

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

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **OPENING STATEMENT:** Adequate notice of this meeting has been published specifying the time and place in compliance with the provisions of the Open Public Meetings Act.
4. **FLAG SALUTE**
5. **MEETING MINUTES-** February 15, 2024
6. **RESOLUTIONS**
Z16-2023 Barbara Krassner, 11 Pathfinder Trail, Block 115 Lot 6, R5 Zone
Approval for deck on an undersized lot
7. **SUBCOMMITTEE MEETING**
SP1-2024 Byram Waterloo LLC (Starbucks of Byram), 33 Route 206, Block 36 Lot 40, VB Zone
Application for preliminary and final site plan for development of Starbucks coffeehouse with drive-through
8. **NEW BUSINESS**
SP8-2023 Byram Car Wash, 56 Route 206, Block 365 Lot 1.01, VC Zone
Application for replacement of vacuums and monument sign
****CARRIED TO 04/04/2024****

Z04-2024 Christine Turcios, 497 Stanhope Road, Block 342.02 Lots 23, R-5 Zone
Application for covered roof not meeting the side yard setback

Z05-2024 Dennis Fornarucci, 3 Opa Pass, Block 142 Lot 102, R-5 Zone
Application for addition on left side of house and addition to existing deck
9. **BILLS:** Harold Pellow (1): \$69.00 / Maraziti Falcon (14) \$4,392.50
10. **REPORTS FROM COMMITTEES**
Architectural Review Committee
Environmental Commission
Open Space
Township Council
11. **OPEN TO THE PUBLIC**
12. **ADJOURNMENT**

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

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

ROLL CALL:

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

Members Absent: 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

MINUTES: February 1, 2024. Mr. Proctor motioned to approve the minutes, seconded by Ms. Raffay.

Ayes: Ms. Raffay, Messrs. Proctor, Morytko, Walsh, and Chairman Shivas

Abstaining: Mayor Rubenstein, Messrs. McElroy and Smith

Absent: Mr. Serrilli

None opposed. Motion carried.

RESOLUTIONS

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

Resolution amendment for approval for minor subdivision, site plan for a single-family dwelling, and site plan construction of a new single-family dwelling

Ms. Hubbard said this was corrected because the lot numbers were flipped, and wording was added for a wetlands transition area. Mr. McElroy motioned to approve the resolution, seconded by Mr. Morytko.

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

Abstaining: Ms. Raffay, Mayor Rubenstein, Messrs. Proctor and Walsh

Absent: Mr. Serrilli

None opposed. Motion carried.

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

Approval for deck on an undersized lot

Chairman Shivas said they will vote on this resolution at the next hearing.

Z30-2023 Davia Maida, 68 Sleepy Hollow Road, Block 406 Lot 103, R4 Zone

Approval for gazebo within setback to house

Mr. Proctor motioned to approve the resolution, seconded by Ms. Raffay.

Ayes: Ms. Raffay, Messrs. Proctor, Morytko, Walsh, and Chairman Shivas

Abstaining: Mayor Rubenstein, Messrs. McElroy and Smith

Absent: Mr. Serrilli

None opposed. Motion carried.

Z29-2023 Ziad Jalbout, 60 Birch Parkway, Block 308 Lot 1831.02, R5 Zone

Approval for addition to home, relocation of entryway, and proposed porch

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

Ayes: Ms. Raffay, Messrs. Proctor, Morytko, Walsh, and Chairman Shivas

Abstaining: Mayor Rubenstein, Messrs. McElroy and Smith

Absent: Mr. Serrilli

None opposed. Motion carried.

NEW BUSINESS

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. Walsh motioned to carry the application to 03/21, seconded by Mr. Proctor.

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

Absent: 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. Walsh motioned to carry the application to 03/21, seconded by Mr. Proctor.

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

Absent: Mr. Serrilli

None opposed. Motion carried.

Z02-2024 Catherine Trader, 55 North Shore Road, Block 157 Lot 272, R-5 Zone

Approval for concrete pad and propane tanks in the side setback

Mr. Walsh recused from this application. Catherine Trader was sworn in. She owns both 53 and 55 North Shore. The concrete pad has been in the back left corner for about seven years. She wants to put two liquid propane tanks there. The house has been renovated; everything has been redone except the foundation. There are new windows, floors, siding, and a well and septic were added. She said the only property the tanks affect is 53, which she owns. Mayor Rubenstein confirmed each address has a house. 55 is not occupied—it needs to pass final inspections. Mr. Stoner reviewed the photos in his report. Ms. Trader said there was a plan submitted by the architect; this was not submitted to the Board. Ms. Trader said the tanks can't be between the two windows, it can't be on the other side because the electric meter is there, it can't be on the right side because the septic is there, and it can't be in the back because that's considered wetlands. She was told the tanks are each 100 gallons, 3.5 feet in diameter, and about 4 feet tall. She was told by the gas company that they would fit on the pad.

Mr. Stoner said when he did an inspection, another question came up about the stairs. Ms. Trader said she didn't know about the stairs encroaching until she went to get the zoning permit for the tanks. Mayor Rubenstein asked if the deck has a building permit; Ms. Trader doesn't know what the contractor did. Mr. Stoner doesn't think permits were obtained for the deck. He confirmed in the back is the foundation; Ms. Trader said this will be empty for now. She purchased the house over ten years ago. There was an attached porch that went out near the end of the foundation. She had to come to the Board and the state for this. The deck goes out the same amount as the porch, but not all the way across. The porch was taken down a long time ago; it was built in the 30s, and was in bad repair. The DEP gave her approval for work years ago. Mayor Rubenstein said there is a demo permit for a porch in 2004. Mr. Stoner said in 2012 there was an approval for an addition. Mayor Rubenstein said in 2016 there is an open building permit for the house. Ms. Hubbard confirmed Ms. Trader owned the house when the foundation was put in. Ms. Trader said she will eventually come back for the foundation. Mr. Stoner said she needs a variance for the stairs—it's not part of this application so can't be heard.

