

BYRAM TOWNSHIP PLANNING BOARD AGENDA
For Thursday, March 6 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-** February 20, 2025
6. **SUBCOMMITTEE**
WOSP1-2025 Fady Ghazal (Freddy's Bar and Grill), 172 Lackawanna Drive, Block 265 Lot 287, NC Zone
Application for revisions to site for a restaurant and bar
7. **NEW BUSINESS**
Z23-2024 Donald Cocchi, 8 Cub Lake Road, Block 360 Lot 3, R2 Zone
Application for construction of three-story dwelling with attached garage on an undersized lot
8. **BILLS:** Harold Pellow and Associates (5): \$2,970.00 / Maraziti Falcon (6): \$5,022.50
9. **REPORTS FROM COMMITTEES**
Environmental Commission
Open Space
Township Council
10. **OPEN TO THE PUBLIC**
11. **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: February 20 2025

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

ROLL CALL:

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

Members Absent: Ms. Raffay

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

OATH OF OFFICE:

Karen Lewandowski took her oath of office.

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

FLAG SALUTE: led by Chairman Shivas

MINUTES: February 6, 2025

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

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

Abstaining: Mayor Rubenstein, Ms. Lewandowski

Absent: Ms. Raffay

None opposed. Motion carried.

RESOLUTIONS

Z20-2024 William Grabler, 39 Meteor Trail, Block 162 Lot 44, R5 Zone

Application for construction of a home addition and site improvements

Motion of Mr. Proctor to approve the resolution, second of Ms. Colligan.

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

Abstaining: Mayor Rubenstein, Mr. Morytko, Ms. Lewandowski

Absent: Ms. Raffay

None opposed. Motion carried.

SUBCOMMITTEE

SP5-2024 Gary Niec, 18, 22, and 24 Route 206, Block 41 Lots 90.01, 90.02, 94, VB Zone

Application for mixed use retail and residential development including a three-story building with up to seven retail spaces and 72 apartments

Mr. Walsh said this will require a use variance, and they have items they're still looking for, including: a Highlands Applicability letter; details on the sewer system and water supply, including how it will be handled with volume and capacity; and they have a limited EIS, but need it to be updated to include additional information. Mr. Stoner said they're bifurcating the site plan. Ms. Hubbard said the application, when deemed complete, is only presenting for the use. The Board would be deciding if the site is sufficient to support the use. If the use is approved, they will come back again will full site plans.

Motion of Mr. Walsh to deem the application incomplete, second by Mr. McElroy.

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

Abstaining: Mayor Rubenstein, Mr. Proctor

Absent: Ms. Raffay

None opposed. Motion carried.

SP2-2025 Salt Gastropub, 109 Route 206, Block 364 Lot 8, R2 Zone

Application for kitchen extension and outdoor dining

Mr. Walsh said they need more items including: a current survey, as the one submitted is from 1974 and doesn't reflect existing conditions; additional site detail including parking and lighting; an Environmental Impact Survey particularly the stream behind the site, clarification of the numbers, specifically consistency between parking, seats, and septic capacity; the application needs to include all variances including the use variance for the proposed beer garden; and other checklists items outlined in Mr. Stoner's memo. Mr. Stoner said the beer garden is a conditional use in the zone, so this makes this a use variance application.

Motion of Mr. Walsh to deem the application incomplete, second by Mr. McElroy.

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

Abstaining: Mayor Rubenstein, Mr. Proctor

Absent: Ms. Raffay

None opposed. Motion carried.

OLD BUSINESS

Z08-2024 Diane and William Carkhuff, 82 South Shore Road, Block 189 Lot 1, R-5 Zone

Application for construction of a new single-family dwelling

Chairman Shivas said this needs to be carried to 06/19/2025. Mr. Smith noted they carried this application a lot. Ms. Phillips noted this is more of a notification for anyone following the application; they will need to re-notice. They need state approvals before coming back to the Board. Mr. Stoner said the permit they're trying to acquire is not simple. Ms. Hubbard said it may make sense to have them withdraw the application.

Motion of Mr. Morytko to carry the application to 06/19/2025, second by Mr. Proctor.

