

BYRAM TOWNSHIP PLANNING BOARD AGENDA
For Thursday, January 4 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. **OATHS OF OFFICE**

Board Members: John Morytko, Gregory Smith

Professionals: Cory Stoner, Paul Gleitz

6. **REORGANIZATION**

Nomination of Chair

Nomination of Vice-Chair

Nomination of Attorney

Nomination of Engineer

Nomination of Planning Consultant

Nomination of Secretary/Administrative Officer

Nomination of Newspaper

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

7. **COMMITTEE APPOINTMENTS**

Site Plan Subcommittee

Master Plan Subcommittee

8. **MEETING MINUTES-** December 21, 2023

9. **RESOLUTIONS**

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

Approval for expansion of driveway and addition of second driveway

10. NEW BUSINESS

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

Approval for deck on an undersized lot

****CARRIED TO 01/18/2024****

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

****CARRIED TO 01/18/2024****

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 01/18/2024****

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

****CARRIED TO 01/18/2024****

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

****CARRIED TO 02/15/2024****

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

Approval for ex post facto work on driveway

****CARRIED TO 02/15/2024****

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

Approval for sauna in side yard

11. REPORTS FROM COMMITTEES

Architectural Review Committee

Environmental Commission

Open Space

Township Council

12. OPEN TO THE PUBLIC

13. ADJOURNMENT

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

TOWNSHIP OF BYRAM, COUNTY OF SUSSEX, STATE OF NEW JERSEY

RESOLUTION NO. PB1-2024

**ANNUAL NOTICE OF THE CALENDAR DATES OF THE SCHEDULED REGULAR MEETINGS OF THE BYRAM TOWNSHIP
PLANNING BOARD 01/01/2024 UNTIL 12/31/2024**

WHEREAS, The Legislature of the State of New Jersey has passed into law Chapter 231, P.L. 1975m the Open Public Meetings Act; and

WHEREAS, Section 13 of the above-mentioned law requires a posting of regularly scheduled meeting dates for the benefit of the public.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram, County of Sussex and State of New Jersey, that said Board shall meet as follows during calendar year
01/01/2024 UNTIL 12/31/2024

REGULAR MEETINGS
2024 PLANNING BOARD MEETING DATES

JANUARY	04	18
FEBRUARY	01	15
MARCH	07	21
APRIL	04	18
MAY	02	16
JUNE	06	20
JULY		18
AUGUST	01	15
SEPTEMBER	05	19
OCTOBER	03	17
NOVEMBER	07	21
DECEMBER	05	19
JANUARY	16 (2025) *	

(*Denotes 2025 Reorganization Meeting)

All the above meetings shall begin at 7:30 p.m. prevailing time. All meetings shall be held in the Municipal Building, 10 Mansfield Drive, Byram Township unless otherwise noticed and official action may be taken.

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to the New Jersey Herald and the Sunday Herald and shall be posted on the front door and the bulletin board of the Byram Township Municipal Building.

BYRAM TOWNSHIP PLANNING BOARD

Attest:

I certify that the foregoing resolution was adopted by the Byram Township Planning Board at a meeting held on January 04, 2024, and official action may be taken.

Caitlin Phillips

Caitlin Phillips, Board Secretary

MEETING MINTUES OF THE BYRAM TOWNSHIP PLANNING BOARD: December 21, 2023

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

ROLL CALL:

Members Present: Mayor Rubenstein, Mss. Franco and Raffay, Messrs. McElroy, Morytko, Walsh, Chairman Shivas

Members Absent: Messrs. Serrilli, Smith, and Proctor

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: December 7 2023. Mr. Morytko motioned to approve the minutes, seconded by Ms. Franco.

Ayes: Ms. Franco, Ms. Raffay, Mr. Morytko, Chairman Shivas

Abstaining: Mayor Rubenstein, Mr. McElroy, Mr. Walsh

Absent: Messrs. Serrilli, Smith, and Proctor

None opposed. Motion carried.

