooms, a pavilion, cabana facilities, expansion of patio, and enhancements to lighting and landscaping

Mr. Proctor motioned to carry the application to 01/18/2024, seconded by Mr. Morytko.

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

Absent: Ms. Raffay, Mr. Serrilli

None opposed. Motion carried.

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

Application for amended site plan approval to include Lots 3 and 4 into the site plan for parking, and modify a ticket office for larger square footage

Mr. Proctor motioned to carry the application to 02/15/2024 with proper noticing, seconded by Mr. McElroy.

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

Absent: Ms. Raffay, Mr. Serrilli

None opposed. Motion carried.

Z25-2023 Ryan Tiernan, 11 Ranger Trail, Block 300 Lot 2345, R5 Zone

Approval for ex post facto work on driveway

Mr. Proctor motioned to carry the application to 02/15/2024 with noticing, seconded by Mr. Morytko.

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

Absent: Ms. Raffay, Mr. Serrilli

None opposed. Motion carried.

Z28-2023 Sergey Tsukanov, 44 Strawberry Point, Block 320 Lot 14., R-5 Zone

Approval for sauna in side yard

Sergey Tsukanov was sworn in, in Secaucus NJ. They're looking to put in a sauna, and need a variance because it's located 3 feet from the side yard. Mr. Stoner noted the drawings say the setback is 2 feet. Ms. Hubbard said he applied for 2 feet and the noticing was for 2 feet. Chairman Shivas said the zoning table of the application indicates 3 feet. He said they'll correct the paperwork to 2 feet. He confirmed Mr. Tsukanov can maintain the side of the sauna without going on the neighbor's property. Ms. Hubbard asked why the sauna couldn't be located anywhere else. Mr. Tsukanov said the lot is irregularly shaped and the proposed area is on a hill. The majority of the lot has a septic field. Mr. Stoner said the back of the property drops off. He added this was an application in 2019 where the previous owner disturbed steep slopes, and the back property which was wooded was clear-cut for the septic system. They came to the Board for a variance for disturbance of steep slopes. The proposed fence is marked on the survey in orange, and the part of the fence already constructed is marked in blue. Mr. Stoner noted there are also evergreen trees along the property line that would buffer the sauna. Mr. Tsukanov said the proposed fence was approved through a zoning permit in October. Mr. Stoner said the part of the fence that was previously proposed by the prior owner in 2019 wasn't installed because the evergreen trees would have needed to be removed. There was also a rock outcropping where they couldn't get the fencing in. Mr. Tsukanov said tree removal wasn't

mentioned as part of the zoning permit. The fence is not up yet and he will not be removing any of the trees. Mr. Stoner noted there's a laid-up stone wall. He confirmed the fence will be 6 feet tall. The Board discussed if the fence was in the front yard. Mr. Smith said from the pictures it doesn't look to cross to the front of the house. Mr. Proctor asked if the fence is relevant to the Board application if it was approved by the zoning permit. Mr. McElroy said they could make a condition of approval that there's confirmation of the zoning permit approval. Mr. Stoner noted his concern is wherever the fence is placed, the applicant doesn't take trees down, and that the tree-line is maintained. He doesn't think the way the fence is proposed will be how it's put up, because it will need to be behind the tree line which is likely on the property line. The Board noted if he moves the fence in, away from the trees, the sauna will also need to be moved to provide room for maintenance. Mayor Rubenstein asked why Mr. Tsukanov wants the sauna 10 feet from the house; he said he doesn't, but didn't want to add another variance. The Board discussed ways to adjust the placement, bringing the sauna closer to the house and bringing the fence in more on his property. Mr. Tsukanov noted he doesn't want it too close to the house because it would then obstruct the view. Mr. McElroy said they can have it be a minimum of 5 feet from the house to give the applicant room to adjust the placement, and a minimum of 2 feet from the fence. Mr. Stoner said before the fence is constructed, the applicant should stake the property line and have Mr. Stoner review it. Mr. Smith noted on the survey markup, the sauna looks to be close to the front yard. Mr. Stoner said the Board could make an interpretation that due to the odd configuration of the lot, it could be considered a side yard. Mr. Stoner reviewed the setbacks. Mayor Rubenstein noted he doesn't have a problem with the location of the sauna, but noted they could also grant it in the front yard in the resolution. The question is if it's in the front yard setback even though it's in the side yard. Mr. Walsh said he would be comfortable with an interpretation that it's in the side yard, so it's not subject to the front yard setback.

