

BYRAM TOWNSHIP PLANNING BOARD AGENDA
For Thursday, August 7 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-** July 17, 2025
6. **RESOLUTIONS**
Z07-2025, Anthony Castelluccio, 4 Sandys Road, Block 403 Lot 77, R4
Application for gable roof cover and house generator

SP3-2025 Aqua New Jersey, Inc., Lynn Drive, Block 337.04 Lot 25.45, R3 Zone
Application for utility enclosure for PFAS water treatment equipment

SP2-2023 Venture Two LLC, 11 and 13 State Route 206, Block 27 Lots 383, 384, 381.02, VB Zone
Extension of approval for site changes with apartments and retail space
7. **SUBCOMMITTEE**
WOSP7-2025, Salt Gastropub, 109 Route 206, Block 70 Lot 9, VB Zone
Waiver of site plan application for site improvements
8. **NEW BUSINESS**
Z02-2025, Leah Lowrie, 79 Tamarack Road, Block 360 Lot 42.01, R2
Application for multiple structures on property and proposed generator slab

SP4-2025 Ionna EV (Wawa), 75 Route 206, Block 34 Lot 15, VB Zone
Application for EV charging stations in Wawa parking lot
9. **BILLS:** Colliers (1): \$1,260.00
10. **REPORTS FROM COMMITTEES**
Environmental Commission
Open Space
Township Council
11. **OPEN TO THE PUBLIC**
12. **ADJOURNMENT**

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

MEETING MINTUES OF THE BYRAM TOWNSHIP PLANNING BOARD: July 17 2025

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

ROLL CALL:

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

Members Absent: Ms. Colligan, 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.

MINUTES: July 3, 2025

Motion of Mr. Smith to approve the minutes, second of Ms. Proctor.

Ayes: Mss. Raffay, DeMagistris, Ms. Lewandowski; Messrs. Proctor, Mr. McElroy, Smith, Walsh, Chairman Shivas

Abstaining: Mayor Rubenstein, Mr. McElroy, Chairman Shivas

Absent: Ms. Colligan, Mr. MOR

None opposed. Motion carried.

RESOLUTIONS

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

Application for construction of a new single-family dwelling

Motion of Mr. Proctor to approve the application, second by Mr. Smith.

Ayes: Mss. DeMagistris, Ms. Lewandowski; Messrs. Proctor, McElroy, Smith, Walsh

Abstaining: Ms. Raffay, Mayor Rubenstein, Mr. McElroy, Chairman Shivas

Absent: Ms. Colligan, Mr. Morytko

None opposed. Motion carried.

Z09-2024, Daniel Scully, 33 Allamuchy Trail, Block 144 Lot 135 and 136, R-5 Zone

Amended application to construct a dwelling on a property with three front yards

Motion of Mr. Proctor to approve the application, second by Ms. DM.

Ayes: Mss. Raffay, DeMagistris; Messrs. Mayor Rubenstein, Proctor, McElroy, Smith, Walsh, Chairman Shivas

Abstaining: Ms. Ms. Lewandowski

Absent: Ms. Colligan, Mr. Morytko

None opposed. Motion carried.

SUBCOMMITTEE

SP6-2023 Tomahawk Lake, 155 Tomahawk Trail, Block 343 Lots 1, 2, 3, CR Zone

Application for amended site plan and use variance approval to use Lot 3 for additional parking, reconfigure the overflow parking area and employee parking area, construct a slide and merry-go-round, and modify a ticket office for larger square footage

Mr. Walsh said when the Subcommittee met a year ago to discuss this application, it was deemed incomplete. The applicant was given a list of items to be able to deem the application complete; the majority are still incomplete or unsatisfied. They need DEP concurrence that they are in accordance with their treatment works approval for septs and portable toilets; their site plan needs to indicate environmental features including wetlands and flood hazard areas; the EIS has the incorrect number of parking spaces; dimensions and setbacks of all the structures on the property; and a circulation plan that has the dimensions of all the roadways. For some of the plans, the information has been submitted but it's in stand-alone plans, and they need it as one site plan package.