RESOLUTION

Z24-2023 Ruth Pineiro, 72 Lynn Drive, Block 337.04 Lot 54, R-3 Zone

Approval for deck expansion

Ms. Franco motioned to approve the resolution, seconded by Ms. Raffay.

Ayes: Ms. Franco, Ms. Raffay, Chairman Shivas

Abstaining: Mayor Rubenstein, Mr. McElroy, Mr. Morytko, Mr. Walsh

Absent: Messrs. Serrilli, Smith, and Proctor

None opposed. Motion carried.

Z23-2023 Mia Costic and Stuart Marker, 2 Sleepy Lagoon Terrace, Block 297 Lots 1 and 2, R-5 Zone

Approval for pre-existing non-conforming decks

Ms. Franco motioned to approve the resolution, seconded by Mr. Morytko.

Ayes: Ms. Franco, Mr. Morytko, Chairman Shivas

Abstaining: Mayor Rubenstein, Mr. McElroy, Ms. Raffay, Mr. Walsh

Absent: Messrs. Serrilli, Smith, and Proctor

None opposed. Motion carried.

Z15-2021 Melissa and Chad Pirnos, 71 Lake Drive, Block 249 Lot 62, R-5 Zone

Resolution of Extension for approval to demolish existing dwelling and rebuild a new single-family home.

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

Ayes: Mayor Rubenstein, Ms. Franco, Mr. McElroy, Ms. Raffay, Mr. Morytko, Mr. Walsh, Chairman Shivas

Absent: Messrs. Serrilli, Smith, and Proctor

None opposed. Motion carried.

NEW BUSINESS

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

Ms. Raffay motioned to carry the application to 01/04/2024 with corrected noticing, seconded by Mr. Walsh.

Ayes: Mayor Rubenstein, Ms. Franco, Mr. McElroy, Ms. Raffay, Mr. Morytko, Mr. Walsh, Chairman Shivas

Absent: Messrs. Serrilli, Smith, and Proctor

None opposed. Motion carried.

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

Approval for deck on an undersized lot

Mr. Morytko motioned to carry the application to 01/04/2024 with corrected noticing, seconded by Mr. McElroy.

Ayes: Mayor Rubenstein, Ms. Franco, Mr. McElroy, Ms. Raffay, Mr. Morytko, Mr. Walsh, Chairman Shivas

Absent: Messrs. Serrilli, Smith, and Proctor

None opposed. Motion carried.

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

Approval for expansion of driveway and addition of second driveway

Paul Kane was sworn in. He's looking to remove existing hardscaping and replace it with a paved driveway. It will be one large entrance. Mr. Stoner said the proposed second driveway was removed from the application. Mr. Kane said this was removed to make the application easier. He owns the vacant lot next to him. Ms. Hubbard confirmed the lots are combined. Chairman Shivas confirmed they're looking for a larger road entrance. Ms. Raffay asked which drawing is what's proposed. The Board reviewed the hand drawn markups. Ms. Raffay confirmed the neighbor's property is higher than theirs. They will replace the retaining wall, and it won't be higher than four feet. Mr. Stoner said they want to expand the driveway by 13 feet. He reviewed the variances. Mr. Stoner's main concern is keeping everything on his own property, keeping the retaining wall away from the neighbor. It's important to have the property line staked to make sure nothing crosses over. This could be a condition of approval. Mr. Kane said the hardscaping is like a box, and will leave the wooden retaining wall there. Mr. Stoner said the sketch shows the retaining wall is being removed. Mr. Stoner said near the roadway is a boxed, wooden area. The driveway is being extended the width of the box. Mr. Kane said he'll use Belgian block. Mr. Stoner said that has depth to it, so he needs to consider how to adjust the line for the wall's dimensions. Mr. Stoner asked about tree removal. Ms. Raffay asked why the driveway needs to be expanded. Mr. Kane said for additional parking. Ms. Raffay confirmed he gains 1-2 parking spaces by doing this. Mr. Kane said it will allow them to not park in a single file. They have four cars now. Ms. Hubbard confirmed they use on-street parking, which they use most nights. Mr. Walsh confirmed it's difficult to park there. Mr. Kane said there's a sharp turn. Mr. Walsh noted that's a safety issue. Mayor Rubenstein reviewed a street view of their property, **Exhibit B1**. He confirmed the rock wall is the neighbor's. He confirmed the railroad ties out that are fronted on the road, up until the stone wall. The area that's a raised bed of bushes will become pavement. Ms. Franco asked about the right-of-way—it looks like two boxes extend there. Mr. Stoner said the landscape wall is in the right-of-way. Ms. Franco asked if they could design this in a way that the opening of the driveway doesn't need a variance, and widen it after. Mr. Kane said that's been considered, but it'd still be difficult to get the top corner car out safely. It would cut into the side yard, and they have the air conditioning and oil tank there. Ms. Franco asked how deep the driveway is. Mr. Stoner said it's 37 feet from the right-of-way to the garage. Ms. Franco said the plans say 50 feet. Chairman Shivas noted the steepness of the driveway—when it's bottlenecked, it makes it difficult to move around cars, especially when it snows or is icy. Mr. Stoner said the biggest thing is topography and closeness of the house, leaving little room to maneuver. Mr. Kane said during the winter it will be stone, but it will be paved eventually. Mr. Stoner said that should be a condition of approval, to make sure it's paved. Mr. Walsh asked how his proposed driveway width compares to neighbors. Mr. Kane said his neighbor has a two-car entrance. He believes what's proposed is consistent with the neighborhood. Mr. Stoner noted because of the grade this has to be paved.