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

Mr. McElroy asked if they should only be looking at the propane tanks, since the deck may need a variance and it's not on the application. Mr. Stoner noted the deck is a violation. Mr. McElroy said he doesn't like plans where there are a lot of moving parts and they're unsure what they're looking at. He doesn't understand what's on the survey versus what got done. Ms. Raffay said they should know what those prior approvals were for; the application is marked "no" for prior approvals being granted. Mayor Rubenstein said the survey is effectively inaccurate, and suggested Ms. Trader ask the architect what permits were obtained. Not having an accurate survey makes it difficult to approve an application. Mayor Rubenstein said the deck and stairs need to be resolved because they don't have permits, along with the survey needing to be more accurate with measurements. Ms. Trader confirmed she can amend this application. Mayor Rubenstein confirmed the plan for the foundation is adding two rooms; this is in the future. Ms. Trader said the foundation is touching the house. Mr. Smith said the deck was built on top of the foundation. Chairman Shivas confirmed when the addition is worked on, the deck and stairs will be removed. Ms. Trader noted the contractor suggested this strategy. The deck is the height of the foundation plus about 2 inches; the contractor had to put wood and screws into the foundation. Mayor Rubenstein said she should get an engineer and decide what she wants to do with the property, and amend the application. **Exhibit B1** was submitted by Ms. Hubbard, an aerial of the property.

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Mayor Rubenstein explained the need to re-notice. Ms. Trader said she'd need at least a month to get everything together. Ms. Raffay motioned to carry the application to 04/18, seconded by Mr. Morytko. The Board discussed what should be submitted in the amended application. Mr. Smith confirmed Ms. Trader is unsure when the addition would be proposed. Mayor Rubenstein noted where the propane tanks are, with an addition there may be other considerations like window placement that are affected.

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

Absent: Mr. Serrilli

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

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

Approval for replacement of vacuums and monument sign

Mr. McElroy recused. Mark Blount represented the application. He noted in 2018 the Car Wash came for an amended site plan for circulation, pay stations, and signage. They're proposing two improvements, including the vacuums and sign. Glenn Paladino was sworn in as the general manager of the car wash. Anthony Marucci was sworn in as the engineer. Mr. Paladino said the car wash has been in his family since 1985. They're looking for these upgrades to provide the public the best car wash facility, updated with industry standards. They need these improvements to compete with other businesses in the area. Mayor Rubenstein asked why they want to replace the vacuums. Mr. Paladino said it produces a better product—it's faster, a cleaner look, and up to date with the

standard. The current vacuums get sloppy at times; the hoses aren't hung as well. The new ones are overhead and in-between the vehicles so it makes it easier; it's also cleaner because you just plug the hose back in. Mr. Blount reviewed the submitted photos of example vacuums. Mr. Paladino said these are called boom vacuums. There is an area for car mats. There are two hoses on the boom, for each side of a vehicle. Chairman Shivas confirmed two cars could use the same vacuum but different hoses, and asked how that's paid for. Mr. Paladino said the vacuum system is free. Ms. Raffay confirmed they're currently coin operated. Mr. Paladino said the vacuums will be on the same wall as they are now; the location differs in that the current ones are centered and the proposed are in-between. Ms. Raffay asked the hours of operation for the vacuums; Mr. Paladino said that's undecided. They try to have a similar experience to other car washes; they want to have nice hours for people, understanding people work during the day. Ms. Raffay asked about lighting and noise. Ms. Hubbard confirmed the hours of the car wash are 8-7 Monday through Friday, 8-6 on Saturday, and 8-5 on Sunday. Ms. Raffay noted right now someone could use the vacuums any time. Ms. Hubbard confirmed the vacuums are lit at the top with an LED strip. Mr. Blount said they're ok limiting the hours to no later than 11pm. Mr. Paladino said the lights are important for safety. Ms. Hubbard asked if the vacuums make noise; Mr. Paladino said he doesn't think they're louder than the ones there now. Mayor Rubenstein said he doesn't have an issue with this being available 24 hours. Mr. Proctor agreed—they're lit and work now, and they won't be louder than a truck on the road. Chairman Shivas noted they're not asking for a change in the hours of operations from what people could use now. Mr. Walsh confirmed the lights stay on when the vacuums are not used. He noted it's not much a question about sound or usage, but wants to know more about the lights. Mr. Paladino said the current vacuums are lit; Mr. Smith said these are diffused. Ms. Raffay said red is not as bright, but if the LEDs are straight down, it's directional. Mr. Paladino thinks they're needed for security. Ms. Raffay said this isn't site lighting. Mr. Paladino said the details are from the company that makes the vacuums; they're considering three different vendors. Mr. Walsh noted he doesn't want to approve something where they're guessing.

Mr. Marucci was sworn in; he has a degree in civil engineering, served in municipal government, and was a township engineer. He worked in Orange, South Orange, and Bloomfield, and started a company in 2001. He appeared before Boards in Essex and Morris County, and did the plans for the car wash in 2018. He was deemed an expert, and his license is in good standing. Mr. Marucci referred to sheet 2, with vacuum details. The vacuum has a 6-inch LED light that shines down, so he doesn't anticipate a lot of ambient light. Mr. Blount submitted **Exhibit A1**, a photo of what the lights look like at night. Mr. Proctor asked if the lights on the side of the building light up the sidewalk; Mr. Paladino said the sconces light up the sidewalk but not further out. Near the exit there is a light. Mr. Proctor said he doesn't think these lights would be much different than other businesses nearby. Ms. Raffay said they look brighter than what's there now. She doesn't think everyone understood the lights involved in the last application for the current vacuums. Mr. Morytko asked about the colors. Mr. Paladino is leaning towards aluminum with a blue hose. Mr. Stoner said other car washes have an individual unit for the vacuums; this looks like they're connected. Mr. Paladino said there is a central vacuum. Mr. Paladino requested a break in the hearing. Returning, he confirmed each vacuum is individualized and then run to a central vacuum. It's above-ground in case it clogs. The central vacuum is near the flag pole island. Chairman Shivas asked about noise. Ms. Hubbard noted they're asking about screening and landscaping. Mr. Blount said they can get a manufacturer detail.

