

BYRAM TOWNSHIP PLANNING BOARD AGENDA
For Thursday, August 5th, 2021 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. **COMPLETENESS REVIEWS**

SP3-2021 Nielsen Nissan, 59 US Route 206, Block 34 Lot 17, VB Zone

Approval of existing conditions, signage, and tent sales.

https://byrampdtwp.sharepoint.com/:f:/s/PlanningBoard/EoH7cCP_cXBFjs23DQOy0vwB58BY9Xat6is0uSDymUryMA?e=cusKm0

SP4-2021 DeRosa Enterprises, 262 Route 206, Block 216 Lot 2, NC Zone

Merging of 2 lots into a single lot, and use variance for expansion of existing marina for service and sales.

https://byrampdtwp.sharepoint.com/:f:/s/PlanningBoard/EvdoagBtVSpIj_7W057e4LEBkKiGy1G2mMddekki_6dFSw?e=kDztjg

WOSP4-2021 PNC Bank, 32 Route 206 North, Block 40 Lot 16, VB Zone

Requested Site Plan waiver to add ADA parking spaces.

https://byrampdtwp.sharepoint.com/:f:/s/PlanningBoard/En9SvgPSw_IFi_nuo611skIBN7SIVkxIHII-VEI-vr_HoA?e=15sH4y

6. **MINUTES**

Approval of the July 15th, 2021 Meeting Minutes

7. **RESOLUTIONS**

Z08-2021 Tracee and Todd Stefanelli, 78 Glenside Trail, Block 311 Lot 2011, R-5 Zone

Approval to add a level to their single-family home.

8. **OLD BUSINESS**

SP1-2020, Tomahawk Lake, Tomahawk Trail, Block 343, Lots 1 & 2, C-R Zone

THIS APPLICATION HAS BEEN CARRIED TO 10/07/2021

Amended site plan to add two new water slides, to permit parking on Lots 1 & 2, to install a 10' X 20' ticket booth, and to construct a 36' X 40' building for retail sales.

https://byrampdtwp.sharepoint.com/:f:/s/PlanningBoard/EkzmTf4QBF9FvMm5kAW61WgBd77jbE8KNUPW8JGGKZ_gkw?e=2D8P7X

9. **REVIEW ITEM:** Amended Resolution for SP2-2019, Anty Trucking

10. **REPORTS FROM COMMITTEES**

Architectural Review Committee

Building Committee

Environmental Commission

Open Space

Township Council

11. **BILLS**

Harold Pellow and Associates (16)- \$4,717.91

Law Offices of Larry Weiner (8)- \$3,000

12. **OPEN TO THE PUBLIC**

13. **ADJOURNMENT**

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

**MEETING MINTUES
BYRAM TOWNSHIP PLANNING BOARD
MEETING, July 15, 2021**

CALL TO ORDER

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

ROLL CALL

	Mr. Chozick	Ms. Franco	Mr. McElroy	Mr. Morytko	Ms. Raffay	Mayor Rubenstein	Mr. Serrilli	Ms. Shimamoto	Mr. Smith	Mr. Walsh	Chairman Shivas
HERE	H							H	H	H	H
ABSENT		A	A		A	A	A				
EXCUSED											
LATE				L							

Also present: Attorney Alyse Hubbard, Esq.
 Engineer Thomas Knutelsky, on behalf of Cory Stoner, P.E. C.M.E.
 Secretary Caitlin Phillips

STATEMENT BY CLERK

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

Approval of the 06/17 and 07/01 meeting minutes.

Ms. Shimamoto motioned to approve the 06/17 minutes, seconded by Mr. Chozick. The following vote was taken:

	Mr. Chozick	Ms. Franco	Mr. McElroy	Mr. Morytko	Ms. Raffay	Mayor Rubenstein	Mr. Serrilli	Ms. Shimamoto	Mr. Smith	Mr. Walsh	Chairman Shivas
MOTION								√			
SECONDED	√										
AYE	√							√	√	√	√
NAY											
ABSTAIN				√							
ABSENT		√	√		√	√	√				

Motion carried.

