

Byram Township Sussex County

2013 Amendment to the Land Use Plan of the 2004 Master Plan



Adopted at a Public Hearing of the Byram Township Land Use Board
November 7, 2013

Prepared by:
Latini & Gleitz Planning

Paul Gleitz, AICP, PP # 5802

*The original of this document was signed and
sealed in accordance with NJAC 13:41-1.3.b*

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Introduction

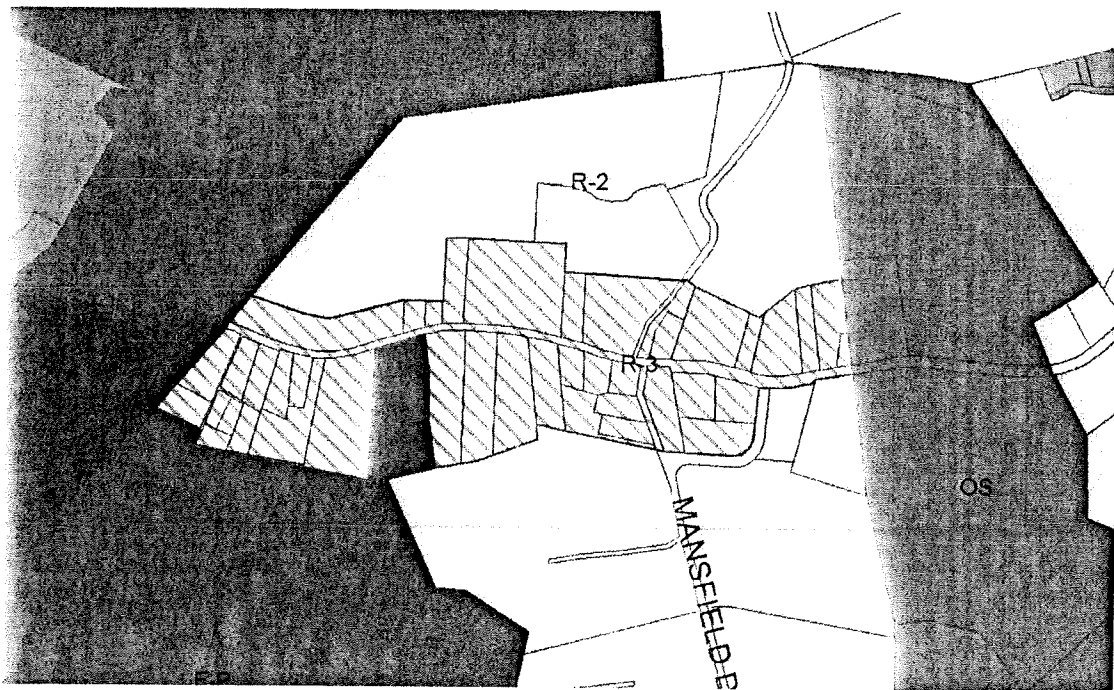
This Amendment shall serve as update to the Land Use Element as found in the Byram Township Master Plan adopted on December 16, 2004.

This amendment to the Land Use Element also supplements and if necessary, modifies the land use policy recommendations contained in the Byram Township 2011 Master Plan Re-Examination Report, adopted January, 2011.

The purpose of this present Amendment is to re-zone a 5.2 acre parcel in the R-3 zoning district, Block 226, Lot 21, also known as 55 Lackawanna Drive, from its current R-3 single family home residential zoning to multi-family residential zoning.