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

Ayes: Mss. Raffay, DeMagistris; Messrs. Mayor Rubenstein, Proctor, McElroy, Smith, Walsh, Chairman Shivas

Absent: Ms. Colligan, Mr. Morytko

None opposed. Motion carried.

SP4-2025 Ionna EV (Wawa), 75 Route 206, Block 34 Lot 15, VB Zone

Application for EV charging stations in Wawa parking lot

Mr. Walsh said when Wawa was approved, their plan included two chargers. Those weren't constructed, and now they want to install eight charger stations in the rear of the building, which would lose one parking space overall. When they appear for a hearing, they want the applicant to discuss how the parking change is going to impact things. The charging station will include an equipment enclosure, and they'll want to hear about the location and landscaping proposed around it. Motion of Mr. Walsh to deem the application complete and schedule it for August 7th, second by Ms. Raffay. Mr. Proctor confirmed that's enough time for noticing.

Ayes: Mss. Raffay, DeMagistris, Ms. Lewandowski; Messrs. Mayor Rubenstein, Proctor, McElroy, Smith, Walsh, Chairman Shivas

Absent: Ms. Colligan, Mr. Morytko

None opposed. Motion carried.

EXTENSION REQUEST

SP2-2023 Venture Two LLC, 11 and 13 State Route 206, Block 27 Lots 383, 384, 381.02, VB Zone

Extension of approval for site changes with apartments and retail space

John Gallina appeared on behalf of the applicant, Tony Reis. They're requesting an extension for the site plan approval and the time in which construction needs to begin on the parts with which variances were granted. They provided an updated package at the meeting. Their approval was granted in September of 2023, and the construction of the building may begin in spring of 2026. They're asking for an extension through September of 2026. Chairman Shivas asked why they're seeking the extension.

Mr. Gallina said because of the amount of work needed; the restaurant is undergoing renovations, and considering financing, the construction of the new building is projected for 2026. They submitted other documentation including cross-access agreements, and there will be two affordable housing units in the new building. Mayor Rubenstein confirmed there was an original approval in 2012. Mr. Reis said there's an empty spot in the current building. He's planning to open the restaurant this year and work on the financing. Mayor Rubenstein noted they receive a lot of questions about when the lot is going to be developed. Mr. Reis said he tries to do things every year like paving and new sidewalks.

Motion of Mr. Smith to approve the extension request, second by Ms. Walsh.

Ayes: Mss. Raffay, DeMagistris, Ms. Lewandowski; Messrs. Mayor Rubenstein, Proctor, McElroy, Smith, Walsh, Chairman Shivas

Absent: Ms. Colligan, Mr. Morytko

None opposed. Motion carried.

NEW BUSINESS

Zo7-2025, Anthony Castelluccio, 4 Sandys Road, Block 403 Lot 77, R4

Application for gable roof cover and house generator

Antony Castelluccio was sworn in as the applicant. He has a 20-foot bass boat that he wants to protect from the weather. He asked his closest neighbor, and they don't have an issue. Chairman Shivas confirmed the structure is mainly a roof with no sides. Mr. Castelluccio said they're six by six posts with beams and a gable roof. Ms. Hubbard confirmed he needs variances for the side and rear yards. Mr. Stoner said he needs one for the size as well. Mayor Rubenstein confirmed he took the treehouse down. The Board discussed the height. Mr. Castelluccio confirmed it will be no more than 13 feet. Ms. Raffay asked about the topography. Mr. Castelluccio said the driveway is sloped down, and after the driveway is flat. Ms. Raffay asked for other potential locations for this structure. Mr. Castelluccio said there's really nowhere else; he can't back the boat around the house. There's no access from the road to the left side of the house. Ms. Raffay confirmed it'll be two feet off the property line, measured from the farthest overhang. Mr. Castelluccio wasn't thinking of putting gutters, but if so, they would be on the side with his yard. He's not extending the driveway, and the inside of the structure will have gravel. Mr. Walsh asked if this is where he currently keeps his boat. Mr. Castelluccio said in the winter he stores it in a warehouse. Mr. Walsh confirmed where he's proposing this is somewhere he can already access. Mr. McElroy confirmed he can stay on his property to bring the boat in. Mr. Castelluccio noted he built an addition. Chairman Shivas asked about water runoff. Mr. Castelluccio said the neighbor's property slopes down. The water from the structure will run into the back yard. Ms. Raffay asked about storage; Mr. Castelluccio said he may hang some things, but no storage. Ms. Raffay confirmed there are no sides or doors. Mr. Castelluccio said the photo rendering in the packet is what it'll look like.