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

Mr. Stoner said they need the property line staked and find the layout of the wall, because of the cut, they may need to stay 2-3 feet off. Ms. Raffay confirmed they removed the second driveway from the application. Mr. Walsh motioned to approve the application with the listed conditions, seconded by Mayor Rubenstein:

Ayes: Mayor Rubenstein, Ms. Franco, Mr. McElroy, Ms. Raffay, Mr. Morytko, Mr. Walsh, Chairman Shivas

Absent: Messrs. Serrilli, Smith, and Proctor

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

BILLS

Harold Pellow and Associates (1): \$207.00. A motion to approve the bills was made by Mayor Rubenstein, seconded by Ms. Franco. All were in favor. Motion carried.

Maraziti and Falcon (11): \$3,727.50. A motion to approve the bills was made by Mr. Walsh, seconded by Mr. Morytko. All were in favor. Motion carried.

REPORTS FROM COMMITTEES

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

Environmental Commission: Mr. McElroy said they met on 11/30. They're hosting a full moon hike on their first 2024 meeting night. It's their 50th anniversary next year. They're working on a conservation easement project. Mr. Stoner asked if they've worked with the Highlands on this.

Open Space: Mr. Morytko said they met on 12/11 to wrap up 2023 and look ahead to 2024. They have two openings on the committee.

Township Council: Mayor Rubenstein said they gave Mr. Bonker a plaque for his last meeting. They approved engineering costs for CO field 8. They approved the stormwater control ordinance. Mr. Stoner said it's for areas where salt is contained/covered, so it doesn't wash into the stormwater system. Ms. Phillips reminded the Board about stormwater training. Mayor Rubenstein said they're discussing a replacement for fire truck engine 1. Ms. Franco said this will be her last meeting. Mayor Rubenstein said Mr. Proctor will take Ms. Franco's place.

Zoning Report: Everyone had a copy.

OPEN TO THE PUBLIC

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

ADJOURNMENT

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

Respectfully submitted by Caitlin Phillips

Resolutions Approved at Previous Meeting

In the matter of Pineiro
Case No. Z24-2023
MF#5000.093

BYRAM TOWNSHIP

PLANNING BOARD

RESOLUTION OF MEMORIALIZATION

RELIEF GRANTED: REAR YARD SETBACK

WHEREAS, Ruth Pineiro has applied to the Planning Board, Township of Byram seeking approval to replace the existing deck with a new deck for premises located at 72 Lynn Drive, and known as Block 337.01, Lot 54 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. 40:55D-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 remove the existing deck and construct a new larger deck, and add a staircase to the yard, requiring the following relief from Section 240-53C.(4) of the Township’s Zoning Ordinance, whereas the {367135.DOC.1}1

required rear yard setback in the R-3 Zone is 50 feet and the proposed deck will have a rear yard setback of 39 feet.