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

Mr. Marucci submitted **Exhibit A2**, a series of photos of the property and sign examples in the area, taken on February 3rd. They're trying to keep in character with what's on Route 206. Currently the hoses are on the ground and he considers this unsanitary and unsafe, where people may trip. They're making the spaces larger, so there's more room to access the vacuums. They're re-doing the sidewalks and foundation. The vacuums protrude into the spaces. There is a section of the proposed sign that goes above the wording. They're requesting a digital sign, which would say "unlimited car wash," and can change messages, which would always relate to their business. It is possible, in an emergency, the town could hook into that for alerts. Ms. Hubbard asked if this would change constantly. Mr. Walsh left the meeting at this time. Chairman Shivas noted they don't allow flashing signs. Mr. Paladino said this is more to indicate if they're open or closed, and advertising their unlimited wash. Ms. Raffay asked about the timing when switching messages. Mayor Rubenstein reviewed the relevant section of the code. The minimum length of time for a message is once per minute. Mr. Marucci asked for relief for the size due to their location and the speed of traffic going by. Ms. Raffay asked with this changing sign, could they take down other signs. Mr. Paladino said the majority of signs are there for directions or blocking areas people shouldn't be driving. Towards the back there is more advertising. Ms. Raffay meant temporary signs. Mr. Paladino said the proposed sign would cover this, so would have a cleaner look for the property. Mr. Morytko said regarding the size of the sign, the ordinance was designed for it to be 15 feet, so it should be that size. Mr. Paladino said they could make it that size if that's what's preferable.

Mr. Marucci said he looks at this application more from a safety perspective. The vacuums provide more room to move, and the sign conforms to what's in the area. The digital sign can be used by the Township for an

emergency; a larger screen would be more visible. He reviewed the variance criteria. Mr. Blount asked about safety in relation to the sign. Mr. Marucci said on Route 206 with the speed of traffic, by the time you see the car wash, you could pass the entrance. The new sign would help show the entrance, which helps with safety. Chairman Shivas asked how much of the sign is going to be lit. Mr. Paladino said the digital portion and the Byram Car Wash portion. Ms. Raffay asked if the sign is backlit. Mr. Paladino said they're internal, and you can see it from both sides. Mr. Stoner reviewed the variances. Mr. Morytko thinks the sign is an improvement, but the size is something to consider; the design standards have a purpose. Chairman Shivas said if they removed the portion above the business name, it would save a lot on the height. Mr. Paladino said that design was recommended by a company. Mr. Smith likes the design. He knows where the car wash is, but if you don't, by the time you see the sign it's too late to turn in. The current sign is not at all visible. Mayor Rubenstein noted the tree next to it could be removed to help visibility. Ms. Raffay said she'd also like to see it smaller, and isn't sure that it being taller would overcome the visibility issues. Mr. Proctor said near the exit, there's flat ground where the sign could be smaller and more visible. Mr. Paladino said that's their exit, and wouldn't show where the entrance is. Mayor Rubenstein likes the sign. Chairman Shivas said the size of the sign is fine, but thinks the top portion could just be removed. Mr. Blount said they could come back with some specifications on the sign. Mr. Stoner said they could get a street photo and superimpose a proposed sign. Mayor Rubenstein suggested trading the size of the sign for the setback to help visibility. He suggested talking to the DOT about the tree blocking the sign. Ms. Raffay said the base for the booms looks to be on the sidewalk, but on page 2 it shows they're on the parking stall. Mr. Marucci said they should be on the sidewalk. Ms. Raffay said she'd like to see something about the colors and lighting. Chairman Shivas asked for a picture of the vacuum and information on noise.

Mr. Morytko motioned to carry the application to 03/07 with no further notice, seconded by Ms. Raffay. Chairman Shivas opened to the public and no one spoke so he closed to the public.

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

Abstaining: Mr. McElroy

Absent: Messrs. Serrilli and Walsh

None opposed. Motion carried.

BILLS

Harold Pellow and Associates (7): \$2,245.00 A motion to approve the bills was made by Mayor Rubenstein, 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 in January, and looking for an event for national trails day. They discussed the trails committee.

Open Space: Mr. Morytko said they reviewed goals for the year and discussed the trails committee. They have some interest in membership, and discussed the playground grant.

Township Council: Mayor Rubenstein said Mr. Dewald is the new police Chief, and Chief Burke has retired. They did license renewals for the quarry and Raimos, and discussed the model tree ordinance. They will apply for a grant for the tennis courts at the municipal building. Mr. Proctor said they introduced an ordinance for DPW equipment. Mayor Rubenstein said they passed the ordinance for the street near Raimos.

Zoning Report: Everyone had a copy.

OPEN TO THE PUBLIC

Chairman Shivas opened and closed to the public.

