

BYRAM TOWNSHIP PLANNING BOARD AGENDA
For Thursday, May 15 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-** April 17, 2025
6. **RESOLUTIONS**
Z01-2025 Regina Frandano, 1 Cranberry Ledge Road, Block 105 Lot 26, R-5 Zone
Application for enclosure of mudroom/porch area
7. **DISCUSSION ITEM:** Code Amendments to Chapters 215 and 240
8. **REPORTS FROM COMMITTEES**
Environmental Commission
Open Space
Township Council
9. **OPEN TO THE PUBLIC**
10. **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: May 1 2025

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

ROLL CALL:

Members Present: Mss. Raffay, Colligan, DeMagistris, Ms. Lewandowski; Messrs. McElroy, Smith, Walsh, Chairman Shivas

Members Absent: Mayor Rubenstein, Mr. Proctor, Mr. Morytko

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

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

FLAG SALUTE: led by Chairman Shivas. Mr. Proctor, Ms. Colligan, and Mr. Smith entered the meeting at this time.

MINUTES: April 17, 2025

Motion of Mr. McElroy to approve the minutes, second of Ms. DeMagistris. Ms. Raffay noted she was not present, and Ms. Lewandowski noted she was present, for the 17th. Ms. Phillips will make those changes.

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

Abstaining: Ms. Raffay

Absent: Mayor Rubenstein, Mr. Proctor, Mr. Morytko

None opposed. Motion carried.

RESOLUTIONS

Z04-2025 Judy Barbuto, 4 Rose Trail, Block 178 Lot 26, R-5 Zone

Application for replacement of porch and cantilever roof

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

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

Abstaining: Ms. Raffay, Walsh

Absent: Mayor Rubenstein, Mr. Proctor, Mr. Morytko

None opposed. Motion carried.

Z03-2025 Peter Ianzano, 83 Lake Drive, Block 249 Lot 73, R-5 Zone

Application for home addition and garage

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

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

Abstaining: Ms. Raffay, Walsh

Absent: Mayor Rubenstein, Mr. Proctor, Mr. Morytko

None opposed. Motion carried.

NEW BUSINESS

Z01-2025 Regina Frandano, 1 Cranberry Ledge Road, Block 105 Lot 26, R-5 Zone

Application for enclosure of mudroom/porch area

Regina Frandano was sworn in as the applicant and thanked the Board for their time. She has lived there for ten years and added a fence with a gate to keep the dogs from getting out. She wants to enclose the front porch to make it a mudroom. This would help keep her dogs safe and help with temperature control. Her living room doubles as a dining room so she wants more space. She plans to cover the mudroom in a faux stone which will match the fireplace.

Mr. Stoner said he has no major issues with the application. He reviewed the variances. The home is an existing non-conforming structure. This is in a Highlands Preservation area but the work falls under Exemption 5. He confirmed the work is taking place on the side with the concrete walkway. Chairman Shivas noted it's two front yards. Mr. Smith said on the application it shows the setback from the proposed work, but it should be from the closest point of the house. Ms. Hubbard confirmed she is enclosing the concrete landing too. Mr. Smith confirmed the existing fence is four feet. Ms. Frandano said it has two gates. It was a white picket fence but she converted it to a chain-link for dog safety. Ms. Raffay confirmed the rear elevation is really the front yard elevation on Cranberry Ledge. Ms. Hubbard asked about the sheds. Ms. Frandano said the larger shed was there when she bought the home, and the other is a garbage-can shed that she bought and assembled. Mr. Walsh confirmed it can be moved around. Mr. Stoner said it needs to be 10 feet off the property line as an accessory structure. Mr. Walsh said they should acknowledge the sheds. Ms. Frandano said the shed is old and isn't sure how well it would move. Ms. Hubbard noted if she moved it, it might be too close to the house. Mr. Stoner said it's an undersized lot and it's been there awhile. Ms. Frandano said the neighbor faces it and hasn't said anything. The garbage enclosure is the same height as the fence. She moved it away from the fence so the dogs can't use it to hop over. Ms. Hubbard confirmed Ms. Frandano wants to amend the application to seek relief for the two sheds.

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

Mr. Stoner noted they can use the provided survey for the size and distances. Motion of Mr. Walsh to approve the application with the amended variance request, second by Ms. Raffay.
Ayes: Mss. Raffay, Colligan, DeMagistris, Lewandowski; Messrs. McElroy, Smith, Walsh, Chairman Shivas

Absent: Mayor Rubenstein, Mr. Proctor, Mr. Morytko

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

REPORTS FROM COMMITTEES

Environmental Commission- Mr. McElroy said they met on the 24th but he was not able to attend.

Open Space- Ms. Phillips said the next meeting is on the 12th.

Township Council- No one was there to represent this.

BILLS:

Maraziti and Falcon (10): \$2,543.65. A motion to approve the bills was made by Mr. Walsh, seconded by Ms. Colligan. All were in favor. Motion carried.

Colliers (1): \$405.00. A motion to approve the bills was made by Mr. Walsh, seconded by Ms. Colligan. All were in favor. Motion carried.

OPEN TO THE PUBLIC

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

ADJOURNMENT

Ms. Hubbard re-affirmed her oath of office. A motion to adjourn the meeting was made at 7:55 pm by Mr. McElroy, seconded by Ms. DeMagistris. All were in favor. Motion carried. The meeting was adjourned.