Ms. Raffay asked about the generator. Mr. Castelluccio said he has natural gas, so he wants a gas-run generator. Ms. Raffay confirmed he doesn't need any variances for this. Mayor Rubenstein confirmed he completed his gas conversion, and noted he has two open Construction permits, one of which is the conversion and the other is for a fire chimney liner in 2003. Mr. Castelluccio said the chimney is gone. Chairman Shivas confirmed there is a variance needed for the distance between the accessory structure and the house. Ms. Raffay confirmed the septic field is in the front of the house. She asked about moving the structure away from the house. The Board discussed neighbors' house locations in relation to the structure. Chairman Shivas noted it'll be a variance either way if the structure stays where proposed or if it's moved. Ms. Raffay wants more space between the house and structure. Mr. Walsh would rather that it's closer to the house so it's impacting the applicant more than a neighbor. Ms. Raffay noted access to the back yard. Mr. Castelluccio said there used to be a fence, which is shown on the survey. Near the fence is where a wooded area starts. He removed ash trees, and doesn't have any other trees that would impact him. Mr. Walsh asked about bringing equipment to the back yard. Mr. Castelluccio said he could get a backhoe there. He tries not to, because his leech field is in the front. He could go through the structure if he needed to bring something through. Mr. McElroy said the resolution should say it's conforming and won't be any closer than 6 feet.

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

Ms. Hubbard confirmed Mr. Castelluccio will amend his application to include the additional variances. Motion of Mayor Rubenstein to approve the application subject to the conditions, second by Mr. Walsh. Mayor Rubenstein noted one of the conditions is making sure the construction permits are closed.

Ayes: Mss. Raffay, DeMagistris, Ms. Lewandowski; Messrs. Mayor Rubenstein, Proctor, McElroy, Smith, Walsh, Chairman Shivas

Absent: Ms. Colligan, Mr. Morytko

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

SP3-2025 Aqua New Jersey, Inc., Lynn Drive, Block 337.04 Lot 25.45, R3 Zone

Application for utility enclosure for PFAS water treatment equipment

Richard Wells from Archer and Greiner represented the application. They're seeking approval for the installation of a utility enclosure to help with PFAS treatment equipment. This is for Well 2 on Lynn Drive. The focus of this application is the well and pump house area of the lot. The original site was approved as part of the Forest West development between 1982 and 1983. The approval included the parcels in the subdivision, the streets and access roads, and easements for utilities and water distribution, and bulk variances including the water tower height. The approval hasn't been touched since the original development. The Byram homeowners association and the HOA water company were formed, which owned and operated the distribution equipment. Aqua, the applicant, purchased the equipment and distribution system around 2016, and no site improvements other than maintenance and equipment upgrades have occurred. These improvements may be considered a site plan waiver, but the public utility uses in Byram are treated as conditionally permitted, which requires them to come to the Board for approval.

Mr. Wells submitted Exhibit A1, a packet of pre-marked exhibits including maps and photos. Mayor Rubenstein asked who the owner of the property is. Mr. Wells said it's the homeowners' association, and Aqua owns the easement and equipment. Mayor Rubenstein noted they need the owner's consent. Mr. Wells said they didn't obtain a separate authorization. Mr. Proctor asked if they can hear the application and make it a condition of approval that they get authorization from the property owner. Ms. Hubbard noted that the application was marked off as completed. It's a checklist item, so it's up to the Board if they want to waive it and make it "subject to."