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

Absent: Ms. Raffay

None opposed. Motion carried.

PRESENTATION: Musconetcong Watershed Association Presentation with Craig Fleming

Craig Fleming, the Water Quality Program Coordinator of the Musconetcong Watershed Association (MWA), thanked the Board for having him at the meeting. They are an independent non-profit. The river is 42.5 miles long, and they have about 50 volunteers known as the River Watchers. They do data collection throughout the year, monitor for Harmful Algal Blooms (HABs), monitor for road salts in the winter, and in the spring and fall they do macroinvertebrate habitat assessments and bacteria monitoring. The river is classified as C1, which means they need a 300 foot riparian buffer to protect it from pollutants and heat. There are three different breaks in the river, which is where dams are. This is important to consider regarding fish passage through water. They're looking to connect the segments of the river.

Mr. Fleming reviewed pollution. Point source pollution is any discernable way that pollution is discharged, and non-point source pollution is anything that's not point source pollution, including insecticides and herbicides, oil, chemicals from runoff and energy production, sediment, salt, and bacteria. He noted a map showing places that are sewer-serviced in and around Byram. Septic systems are one of the leading contributors to bacterial pollution. The MWA monitors pollutants including HABs, which they do year-round. HABs is when algae grows out of control and can cause harmful or toxic events. Algae is an important part of ecosystems—HABs are more dangerous when there are too much. HAB communities can be comprised of cyanobacteria, which have a health impact to humans and animals. HABs have a higher chance of being in areas with slow-moving, warm, nutrient-rich, saline waters. As the climate changes, we can see that the exacerbating factors will get worse.

Mr. Fleming discussed solutions. He noted having a 300-foot buffer may not be possible for some people. They could put in a small buffer, detach their rain gutters, and install a rain garden around their house. This makes three different points for water to enter the soil and help filter out pollutants. He also mentioned trenches, bioswales, and curb cuts. If you plant native species, it helps with this, as well as adds an aesthetic impact since they can bloom throughout different seasons. This also helps with pollinators. You could also save water and use it for irrigation on your property. He also suggested pervious pavement and strategic pavement, such as putting the driveway on the side where the sun hits earlier in the day, which would help melt snow and reduce salt usage. Proper septic maintenance is also important. Mr. Fleming noted these methods work best when they are maintained.

Mr. Fleming shared a list of native species, and what soils they work best in. This will help more plants survive. There is also a database that tells you what soils are on each property. He shared diagrams on how to best plant trees and shrubs, including depth and spacing. Native plants' root systems are deeper and longer than non-native species. He reviewed live-staking plantings. In the first flush of a rain event is where the most pollutants enter the system. If people can reduce the peak discharge, they can lower the pollutants entering the system. He noted things to consider when making these positive changes. Native wildflower gardens bloom at different times of the year and help with pollinators and water quality. Having both a bulkhead and riparian buffer helps reduce erosion and filters out pollutants from runoff. People often want to be in the lakes they live near, so filtering out pollutants helps keep things safe and healthy. Instead of removing trees and boulders, keeping them helps soil stay in place and prevent erosion and future costs to fix this. Native plants with deeper root systems help to slow down the water.

Mr. Stoner noted regarding the watershed improvement plan, this is part of the MS4 permits. The town obtained a grant this year. Mr. Fleming mentioned grants that have been given to the MWA. When they partner with municipalities on inventories, they can let MWA know their priorities, and MWA can put it in their plans. When they look for funding for projects, they can point to the plans, so that the background work and site evaluations are already done. Peter Dlugos, the Environmental Commission Chair and public member during this meeting, noted Byram is the Township of Lakes with three major lake communities. People worry about HABs and how they disrupt the summer season. Members of lake community Boards should consider what can be done. A lot of lake houses have septic systems. In some communities there are no waterfront homes, but are across the street. There are steep slopes, so when there are thunderstorms there is runoff from the hill, washing into yards. He's interested in the potential of bacteria to travel through the ground over time. If septic systems are not maintained, to what extent can bacteria move through the water and soil into the lake? Mr. Fleming noted that because of non-point source pollutants, you can't point to one in particular, and it's a cumulative effect. It helps when a whole neighborhood follows guidelines. People should reduce the amount of nutrients