Mr. Morytko joined the meeting at 7:35. Mr. Walsh motioned to approve the 07/01 minutes, seconded by Mr. Morytko. The following vote was taken:

	Mr. Chozick	Ms. Franco	Mr. McElroy	Mr. Morytko	Ms. Raffay	Mayor Rubenstein	Mr. Serrilli	Ms. Shimamoto	Mr. Smith	Mr. Walsh	Chairman Shivas
MOTION										√	
SECONDED				√							
AYE				√					√	√	√
NAY											
ABSTAIN	√							√			
ABSENT		√	√		√	√	√				

Motion carried.

RESOLUTIONS

SP1-2021, 16RT 206 Stanhope NJ, LLC (Skylands Surgery Center), Block 41/42 Lot 95, 109.01 & 109.02, VB Zone

Preliminary and final site plan. Proposed surgery center, doctor’s office, residential apartment, and retail/office.

Mr. Morytko motioned to approve this resolution, seconded by Ms. Shimamoto. The following vote was taken:

	Mr. Chozick	Ms. Franco	Mr. McElroy	Mr. Morytko	Ms. Raffay	Mayor Rubenstein	Mr. Serrilli	Ms. Shimamoto	Mr. Smith	Mr. Walsh	Chairman Shivas
MOTION				√							
SECONDED								√			
AYE	√			√				√		√	√
NAY											
ABSTAIN									√		
ABSENT		√	√		√	√	√				

Motion carried.

Z04-2021 Robert Lovenberg, 285 Lackawanna Drive, Block 344 Lot 33.05 , R-1 Zone

Expansion of a previously approved roll-off dumpster and portable toilet business.

Mr. Morytko motioned to approve this resolution, seconded by Mr. Chozick. The following vote was taken:

	Mr. Chozick	Ms. Franco	Mr. McElroy	Mr. Morytko	Ms. Raffay	Mayor Rubenstein	Mr. Serrilli	Ms. Shimamoto	Mr. Smith	Mr. Walsh	Chairman Shivas
MOTION				√							
SECONDED	√										
AYE	√			√					√	√	√
NAY											
ABSTAIN								√			
ABSENT		√	√		√	√	√				

Motion carried.

Z05-2021 Alissa Macmillan, 6 Fox Trail, Block 116 Lot 19, R-5 Zone

Approval for one existing shed and removal of the other, 2 gazebos, stone patio, hot tub, and approval for an enclosed porch.

Mr. Morytko motioned to approve this resolution, seconded by Mr. Walsh. The following vote was taken:

	Mr. Chozick	Ms. Franco	Mr. McElroy	Mr. Morytko	Ms. Raffay	Mayor Rubenstein	Mr. Serrilli	Ms. Shimamoto	Mr. Smith	Mr. Walsh	Chairman Shivas
MOTION				√							
SECONDED										√	
AYE				√					√	√	√
NAY											
ABSTAIN	√							√			
ABSENT		√	√		√	√	√				

Motion carried.

NEW BUSINESS

Z08-2021 Tracee and Todd Stefanelli, 78 Glenside Trail, Block 311 Lot 2011, R-5 Zone

Approval to add a level to their single-family home.