2. The Applicant submitted the following documents along with the Application for a Variance:

- a. Existing Features Survey, prepared by Dig Engineering, dated September 30, 2012.
- b. Portion of the survey with the deck and setback indicated by the applicant.
- c. Plans for replacement deck – rear of house, preparer unknown, dated October, 2023.
- d. Picture of the Existing Deck

3. The Board received a memorandum:

- a. Cory L. Stoner, P.E., P.P., the Planning Board Engineer, dated November 30, 2023.
- b. Environmental Commission

4. The following were marked for identification:

- a. A-1- Pictures of yard, from the existing deck, depicting the distances to adjacent neighbors, four (4) pictures total.

5. A duly noticed public hearing was conducted on December 7, 2023, at which time Ruth Pineiro presented sworn testimony in support of the application. The subject property is an undersized lot of 20,000 square feet, where 40,000 square feet is required by the R-3 Zone. It is also non-conforming as to minimum lot width and rear year setback, with 109-foot front yard setback,

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where only 50 feet is required. The property is developed with a single-family dwelling, an asphalt driveway, an attached rear deck and landscaping. The existing second-story deck is accessed from the home but does not have stairs that provide access into the rear yard.

6. The existing deck is in need of replacement and the Applicant is proposing to remove the existing and construct a deck that will extend 10 feet from the dwelling, with an additional 4 feet for the platform and staircase. The deck will span approximately 27'4" across the rear of the home with a portion that wraps around the eastern corner of the home and extends to the access door from the house.
7. The lot was developed as part of a cluster zoned subdivision, which created undersized lots, with green space to address environmental concerns in the area. Accordingly, the lots are predominantly non-conforming as to lot area and other bulk requirements.
8. The property is surrounded by dedicated green space, as evidenced in the pictures that were marked A-1. The Applicant testified that in addition to the large area behind the homes and surrounding lots, the adjacent lot to the east of the home and area across Lynn Drive are also green space.
9. Although the survey indicated that the rear yard setback would be 40', after a discussion with the Board regarding the size of the proposed deck, the Applicant requested a 39' rear yard setback.

10. The property is located in the Highlands Preservation Area, however construction of the deck can be accomplished under Highlands Exemption #5, which permits the construction of single-family dwellings, including decks.

11. The Environmental Commission's Report recommends that the vegetation on the steep slopes be maintained.

12. No one from the public was in attendance for 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. Relief can be granted pursuant to N.J.S.A. 40:55D-70c from Section 240-53C.(4) of the Township's Zoning Ordinance, whereas the required rear yard setback in the R-3 Zone is 50 feet and the deck has been approved with a rear yard setback of 39 feet.
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 an undersized lot, which was developed under cluster zoning. The existing dwelling is setback over 100 feet from the front lot line, creating a non-conforming rear yard setback. The existing deck is in need of replacement and does not have stairs to access the yard. The Board determined that relief could be granted as the existing conditions on the site create a hardship for the Applicant to construct a conforming deck, which is a common residential amenity.
4. Additionally, a new deck will create a safer condition on the property, while providing access to the yard from the second story deck, which is typical in most residential dwellings. Due to the cluster zoning, there is ample distance between the subject deck and surrounding area, which is naturally vegetated to provide adequate screening.
5. Accordingly, the Board determined that relief could be granted without substantially impact to the surrounding area, nor would it impair the zone scheme or the Master Plan. The benefits of the new deck, as proposed, will outweigh any detriment that might impact the surrounding area.

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.