making their way into the system, and get their septic systems checked regularly. The MWA offers trainings to teach residents how to inspect their own septic systems, to know when it's time to pump. He noted if anyone knows someone on a lake that is willing to provide access to the lake from their property, that would help them get data they need to see if there are any issues. Mayor Rubenstein noted the town just completed a watershed management plan a few months ago with Princeton Hydro. A few lakes are township-owned, which they can provide access to. Cranberry is a State lake, so they have access to that from the State boat launch. Mr. Smith said he's one of the Forest Lakes board members, so he can help. Mayor Rubenstein said he's part of Lackawanna, and Mr. Walsh said he's in Cranberry.

Mr. Dlugos noted invasives are a problem because of the amount of deer. Invasives mean forests don't regenerate and filter water. He asked how to handle the deer, and noted there's a bow-hunting program in the town. He noted there are some people that feed deer in the area. Mr. Fleming said when they do tree plantings, they place a tube or cage to help the tree grow.

Mr. Morytko said regarding bulkheads, that comes up a lot at the Board and they ask for plantings. Sometimes the discussion gets to them having a bulkhead, so they don't need a buffer. Mr. Fleming said the benefit of the bulkhead is erosion control. There's typically a drop-off with this and there's nothing slowing the water or stopping the pollutants. If there is compacted soil there, there's nothing infiltrating into the ground. Mr. Walsh noted this means the water just runs over the bulkhead. Chairman Shivas said they ask applicants to put in a buffer for at least some of the bulkhead. Mr. Dlugos asked about an education program for residents about buffering. Mr. Morytko said they try to talk to people about it at the Board, but if they don't have an application then they don't know. Mr. McElroy said the ordinance doesn't exclude the buffering, it requires it all the time. Mayor Rubenstein noted the way the code is written, if they don't do the buffer then they need a variance. Mr. Walsh noted there's a lot of properties that couldn't do the buffer even if they want to, because of things like lot size or rocky areas. But they need to be more formal about granting it as a variance and hearing more testimony as to why there's a hardship. Ms. Phillips noted it's also good educationally for the applicants, to know about plantings helping against costs for erosion and soil issues, and keeping the lake clean. Mr. Fleming noted having something is better than having nothing there. The MWA is available to provide talks about the benefits of riparian buffers and rain gardens.

Ms. Hubbard asked about the detaching gutters process. Normally the Board asks about gutters and where they're draining. They don't want water directed to a neighbor's property. Mr. Fleming said when the gutter gets to the ground and has a turn, you take the turn off and let it infiltrate it into a native flower bed. One of the main goals is to have the rain fall and infiltrate right there. Chairman Shivas asked about dry wells, where there are pipes and water is dispersed. Controlling water to a spot is easier than controlling water coming off the whole roof. Mr. Fleming said there are multiple solutions. They would keep the gutters on the roof and let it drain to a central area, into a rain garden or dry well. Mr. Smith confirmed they're looking to avoid having the water piped far away from the house. Mr. Fleming said if there are ten houses on one side of the road and all of them are directing water to the street, there's nowhere for the water to go into the ground. Patricia Moschella, a public participant of the meeting, asked where to get the presentation. Mr. Fleming said he can send it to her. Ms. Phillips will post it to the website.

DISCUSSION ITEM- Affordable Housing Subcommittee

Mayor Rubenstein said the Township attorney recommended putting together a subcommittee with Council and Board members to meet if there's a dispute. He and Mr. Proctor are on the Subcommittee, and Mr. McElroy and Ms. Raffay are interested in joining. Ms. Hubbard noted those on this subcommittee would likely work on the Fair Share Housing Plan.

REPORTS FROM COMMITTEES

Environmental Commission- Mr. McElroy said they are meeting next Thursday.

Open Space- Mr. Morytko said they discussed a scope of work presentation from the Trails Conference for mapping trails and volunteer training, and recommended this to the Council. Mayor Rubenstein said they talked about what apps to use for mapping, and they have an idea where they want to go with updating the maps.