ADJOURNMENT

A motion to adjourn the meeting was made at 9:41pm by Mr. McElory, seconded by Mr. Proctor. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted by Caitlin Phillips

Resolutions Approved at Previous Meeting

In the matter of David Maida
Case No.
MF#5000.095

BYRAM TOWNSHIP
PLANNING BOARD
RESOLUTION OF MEMORIALIZATION

RELIEF GRANTED: Setback of Accessory Structure to Principal Structure

WHEREAS, David Maida has applied to the Planning Board of the Township of Byram seeking *ex post facto* approval to construct a gazebo in the side yard of the premises located at 68 Sleepy Hollow Road, and known as Block 406, Lot 103 on the Tax Map of the Township of Byram which premises are in a the “R-4” 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.
2. The Applicant has constructed a gazebo on the existing patio in the side yard of the subject property, requiring relief pursuant to N.J.S.A. 40:55D-70c, from

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Section 240-16(B)(1) of the Township's Zoning Ordinance, to permit the gazebo 2.5 feet from the principal structure where 10 feet is required.

3. The Applicant submitted the following documents along with the Application for a Variance/Lot Line Adjustment:
 - a. Location Survey with Corners Set, prepared by George L. Anderson, LLC, dated November 21, 2016, marked up by the client.
 - b. Four (4) pictures of the existing gazebo
 - c. Tax Map, prepared by Harold E. Pello, PE, PS, dated June 2006, revised through February 2019, Sheet 7.06.
4. The Board received a memorandum from Cory L. Stoner, P.E., P.P., of Harold E. Pellow & Associates, the Planning Board Engineer, dated January 26, 2024.
5. A duly noticed public hearing was conducted on February 1, 2024, at which time David Maida, presented sworn testimony in support of the application. The subject property is an irregularly shaped lot with an existing single-family dwelling, with related driveway and deck. The Applicant constructed a patio in the side yard of the home, with permits, that is accessed from the sliding doors in the basement. A 12'x16' gazebo was constructed on the patio, 2.5 feet from the home and 17 feet from the side lot line.
6. The Applicant testified that the lot is constrained by the location of the septic system and leach field in the rear yard and the location of the gate in the front yard. The property slopes and drains toward Sleepy Hollow Road, with the

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patio in a level area of the yard. If the gazebo is shifted 10 feet from the home, it will require a side yard setback and will not be located on the patio.

7. All other requirements for an accessory structure are met by this application.

The gazebo is entirely within the patio area. Any other location within the side yard would require variance relief.

8. The property is located within the Highlands Preservation Area and the proposed construction of the gazebo is accomplished under Highlands Exemption #5, which permits the construction of improvements to single family homes, including a patio.

9. There was no one from the public 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 240-16(B)(1) of the municipal zoning ordinance to permit the gazebo 2.5 feet from the principal structure.
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

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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.

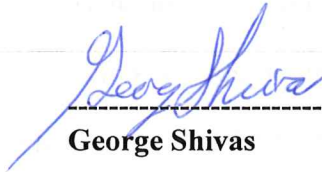
3. The Board determined that based on the topography of the property and the location of the septic system, the patio and the gazebo were constructed in the only logical location on the property. The improvements have direct access from the basement and provide a passive recreation area for the homeowners.
4. The gazebo is setback from the side yard and will have little impact to the surrounding area. The passive recreation area is consistent with the Master Plan and not inconsistent with the zone scheme.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the 15th day of February 2024 that the approval of the within application be granted subject, however, to the following conditions:

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

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3. The Applicant shall comply with the reports submitted by the Township's Professionals and Commissions.
4. Payment of all fees, costs, escrows due or to become due. Any monies are to be paid within twenty (20) days of said request by the Board's Secretary.
5. Applicant shall submit a Certificate that taxes are paid to date of approval to the Board Secretary.
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.



George Shivas

On motion of: Mr. Proctor

Seconded by: Ms. Raffay

The vote on the Resolution was as follows:

AYES: Five (5): Mr. Proctor, Ms. Raffay, Mr. Morytko, Mr. Walsh, Chairman Shivas

NAYS: Zero (0)

ABSTAINING: Three (3): Mayor Rubenstein, Mr. McElroy, Mr. Smith

ABSENT: One (1): Mr. Serrilli

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I certify that the above Resolution is a true copy of a Resolution adopted by the Planning Board on February 15th, 2024.

Caitlin Phillips

**Caitlin Phillips, Planning Board
Secretary**

Dated: 02/16/2024

Prepared by: Alyse Landano Hubbard, Esq.

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In the matter of Ziad Jalbout
Case No. Z29-2023
MF#5000.096

BYRAM TOWNSHIP

PLANNING BOARD

RESOLUTION OF MEMORIALIZATION

RELIEF GRANTED: **Minimum Front Yard Setback**
 Minimum Side Yard Setback
 Number of Stories

WHEREAS, Ziad Jalbout has applied to the Planning Board, Township of Byram seeking approval to construct a porch and a second story addition on the premises located at 60 Birch Parkway, and known as Block 308, Lot 1831.02 on the Tax Map of the Township of Byram which premises are in a “R-5” Residential Zone;

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

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

1. The Applicant is the owner and occupant of the subject property. The

Applicant is proposing to construct a porch and a second story addition on the

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existing single-family structure, requiring the following relief from the Township's Zoning Ordinance:

- a. Section 240-14 - Minimum Front Yard Setback: 40 feet required, 29.7 feet existing, 25.7 feet proposed.
- b. Section 240-55C(3) – Minimum Side Yard Setback: 15 feet required, 7 feet existing, 6 feet proposed.