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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. Payment of all fees, costs, and escrows due shall be paid within twenty (20) days of said request by the Board's Secretary.
6. 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: Ms. Franco

Seconded by: Ms. Raffay

The vote on the Resolution was as follows:

AYES: Three (3): Ms. Franco, Ms. Raffay, Chairman Shivas

NAYS: Zero (0)

ABSTAINING: Four (4): Mayor Rubenstein, Mr. McElroy, Mr. Morytko, Mr. Walsh

ABSENT: Three (3): Messrs. Serrilli, Smith, and Proctor

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I certify that the above Resolution is a true copy of a Resolution adopted by the Planning Board on December 21st 2023.

Caitlin Phillips

**Caitlin Phillips, Planning Board
Secretary**

Dated: 12/27/2023

Prepared by: Alyse Landano Hubbard, Esq.

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In the matter of Costic and Marker
Case No. Z23-2023
MF#5000.091

BYRAM TOWNSHIP
PLANNING BOARD
RESOLUTION OF MEMORIALIZATION

RELIEF GRANTED: SETBACK FROM LAKE

WHEREAS, Mia Costic and Stuart Marker have applied to the Planning Board, Township of Byram seeking approval to replace the existing deck with a new deck for premises located at 2 Sleepy Lagoon Terrace, and known as Block 297, Lots 1&2 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 Applicants were represented by Mark Blount, Esq.
2. The Applicants are the owners and occupants of the subject property. The Applicants are proposing to replace the existing deck with a new deck, requiring relief, pursuant to N.J.S.A. 40:55D-70c, from Section 240-55 the

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Township's Zoning Ordinance, whereas a 50-foot setback is required from the lake in the R-5 Zone, and only 28 feet is proposed.

3. The Applicant submitted the following documents along with the Application for a Variance:

- a. Deck Layout Plan, prepared by Bruno Design Associates, dated August 8, 2022, revised through March 22, 2023.
- b. Pictures of the existing decks from various viewpoints, eight (8) pictures total.

4. The Board received a memorandum from

- a. Cory L. Stoner, P.E., P.P., the Planning Board Engineer, dated November 30, 2023.
- b. Environmental Commission.

5. The following were marked for identification:

- a. A-1- Pictures of the deck, "before" and "after," from various viewpoints, as well as pictures of the lake from the deck, consisting of six (6) pages total.
- b. A-2 – Map of Survey, prepared by Templin Surveying – Engineering of NJ, LLC, dated August 19, 2020.

6. A duly noticed public hearing was conducted on December 7, 2023, at which time Mia Costic, the Applicant and Tracy Bruno, from Bruno Design Associates, a Landscape Designer, presented sworn testimony in support of the application. The subject property is an oddly shaped lot, comprised of two tax lots, which contains the cul-de-sac for Sleepy Lagoon Terrace. The

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property has approximately 200 feet of lake frontage on Lake Mohawk and additional frontage on West Shore Trail. The lots are developed as one with the improvements on Lot 2, consisting of a bi-level frame dwelling, with an inground pool, multiple decks, walkways and a boathouse with related dock. The curved water's edge is not consistent with the property line, which creates an angle in between Lot 1 and Lot 2.

7. The required lot area for the R-5 Zone is 10,000 square feet, and the subject property consists of 50,529 square feet, with non-conforming front and rear yard setbacks, which result from the cul-de-sac that encroaches into the lot.
8. The existing deck, which is on the lakefront side of the home, consists of two levels with several staircases. The "upper" deck, on the southern side of the eastern façade of the home, was shallow in depth and wrapped around the home. The "lower" deck, on the northern side of the eastern façade of the home, was angled and irregularly shaped. The railing around the deck contained the rail and spindle design, which partially obstructed the lake view.
9. With permits from the construction department, the Applicants have replaced the lower deck, with a somewhat rectangular shape deck and reconfigured the staircases. The new deck has a modern design, with railing constructed of posts and cables to replace the prior spindle design. The upper deck will be extended to create another sitting area for the homeowners. The upper deck will be expanded from 6'x14' to 24'x14', which extends into the lakefront setback, and increases the mass of the encroachment into the lakefront

setback. The decks, in their entirety, will require relief for a lakefront setback of 28 feet at the closest point.