Mr. McElroy asked if the sauna runs on electricity, how much noise it makes, and what are the operational impacts. Mr. Tsukanov said there's an electric heater inside the sauna, with 6KW of power, which heats up to about 180 degrees in an hour, and doesn't make any noise. Mr. Walsh noted in a previous application for this property, the left side was cleared, and it was supposed to be replanted. His concern is the back left side where it flows to the lake. Mr. Stoner said he can look at it again for this application. Mr. Tsukanov said he hasn't seen any erosion problems. Ms. Hubbard confirmed he doesn't live in the house, it's mainly used like a summer home for him. Mr. McElroy asked how the sauna is secured. Mr. Tsukanov said there will be packed gravel with concrete pavers, and the sauna sits on a wooden item. Mr. Proctor confirmed he will probably do some kind of path leading to the sauna. Chairman Shivas asked if there's any water connected. Mr. Tsukanov said no; it's hot, dry steam with an electrical heater and stones. Mr. Proctor asked Mr. Stoner if there's a concern about the fence posts killing any trees. Mr. Stoner said he wouldn't worry about it, since the fence will likely need to be moved away from the trees. Chairman Shivas said the fence needs to bend towards Mr. Tsukanov's property if it needs to be adjusted. Mr. Stoner said he needs to go around his septic system; the white tube sticking up is part of it. The Board discussed the septic system. Mayor Rubenstein said it looks far away from the sauna. He confirmed they're amending the application to reflect 2ft instead of 3; they're adding a variance for the distance to the primary structure with a minimum of 5 feet from the house and 2 feet from the fence; the applicant needs to stake the property line; and they've concluded this is not in the front yard. Mr. McElroy noted they should confirm there's a zoning permit for a fence. Mr. Stoner said the fence would act as a buffer. Mayor Rubenstein confirmed Mr. Tsukanov is planning to finish the fence, and that they could say the sauna can't go in until the fence is installed.

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

Mr. Proctor motioned to approve the application with the list of conditions, seconded by Mr. Smith.

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

Absent: Ms. Raffay, Mr. Serrilli

None opposed. Motion carried. Ms. Hubbard explained the appeal period.

REPORTS FROM COMMITTEES

Architectural Review Committee: Mr. Morytko said there's been no meeting.

Environmental Commission: Mr. McElroy said there's been no new meeting.

Open Space: Mr. Morytko said their reorganization is in February.

Township Council: Mayor Rubenstein said they had their reorganization meeting. They're going to replace the playground at CO Johnson Park with a Completely Inclusive Playground (CIP). They're applying for a grant with Green Acres funding. They'll be discussing this at three public meetings, including the next Council meeting, a special Council meeting, and the Recreation meeting next week. Part of the grant application is showing public outreach and comment. Mr. Proctor added they decided to move forward with the purchase of a fire truck, and they appointed people. Mr. McElroy said the playground is a good idea because it includes adults and grandparents as well as kids, to provide better access.

OPEN TO THE PUBLIC

Chairman Shivas opened and closed to the public.

ADJOURNMENT

A motion to adjourn the meeting was made at 8:20pm by Mr. McElroy, seconded by Mr. Proctor. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted by Caitlin Phillips

Re: Extension Request



Jose Quinones <louielouiouie64@gmail.com>

To: Caitlin Phillips

 You forwarded this message on 1/18/2024 10:24 AM.

Good morning do the fact the I'm doing this project my self and I do have a regular job time was the factor my apologies to the board and inspector thank you

Sent from my iPhone

> On Jan 18, 2024, at 8:35 AM, Caitlin Phillips <cphillips@byramtwp.org> wrote:

>

> Good morning,

>

> The Board attorney asked you to provide a justification for the extension request, such as being unable to get permits/approvals, timing on contractors, finances, etc.

>

> Thank you!

>

> All the best,

> Caitlin Phillips

> Land Use Technical Assistant

> 973-347-2500 ext. 132

>

>

> -----Original Message-----

> From: Jose Quinones <louielouiouie64@gmail.com>

> Sent: Wednesday, January 17, 2024 1:49 PM

> To: Caitlin Phillips <cphillips@byramtwp.org>

> Subject:

>

>

>

> Sent from my iPhone Caitlin ,nick and member of the zoning department Jose Quinones 187 Lackawanna dr requesting extension for the resolutions for existing patio and new deck construction. Thank you

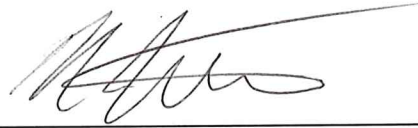
ZONING REPORT

(January 2024 for activity during December 2023)

Zoning Activity	Dec
ZP Approved	11
ZP Denied	1
ZP Not Required	0
ZP Var/Site Plan Waiver Compl.	0
ZP Change of Tenant Waiver	0

Investigation of Complaints	Dec
Property Maint./Zoning Complaints	
Complaints Received	15
Open Cases	9
Cases Cleared	6
Summonses Issued	0

	Dec
Signs removed from roadside	0



Nick Cutrone, Zoning and Code Enforcement Officer