Motion of Mr. Mr. McElroy to allow the applicant to continue, subject to any condition of approval having the authorization by the Forest West homeowners' association, stating that they permit the application, second by Mr. Proctor.

Ayes: Mss. Raffay, DeMagistris, Ms. Lewandowski; Messrs. Mayor Rubenstein, Proctor, McElroy, Smith, Walsh, Chairman Shivas

Absent: Ms. Colligan, Mr. Morytko

None opposed. Motion carried.

Chairman Shivas noted he was on the Board when the approval was received. At the time it was built, there was also a Forest South, and then Forest South and West joined. Down Lynn Drive, the piping was going to go down Amity and then back up Lee Hill, so there would be a complete loop. Elias Bakhash was sworn in as the Engineering Manager for Aqua in Hamilton. Richard Schommer was sworn in as an Engineer with H2M Associates in Parsippany. Mr. Wells noted Mr. Bakhash

isn't an expert, he is representing Aqua. Mr. Wells showed Exhibit A2 in the packet. Mr. Bakhsh said the system is looped so they don't lose the pressure in the distribution system. Chairman Shivas confirmed it has been looped. Mr. Wells said Aqua isn't proposing any changes to the distribution system.

Mr. Bakhsh said Well 2 serves residents connected to the distribution system. Mr. Wells confirmed there is no business activity, so there's no offices or restrooms. Mr. Bakhsh said it's monitored, and an operator visits about once a day for testing equipment. They're proposing to add additional treatment for PFAS, which is a chemical contaminant. They were asked by the DEP to treat for PFAS for all of the wells in which PFAS is found. They're a regulated public utility, and they comply with the regulations set by local, state, and federal government. Mr. Wells confirmed this is also coming from the EPA, and this isn't just for Byram and not just Aqua— it's all public water utilities throughout the country which have the same obligation. The obligation begins in 2029, which is when they're required to test the machine and contaminant levels associated with the new regulations. If they don't comply they will need to shut down. Mr. Bakhsh said what they're proposing is a filtration system that has media in it. There's no chemical addition or noise vibration. Mr. Wells confirmed there's no pumps being added, just the filters, and the filter media needs to be changed once a year. Mr. Bakhsh said for this, a truck takes the media in an enclosure and into the truck, and new media is put in. It is a fully sealed and regulated process. Mr. Wells confirmed there's no danger of the media being sprayed in the air, dumped in the ground, or released in general. He confirmed from the outside there's no discernable change. Mr. Bakhsh said the flow is the same. Mr. Wells said they're proposing to put this in an utility enclosure. He confirmed the enclosure is industry standard. Mr. Bakhsh said they use this across other locations. Mr. Wells confirmed the equipment is sized for the flow of each well. Mr. Bakhsh said the enclosure will be locked. Currently they are compliant with water quality. Mr. Wells confirmed they will continue to be compliant when the 2029 industry standards are in place.

Mr. Schommer said he's a licensed engineer and planner. He's appeared at various Boards, serves as Board engineer in Jefferson, and has done so in other municipalities. He created the plans being shown for this application, and his licenses are current. He has worked in Morristown and Chatham. Mr. Schommer said there's an access driveway from Lynn Drive, a one-story shed, and a fence. There is a lot of vegetation and the site is wooded. They're not proposing to change any of this. Mr. Wells confirmed the site is in a wetlands transition area. Mr. Schommer said they delineated wetlands areas, they're not doing anything in them, and they don't need DEP permits because all of the work is taking place on existing pavement or disturbed areas. They confirmed with DEP they don't need permits, because the nature of the work is minor. The enclosure is 7.5 feet by 11.5 feet, and 9.5 feet high, and they're placing it on existing pavement. They have underground utilities. Mr. Wells confirmed this doesn't trigger any variances, and there's no change in runoff. He showed Exhibit A6, an existing site photo. Mr. Schommer said there is an existing light at the back of the shed, which they aren't changing, and they're not adding new lighting. They showed Exhibit A7, for what the enclosure will look like and where the treatment vessels will be located. Mr. Schommer said it can be either green or brown. The new enclosure will be at the back of the driveway. Mr. Wells showed a photo looking down the driveway. Mr. Schommer said looking right up the driveway is the only way to see anything. Someone driving past isn't going to see anything. Chairman Shivas said he drove past the site before the meeting