Township Council- Mayor Rubenstein said they passed an ordinance that the police can patrol Venture II's property. Mr. Proctor said they appointed Ms. Lewandowski.

Zoning Report- Everyone had a copy.

OPEN TO THE PUBLIC

Chairman Shivas opened to the public. Georgette Schroeder said she saw an agenda item for the apartment complex. Ms. Hubbard said this hasn't been deemed complete. Mayor Rubenstein said an application has been submitted, and the application needs to be considered complete. Mr. Stoner noted the items needed. Mayor Rubenstein noted once it's deemed complete, it still needs to be scheduled for a hearing. Chairman Shivas noted this application is bifurcated for a use variance, so they'd come back with another application. The hearing date will be advertised.

Ms. Schroeder noted there is an ice problem on Briar Lane, which she noted at a Council meeting. Recently people have salted the area. There's no way for the runoff to get to the drain. She said there is a cigarette shop next to the pizza shop nearby, where people are often smoking marijuana outside. The Board noted if they're doing something illegal, the police should be called. Mayor Rubenstein noted it is not a dispensary. Ms. Schroeder said leaving QuickChek, no one is stopping at the stop sign at Brookwood. You can't see people going to make the right. Mayor Rubenstein will mention it to the Chief of police.

Patricia Moschella requested that the Board allow residents to access the meeting via Zoom. Some people want to attend the meetings but can't come in person. She wants to watch the meeting even if she can't make a comment. She confirmed regarding the proposed apartment complex that they are not being notified because it was not deemed complete. Mayor Rubenstein recommended following the agendas. Ms. Hubbard noted she can also request to be added to an email list to receive agendas. Ms. Moschella added that she agrees with the comment about the stop sign at QuickChek. It is for coming in and out of Brookwood. Ms. Schroeder agreed about having the meetings on Zoom.

Mr. Dlugos said the Environmental Commission is finalizing their goals for the year. He would like to give a quick presentation to the Board. Chairman Shivas said Mr. McElroy notified the Board that the Environmental Commission is looking into the list of plants. The Board would like to see that. Mr. Dlugos said he enjoyed the presentation, and noted that people need to fence everything they plant. Having information about protecting plantings would be helpful. Chairman Shivas closed to the public.

ADJOURNMENT

A motion to adjourn the meeting was made at 8:55 pm by Mr. McElroy, seconded by Mr. Proctor. All were in favor. Motion carried. The meeting was adjourned.

Submitted by Caitlin Phillips

Resolutions Approved at Previous Meeting

In the matter of William Grabler
Case No. Z20-2024
MF#5000.120

BYRAM TOWNSHIP
PLANNING BOARD
RESOLUTION OF MEMORIALIZATION

RELIEF GRANTED:	Minimum Front Yard Setback Minimum Side Yard Setback Maximum Building Height in Stories Maximum Building Coverage Minimum Setback from the Lake Minimum Vegetated Buffer
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WHEREAS, William Grabler has applied to the Planning Board of Township of Byram seeking approval to construct a second story addition for premises located at 39 Meteor Trail, and known as Block 162, Lot 44 on the Tax Map of the Township of Byram which premises are in the “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:

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1. The Applicant is the owner and occupant of the subject property. The Applicant is proposing to construct a second story addition, requiring the variance relief, pursuant to N.J.S.A. 40:55D-70c, from the following Sections of the Township's Zoning Ordinance:
 - a. Section 240-55C(2) and 240-55.14 – Minimum Front Yard Setback: 42.5 feet is required, 29.5 feet is existing and proposed.
 - b. Section 240-55C(3) – Minimum Side Yard Setback: 15 feet is required, 8 feet is existing, 7.83 feet is proposed.
 - c. Section 240-55C(7) – Maximum Building Height: 2½ stories is permitted, 3 stories are proposed.
 - d. Section 240-55C(9) – Minimum Setback from Lake: 50 feet is required, 34.08 feet is existing and proposed.
 - e. Section 240-55C(9) – A ten-foot-wide vegetated buffer is required along at least 80% of the water's edge: no buffer is required.
 - f. Section 240-50.1A(9) – Maximum Building Coverage: 753.9 square feet permitted (15% permitted), 734 square feet existing, 895 square feet proposed.
2. The Applicant submitted the following documents, along with the Application for a Variance:
 - a. Architectural Plans, prepared by Fox Architectural Design, PC, dated September 10, 2024, consisting of three (3) sheets.
 - b. Map of Property, prepared by Stewart Surveying and Engineering, LLC, dated December 19, 2020.