Submitted by Caitlin Phillips

Resolutions Approved at Previous Meeting

In the matter of Judy Barbuto
Case No. Z04-2025
MF#5000.131

BYRAM TOWNSHIP

PLANNING BOARD

RESOLUTION OF MEMORIALIZATION

RELIEF GRANTED: **Minimum Front Yard Setback**
 Minimum Side Yard Setback
 Maximum Building Coverage
 Minimum Side Yard Setback for
 Accessory Structure
 Minimum Distance between Principal and
 Accessory Structure
 Maximum Height of Fence in Front Yard
 Maximum Width of Driveway Opening

WHEREAS, Judy Barbuto has applied to the Planning Board of Township of Byram seeking approval to construct additions on the existing home located at 4 Rose Trail, and known as Block 178, Lot 26 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:

1. The Applicant is the owner and occupant of the subject property. The Applicant is proposing to construct an addition on the front of the existing home, an addition on the side of the existing home, and relocate the front porch, requiring the following relief from the Township's Zoning Ordinance:
 - a. Section 240-55C(2) – Minimum Front Yard Setback: 42.5 feet required, 14 feet existing, 11 feet proposed.
 - b. Section 240-55C(3) – Minimum Side Yard Setback: 15 feet required, 9.7 feet existing, 6.5 feet proposed.
 - c. Section 240-55.1A(9) – Maximum Principal Building Coverage: 529 square feet permitted, 779 square feet existing, 1,101 square feet proposed.
 - d. Section 16B(4) – Minimum Side Yard Setback for an Accessory Structure: 10 feet required, 2.3 feet existing to remain.
 - e. Section 16B(4) – Minimum Distance between Accessory Structure and Principal Buildings: 10 feet required, 3 feet existing to remain.
 - f. Section 240-24(A) - Maximum Height of Fence in Front Yard: 4 feet permitted, 6 feet existing to remain. *Variance determined during hearing.*
 - g. Section 240-40B(5) – Maximum Width of Driveway Opening: 13 feet permitted, 50 feet existing to remain. *Variance determined during hearing.*
2. The Applicant submitted the following documents, along with the Application for a Variance:
 - a. Architectural Plans, prepared by Frank D. Mileto, AIA, dated February 20, 2025, consisting of seven (7) sheets.

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- b. Survey of Property, prepared by Morgan Engineering & Surveying, dated October 13, 2023.
 - c. Septic System Alteration Plan, prepared by William Moran, PE, dated December 13, 2024, revised January 3, 2025, consisting of one (1) sheet.
 - d. Pictures of the property, six (6) total.
- 3. The Board received a memorandum from Cory L. Stoner, P.E., P.P., the Planning Board Engineer, dated March 26, 2025.
 - 4. A duly noticed public hearing was conducted on April 17, 2025, at which time Judy Barbuto, the Applicant, presented sworn testimony in support of the application. The lot is basically rectangular in shape, with frontage on Rose Trail. The subject property is undersized as to lot area, with less than 50% of the required lot area and a lot width of 50 feet, where 100 feet is required. The subject property is developed with a single-story frame dwelling, with a gravel driveway, with a shed and deck in the rear yard. The log cabin home has two (2) bedrooms and one (1) bathroom.
 - 5. The property has been in the Applicant's family for approximately 60 years and is falling into disrepair and needs to be upgraded. The Applicant is proposing to construct an addition on the front of the property that will enlarge the existing bedroom and include a new bathroom, with a cantilever over the foundation, requiring relief for the front yard setback. The proposed addition will require the relocation of the front porch, to the eastern side of the home. Finally, the Applicant is proposing to construct an additional to enlarge the kitchen on the

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- western side of the home, requiring side yard setback relief. The additions will result in an increase of building coverage, requiring variance relief.
6. There is an existing shed in the rear yard, which is 2.3 feet from the side yard, where a 10-foot setback is required. Additionally, there is approximately 3 inches between the shed and the principal structure, where 10 feet is required. Both setbacks are existing and the Board formalized the pre-existing nonconforming conditions by granting variance relief.
 7. The Board discussed the fencing along the western side of the property and determined that a variance was required for a 6-foot-high fence in the front yard, as 4-foot-high fences are permitted.
 8. The entire front yard of the home is gravel, and the gravel driveway extends along the western side of the property toward the shed. The gravel area, which can be used for vehicle parking, extends 50 feet across the front yard, requiring variance relief for a driveway opening exceeding 13 feet in width.
 9. There are Bilco Doors on that side of the home, which will remain under the new porch steps. A new septic, for a two (2) bedroom home, was installed in the front yard, under the existing gravel area. The existing well is in the rear of the property. There are open permits on the property that must be closed prior to the issuance of building permits.
 10. 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.