10. Ms. Costic testified that the home was purchased a few years ago and needs some upgrades and modernization. Their family enjoys utilizing the yard for passive entertainment, including dining outside, sitting around a fire pit and enjoying the lake view. The prior configuration of the decks did not provide sufficient area for their family. The new design will create two areas for the family to enjoy.

11. Mr. Blount provided the legal basis for the variance relief, noting that approval was justified pursuant to N.J.S.A. 40:55D-70c(1) and c(2). The subject property is unique with regard to its shape, size and proximity to the lake, as well as the existing conditions on the property. The deck is dated and needs to be replaced; the Applicants are proposing to extend the deck to create a more functional deck. There will be an enhanced buffer that will reduce the negative impact on the lake community.

12. The Applicant explained that the southern property line is a “cliff,” which prevents the construction of the deck on the southern side of the home, outside the 50-foot lake front setback. Additionally, there is a pool in the “back” of the home, which is L-shaped, with frontage to Lake Mohawk and an additional frontage on the Sleepy Lagoon Terrace cul-de-sac that further restricts the location of the deck.

13. In reviewing the setback dimensions from the lake, the Board noted that the submitted plans were inaccurate and did not include the dimensions of the

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deck. Additionally, the application that was submitted requested a setback of 30.3 feet, where the actual setback was approximately 28 feet, which the Applicant amended during the hearing. The Board further noted that the Survey, prepared by Templin Surveying-Engineering, had not been submitted to the Board for review, nor noted on the submitted plans. Finally, the Board advised the Applicant to seek approval from the Lake Mohawk Community, if required.

14. The Environmental Commission recommends that the vegetation on the steep slope be maintained and that the Applicant Maintain the required 10-foot wide vegetative buffer at the waterfront. The Applicant is proposing to maintain the vegetation in the balance of the yard, adding some additional vegetation along the walkways, utilizing the Township's recommended native plants.
15. The proposed addition will be located in the riparian zone of Lake Mohawk; however, the construction of the addition can be completed under Permit-By-Rule #10 for general construction activities located outside a flood hazard area inside the riparian zone. Any changes made to the boathouse, dock or walkway within 25 feet of the lake would require compliance with the regulations of the New Jersey Department of Environmental Protection.
16. The property is located within the Highlands Preservation Area; however, the proposed construction of improvements can be accomplished under Highlands Exemption #5, which permits the construction of improvements to single-family dwellings, including decks.
17. There was no one from the public in attendance for this hearing.

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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 Section 240-55 of the municipal zoning ordinance, which requires a 50-foot setback from the lake, and a 28-foot setback has been approved to the closest point of the deck to Lake Mohawk.
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 irregularly shaped lot, with steep slopes and a cul-de-sac that encroaches into the lot area. Due to the existing conditions, there is no conforming location to construct a deck for passive recreation. The existing decks are within the 50-foot setback from Lake Mohawk. The proposal is to replace the dated decks with functional, modern decks that will

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better serve the homeowners. Additional landscaping will reduce the visual impact of the decks to the lake community.

4. Accordingly, the Board determined that relief could be granted without a substantial detriment to the public. The Board further determined that due to the unique circumstances, there would be no negative impact to the zone scheme or the Master Plan.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the 7th 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. 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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6. Pursuant to Section 45-23 of the Township's Ordinances, the variance granted herein shall expire in one year unless construction has commenced.
7. Applicant shall submit an amended Deck Layout Plan that indicates the closest setback to the lake, additional setback dimensions and the deck dimensions, subject to review and approval by the Board Engineer.
8. Applicant shall submit an amended Deck Layout Plan that references the Map of Survey, prepared by Templin Surveying – Engineering of NJ, LLC, dated August 19, 2020, which was relied upon by Bruno Design Associates when preparing the plans dated August 18, 2022, revised through March 22, 2023. The Map of Survey and Deck Layout Plan shall be reviewed by the Board Engineer for accuracy and consistency.
9. Applicant shall maintain the vegetative lakefront buffer. If additional vegetation shall be planted on the steep slope or in the vegetative buffer, native plants, as designated by the Township, shall be utilized.