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- c. Tax Map, prepared by Harold E. Pellow, dated June 2006, Sheet 3.05.
- 3. The Board received memorandum from the following:
 - a. Cory L. Stoner, P.E., P.P., the Planning Board Engineer, dated November 15, 2024.
 - b. Elaine Evers, Secretary of the Environmental Commission, dated November 20, 2024 and December 2, 2024.
- 4. The following documents were marked for identification at the public hearing:
 - a. A-1 – Color Site Layout Plan
 - b. A-2 – Photo Board #2
 - c. A-3 – Photo Board #3
- 5. A duly noticed public hearing was conducted on January 6, 2025, at which time William Grabler, the Applicant, and Kenneth Fox, AIA, PP, who was accepted as an expert in the fields of architecture and planning, presented sworn testimony in support of the application. The Applicant testified that his family has been part of Cranberry Lake for almost 60 years, first with a summer home, and now as year-round residents. He wishes to remain in his home, but would benefit from additional bedroom space, bathrooms and living space.
- 6. The subject property is a rectangular shaped lot with frontage on Meteor Trail and Cranberry Lake. The property consists of a single-story dwelling, concrete parking area, walkways, patios and decks. The lot slopes from north to south, or from Meteor Trail to Cranberry Lake and is tiered with the construction of retaining walls. The minimum lot area, minimum rear yard setback, and

maximum lot disturbance are existing, nonconforming conditions that are not being exacerbated.

7. The existing home is a two-bedroom home, with a small kitchen, living room, dining room and small bathroom. The basement is partly finished with separate exterior access to both the living room and laundry room. The rest of the basement is a crawl space.
8. The Applicant is proposing to construct a second-story addition of a master bedroom suite on a portion of the existing dwelling. The proposed addition is L shaped, along the front and western side of the home. The bedroom is proposed with a deck view of Cranberry Lake, while the bathroom and walk-in closet will face Meteor Trail. The first floor will be reconfigured with a living room, dining room, kitchen, bedroom and full bath, along with a spiral staircase to the basement and stairs to the second floor. The basement is partially finished, with a family room and bathroom, the laundry/utility room, and walkout access to the rear yard.
9. The proposed improvements include squaring off the front of the home and infilling a portion on the rear to create access from the outside to both the family room and the laundry room. There are no changes proposed to the existing patios or decks on the property.
10. Due to the slope of the property, the structure appears to be a two-story dwelling from Meteor Trail, but based on the Township's definition of a story, which includes the basement, it is a three-story home, requiring relief from the

Township's Ordinance. The full three stories will be visible from the lake, but the third story is partially set back.

11. Variance relief is also required for the second story addition of the existing, nonconforming front, side and rear yard setback to the lake. Mr. Fox testified that the setbacks are not being exacerbated, but the addition is an increase in the mass of the structure which will intensify the setbacks.
12. Finally, the addition will result in 161 square feet of building coverage, which results from the infill in the basement. The basement addition encloses the rear access to the home, allowing the homeowner to access the basement and laundry area without exiting the home. The lot is undersized as to lot area and the modest addition will improve the living conditions for the homeowner.
13. The Environmental Commission noted that a 10-foot vegetative buffer is required along at least 80% of the water's edge. There is a stone wall along the water's edge that separates the property from the lake. The Applicant testified that there is significant vegetation in the rear yard, mostly along the foundation of the home, but that he would plant additional vegetation as needed.
14. The Environmental Commission also questioned the drainage for the additional runoff from the proposed addition. The Applicant and the Architect testified that there are currently no drainage issues on the property, as the leaders run into the level lawn areas, which appear to absorb the stormwater with no evidence of "channels" of water running into the lake. The existing vegetation aids in absorbing the drainage on the property. The leaders on the proposed addition will drain into the front yard, as the addition is primarily located on the front portion

of the home. The rear portion of the addition will tie into the existing leader system.