2. The Applicant submitted the following documents, along with the Application for Variance/Lot Line Adjustment:

- a. Site Plan, prepared by Sergio Chavarria, Architect, dated December 1, 2023.
- b. Outbound Survey, prepared by Clearpoint Services, LLC, dated July 26, 2023.
- c. Tax Map, prepared by Harold E. Pellow, PE, PS, dated June 2006, sheet 9.04.
- d. Pictures of the home from various viewpoints, updated, six (6) total.
- e. Site Plan, prepared by Sergio Chavarria, Architect, dated November 13, 2023, revised through February 2, 2024, *submitted after the public hearing.*
- f. System Review of Individual Subsurface Sewage Disposal, Sussex County Department of Health and Human Services, approved January 2, 2024, *submitted after the public hearing.*
- g. Waiver from the Lake Mohawk Country Club, dated November 21, 2023, *submitted after the public hearing.*

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3. The Board received a memorandum from
 - a. Cory L. Stoner, P.E., P.P., the Planning Board Engineer, dated January 6, 2024.
 - b. Environmental Commission, undated.
4. The following were marked for identification:
 - a. A-1- Email correspondence from Candice Morgan, Senior REHS, Sussex County Health Department, dated January 2, 2024.
 - b. A-2 – Picture from the lake looking at the house.
5. A duly noticed public hearing was conducted on February 1, 2024, at which time Ziad Jalbout, the Applicant, and Sergio Chavarria, the architect, who was accepted as an expert, presented sworn testimony in support of the application. The subject property is a lake front lot on Lake Mohawk, with approximately 79 feet of frontage on the Lake and approximately 90 feet of frontage on Birch Parkway. The lot is approximately 108 feet deep, with an existing one-story dwelling, with a stone driveway, a brick walkway and two levels of deck in the rear. The lot is substandard as to minimum lot area, minimum lot width, minimum front yard setback, minimum side yard setback and maximum lot disturbance.
6. The current configuration of the home provides access into the kitchen, via a few steps directly into the home with no platform or landing, which is a dangerous condition. The main floor consists of a kitchen breakfast area, living room, a small study and two bedrooms.

{370244.DOC.1}3

7. The Applicant is proposing to reconfigure the layout of the home, which includes relocating the front door toward the center of the home, with a staircase to the second story addition, in what is currently the study. The second story addition will consist of a master suite with a bedroom, large walk-in dressing area, and bathroom, which is open to the living room below. The front door will have access from the proposed porch and a sliding door will be added to the living room. The bedroom in the rear of the home will be converted into a dining room. The proposed addition is a vertical expansion of the non-conforming side yard setback. The proposed covered front porch will encroach further into the non-conforming front yard setback, decreasing the setback from 29.7 feet existing to 25.7 feet, where 35 feet is required.
8. The covered front porch will provide protection from inclement weather and create safer access to the home, as well as improve the aesthetic appearance of the home.
9. The Applicant will have to relocate the septic from the front yard, and will install a new gravity septic system, with Approval from the Sussex County Health Department. Mr. Chavarria testified that the Applicant has an approval from Sussex County, with conditions that were set forth in an email dated January 2, 2024 from Candice Morgan, Senior REHS, which was marked as A-1. There was a prior approval from 2007 inspection noting that the septic system was sufficient for a three (3) bedroom house, but the proposed addition will only result in two bedrooms. The installation of the septic system will

require the removal and replacement of part of the lower deck. Any changes to the footprints of the existing decks will require variance relief.

10. The property is serviced by public water, on the eastern side of the property, which shall be indicated on the revised plans.

11. The Board received a waiver from the Lake Mohawk Country Club, dated November 21, 2023, which was submitted to the Board after the hearing.

12. There was a discrepancy in the plans that were submitted with the original application and revised plans, it was noted the original set was dated December 1, 2023. The second set of plans was dated November 13, 2023, revised on January 18, 2024, and further revised on February 2, 2024 and submitted after the hearing.

13. The proposed dwelling is conforming at 24 feet in height, where 25 feet is permitted. Due to the proposed height being within a foot of conformity, the Applicant must submit a Height Certification prior to the issuance of a Certificate of Occupancy.

14. There are railroad-tie steps along the eastern side yard leading from the front to the rear of the home, which will be removed as part of the proposed renovations. After removal, the area will be regraded.

15. A picture of the home from the lake was marked as A-2 for identification which showed a dock, a rock wall along the lake front, paver/brick steps leading to the home and the two levels of deck that exist on the rear of the home. The environmental commission report raised a concern about the existence of a bulkhead and the need for additional vegetation, as well as

{370244.DOC.1}5

whether there would be any tree removal, and whether gutters would direct runoff. The Applicant testified that there is a bulkhead that would remain unchanged as part of the proposed addition, but they will be planting additional vegetation along the lake front. Not tree removal is anticipated for the construction and the existing roof leaders run underground, with no changes proposed.

16. After viewing A-2, the Board Engineer opined that due to the walk out basement, the home was an existing two-story structure, which will become a three story structure with the proposed addition, requiring variance relief from Section 240-55C(7), which permits 2 ½ stories in the R-5 Zone.

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

18. 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 the following Sections of the municipal zoning ordinance:

{370244.DOC.1}6

- a. Section 240-14 - Minimum Front Yard Setback: 40 feet required, 29.7 feet existing, 25.7 feet approved.
 - b. Section 240-55C(3) – Minimum Side Yard Setback: 15 feet required, 7 feet existing, 6 feet approved.
 - c. Section 240-55C(7) – Maximum Number of Stories: 2 ½ permitted, 3 stories approved.
2. N.J.S.A. 40:55D-70c(1) indicates that a variance may be granted under its “hardship” provisions, with the hardship being related to the exceptional narrowness, shallowness, shape of the property, unusual topographic conditions or by reason of the location of the existing structures on the property. Under the c(2) subsection, variance relief may be granted where it is determined that the proposed relief advances one or more of the purposes of zoning (which purposes are set forth in N.J.S.A. 40:55D-2) and where it is further determined that the benefits of granting the variance outweigh any detriments which might result from it.
3. The subject property is fully developed with a two-story dwelling, a driveway, walkways and decks. The proposed addition of the front porch will encroach into the front yard, but will provide the homeowners with a safe entrance, that improves the aesthetic appearance of the home. Reconfiguring the home, relocating the front entrance and adding the second story will result in additional living space for the homeowners, with a better layout and improve the overall appearance of the property. The third story is only visible from the lake view and is attractive with picture windows and sliding doors.