The applicants Tracee and Todd Stefanelli of 78 Glenside Trail were joined by their father Frank Stefanelli of 4 Shadow Lane and their neighbor Patrick McGurrin of 74 Glenside Trail, and all were sworn in. Ms. Stefanelli said they'd like to add a second story, and there is a bump-out section for the kitchen. There will be two bedrooms and 2 bathrooms in the second story. Mr. Stefanelli noted that no bedrooms will be added; right now, their son lives in a small area that's a walkthrough to downstairs, and their bedroom will be used as an office. Chairman Shivas said they need to go to the Board of Health because septic systems are determined by the number of bedrooms. Mr. Knutelsky said in a condition of approval there would be a letter indicating the approval of the septic. Ms. Hubbard noted that in Mr. Stoner's memo he didn't think this would be necessary. Mr. Knutelsky added that he agrees because it'll still be a two-bedroom home. Mr. Walsh confirmed that Chairman Shivas means to get a letter from the Board of Health that they concur with this finding to avoid any issues. Ms. Hubbard said they'll need to make it a condition that these will remain offices and won't have closets. Chairman Shivas confirmed they're moving further from the street with this project. Ms. Stefanelli explained there's a screened-in porch section, so they'll put in a new foundation with concrete slabs and that will be further back. Mr. Stefanelli said the second story will be at street level because of the grade of their property. Chairman Shivas asked how this project will be accomplished due to the grading. Ms. Stefanelli said their neighbor will let them use his driveway to move the machines. Mr. Knutelsky confirmed this is the driveway to the right. Ms. Shimamoto asked where the runoff goes now and where the gutters will be pointed, and if they'd consider putting a rain garden in. She also asked if they got approval from Lake Mohawk for landscaping. Ms. Stefanelli said they're scheduled for a meeting with Lake Mohawk soon, and she looked into rain gardens to help with the landscaping. Mr. Stefanelli said the impervious coverage is being reduced slightly because when they move the footprint back 3 ft that area will become river stone. The gutters drain to the back of the house, and he doesn't know of any issues with neighbors with drainage since they're far away. Mr. Walsh asked how far the neighbors are, and Mr. Stefanelli said at least 125 yards to the house. Mr. Knutelsky corrected them saying it would be feet, not yards, based on the tax map. He noted that based on a discussion with Mr. Stoner, they agree that the amount of impervious coverage is either being maintained or reduced. He noted if gutter lines are re-directed they may have an issue with downstream impact, so there's no objection to a vegetative area, downstream pocket, or rain garden.

Mr. Knutelsky asked if there are any proposed decks, especially regarding the kitchen egress. Mr. Stefanelli said there will be steps. Mr. Knutelsky asked if there will be extensive grading; Mr. Stefanelli said they're going to try matching the existing grading. Chairman Shivas noted there's a rock wall located partially on their property; he said in the past those walls delineated properties that were then divided. He asked if the neighbor has an issue with the wall staying there; Mr. Stefanelli said he doesn't have an issue. Chairman Shivas said they only need to worry about what's on their property line, and that they'll have a note in the resolution that they're not taking responsibility for that existing wall, and there's no issue with the neighbor at this time. Mr. Knutelsky noted some items from Mr. Stoner's report, including the correction of the Zoning table with the lot disturbance. He asked about the colors they'll be using. Ms. Stefanelli said their roof is grey so they'll stick with something neutral and in line with the aesthetic of Lake Mohawk. She said there's engineered hardwood that she's been looking at, but will need to get Lake Mohawk approval. Mr. Knutelsky noted that this application falls under Highlands Exemption #5. Ms. Shimamoto asked about the side yard setback measurements. She confirmed that the shed is attached to the house; Mr. Stefanelli said it's an old stone shed that covers an oil tank. Chairman Shivas noted that's considered part of the main house. He confirmed that their gutters won't get them closer to the sidelines. Ms. Hubbard asked if there will be an agreement between the neighbor and the Stefanellis granting access to the driveway, in case there's damage. Mr. McGurrin said he's happy to sign whatever is needed; the Stefanellis have done a nice job with the property. Chairman Shivas said the contractor can help with the agreement.

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

Mr. Walsh motioned to approve this application, seconded by Mr. Chozick. Ms. Hubbard confirmed with the Stefanellis that their application has a mixture of a hardship due to the location of the home as well as that this project is beneficial. The following vote was taken:

	Mr. Chozick	Ms. Franco	Mr. McElroy	Mr. Morytko	Ms. Raffay	Mayor Rubenstein	Mr. Serrilli	Ms. Shimamoto	Mr. Smith	Mr. Walsh	Chairman Shivas
MOTION										√	
SECONDED	√										
AYE	√			√				√	√	√	√
NAY											
ABSTAIN											
ABSENT		√	√		√	√	√				

Motion carried.