Property Description

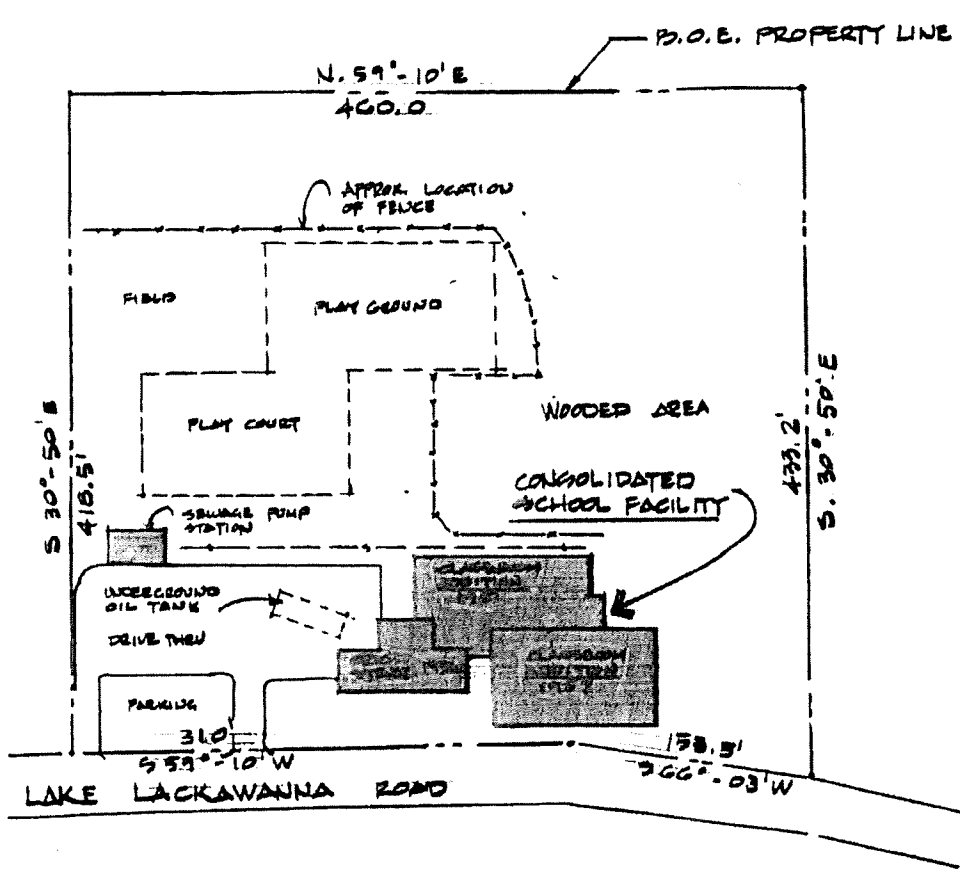
The R-3 zone in question is found along Lackawanna Drive near its intersection with Mansfield Drive. The zone is comprised of approximately 40 parcels. This R-3 zone is surrounded by R-2 residential zoning to the north, and south. There is Municipal Open Space to the east. The IPR Industrial Professional recreation zone and the VC Village Center zone are to the west. The Family Theme Park zone is to the southwest. The majority of the zone is developed as R-3 zone compliant single family homes.



Block 226, Lot 21

55 Lackawanna Drive – Byram Township – Consolidated School Property

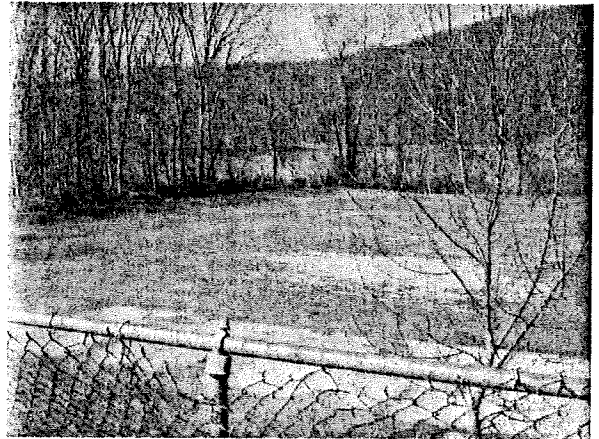
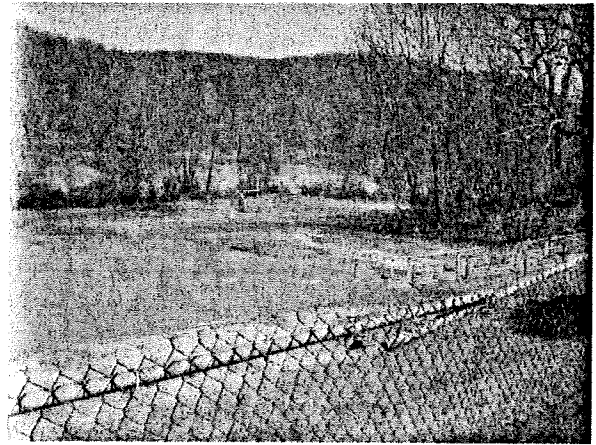
The property is 5.2 acres in size and includes the Consolidated School Building, a parking lot, play areas and a playing field to the rear of the property, fencing, and a sewer pump station. The property is owned by Gerald D. Simeone and is currently not in use.



**CONSOLIDATED SCHOOL
PLOT PLAN**
SCALE: 1" = 50.0'

- EXISTING CONDITIONS -

Source: Martin S. Feitlowitz & Associates, PA Consolidated School Report - 1998



The Consolidated School was constructed in 1936 as a two room school. The original building is a two story masonry structure with a brick façade and brick detailing. The original 1936 building is approximately 6,400 square feet. The building has two additions; the 1951 addition is a one story classroom wing of approximately 5,000 square feet with a brick exterior that is accessible only from the lower level of the original school building and the 1957 addition is a two story structure of approximately 13,000 square feet with a brick façade that is accessible only from the 1951 addition. The location and accessibility of the additions makes interior circulation problematic.