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4. The addition will not expand the footprint of the existing structure and is consistent with the neighborhood and the goals of the zoning scheme and the Master Plan.

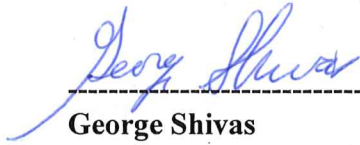
NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the 15th day of February 2024 that the approval of the within application be granted subject, however, to the following conditions:

1. The Applicant shall comply with all the conditions and standards set forth in Section 240 of the Township's Ordinances. The Applicant shall be subject to all other applicable rules, regulations, ordinances and statutes of the Township of Byram, County of Sussex, State of New Jersey, or any other jurisdiction.
2. The Applicant shall be bound to comply with the representations made before this Board by the Applicant, and its professionals, at the public hearing. The representations are incorporated herein and were relied upon by this Board in granting the approval set forth herein and shall be enforceable as if those representations were made conditions of this approval
3. The Applicant shall comply with the reports submitted by the Board's Professionals and Commissions.
4. Payment of all fees, costs, escrows due or to become due. Any monies are to be paid within twenty (20) days of said request by the Board's Secretary.
5. Applicant shall submit a Certificate that taxes are paid to date of approval to the Board Secretary.

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. Prior to occupancy, the owner shall first obtain a Certificate of Occupancy from the Township of Byram Construction Department.
8. 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:
 - a. Final Approval from the Sussex County Health Department
 - b. Sussex County Planning Board
 - c. Byram Township Construction Department
 - d. New Jersey Department of Environmental Protection
9. The Applicant shall comply with Chapter 201 of the Township's Ordinances with regard to submitting the appropriate information and paying the necessary fees, to obtain approval for sewer allocation and connection, if necessary.
10. All utilities, including public water, shall be indicated on the Site Plan.
11. Updated plans shall be submitted, subject to the review and approval of the Board Engineer.
12. A Certification as the height of the structure, from a licensed professional, shall be submitted to the Board Engineer for review and approval.

13. The railroad tie steps shall be removed from the eastern side of the home and the property regraded.

14. Additional plantings along the lake front shall be native plants consistent with the recommendations provided to the Applicant from the Board.


George Shivas

On motion of: Mr. Proctor

Seconded by: Mr. Morytko

The vote on the Resolution was as follows:

AYES: Five (5): Mr. Proctor, Ms. Raffay, Mr. Morytko, Mr. Walsh, Chairman Shivas

NAYS: Zero (0)

ABSTAINING: Three (3): Mayor Rubenstein, Mr. McElroy, Mr. Smith

ABSENT: One (1): Mr. Serrilli

I certify that the above Resolution is a true copy of a Resolution adopted by the Planning Board on February 15th 2024.

Caitlin Phillips

**Caitlin Phillips, Planning Board
Secretary**

Dated: 02/16/2024

Prepared by: Alyse Landano Hubbard, Esq.

{370244.DOC.1}10

In the matter of Alexander Rubenstein
Case No. Z26-2023
MF#5000.087

BYRAM TOWNSHIP

PLANNING BOARD

AMENDED

RESOLUTION OF MEMORIALIZATION

**RELIEF GRANTED: Minor Subdivision
Grade of Driveway**

WHEREAS, Alexander Rubenstein has applied to the Planning Board of the Township of Byram seeking approval for a Minor Subdivision and bulk variance for premises located at 2 and 8 Carpenter Road, and known as Block 237, Lots 519, 521 and 522 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:

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1. The Applicant is the owner of all three lots that comprise the subject property in Block 237. The Applicant is proposing to subdivide the lots and merge a portion of Lot 521 with Lot 519 and the remainder with Lot 522. Additionally, there are related road dedications and vacations, as well as easements, that will result in two (2) buildable lots. Pursuant to N.J.S.A. 40:55D-70c, variance relief is required from the following section of the Township's Zoning Ordinance:
 - a. Section 240-40B(4) – no driveway shall exceed a grade of 2% within 20 feet of the right-of-way; the proposed driveway for Block 237, Lot 519 will not meet the grading requirements.
2. The Applicant submitted the following documents along with the Application for a Variance/Lot Line Adjustment:
 - a. Proposed Residential Development and Minor Subdivision for Alex Rubenstein, prepared by Wilson Engineering, PLLC, dated October 4, 2023, consisting of 8 sheets.
 - b. Architectural Plan for Residence for 4 Carpenter Road, Block 237, Lot 521, prepared by Andesign, LLC, dated January 1, 2024, consisting of one sheet, (this Plan notes the incorrect street number and Lot Number, to be corrected.)
 - c. Architectural Plan for Residence for 2 Carpenter Road, Block 237, Lot 522, prepared by Andesign, LLC, dated January 1, 2024, consisting of one sheet.