REPORTS FROM COMMITTEES

- Architectural Review Committee:* Mr. Morytko said there has been no applications or meetings.
- Building Committee:* Mr. Morytko said there was no meeting, but the Council will take commentary on the new municipal building at their next meeting.
- Environmental Commission:* Ms. Shimamoto said there was no meeting.
- Open Space:* Mr. Morytko said there's been no meeting.
- Township Council:* Mayor Rubenstein was absent.
- Zoning Report:* Everyone had a copy. Ms. Shimamoto confirmed there's a new Zoning Officer.

BILLS

Law Offices of Larry Weiner (5)- \$2,790.00
 A motion to approve the bills was made by Mr. Chozick. The motion was seconded by Mr. Morytko. All were in favor. Motion carried.

Harold Pellow & Associates (7)- \$3,625.38
 A motion to approve the bills was made by Mr. Chozick. The motion was seconded by Mr. Morytko. All were in favor. Motion carried.

OPEN TO THE PUBLIC

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

ADJOURNMENT

A motion to adjourn the meeting was made at 8:05 by Mr. Morytko. The motion was seconded by Mr. Chozick. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted,
 Caitlin Phillips

In the matter of Todd & Tracee Stefanelli
Case No. Z 08-2021

BYRAM TOWNSHIP

PLANNING BOARD

RESOLUTION OF MEMORIALIZATION

WHEREAS, Todd & Tracee Stefanelli have applied to the Planning Board, Township of Byram for permission to construct an addition requiring variance relief for premises located at 78 Glenside Trail and known as Block 311, Lot 2011 on the Tax Map of the Township of Byram which premises are in a “R-5” Zone;

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

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

1. The Applicants are the owners and occupants of the single-family home located on-site.
2. The Applicants are proposing to widen approximately one half of the dwelling and add a second story requiring front yard setback relief. The proposed

renovations will increase the front yard setback from 6.5 feet to 9.6 feet; 35 feet is required.

3. The Applicants submitted the following documents:
 - a. Survey entitled, “Property Survey, Prepared for Block 311 Lot 2011, Situated in the Township of Byram, County of Sussex, New Jersey”, prepared by Greenaway Surveying, consisting of one (1) sheet, dated March 10, 2010 and last revised May 25, 2021.
 - b. Plan entitled, “Variance Plan for 78 Glenside Trail, Byram Township, New Jersey Block 311 Lot 2011”, prepared by Andesign LLC, consisting of one (1) sheet and dated March 9, 2020.
 - c. Three (3) photographs of the property.
4. The Board received the following memorandums:
 - a. Cory Stoner, Planning Board Engineer, dated July 2, 2021
 - b. Donna Fett, EC Commission Secretary, dated June 25, 2021
5. A duly noticed public hearing was held on July 15, 2021. The Applicants, Todd and Tracee Stefanelli, Frank Stefanelli, the Applicants’ father and Patrick McGurrin, the adjacent neighbor, presented sworn testimony in support of the application. The Applicants are proposing a second story addition with 2 bedrooms and 2 bathrooms. The existing home has 2 bedrooms and a bathroom on the first floor, which will be converted into an office, a den and the bathroom will remain. The Applicants agreed that there would be no closets in the office or