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11. 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) – Minimum Front Yard Setback: 42.5 feet required, 14 feet existing, 11 feet approved.
- b. Section 240-55C(3) – Minimum Side Yard Setback: 15 feet required, 9.7 feet existing, 6.5 feet approved.
- c. Section 240-55.1A(9) – Maximum Principal Building Coverage: 529 square feet permitted, 779 square feet existing, 1,101 square feet approved.
- d. Section 16B(4) – Minimum Side Yard Setback for an Accessory Structure: 10 feet required, 2.3 feet approved.
- e. Section 16B(4) – Minimum Distance between Accessory Structure and Principal Buildings: 10 feet required, 3 feet approved.
- f. Section 240-24(A) - Maximum Height of Fence in Front Yard: 4 feet permitted, 6 feet approved.
- g. Section 240-40B(5) – Maximum Width of Driveway Opening: 13 feet permitted, 50 feet approved.

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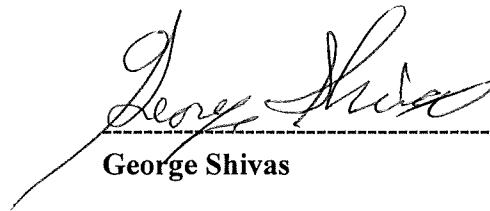
2. N.J.S.A. 40:55D-70c(1) indicates that a variance may be granted under its “hardship” provisions, with the hardship being related to the exceptional narrowness, shallowness, shape of the property, unusual topographic conditions or by reason of the location of the existing structures on the property. Under the c(2) subsection, variance relief may be granted where it is determined that the proposed relief advances one or more of the purposes of zoning (which purposes are set forth in N.J.S.A. 40:55D-2) and where it is further determined that the benefits of granting the variance outweigh any detriments which might result from it.
3. The subject property is undersized as to lot area and lot width, which creates a hardship for the Applicant to construct conforming additions on the home. The proposed additions are modest in nature and will provide additional living space for the Applicant. The home is in disrepair and the additions are connecting with the necessary improvements.
4. The Board determined that granting the variances would not result in a substantial detriment to the surrounding area, as additions are modest and the shed, fence and driveway are existing conditions without incident. The additions are not inconsistent with the Master Plan and the Zoning Scheme, as this property is unique due to the size and configuration of the lot. The additions will result in improved living conditions for the homeowner and improve the surrounding area.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the 17th day of April, 2025 that the approval of the within application be granted subject, however, to the following conditions:

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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 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 close out the open permits and obtain the necessary permits and approvals from the Township's Construction and Zoning Department prior to the commencement of work.
6. An inspection of all improvements shall be subject to the review of the Board Engineer prior to the issuance of a Certificate of Occupancy and/or the closure of zoning or construction permits.
7. 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.

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George Shivas

On motion of: Mr. Smith

Seconded by: Ms. Colligan

The vote on the Resolution was as follows:

AYES: Six (6): Mr. McElroy, Mr. Smith, Ms. Colligan, Ms. DeMagistris, Ms. Lewandowski,
Chairman Shivas

NAYS: Zero (0)

ABSTAINING: Two (2): Ms. Raffay, Mr. Walsh

ABSENT: Three (3): Mayor Rubenstein, Mr. Proctor, Mr. Morytko

I certify that the above Resolution is a
true copy of a Resolution adopted by
the Planning Board on May 1, 2025.

Caitlin Phillips

Caitlin Phillips, Planning Board
Secretary

Dated: 05/02/2025

Prepared by: Alyse Landano Hubbard, Esq.

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In the matter of Peter A. Ianzano, Jr.
Case No. Z03-2025
MF#5000.134

BYRAM TOWNSHIP
PLANNING BOARD
RESOLUTION OF MEMORIALIZATION

RELIEF GRANTED:	Minimum Front Yard Setback Maximum Building Coverage Minimum Setback to Lake Minimum Lake Front Buffer Maximum Driveway Width
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WHEREAS, Peter A Ianzano, Jr. has applied to the Planning Board of Township of Byram seeking approval to construct a garage and second story addition on the existing home located at 83 Lake Drive, and known as Block 249, Lot 73 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:

1. The Applicant is the owner of the subject property and is proposing to construct an attached garage and second story addition on the existing home, requiring the

following relief, pursuant to N.J.S.A. 40:55D-70c from the Township's Zoning Ordinance:

- a. Section 240-50.1A.(9) – Maximum Building Coverage: 1,629.4 square feet permitted, 1,242 square feet existing, 1,866 square feet proposed.
 - b. Section 240-55C.(2) – Minimum Front Yard Setback: 38.5 feet permitted, 24 feet existing, 34 feet proposed to new garage addition.
 - c. Section 240-55C.(9) – Minimum Setback of Building from Existing Lake: 50 feet required, 46.5 feet existing with a vertical expansion of the setback proposed.
 - d. Section 240-55C.(9) – Minimum Lake Front Landscape Buffer: ten-foot-wide buffer along at least 80% of water's edge required, five-foot-wide buffer along 50% proposed.
 - e. Section 240-40B.(5) – Maximum Driveway Width: 13 feet permitted, 18 feet existing to remain.
2. The Applicant submitted the following documents, along with the Application for a Variance:
- a. Architectural Plans, prepared by Todd Lent Architect, LLC, dated January 15, 2025, revised on January 27, 2025, consisting of four (4) sheets.
 - b. Location Survey, prepared by Gary L. Worley, PLS, dated October 7, 2024.
 - c. Highlands Exemption Determination Application, dated February 25, 2025.