The ownership history of the property is of note. The Sweeney family that owned the property prior to the development of the school donated the property with a deed restriction limiting the use of the property to educational or municipal uses. In 2003, the Board of Education no longer needed the property it was purchased by the Township. The current property owner purchased the property at auction has acquired the reversion rights from the surviving decedents of the original owners to remove this restriction.

The Board of Education used the property from the 1930s through the 1990s. Through the 1990s the school was used by the Board of Education for Kindergarten through 2nd grade. In 2000 the Board of Education passed a referendum to build a new elementary school and completed the project in 2003. Since 2003 Byram school students have used Byram Lakes Elementary for K through 4th grade and Byram Intermediate School for grades 5 through 8.

The Board of Education has had a number of reports done to evaluate the school for continued use as a school building, the latest in 2008 by Parette Somjen Architects. Prior reports include were conducted by Martin M. Feitlowitz, PA in 1998 and Sowinski Sullivan Architects in 2003. The 2008 PSA report cites a number of issues that would need to be addressed prior to any re-use as a school facility, these include:

- Circulation in the building created by 3 separate buildings not interconnected
- Wall, ceiling and floor finishes are antiquated and would need refinishing
- Accessibility would need to be upgraded to comply with current ADA requirements
- Site Parking has traditionally been inadequate
- Bus circulation has traditionally been inadequate
- Water infiltration
- Mechanical, electrical, fire alarm and plumbing would need replacing/refurbishing. Many systems are original and nearing end of useful life.
- 2000 submission to Department of Education lists numerous health and safety concerns:
 - Water system require air stripper to remove trichloroethylene from water
 - Water pressure problems during peak demand leads to unsanitary conditions
 - Proximity of building to Lackawanna Drive, a county road with high traffic volumes
 - Proximity to stone quarry with truck traffic
 - Lack of adequate parking for visitors leads to off-site parking and safe access issues
 - Difficulty with bus circulation, steepness of driveway limits bus accessibility

Proposed Zoning

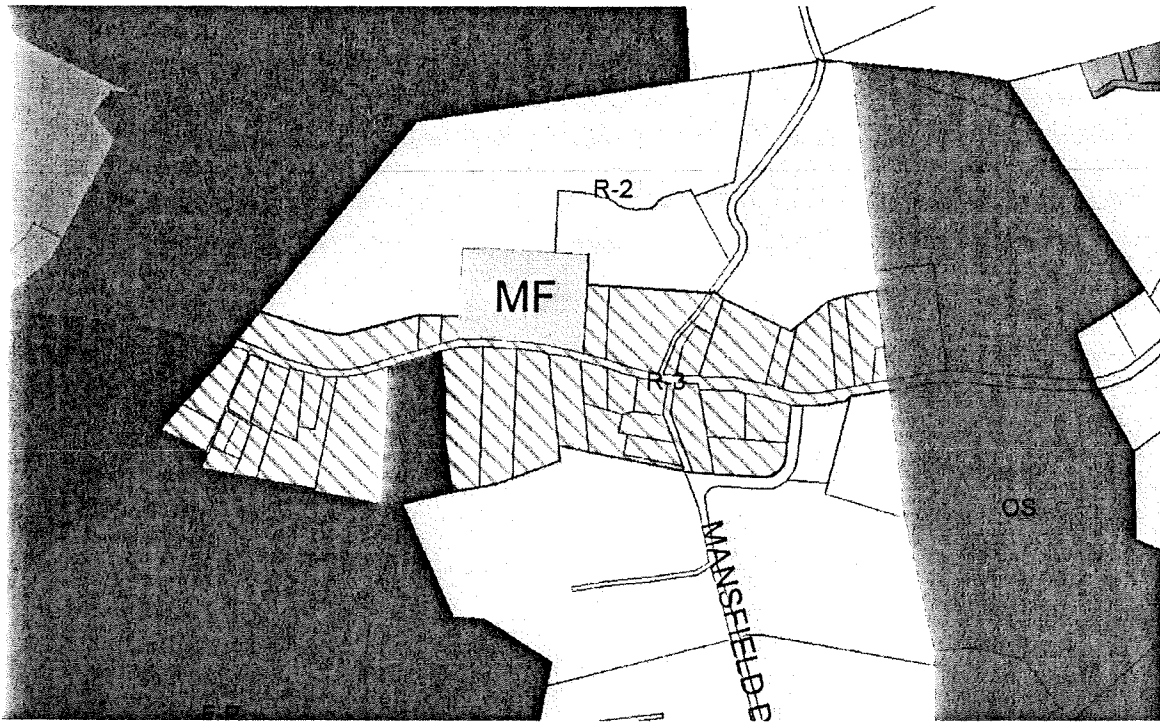
This amendment to the Land Use Element recommends changing Block 226, Lot 21, also known as 55 Lackawanna Drive, from its current R-3 single family home residential zoning to MF multi-family residential zoning.