- den and testified that they would apply to the Sussex County Health Department for approval of the existing septic system or a letter of no interest.
6. The addition includes the removal of an existing covered porch, which will decrease the existing, non-conforming front yard setback. The current home sits below street level and the addition will be at street level. The addition will also result in a decrease in impervious coverage on the property. The exterior of the addition will match the existing façade.
 7. To address stormwater management, the gutters will drain toward the rear of the property and a raingarden will be installed. There are currently no drainage issues on site. The steps in the rear of the property will match the existing grade.
 8. Access to the property, during construction, will take place through the driveway on the adjacent lot owned by Mr. McGurrin, who consents to the application and the access. The Applicants and Mr. McGurrin agreed to enter into an Access Agreement or Temporary Construction Easement to indemnify each other.
 9. The Applicants are seeking approval from the Lake Mohawk Association and will comply with the Association's recommendations.
 10. The property is located in the Highlands Preservation Area. Per the Highlands Water Protection and Planning Act, the construction activities related to improvements to a single-family home would be covered under Highland Exemption #5.
 11. There was no one present to object to the application.

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 240-55C(2) of the municipal zoning ordinance, to permit a 9.6 foot setback, where 35 feet is required and 6.5 feet is existing.
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 a fully developed, irregularly shaped lot, with the house situated within the front yard setback, creating a hardship for the Applicants. A conforming addition is not feasible, based on the existing setback and the location of the septic system. The proposed addition is on the second story, which will be street level, based on the existing grade of the property. The addition will result

in an increased setback and decrease in impervious coverage. The benefits of permitting the addition as proposed outweigh the detriments that may result from denying the requested relief.

4. It was determined that there would be little impact to the surrounding area, as the home will remain a single-family dwelling with improved aesthetics and will be visible from Glenside Trail. The addition will provide additional living space for the homeowners. The Applicants have agreed to install a raingarden to maintain stormwater recharge on the property. Accordingly, the relief can be granted without substantially impairing the zoning scheme or Master Plan.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the 5th day of August 2021 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. Applicants shall obtain an approval or letter of no interest from the Sussex County Health Department, or appropriate agency, for the existing septic system.
3. There shall be no closets in the two rooms on the first floor that are indicated on the submitted plans as "office" and "den." These rooms shall not be utilized as bedrooms.
4. A raingarden, or similar green infrastructure, shall be constructed to address stormwater runoff and maintain recharge on the site.

5. The Zoning Chart on the plans shall be updated to accurately reflect the lot disturbance on site.
6. The Applicants shall enter into an Access Agreement or Temporary Construction Easement with Patrick McGurrin, the adjacent property owner, to utilize his driveway for access during construction.

George Shivas

On motion of:

Seconded by:

The vote on the Resolution was as follows:

AYES:

NAYS:

ABSTAINING:

ABSENT:

I certify that the above Resolution is a true copy of a Resolution adopted by the Planning Board on August 5th, 2021 and is in effect for one year.

**Caitlin Phillips, Planning Board
Secretary**

Dated:
Prepared by: Alyse Landano Hubbard, Esq.

BYRAM TOWNSHIP

PLANNING BOARD

AMENDED

RESOLUTION OF MEMORIALIZATION

Relief Required	Building footprint of an accessory structure
	Square footage of an accessory structure
	Height of an accessory structure

WHEREAS, DJA of Byram, LLC d/b/a Anty Trucking, Inc. has applied to the Planning Board, Township of Byram for an Amended Site Plan for premises located at 9 Lackawanna Drive and known as Block 226, Lot 16 on the Tax Map of the Township of Byram which premises are in a “IPR” Zone;

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

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

1. Michael Lavigne, Esquire represented the Applicant.
2. The Applicant is the owner of the subject property, which is the site of Anty

3. The Applicant submitted the following documents:
 - a. Site Plan, prepared by MCB Engineering Associates, LLC, dated February 25, 2021, revised May 18, 2021, consisting of 6 sheets.
 - b. Colorized Site Rendering, prepared by MCB Engineering Associates, LLC, dated February 25, 2021, revised May 18, 2021, consisting of 1 sheet.
 - c. Architectural Drawing, prepared by Pioneer Pole Buildings, Inc, dated April 7, 2021, consisting of 8 sheets.
 - d. Building Layout of the Office Trailer Building, with pictures attached, prepared by First String Space, Inc, dated May 28, 2020.