15. The Applicant confirmed that the home is similarly situated in relation to the lake as the neighboring properties. In fact, there are many homes in the surrounding area with improvements that are closer to the lake than the subject property.

16. The proposed addition will have asphalt shingles and Hardy board siding, with an exterior design consistent with the depiction on the architectural renderings.

17. The property is located within the Highlands Preservation Area and the proposed improvements can be accomplished under Highlands Exemption #5, which permits the construction of various improvements to a single-family dwelling, including an addition.

18. Per NJDEP regulations, the addition can be constructed without approval from the NJDEP under Flood Hazard Area Permit-by-Rule #12 for the construction of an addition to a lawfully existing habitable building.

19. 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 240-55C(2) and 240-55.14 – Minimum Front Yard Setback: 42.5 feet is required, 29.5 feet is existing and approved.
 - b. Section 240-55C(3) – Minimum Side Yard Setback: 15 feet is required, 8 feet is existing, 7.83 feet is approved.
 - c. Section 240-55C(7) – Maximum Building Height: 2½ stories is permitted, 3 stories are approved.
 - d. Section 240-55C(9) – Minimum Setback from Lake: 50 feet is required, 34.08 feet is existing and approved.
 - e. Section 240-55C(9) – A ten-foot-wide vegetated buffer is required along at least 80% of the water’s edge: relief from this requirement is granted.
 - f. Section 240-50.1A(9) – Maximum Building Coverage: 753.9 square feet permitted (15% permitted), 734 square feet existing, 895 square feet approved.
2. N.J.S.A. 40:55D-70c(1) indicates that a variance may be granted under its “hardship” provisions, with the hardship being related to the exceptional narrowness, shallowness, shape of the property, unusual topographic conditions or by reason of the location of the existing structures on the property. Under the c(2) subsection, variance relief may be granted where it is determined that the proposed relief advances one or more of the purposes of zoning (which purposes are set forth in N.J.S.A. 40:55D-2) and where it is further determined that the benefits of granting the variance outweigh any detriments which might result from it.

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3. The subject property is a developed lot that slopes from the roadway to the lake. There are several nonconforming conditions, including undersized lot area, nonconforming front, rear, and side yard setbacks, as well as nonconforming setback to the lake and excessive lot disturbance. The existing conditions on the property create a hardship for the Applicant to construct an addition without the need for variance relief. The proposed addition will result in an increase in the mass of the existing front, side and rear setback to the lake due to the current location of the home. Due to the existing topography, the second story addition will result in a third-story, although only two stories will be visible from Meteor Trail.
4. The maximum building coverage is a result of infilling the basement to create safer access to the family room and laundry room, providing interior access to the basement and one exterior door to the rear yard. Finally, although strict compliance with the vegetated buffer will not be provided, there is a bulkhead along the lake front and the Applicant agreed to install additional landscaping to mitigate runoff into the lake. Accordingly, benefits of the addition will outweigh any negative impacts to the surrounding area.
5. The Board determined that permitting the proposed addition would not result in a substantial detriment to the surrounding area, as the home is similarly situated to the surrounding homes. The addition is not inconsistent with the Master Plan and the Zoning Scheme, as this property is unique due to the size, topography and configuration of the lot.

6. The Board opined that the design of the addition was well thought out, utilizing the slope of the property. The renovated home will be a great addition to Cranberry Lake. The modest addition will create improved living conditions for the Applicant.