The issues outlined above essentially preclude the site being used as a school or school building in the future. During the years the Township owned the property the site was consistently underutilized. Private education groups have attempted to use the site, including Celebrate the Children, a private special needs school, but they have since vacated the building. The topography of the site, with steep slopes near the lot frontage, and the presence of wetlands in the rear portion of the site, does not permit effective R-3 zone single family home development.

The adaptive re-use of the building as multi-family housing has many benefits. The use of the site for residential development, as opposed to commercial or industrial development, will maintain the overall intended use of the zone as residential, but at a higher density of just over 4 units per acre instead of the permitted one unit per acre. The re-use of the building will maintain the look and architectural character of a building that has been a part of the community for nearly eighty years.

The re-use of the site would prevent the development of "as of right" multiple-lot single family home development that would require the construction of a cul-de-sac with a severely steep slope as it approaches Lackawanna Drive. The "as of right" development would require the cul-de-sac and other improvements that would eventually be the maintenance responsibility of the Township. The "as of right" development could also require wetlands buffer encroachments and pose other negative impacts to local water quality due to increase runoff and erosion during construction activities, while the adaptive re-use of the site would limit construction activities to previously disturbed areas at the front of the site, providing maximum buffering to the wetlands in the rear of the property.

Proposed Zoning Map



Proposed Development Standards

New MF zoning standards are necessary for this area. The permitted uses of a new Multi-Family zone would be for the adaptive reuse of the existing building as multifamily housing at a density of no more than 4.1 units per acre or the continued use of the buildings as an educational or municipal use. The bulk standards would be for the current conditions of lot coverage, building coverage, FAR, building height and current yard setbacks. The parking would be RSIS standards for garden apartment.

The reuse of the existing building as multifamily housing would also require that 20% of the residential units be deed restricted as affordable housing under current or future affordable housing rules.

Plan Consistency

Municipal Land Use Law

The Byram Township Planning Board has determined that rezoning the R-3 to the MF Zone District will satisfy the following purposes of the zoning as set forth in the Municipal Land Use Law (N.J.S. 40:55D-2):

c. To provide adequate light, air and open space.

The proposed MF development standards are appropriate for the area given the current lot conditions to ensure that the property can be developed or redeveloped in such a manner to provide adequate light, air and open space.

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 proposed MF development standards are appropriate for the area given the current lot conditions to ensure that the appropriate population densities are maintained in the area.

State Development and Redevelopment Plan (SDRP)

The area in question is located in the Environmentally Sensitive Planning Area or Planning Area 5 of the SDRP. The Environmentally Sensitive Planning Area contains large contiguous land areas with valuable ecosystems, geological features and wildlife habitats. PA5 is identified as having a population density of less than 1,000 people per square mile and significant natural features or landscapes such as beaches, coastal spits, barrier islands, critical slope areas, ridge lines, gorges and ravines, and important geological features or unique ecosystems. The current proposal for rezoning this area from R-3 to the MF, however, does not impact this designation as the proposed MF development standards are appropriate for the area given the current site conditions, lot size and lot configuration.

Sussex County Strategic Growth Plan

The area in question is classified as Traditional Town in the Sussex County Strategic Growth Plan and the relevant goal for this area would be to provide a range of housing opportunities to all segments of the County population. The current proposal for rezoning this area from R-3 to the MF supports this goal as the proposed MF development standards are appropriate for the area given the current site conditions, lot size and lot configuration.

Highlands Regional Master Plan

The area in questions falls within the Protection Zone of the Preservation Area of the Highlands Region and is subject to the restrictive development regulations applicable to the Preservation Area. The

Township has completed Initial Highlands Plan Conformance and is in the process of completing Full Plan Conformance and the site will require a Highlands Consistency Determination, unless it qualifies for a Highlands exemption. If the redevelopment of the site requires less than 125% of the existing impervious surfaces on the site, the development may qualify for Exemption #4 of the Highlands Area requirements. The current proposal for rezoning this area from R-3 to the MF will need Highlands Council approval. If the necessary sewer gallonage is acquired from Stanhope Township, the Township supports the adaptive re-use of the existing building while limiting site disturbance to areas already disturbed and will support approval by the Highlands Council.