4. The Board received the following memorandums:
 - a. Cory Stoner, Planning Board Engineer, dated 12/1/20 and 4/14/21
 - b. Paul Gleitz, Planning Board Planner, dated 4/20/21
 - c. Chief Kenneth Burke, Police Department, dated 3/23/21 and 5/27/21
 - d. Donna Fett, DPW/EC Commission Secretary/Tax Assessor Assistant, dated 4/5/21 and 6/2/21
 - e. Michael A. Pellek, Assistant Fire Chief, dated 3/30/21
 - f. Thomas S. Dixon, Zoning Officer, dated 9/23/20

5. The following variance relief is required:
 - a. Section 240-16.A.4 - the height of the accessory storage buildings since no accessory building or structure, shall exceed 15 feet in height or be more than one story in height. In no circumstance shall the

accessory building or structure be greater in height than the principal building. The proposed pole barns are 26.5 feet in height.

- b. Section 240-16.A.5 - the size of accessory structures since the total footprint of all accessory buildings or structures on a lot, shall not exceed more than 50% of the footprint of the principal structure on the lot. The applicant proposes 2 structures, 12,800 square feet in size, where 8,000 is permitted.
 - c. Section 240-16.C.4 - the size of accessory structures since no accessory building in a nonresidential district shall have an area greater than 500 square feet. The applicant proposes 2 structures 12,800 square feet in size, where 500 square feet for each (1,000 square feet total) is permitted.
6. A design waiver is required from Section 215-30.2.C - all off-street parking areas shall be surfaced with an asphalt bituminous or cement binder pavement, the existing gravel surface is proposed.
 7. The following documents were marked for identification during the hearing:
 - a. A-1 – Page 5 of the Site Plan, with site changes indicated
 - b. A-2 – Colorized Site Plan with comparison of site changes, dated April 22, 2021
 8. Duly noticed public hearings occurred on April 22, 2021 and June 3, 2021 via Zoom, a web-based meeting platform and telephone conferencing service, consistent with Governor Phil Murphy’s statewide ban on public gatherings

and in accordance with the Municipal Land Use Law, the Open Public Meetings Act, and the guidance document entitled “Planning Board and Zoning Board of Adjustments Operational Guidance – COVID-19: N.J.S.A. 40:55D-1: Recommendations for Land Use Public Meetings in New Jersey” issued by the Department of Community Affairs, Division of Local Government Services.

9. Dominick Antonucci and Richard Kretschmaier of Anty Trucking and Patrick D. McClellan, PE of MCB Engineering Associates, LLC, who was accepted as an expert engineer, presented sworn testimony in support of the application. The subject property contains the general operations for Anty Trucking, which includes the temporary storage of customer construction material until said material is brought to the construction site. It was determined that the storage of customer material was previously approved, so a use variance for the expansion of the storage was not required. Additional site changes are proposed; the Applicant is utilizing an office trailer instead of the proposed building addition. The trailer is located near the existing building, will be attached with a hallway and the loading dock will be removed. Two new pole barn buildings are proposed to replace the previously approved fabric domes. The pole barns will be located near the outdoor storage areas. Additional landscaping and berms are proposed throughout the site.