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- d. Deed from Pamela Cornell, Substitute Administrator CTA for the Estate of Francis M. Cornell to Peter A. Ianzano, Jr., dated October 16, 2024, recorded on October 22, 2024, in the Office of the Sussex County Clerk, in Deed Book 10342, Page 733.
 - e. Deed from Eugene Mulligan to Frances M. Cornell, dated July 29, 2020, recorded on August 7, 2020, in the Office of the Sussex County Clerk, in Deed Book 3563, Page 418.
 - f. Pictures of the Property, four (4) total, preparer and date unknown.
 - g. Portion of Tax Map with Property Indicated.
- 3. The Board received a memorandum from Cory L. Stoner, P.E., P.P., the Planning Board Engineer, dated March 26, 2025.
 - 4. Planning Exhibits for Peter Ianzano, Jr. prepared by John McDonough Associates, including two aerial photos and two photos of the property, taken on April 15, 2025, consisting of four (4) sheets was marked as A-1 during the hearing for identification.
 - 5. A duly noticed public hearing was conducted on April 17, 2025, at which time Peter Ianzano, the Applicant and Alexander McClean, professional planner, who was accepted as an expert, presented sworn testimony in support of the application. The subject property is an irregularly shaped lot, with a curved frontage on Lake Drive and an irregular lakefront lot line on Lake Lackawanna. The property is developed with a 1½ story frame dwelling, with walkways and two patios, a frame shed, a detached garage with adjacent bituminous driveway and a concrete seawall. The existing dwelling has three (3) small bedrooms and a

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bathroom. The existing detached garage is located in the front yard of the property and is in disrepair. The property has a nonconforming lot width of 73 feet, where 100 feet is required, a nonconforming side yard setback of 12.2 feet, where 15 feet is required, and is nonconforming as to lot disturbance, where 100% is existing and 50% is permitted.

6. The Applicant is proposing to remove the existing detached garage from the front yard (which is inconsistent with the zoning requirements) and frame shed (which is within the side yard setback) and construct an addition on the dwelling of a new attached garage and a second story addition. The garage addition will be 24 feet wide by 26 feet deep. The proposed second story will include the area above the garage and a 29'9" by 30'3" addition above the existing dwelling. The western half of the garage will be two stories in height to accommodate the proposed lift in the garage that will be used for additional vehicle storage. The second story (consisting of the eastern half of the portion above the garage and the area above the existing home) includes three (3) bedrooms, a bathroom, a laundry room and a covered porch with fiberglass decking. The first floor will consist of a renovated kitchen, dining room and living room, with a replacement bathroom. The second story addition is a vertical expansion of the nonconforming setback from the lake, requiring variance relief. The height, 23.85 feet, and the façade height, 28.4 feet, are both in compliance with the Township's Ordinance.
7. The Applicant purchased the property in 2024 but is currently renting a home until the proposed renovations can be completed. The proposed improvements, along with the removal of the shed and garage, will bring the property closer to

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conformance with the zoning requirements. The driveway opening will remain as is, but the driveway will be extended to the proposed garage addition.

8. The block patio on the western side yard and the walkways along the western side of the home will be removed as part of construction. Drainage from the roof leaders will run into the ground and drain toward the lake, which slopes down from the yard, continuing the current flow of runoff. The Township's Ordinance requires a lake front buffer of 80% of the frontage, 10 feet wide. The Applicant testified that 10 feet of buffer would be difficult due to the slope of the property, but agreed to create a landscape buffer 5 feet wide, along 50% of the lakefront, on the western side of the property, requiring variance relief from the strict interpretation of Section 240-55C.(9). Additionally, a silt fence will be installed during construction to prevent runoff of debris.
9. Alexander McClean provided the Board with the criteria necessary to grant the requested relief, noting that the existing home is smaller than the homes in the surrounding area, although the lot is conforming with regard to minimum lot area. The proposed additions and renovations will bring this underdeveloped lot into current housing standards. The garage will create the necessary parking, in conformance with Section 240-37 of the Township's Zoning Ordinance that requires two usable off-street parking spaces for each dwelling unit.
10. Mr. McClean provided an analysis under N.J.S.A. 40:55D-70c(2), noting that the benefits of the overall project outweigh the detriments that may result from granting the requested variances. It was noted that the environmental concerns were being addressed during construction and the lakefront buffer would be

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installed. Additionally, the witness opined that the project further the following goals set forth in the Municipal Land Use Law, Section 40:55D-2:

- a. Purpose A – To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare; the improvements will bring the lot closer into compliance with applicable zoning.
- b. Purpose C - To provide adequate light, air and open space; there is no height variance needed; the improvements comply with those zoning requirements.
- c. Purpose E - To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment; the proposal will result in bringing the existing single-family home into conformance with the surrounding area.
- d. Purpose I - To promote a desirable visual environment through creative development techniques and good civic design and arrangement; the proposal will result in the removal of structures that are in disrepair and the construction of an aesthetically pleasing home.
- e. Purpose M - To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land; the garage will be an addition on the existing home, consolidating structures to remove the accessory structures on the property.