George Shivas

On motion of: Ms. Franco

Seconded by: Mr. Morytko

The vote on the Resolution was as follows:

AYES: Three (3): Ms. Franco, Mr. Morytko, Chairman Shivas

NAYS: Zero (0)

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ABSTAINING: Four (4): Mayor Rubenstein, Mr. McElroy, Ms. Raffay, Mr. Walsh

ABSENT: Three (3): Messrs. Serrilli, Smith, and Proctor

I certify that the above Resolution is a true copy of a Resolution adopted by the Planning Board on December 21st, 2023.

Caitlin Phillips

**Caitlin Phillips, Planning Board
Secretary**

Dated: 12/27/2023

Prepared by: Alyse Landano Hubbard, Esq.

{367171.DOC.1}9

In the matter of Melissa and Chad Pirnos (Extension)
Case No. Z15-2021
MF 5000-055

BYRAM TOWNSHIP
PLANNING BOARD
RESOLUTION OF MEMORIALIZATION

RELIEF GRANTED: SECOND Extension of Variance Relief

WHEREAS, Melissa and Chad Pirnos applied to the Planning Board, of the Township of Byram for permission to construct a new home requiring variance relief for the premises located at 71 Lake Drive and known as Block 249, Lot 62 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. 40:55B-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 on December 16, 2021, the Resolution of Approval was memorialized on January 6, 2022 and published in the official newspaper on January 10, 2022; and

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

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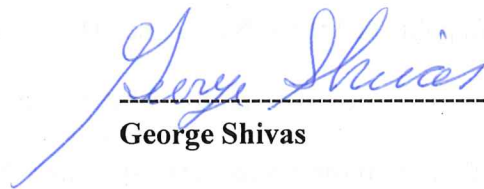
1. The Applicant is the owner of the subject property, and received Planning Board Approval, to demolish an existing structure and construct a new dwelling, requiring variance relief from the Township's Zoning Ordinance. The approval was granted on December 16, 2021, memorialized in a Resolution dated January 6, 2022, and published in the New Jersey Herald on January 10, 2022.
2. The Applicant was granted the first extension of variance approvals on January 19, 2023, because that the project was delayed as they had not yet obtained approvals from the New Jersey Department of Environmental Protection ("NJDEP") for the Flood Hazard Area application, the General Permit 6 nor the Transition Area Waiver.
3. By letter dated December 18, 2023, the Applicant explained that although they have obtained the necessary NJDEP approvals, there were some unforeseen issues with the builder that were resolved and that they anticipate the start of construction in the near future.
4. Section 45-23 of the Township's Ordinances provides that any variance granted that permits the creation of a structure shall expire unless construction has commenced within one year from the date of publication of the resolution.
5. The Applicants have requested a one-year extension of said approval.

WHEREAS, the Board determined that, based on the information provided, the Variance Approval expired on January 10, 2023, the first extension is to expire on January

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10, 2024 and the Applicant is entitled to another 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 21st day of December, 2023 that the variance approvals shall be extended for another period of one year from the date of the last extension, to January 10, 2025.



George Shivas

On motion of: Mr. Walsh

Seconded by: Mr. McElroy

The vote on the Resolution was as follows:

AYES: Seven (7): Mayor Rubenstein, Ms. Franco, Mr. McElroy, Ms. Raffay, Mr. Morytko, Mr. Walsh, Chairman Shivas

NAYS: Zero (0)

ABSTAINING: Zero (0)

ABSENT: Three (3): Messrs. Serrilli, Smith, and Proctor

I certify that the above Resolution is a true copy of a Resolution adopted by the Planning Board on December 21, 2023 and is in effect for one year.

Caitlin Phillips

**Caitlin Phillips, Planning Board
Secretary**

Dated: 12/21/2023

Prepared by: Alyse Landano Hubbard, Esq.

{367725.DOCX.1}3