10. The existing office trailer is already in use and will be attached to the principal building by a hallway. A new staircase is proposed, and the building will be compliant with the American's with Disabilities Act requirements.
11. The pole barns will be 80' x 160', with decorative copulas, which will resemble a barn. The structures will be 26.5 feet in height, requiring variance relief, as only 15 feet is permitted for an accessory structure. Additional relief is required for the size of the structures, as the building footprint shall not exceed more than 50% of the footprint of the principal structure on the lot (8,000 square feet) and 25,600 (12,800 each building) square feet is proposed. Finally, the structures exceed the permitted accessory building area, as 500 square feet is permitted, and 25,600 (12,800 each building) square feet is proposed. The structures will be utilized for storage only; they will have electrical service, but no plumbing, heating nor sprinkler system.
12. The parking area will remain gravel, as the truck traffic on site will damage the pavement, requiring a waiver from the Site Plan Ordinance.
13. Roof leaders will be utilized to collect rainwater and direct it into trenches to mitigate drainage concerns. Lighting shall be installed above the main doors of the pole barns and security cameras shall be installed around the site.
14. During the June 3, 2021, hearing, in response to comments from the Board and its professionals, the buildings were relocated, with trailer storage in front of the buildings and a loading area and outdoor storage areas in the rear as shown on the Site Plan approved under this resolution. A landscape berm is

proposed in front of the buildings. These changes were indicated on Sheet 1 of the Site Plan, dated May 18, 2021. Additionally, the Applicant was able to demonstrate the turning radius and site circulation throughout the site, by referring to Sheet 2 of the Site Plan, date May 18, 2021.

15. Numbered utility poles, 6” in diameter and 4’ in height will be installed to indicate the buffer area around the storage areas and Surveyor Monuments will be utilized to control the limits of outdoor storage on the site.
16. Trailer parking areas will be located on the eastern and western sides of the site, outside of the Riparian buffer areas that exist on both the eastern and western sides of the site. Additional landscape screening will be added along the western portion of the site to screen the property from the adjacent Daycare Center.
17. Sheet 6 of the May 18, 2021, Site Plan was added, which provided a Visual Cross Section Analysis showing the line of site from a vehicle on Lackawanna Drive. The topography and additional landscaping, as well as the proposed pole barns screen the outdoor storage from Lackawanna Drive. The outdoor storage is set back 675 feet from the right-of-way.
18. The Fire Department has access to the site through the existing gate. The gates are locked between 5:00 p.m. and 6:30 a.m.
19. No one from the public was in attendance at the 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:
 - a. Section 240-16.A.4 - the height of the accessory storage buildings shall be 26.5 feet in height, where only 15 feet is permitted.
 - b. Section 240-16.A.5 - the footprint of accessory structures shall be 12,800 square feet each in size, where only 8,000 is permitted (50% of the footprint of the principal structure on the lot).
 - c. Section 240-16.C.4 - the size of accessory structures shall be 12,800 square feet in size each, where 500 square feet is permitted.
2. Pursuant to N.J.S.A. 40:55D-70C(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 height and size of the proposed structures are driven by the nature of the use. The topography of the site and the proposed landscaping provide sufficient

buffers from Lackawanna Drive. The Board determined that the proposed changes were both functional and aesthetic improvements to the property.

4. The benefits of granting the requested variance outweigh the detriments that may result from denying the requested relief. The Applicant is providing additional screening to the site and addressed the concerns of the Board to create a better site plan for the property. Accordingly, it was determined that there would be little impact to the surrounding area and that relief can be granted without substantially impairing the zoning scheme or Master Plan.
5. A design waiver was granted from Section 215-30.2.C for all off-street parking areas that shall be surfaced with an asphalt bituminous or cement binder pavement. The existing gravel surface is proposed to remain, and it was determined that waiver was reasonable.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the _____ day of _____ 2021 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, except as otherwise set forth in this resolution, or any other resolution adopted by the Planning Board with respect to the use and occupancy of the subject property by the Applicant.
2. Applicant may obtain construction permits and complete construction on the pole barns, but may not receive Certificates of Occupancy for the new office trailer addition or the pole barns until the necessary square footage calculations are

submitted to the sewer authority. If it determined that additional gallonage for the addition is required, Certificates of Occupancy shall not be issued for any structure until the permits from the sewer authority are obtained for said addition.