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11. The witness further opined that the negative criteria has been met, noting that the nonconforming garage will be moved out of the front yard, which will improve the visual landscape of the property. The setback variance is an existing condition that is not being exacerbated, rather the addition will have a greater setback than the existing setback, although not in compliance with the zone. The variance required for building coverage is a result of the garage addition, which is required to bring the house into conformance with the surrounding homes. The variances needed for driveway width is de minimis and the landscape buffer achieves the goals of the ordinance, although the requirements cannot be met due to the slope of the property. Overall, the benefits outweigh the potential detriments that may result from the project.

12. 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 and a garage.

13. 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:

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- a. Section 240-50.1A.(9) – Maximum Building Coverage: 1,629.4 square feet permitted, 1,242 square feet existing, 1,866 square feet approved.
 - b. Section 240-55C.(2) – Minimum Front Yard Setback: 38.5 feet permitted, 24 feet existing, 34 feet proposed to new garage addition is approved.
 - c. Section 240-55C.(9) – Minimum Setback of Building from Existing Lake: 50 feet required, 46.5 feet existing, with second story addition approved.
 - d. Section 240-55C.(9) – Minimum Lake Front Landscape Buffer: ten-foot-wide buffer along at least 80% of water’s edge is required, five-foot-wide buffer along 50% of lakefront is approved.
 - e. Section 240-40B.(5) – Maximum Driveway Width: 13 feet permitted, 18 feet existing, permitted to remain.
2. N.J.S.A. 40:55D-70c(1) indicates that a variance may be granted under its “hardship” provisions, with the hardship being related to the exceptional narrowness, shallowness, shape of the property, unusual topographic conditions or by reason of the location of the existing structures on the property. Under the c(2) subsection, variance relief may be granted where it is determined that the proposed relief advances one or more of the purposes of zoning (which purposes are set forth in N.J.S.A. 40:55D-2) and where it is further determined that the benefits of granting the variance outweigh any detriments which might result from it.
3. The subject property is an oddly shaped lot, with existing, nonconforming conditions, including front yard setback and setback from the lake. The addition will result in a front yard setback to the addition that is less than the existing

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setback, although it still requires a variance, and a vertical expansion of the lake setback, that represents a small portion of the structure. The proposed addition will replace a garage that is in disrepair as well as the shed that is within the side yard setback, removing the nonconforming structures from the property and bringing it closer to conformance. The driveway width will remain unchanged, but will extend to the proposed addition, providing off street parking for the residents. Although the lot disturbance will be increased, the addition will create an improved curb appeal and bring the house in conformance with the neighborhood and modern standards.

4. Accordingly, the Board determined that granting the relief would not result in a substantial detriment to the surrounding area. The addition is not inconsistent with the Master Plan and the Zoning Scheme, as this property is underdeveloped with a relatively small home on an oversized lot. Due to the lot configuration, a portion of the lot is unusable, and the Applicant has agreed to install a reduced landscape buffer that will protect the lake and the surrounding area.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the 17th day of April, 2025 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.

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2. The Applicant shall be bound to comply with the representations made before this Board by the Applicant, and his professionals, at the public hearing. The representations are incorporated herein and were relied upon by this Board in granting the approval set forth herein and shall be enforceable as if those representations were made conditions of this approval
3. 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.
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 design of the landscape buffer shall be subject to review and approval of the Board's Engineer.
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. Sussex County Health Department
 - b. Upper Delaware Soil Conservation District

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George Shivas

On motion of: Mr. Smith

Seconded by: Ms. Colligan

The vote on the Resolution was as follows:

AYES: Six (6): Mr. McElroy, Mr. Smith, Ms. Colligan, Ms. DeMagistris, Ms. Lewandowski, Chairman Shivas

NAYS: Zero (0)

ABSTAINING: Two (2): Ms. Raffay, Mr. Walsh

ABSENT: Three (3): Mayor Rubenstein, Mr. Proctor, Mr. Morytko

I certify that the above Resolution is a true copy of a Resolution adopted by the Planning Board on May 1, 2025.

Caitlin Phillips

**Caitlin Phillips, Planning Board
Secretary**

Dated: 05/02/2025

Prepared by: Alyse Landano Hubbard, Esq.

{379432.DOC.2}11

**TOWNSHIP OF BYRAM
ORDINANCE # 007-2025**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BYRAM AMENDING CHAPTER 240 ENTITLED “ZONING” TO AMEND THE CHECKLIST FOR COMPLETENESS, TO MODIFY THE REQUIREMENTS FOR AIR CONDITIONING UNITS AS ACCESSORY STRUCTURES, TO AMEND SECTION 240-16B(1) AND TO AMEND CHAPTER 215 ENTITLED “SUBDIVISION AND SITE PLAN REVIEW” AND CHAPTER 240 ENTITLED “ZONING” TO REPEAL AND REPLACE ALL REFERENCES TO THE ARCHITECTURAL REVIEW COMMITTEE AND ARC

Purpose Statement: The purpose of this ordinance is to amend Chapter 240 entitled “Zoning” to update the checklist, to modify the requirements for air conditioning condensers as accessory structures, to amend section 240-16B(1), and to amend Chapters 215 and 240 to repeal and remove all references to the “Architectural Review Committee” and “ARC” and to confirm that the Planning Board itself is replacing the Architectural Review Committee, and the Planning Board will carry out any prior functions, powers and authorizations of the Architectural Review Committee.