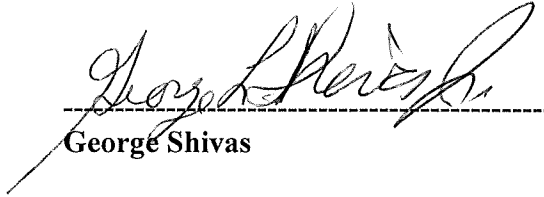
NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the 6th day of February, 2025 that the approval of the within application be granted subject, however, to the following conditions:

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 Applicant shall be bound to comply with the representations made before this Board by the Applicants, and his professional, at the public hearing. The representations are incorporated herein and were relied upon by this Board in granting the approval set forth herein and shall be enforceable as if those representations were made conditions of this approval
3. The Applicant shall pay all fees, costs, escrows due or to become due. Any monies are to be paid within twenty (20) days of said request by the Board's Secretary.
4. The Applicant shall submit a Certificate that taxes are paid to date of approval to the Board Secretary.
5. The Applicant shall obtain permits and approvals from the Township's Construction and Zoning Department prior to the commencement of work.

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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. The Applicant shall secure any and all approvals required from any other public agency or governmental body that may have jurisdiction, whether specified herein or not, prior to seeking construction or zoning permits. Outside agency approvals include, but are not limited to Sussex County Health Department and New Jersey Department of Environmental Protection, as determined necessary.
8. Applicant shall obtain approval from the Sussex County Health Department verifying that the existing septic system is satisfactory for the new construction, pursuant to the 2017 Septic Approval.
9. Applicant shall confirm the applicability of NJDEP Permit-by-Rule #12 for construction in the Flood Hazard Area.
10. The dwelling shall remain a two-bedroom home, pursuant to the existing septic system approval.
11. The Applicant shall install a silt fence during construction to prevent the runoff of debris into Cranberry Lake. The silt fence shall be depicted on the revised plans.
12. The Applicant shall submit revised architectural plans to reflect the following:
 - a. Accurate Setback Measurement for the side yard, measured to the eaves.
 - b. Building Height in stories on the Zoning Chart shall state 3 stories proposed.
 - c. Accurate Lot Area on the site plan depicted on the architectural plans.

13. Additional landscaping shall be installed to alleviate drainage into Cranberry Lake, subject to review and approval of the Board's Engineer.
14. Stormwater runoff shall be maintained on the property, continuing the current drainage pattern, and not be directed onto an adjacent lot.


George Shivas

On motion of: Mr. Proctor

Seconded by: Ms. Colligan

The vote on the Resolution was as follows:

AYES: Seven (7): Mr. Proctor, Mr. McElroy, Mr. Smith, Mr. Walsh, Ms. DeMagistris, Ms. Colligan, Chairman Shivas

NAYS: Zero (0)

ABSTAINING: Three (3): Mayor Rubenstein, Mr. Morytko, Ms. Lewandowski

ABSENT: One (1): Ms. Raffay

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

Caitlin Phillips

**Caitlin Phillips, Planning Board
Secretary**

Dated: 02/20/2025

Prepared by: Alyse Landano Hubbard, Esq.

{389990.DOC.1}11

Byram Township Planning Board Bills
March 6 2025

Harold Pellow	Date	Amount
Inv. 82377 Board: meeting attendance	02.18.2025	\$ 290.00
Inv. 82371 Schuffenhauer: memos	02.18.2025	\$ 725.00
Inv. 82375 Niec: Review	02.18.2025	\$ 942.50
Inv. 82376 Prestige: meetings	02.18.2025	\$ 72.50
Inv. 82378 Cocchi: memos, review	02.18.2025	\$ 940.00
	02.18.2025	
	02.18.2025	
Harold Pellow Total		\$ 2,970.00
Maraziti and Falcon	Date	Amount
Inv. 58868 General: communications, review, calls	02.11.2025	\$ 2,800.00
Inv. 58870 Patel: easement agreement review, communciations	02.11.2025	\$ 210.00
Inv. 58869 Niec: communications, review, research	02.11.2025	\$ 1,225.00
Inv. 58871 Grabler: communications, review	02.11.2025	\$ 140.00
Inv. 58872 Cocchi: review	02.11.2025	\$ 70.00
Inv. 58873 Prestige: review, meeting, resolution, review, revise	02.11.2025	\$ 577.50
Maraziti Falcon Total		\$ 5,022.50
Grant Total		\$ 7,992.50