{369267.DOC.1}2

- d. Subdivision Plan prepared by Darmstatter, Inc., dated October 4, 2023, consisting of one sheet.
 - e. Composite Boundary and Topographic Survey, prepared by Darmstatter, Inc., dated May 24, 2023, consisting of one sheet.
 - f. Project Description in narrative form, along with Zoning Tables for Lots 519 and 522, and six (6) photos of the property, totaling seven (7) pages, unknown preparer and undated.
 - g. Highlands Exemption Determination Application initially dated September 26, 2023, and signed on November 7, 2023.
3. The Board received a memorandum from Cory L. Stoner, P.E., P.P., the Planning Board Engineer, dated January 12, 2024.
4. The following were marked for identification:
- a. A-1- Overall Site Plan, sheet 3 of 8 on the Wilson Engineering Plans, dated October 24, 2023, with cross hatch indicating the proposed right-of-way dedication to the Township and the driveway easement hand drawn during the hearing.
5. A duly noticed public hearing was conducted on January 18, 2024, at which time Alexander Rubenstein, the Applicant, and Eric Wilson, P.E., the project engineer, who was accepted as an expert engineer, presented sworn testimony in support of the application. The Applicant is the owner and occupant of Block 234, Lot 1.04, which is located to the south of the subject parcels, on the opposite side of Deer Trail. The Applicant individually purchased three (3) adjacent lots in Block 237, which are irregularly shaped. Block 237, Lot

{369267.DOC.1}3

522 consists of a residential dwelling on 35,328 square feet, with a driveway and detached garage. The home is in disrepair, but the foundation can be utilized for the construction of a new home. Block 237, Lot 521, which is 27,668 square feet of vacant property, is non-conforming and Lot 519, which is 67,058 square feet is also vacant land, and consists of pockets of bedrock.

6. Carpenter Road is to the North of Lots 519, and 521, with a small portion of Lot 522 fronting on Carpenter Road. Lot 522 is a corner lot, with two sides fronting on Partridge Road, adjacent to the cul-de-sac, with another frontage on a paper street known as Deer Trail. Finally, Lot 519 is a through lot, with its second frontage on Deer Trail as well. There is an oddly shaped area that is part of the Partridge Road right-of-way between the western lot line of Lot 522 and the paved roadway of Partridge Road. The northern property lines of all three (3) streets encroach into the Carpenter Road right-of-way, as a result of the paved roadways following a natural, drivable curve and the right-of-way following the “jagged” line of the property line.
7. The subject proposal includes dividing Block 237, Lot 521 into two parcels and merging the land into the adjacent lots: resulting in conforming, buildable lots. Only one bulk variance is required for this project, on Lot 519, for the grade within the first 20 feet of the driveway. The proposal includes right-of-way dedications along Carpenter Road to correct the encroachments of the lot into the paved roadway. Additionally, the Applicant will seek approval from the Township Council to vacate Deer Trail to be merged to the newly created subdivision, as well as the vacation of a portion of the right-of-way adjacent to

{369267.DOC.1}4

the cul-de-sac, which contains the driveway for Lot 522. A combination of these actions by the Applicant and the Township will result in creating conforming lots and fixing the lot lines and right-of-way lines for a better layout of the area. Finally, there is a driveway that runs across the southeastern corner of Lot 522, for which an easement must be granted to allow it to remain and service the existing garage on Lot 1.04.

8. The Chairman raised a concern about the vacation of Deer Trail eliminating the possibility of the owner of Block 237, Lot 517 having driveway access to Partridge Road. The Applicant testified that there is currently no means of access or the possibility of constructing a roadway through the paper street, but agreed to notify the owner of the Council Meeting when the vacation would be considered for public comment.
9. A chicken coop is proposed on Lot 522, which would be located in the front yard, requiring variance relief. Accordingly, the Applicant has agreed to relocate the accessory structure so that is not within the front yard on Partridge Road.
10. In response to Mr. Stoner's report, dated January 12, 2024, Mr. Wilson testified to the existing and proposed conditions on the Overall Site Plan. He noted that Lot 519 consists of slopes that are bedrock and constrict the buildable areas on the property. The proposed dwelling will be sited in between the sections of bedrock, with limited disturbance to the steep slopes. There will be no disturbance of slopes greater than 25%.

11. Due to the limited site disturbance, the project is not a major development pursuant to the New Jersey Department of Environmental Protection, however the Applicant has applied for a Letter of Interpretation as to the 50-foot Wetlands Transition Area and will construct rain gardens with a drain pipe for groundwater recharge to collect the stormwater runoff before it flows onto Carpenter Road from Lot 519. Additionally, the driveway will be pitched so that the runoff does not flow toward the roadway. A retaining wall is proposed around the new three-bedroom septic field on the eastern side of the dwelling and a new well is proposed to the western side of the dwelling.
12. The proposed dwelling on Lot 522 will be reconstructed on the existing foundation, serviced by a new septic system located next to the driveway, and the existing well on the northern side of the lot. Driveway access is from Partridge Road, with the slope of the driveway paved and the open flat area is existing gravel, both of which will remain as is unless repairs are needed. A small portion of the driveway, near the septic field, will be restored to grass.
13. Tree removal will be limited to the areas where the dwellings will be constructed, and the septic systems installed. The foundations will be fixed to the bedrock, without basements, but possibly crawl spaces.
14. The property is located in the Highlands Preservation Area, requiring a Municipal Highlands Exemption Determination. Mr. Stoner opined that the construction of the new dwelling will qualify for a Highlands Exemption #2 which permits the construction of single-family dwellings that do not result in

the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more.

15. There was no one from the public 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. The Applicant established the necessary criteria to grant subdivision approval. Further, variance relief can be granted pursuant to N.J.S.A. 40:55D-70c from Section 240-40B(4) of the Township's Land Use Ordinance which states that no driveway shall exceed a grade of 2% within 20 feet of the right-of-way; the proposed driveway for Block 237, Lot 519 will not meet the grading requirements.
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 lots are irregularly shaped, with more than one front yard, and pockets of bedrock, which contribute to the ability to develop the lots without the need for variance relief. The Applicant was able to limit the amount of disturbance and tree removal based on the location of the homes and the design and layout of property. The addition of the right-of-way dedications and the vacations of portion of Partridge Road and Deer Trail result in an overall layout for the area. However, the driveway for Lot 519 cannot meet the required grade based on the slopes and the current location. Accordingly, the Board determined that relief could be granted without a substantial detriment to the surrounding area. The proposed development is 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 18th day of January 2024 that the approval of the within application be granted subject, however, to the following conditions:

1. The Applicant shall comply with all the conditions and standards set forth in Section 240 of the Township's Ordinances.
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.