Now THEREFORE, be it ordained by the Mayor and Council of the Township of Byram that the Code is amended as follows:

Section 1. Attachment 3 entitled “Checklists for Applications” of Chapter 240 entitled “Zoning” is hereby amended as follows:

The following checklists are NOT changing and shall be retained:

Minor Subdivision Checklist

Preliminary Major Subdivision Checklist

Final Major Subdivision Checklist

The Site Plan and Conditional Use Checklist is being deleted.

The Variance/Lot Line Adjustment Checklist is being deleted and replaced with the attached Variance Checklist.

The following two new checklists are being added.

1. Final Preliminary Site Plan Checklist
2. Final Major Site Plan Checklist

Section 2. Section 240-7 entitled “definitions” of Chapter 240 entitled “Zoning” is amended to replace the existing definition of “Basic Accessories Serving A Principal Building or Structure” with the following:

“Accessory structures or features commonly required for safe, healthy and comfortable human habitation of a principal building. These include such things as oil tanks, propane tanks, and standby generators (including fuel tanks) in the side or rear yard. Basic accessories serving a principal building or structure are permitted to encroach into required setbacks, provided that no encroachment is more than half the total distance of the required setback from the property line. Basic accessories serving a principal building or structure are not subject to the requirement of § 240-16A and are exempt. Basic accessories serving a principal building or structure shall exclude air conditioning units, drinking water wells and septic system components that are regulated by the Sussex County Health Department.”

Section 3. Section 240-7 entitled “definitions” of Chapter 240 entitled “Zoning” is amended to delete the definition of “Architectural Review Committee (ARC)”.

Section 4. Section 240-16B(1) is deleted and replaced with a new paragraph (1) which will state as follows:

240-16 Accessory buildings and structures.

B. The following requirements shall be complied with in all residential zones:

(1) No accessory building or structure shall be located closer than 10 feet to any principal building and six feet to any accessory building or structure (except basic accessories serving a principal structure). Note: Walls are addressed under Section 240-24. Fences.

Section 5. Chapter 215 entitled “Subdivision and Site Plan Review” and Chapter 240 entitled “Zoning” are amended to delete all references to the Architectural Review Committee and ARC, to confirm that the Planning Board is replacing the Architectural Review Committee (ARC) and that all functions, powers and authorizations of the Architectural Review Committee (ARC) are the functions, powers and authorizations of the Planning Board. Chapter 215 and Chapter 240 and any other references in the Code to the Visual Design Guide are amended to confirm that the Smart Growth Plan and the Visual Design Guide are the Township’s Smart Growth Plan and Visual Design Guide, that they are adopted and incorporated into the Code by reference and are enforceable by the Planning Board and the Township. Those Chapters and the Code are also amended to confirm that the Architectural Review Committee (ARC) is replaced by the Planning Board itself. The Code is amended to add this paragraph at the beginning of Chapters 215 and 240.

Section 6. Severability. If any part of this Ordinance is for any reason held to be invalid such decision shall not affect the validity of the remaining portion of the Ordinance. Any ordinance or portion thereof that may be inconsistent with the ordinance is hereby repealed to the extent of the inconsistency.

Section 7. Repealer.

All existing Ordinances and/or parts thereof which are inconsistent with the terms of this Ordinance are, to the extent of such inconsistency, repealed.

Section 8. Effect. This ordinance shall take effect twenty (20) days after publication of the notice of adoption in accordance with law.

Introduced: May 6, 2025 Adopted:

BYRAM TOWNSHIP COUNCIL					
	Councilwoman Franco	Councilman Gallagher	Councilman Proctor	Councilman Roseff	Mayor Rubenstein
Motion					
2nd					
Yes					
No					
Abstain					
Absent					

NOTICE OF INTRODUCTION

Notice is hereby given that the foregoing Ordinance was submitted in writing at a meeting of the Mayor and Council of the Township of Byram, in the County of Sussex, New Jersey, held on the 6th of May 2025. Introduced and read by title and passed on the first reading and that said Township Mayor and Council will further consider the Ordinance for second reading and final passage thereof at a meeting to be held on the 20th day of May, 2025 at 7:30 p.m., at the Township of Byram Municipal Building, 10 Mansfield Drive, Stanhope, New Jersey, at which time and place a public hearing will be held thereon by the Township Council and all persons and citizens in interest shall have an opportunity to be heard concerning same. Copies of this ordinance are available at the Clerk’s office Monday through Friday from 8:30 a.m. to 4:30 p.m.

Cynthia Church, RMC
Township Clerk

ATTACHMENT 3

Checklists for Applications

BYRAM TOWNSHIP
FINAL PRELIMINARY SITE PLAN CHECKLIST

Applicant's Name: _____

THE FOLLOWING ITEMS ARE REQUIRED TO PROVIDE A COMPLETE APPLICATION FOR A PRELIMINARY MAJOR SITE PLAN:

Item No.	Description	Provided	Waiver	N/A
1.	The site plan shall be prepared by a professional architect, engineer, land surveyor, landscape architect, or planner licensed to practice their respective professions in the State of New Jersey			
2.	All required copies of the site plan will be legibly signed and sealed with the professional's seal			
3.	The site plan may be based on the latest Tax Map information available from the Township.			
4.	The site plan shall be drawn on a sheet size measuring 24 inches by 36 inches or 30 inches by 42 inches.			
5.	The site plan shall be drawn to a scale not smaller than one inch equals 50 feet.			
6.	The site plan shall show the following information: - North arrow - Scale not less than 1 inch = 50 feet - Date of preparation and each subsequent revision - Title Block including name of development, names, addresses, and certifications of: • Licensed preparers (P.E, P.P, L.S, AIA) • Owner • Applicant • Site block and lot numbers • Tax sheet number			
7.	Key Map including: - North arrow - Scale not less than 1 inch = 2000 feet - Entire site, its area, and its relationship to surrounding areas - Zone districts and boundaries within 500 feet - Adjoining properties			
8.	Area of entire site			
9.	Metes and bound of lot(s)			
10.	Area and frontage of lot(s)			
Item No.	Description	Provided	Waiver	N/A
11.	Existing and proposed contours at 5' intervals for slopes			

	10% or greater, 2' intervals for lesser slopes			
12.	Property lines to the nearest hundredth			
13.	Lot acreage to the nearest tenth			
14.	Front, side and rear setback dimensions.			
15.	All existing physical features, including streams, watercourses, existing wooded areas and significant soil conditions such as swamp or rock.			
16.	Existing and proposed contours, curb return and spot elevations, location of proposed drainage structures, curbs, swales, berms, guide rails, edge of pavement, sidewalks, parking and loading areas, fences, grading, and handicap accommodations			
17.	The principal buildings and all accessory buildings, with dimensions including the height, number of stories and square feet of floor area. Building floor plan, elevation views and first floor elevations to be provided for each building.			
18.	Plan & profile, road locations, type, size, width of R.O.W., paving materials, curbs, sidewalks, catch basins, numbered parking spaces and loading areas, buildings, structures, all utilities, drainage, R.O.W.'s, and easements. Profile shall be at a scale 1 foot = 5 feet vertical and 1 inch= 50 feet horizontal.			
19.	Cut and fill limits			
20.	Earthwork summary			
21.	Soil erosion and sediment control plan			
22.	Landscaping Plan that includes the location, size and type of all proposed landscaping, including shade trees, both on the lot and along the public right-of-way.			
23.	Lighting Plan and details indicating the type of standards, locations, radius of light and intensity measured in footcandles.			
24.	The location, dimensions and details of all signs.			
25.	Construction details for drainage structures, curb, guide rail, lighting, pavement design, sidewalks, septic system			

Item No.	Description	Provided	Waiver	N/A
26.	Fire protection details including building occupancy, total structure size by volume, height of structure from basement to attic, available water supply, water main size, flow, hydrant location, distance proposed fire protection plan, fire lanes, type of occupancy and process, type of construction, fire zones, location of the two nearest fire hydrants, and any and all other provisions for fire protection			
27.	Environmental Impact Statement (EIS)			
28.	Drainage plan including runoff calculations and map showing drainage areas			
29.	In the event that the project is a "major development" as defined by Chapter 211 Stormwater Control, a site development plan must be submitted that meets the standards set forth in Chapter 211, Stormwater Control.			
30.	Copies of NJDEP Flood Hazard Area or Freshwater Wetlands permit applications, if applicable.			
31.	Highlands Council Consistency Determination unless the project is exempt, excluded, or eligible for a waiver, each as provided pursuant to § 240 - 11.1 of the Township Code			
32.	The location of sanitary disposal systems, water mains or wells.			
33.	One (1) soil log and one (1) perc test for each lot			
34.	Copies of protection covenants, deed restrictions, or homeowner association documents, existing and proposed			
35.	List of variances, if required			
36.	The rights-of-way, easements and all other interests in lands any of which are required to be deeded in the Township or to any other governmental or public body.			
37.	Certification as to whether or not the property sought to be developed is located within a one-hundred-year floodplain.			
38.	Certification as to whether or not the property sought to be developed contains critical or moderately restricted areas as defined in this chapter. Such areas shall be indicated on the plat			
39.	A place for the signature of the Chair, Secretary of the Planning Board, and Township Engineer			

BYRAM TOWNSHIP
FINAL MAJOR SITE PLAN CHECKLIST

Applicant's Name: _____

THE FOLLOWING ITEMS ARE REQUIRED TO PROVIDE A COMPLETE APPLICATION FOR A FINAL MAJOR SITE PLAN:

Item No.	Description	Provided	Waiver	N/A
1.	The site plan shall be prepared by a professional architect, engineer, land surveyor, landscape architect, or planner licensed to practice their respective professions in the State of New Jersey			
2.	All required copies of the site plan will be legibly signed and sealed with the professional's seal			
3.	The site plan may be based on the latest Tax Map information available from the Township.			
4.	The site plan shall be drawn on a sheet size measuring 24 inches by 36 inches or 30 inches by 42 inches.			
5.	The site plan shall be drawn to a scale not smaller than one inch equals 50 feet.			
6.	The site plan shall show the following information: - North arrow - Scale not less than 1 inch = 50 feet - Date of preparation and each subsequent revision - Title Block including name of development, names, addresses, and certifications of: • Licensed preparers (P.E, P.P, L.S, AIA) • Owner • Applicant • Site block and lot numbers • Tax sheet number			
7.	Key Map including: - North arrow - Scale not less than 1 inch = 2000 feet - Entire site, its area, and its relationship to surrounding areas - Zone districts and boundaries within 500 feet - Adjoining properties			
8.	Area of entire site			
9.	Metes and bound of lot(s)			
10.	Area and frontage of lot(s)			