3. In response to the June 2, 2021 report from the Environmental Commission:
 - a. There will be no gas dispensed on site.
 - b. There will be no truck maintenance in the pole barns or outdoor storage areas; all truck maintenance in the existing building only.
 - c. Only native, non-invasive species will be planted on site.
4. The two storage buildings shall be registered as a life hazard with the State Division of Fire Safety and subject to annual inspections by the authority having jurisdiction.
5. Sawed-off utility poles as described above and Surveyor Monuments shall be installed to demarcate the outdoor storage area limits, subject to the review and approval of the Board's Engineer.
6. No hazardous material shall be stored on site.
7. The office trailer shall be connected to the principal structure, via hallway or walkway.
8. All plans shall be updated to agree with the exhibits presented to the Board as A-1 and A-2.

George Shivas

On motion of:

Seconded by:

The vote on the Resolution was as follows:

AYES:

NAYS:

ABSTAINING:

ABSENT:

I certify that the above Resolution is a true copy of a Resolution adopted by the Planning Board on _____, 2021 and is in effect for one year.

**Caitlin Phillips, Planning Board
Secretary**

Dated:

Prepared by: Alyse Landano Hubbard, Esq.

**BYRAM TOWNSHIP PLANNING BOARD
BILL LIST FOR August 5, 2021**

HAROLD PELLOW & ASSOCIATES, INC	DATE	AMOUNT
Inv. 73098 Pruitt- Onsite field check 06/08/21	7/12/2021	\$65.00
Inv. 73140 Macmillan- attendance at 07/01 meeting, review	7/20/2021	\$600.75
Inv. 73136 Vicuna- review	7/20/2021	\$154.13
Inv. 73135 Stefanelli- review and photos	7/20/2021	\$565.13
Inv. 73134 Akerman- onsite field check, 07/01 meeting, review	7/20/2021	\$377.88
Inv. 73133 PNC- memo and review	7/20/2021	\$228.25
Inv. 73132 Lovenberg- 06/03 meeting	7/20/2021	\$195.00
Inv. 73131 Skylands- reviews	7/20/2021	\$256.88
Inv. 73130 Skylands- resolution review	7/20/2021	\$97.50
Inv. 73128 Schuffenhauer- Onsite field check, 07/01 meeting, reports	7/20/2021	\$552.50
Inv. 73127 Landscapes by Lou- 06/17 meeting, review	7/20/2021	\$446.63
Inv. 73126 Bolen- 06/17 meeting, review, resolution	7/20/2021	\$251.63
Inv. 73125 Denholtz- Field check, review	7/20/2021	\$146.63
Inv. 73123 Anty Trucking- 06/03 meeting, resolution	7/20/2021	\$162.50
Inv. 73129 Planning Board June and 07/01 meetings	7/20/2021	\$227.50
Inv. 73124 Raimo- Field check and reports	7/20/2021	\$390.00
Harold Pellow total		\$4,717.91

LAW OFFICE OF LARRY WIENER	DATE	AMOUNT
Inv. 2021-42 Planning Board emails and phone calls	7/7/2021	\$645.00
Inv. 2021-47 Schuffenhauer phone calls, emails, review of photos and emails	7/9/2021	\$540.00
Inv. 2021-48 Skylands resolution revision and review	7/9/2021	\$90.00
Inv. 2021-49 Raimo review of fire plan and emails	7/9/2021	\$90.00
Inv. 2021-50 Lovenberg phone calls and review application/resolution	7/9/2021	\$855.00
Inv. 2021-53 Macmillan review and resolution	7/20/2021	\$300.00
Inv. 2021-52 Schuffenhauer calls and emails	7/20/2021	\$195.00
Inv. 2021-51 Planning Board emails, review of council letter, attendance at 07/15 hearing, phone calls	7/20/2021	\$285.00
Larry Wiener Total		\$3,000.00

LATINI & GLEITZ, PLANNING	DATE	AMOUNT
Paul Gleitz total		\$0.00

CP Engineers	DATE	AMOUNT
No bills submitted		
GRAND TOTAL		\$7,717.91