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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.
7. Revised Plans shall be submitted to reflect the following changes, subject to the review and approval of the Board Engineer:
 - a. Relocate the chicken coop so that it is not located in the front yard.
 - b. Provide details of the chicken coop, the height of which shall not exceed 15 feet.
 - c. Revise notes to accurately reflect the proposed septic system plans.
 - d. Depict the location of the right-of-way dedications for Carpenter Roads.
 - e. Depict the location of the driveway easement on Lot 522.
 - f. Depict the location(s) of the rain gardens to collect the stormwater runoff on Lot 519.
 - g. Provide details for the grading of the driveway on both lots.
 - h. Details for the retaining wall on Lot 519 shall be provided on the plans.
8. Applicant shall provide a copy of the Septic System Plans to the Board Engineer for review and approval.

9. Applicant shall seek the vacation of the Deer Trail Right-of-Way from the Township Council.
10. Applicant shall seek the vacation of a portion of the Partridge Road Right-of-Way from the Township Council.
11. Applicant shall prepare a roadway dedication for a portion of Carpenter Road.
12. Applicant shall provide the following deeds to the Board Engineer, Board Attorney and the Township Attorney for review and approval prior to recording same with the Sussex County Clerk:
 - a. Vacation Deed for a portion of the Partridge Road Right-of-Way.
 - b. Vacation Deed for Deer Trail Right-of-Way.
 - c. Dedication of a portion of the Rights-of-Way for Carpenter Road.
 - d. Subdivision Deed dividing Block 237, Lot 521 into two tracts.
 - e. Perimeter Deed for Block 237, Lot 519, which includes a portion of Lot 521, the Deer Trail and Partridge Road Right-of-Way Vacations and the Carpenter Road Dedication.
 - f. Perimeter Deed for Block 237, Lot 522, which includes a portion of Lot 521, the Deer Trail Right-of-Way Vacation and the Carpenter Road Dedication.
13. The Architectural Plans shall be updated to indicate that the proposed dwelling is located on Block 537, Lot 519, with the proper street address.
14. Applicant shall record a Deed Restriction for the proportionate cost of the potential improvements to Carpenter Road, if the Deeds for the other improved lots along Carpenter Road include a Deed Restriction.

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15. Approval of the well on Lot 519 from the Sussex County Health Department.
16. Approval for the new septic systems on Lot 519 and Lot 522 from the Sussex County Health Department.
17. A rain garden shall be constructed on Lot 519 to control the stormwater runoff from the proposed building. The design and construction of same shall be subject to the review and approval of the Board Engineer.
18. Applicant shall obtain permits and approval from the Byram Township Construction Department.
19. Applicant shall have the limits of the steep slopes disturbance staked prior to the state of construction. There shall be no disturbance of slopes in excess of 25%.
20. Applicant shall notice the Owner of Block 237, Lot 517 of the public hearing for the vacation of the Deer Trail right-of-way 10 days prior to the meeting.
21. All tree removal shall be consistent with the notes on the plan.
22. The driveway on Lot 519 shall be graded to promote stormwater flow from the east side of the driveway to the west side of the driveway and into the swale that exists to the west of the driveway.
23. Applicant shall consent to the entirety of Deer Trail to be dedicated and merged with Lots 519 and 522.
24. Applicant shall participate in a Pre-construction meeting with the Board Engineer.
25. Applicant shall obtain approval from the Upper Delaware Soil Conservation District.

{369267.DOC.1}11

26. Applicant shall confirm the new property address and Block and Lot numbers with the Township's Tax Assessor prior to the filing of the subdivision and related deeds.


George Shivas

On motion of: Mr. McElroy

Seconded by: Mr. Morytko

The vote on the Resolution was as follows:

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

NAYS: Zero (0)

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

ABSENT: One (1): Mr. Serrilli

I certify that the above Resolution is a true copy of a Resolution adopted by the Planning Board on February 15, 2024.

Caitlin Phillips

**Caitlin Phillips, Planning Board
Secretary**

Dated: 02/16/2024

Prepared by: Alyse Landano Hubbard, Esq.

{369267.DOC.1}12

Byram Township Planning Board
Bills for March 7 2024

Harold Pellow	DATE	AMOUNT
Inv. 79324 Board meeting	02.06.2024	\$69.00
HP Total		\$69.00

Maraziti and Falcon	DATE	AMOUNT
Inv. 55733 Board communications, attendance, review	02.08.2024	\$210.00
Inv. 55746 Kane review resolution	02.08.2024	\$105.00
Inv. 55749 Maida review application, notice, report	02.08.2024	\$122.50
Inv. 55750 Jalbout review application, notice, report	02.08.2024	\$140.00
Inv. 55751 Trader review application, notice, report	02.08.2024	\$297.50
Inv. 55752 Turcios review application, notice	02.08.2024	\$122.50
Inv. 55734 Quinones communications, resolution	02.08.2024	\$140.00
Inv. 55737 Panther Lake communications, review application and report, resolutions	02.08.2024	\$1,067.50
Inv. 55741 Tomahawk Lake communications	02.08.2024	\$192.50
Inv. 55743 Byram Car Wash review notice, photos, application, report	02.08.2024	\$122.50
Inv. 55744 Krassner review application	02.08.2024	\$35.00
Inv. 55745 Rubenstein review noticing, application, reports, communications, meeting attendance, resolution	02.08.2024	\$1,172.50
Inv. 55747 Tiernan review application	02.08.2024	\$52.50
Inv. 55748 Tsukanov review report, notice, meeting attendance, resolution, communications	02.08.2024	\$612.50
Maraziti Falcon total		\$4,392.50

GRAND TOTAL		\$4,461.50
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