Item No.	Description	Provided	Waiver	N/A
11.	Existing and proposed contours at 5' intervals for slopes 10% or greater, 2' intervals for lesser slopes			
12.	Property lines to the nearest hundredth			
13.	Lot acreage to the nearest tenth			
14.	Front, side and rear setback dimensions.			
15.	All existing physical features, including streams, watercourses, existing wooded areas and significant soil conditions such as swamp or rock.			
16.	Existing and proposed contours, curb return and spot elevations, location of proposed drainage structures, curbs, swales, berms, guide rails, edge of pavement, sidewalks, parking and loading areas, fences, grading, and handicap accommodations			
17.	The principal buildings and all accessory buildings, with dimensions including the height, number of stories and square feet of floor area. Building floor plan, elevation views and first floor elevations to be provided for each building.			
18.	Plan & profile, road locations, type, size, width of R.O.W., paving materials, curbs, sidewalks, catch basins, numbered parking spaces and loading areas, buildings, structures, all utilities, drainage, R.O.W.'s, and easements. Profile shall be at a scale 1 foot = 5 feet vertical and 1 inch= 50 feet horizontal.			
19.	Cut and fill limits			
20.	Earthwork summary			
21.	Soil erosion and sediment control plan			
22.	Landscaping Plan that includes the location, size and type of all proposed landscaping, including shade trees, both on the lot and along the public right-of-way.			
23.	Lighting Plan and details indicating the type of standards, locations, radius of light and intensity measured in footcandles.			
24.	The location, dimensions and details of all signs.			
25.	Construction details for drainage structures, curb, guide rail, lighting, pavement design, sidewalks, septic system			

Item No.	Description	Provided	Waiver	N/A
26.	Fire protection details including building occupancy, total structure size by volume, height of structure from basement to attic, available water supply, water main size, flow, hydrant location, distance proposed fire protection plan, fire lanes, type of occupancy and process, type of construction, fire zones, location of the two nearest fire hydrants, and any and all other provisions for fire protection			
27.	Environmental Impact Statement (EIS)			
28.	Drainage plan including runoff calculations and map showing drainage areas			
29.	In the event that the project is a "major development" as defined by Chapter 211, Stormwater Control, a site development plan must be submitted that meets the standards set forth in Chapter 211, Stormwater Control.			
30.	Copies of NJDEP Flood Hazard Area or Freshwater Wetlands permit applications, if applicable.			
31.	Highlands Council Consistency Determination unless the project is exempt, excluded, or eligible for a waiver, each as provided pursuant to § 240 - 11.1 of the Township Code			
32.	The location of sanitary disposal systems, water mains or wells.			
33.	One (1) soil log and one (1) perc test for each lot			
34.	Copies of protection covenants, deed restrictions, or homeowner association documents, existing and proposed			
35.	List of variances, if required			
36.	The rights-of-way, easements and all other interests in lands any of which are required to be deeded in the Township or to any other governmental or public body.			
37.	Certification as to whether or not the property sought to be developed is located within a one-hundred-year floodplain.			
38.	Certification as to whether or not the property sought to be developed contains critical or moderately restricted areas as defined in this chapter. Such areas shall be indicated on the plat			
39.	A place for the signature of the Chair, Secretary of the Planning Board, and Township Engineer			

**BYRAM TOWNSHIP
VARIANCE CHECKLIST**

Applicant's Name: _____

THE FOLLOWING ITEMS ARE REQUIRED TO PROVIDE A COMPLETE VARIANCE APPLICATION:

- ☐ Application filled out completely.
- ☐ Application Fee and Escrow.
 - Completed W9 (no P.O. box addresses allowed) / Tax Certification
- ☐ JCP&L utilities letter acknowledgement: _____
- ☐ Accurate Property Survey or Septic Plan. Must include a legible depiction of existing and proposed conditions, drawn to scale, including:
 - Existing and proposed structures, driveways, wells and septic locations, and setback dimensions of all structures.
 - Distance of dwellings / structures on adjoining lots from subject property line.
 - Road locations, width of right-of-way, curbs, sidewalks, catch basins, parking/loading areas, easements, swales, berms, guide rails, and existing/proposed grading.
 - Fences and walls.
 - Topography for proposed work affecting slopes.
 - Significant landscape features.
- ☐ Survey Affidavit of No Change for any survey more than 10 years old.
- ☐ Architectural plans and Floor Plans of existing and proposed construction (plans must be folded, not rolled) OR ☐ Not Applicable
- ☐ Tax Map of the property (found under “Government” tab of Town website, under [“Maps”](#)).
- ☐ Photographs of the property, depicting the topography, area where the work will/has taken place, visual representation of the property setbacks, and materials being used.
- ☐ Signed acknowledgement of agency approvals.
- ☐ One original and two hard copies of application materials (additional copies will be requested closer to hearing once plan information is finalized).
- ☐ A copy of any Notices of Violation related to the variance application.
- ☐ A copy of any prior approvals or permits for the property related to the proposed work.
- ☐ A digital copy of all documents, emailed to the Secretary.