and he can't see the shed. Mr. Smith confirmed the new structure is next to the shed. Mr. McElroy confirmed the new structure is 13.6 feet from the existing shed. He asked why it's at the end of the driveway, and not closer to the shed. Mr. Schommer said accessibility, to change the filters. It also minimizes the impervious coverage. They have exemptions from the Soil Conservation District, the Sussex County Planning Board, and a Highlands exemption. Mayor Rubenstein noted he wants the color to be green. Ms. Hubbard asked why it doesn't match the other building. Chairman Shivas confirmed they change the materials through the top of this type of structure. Mayor Rubenstein noted this looks to be prefabricated. Mr. McElroy said if you're not looking for this, you won't see it. Mr. Proctor asked if they're doing anything at other wells. Mr. Bakhash said this is a combined system, so they're treating only the wells that have PFAS. The other well has lower levels in compliance. Mr. Wells said by 2027 they need to have the testing complete. Chairman Shivas noted if Well 2 shuts down, they'll use Well 1. Mr. McElroy confirmed if they do their testing on the other well and the levels are higher, they'll need to come back before the Board for the same process. Mr. Smith confirmed that Well 2 is above the PFAS levels for the 2029 standards. The other well is not above those levels, so doesn't require this work. Mr. Bakhash noted there are construction and fabrication times to consider, so they're being conscious of the time needed to get this done, and get the testing. They anticipate this running in a year. Mr. Smith said they've had a lot of PFAS treatment systems come to the Board, and some are larger than this. He asked why the size is the way it is. Mr. Bakhash said it's designed based on flow. Each well has a flow and system hydraulics. There are two types of PFAS treatment, the GAC (granular activated carbon), and ionic exchange. For this well, it's ionic exchange, which tends to be smaller and doesn't produce backwash. Both technologies are approved by the DEP. Mr. McElroy asked if they go over the 2029 standard once, what do they do? Does the number fluctuate a lot? Mr. Bakhash said they've been testing for about the past two years, and getting consistent results, since it doesn't go anywhere. They can't destroy PFAS, but can treat it. Aqua or other water companies didn't put the chemical in; it comes from manufacturing, paint, and other applications. They stay in compliance with regulations and laws.

Mr. Stoner asked about the purpose of the new water line, from the well house to the street. Mr. Bakhash said it's to provide enough contact time for the chlorine residual in the water. They inject chlorine in the water, and there's a set time the chlorine needs to stay in contact with the water before it gets to the residents. If they have larger storage, that provides contact time, and sometimes it's a large pipe. Mr. Stoner noted the driveway is beat-up, and they're trenching to the road. He asked if they're leaving the trench there or re-paving. Mr. Bakhash said they can pave the driveway. Mr. Stoner said they'll need a street opening permit. Mr. Bakhash explained the water filling and pumping process. This is an addition to the existing treatment. Mayor Rubenstein noted they couldn't find the original resolution. He asked if they should approve all features of the site plan, even pre-existing items, to memorialize it. Mr. Wells said the only resolution they could reference was from 1983. Mayor Rubenstein confirmed those features are on the plan. Ms. Hubbard asked if they could submit the resolution as Exhibit A9. Mayor Rubenstein asked about the site survey document, which has a fence over the property line. Ms. Hubbard said they can note it but can't approve an encroachment. Mayor Rubenstein said they have an open construction permit from 2017 for an electrical alteration for the pump house. He said as water companies come in, they're trying to discuss fire flows and hydrants. The Fire Department asks about that status of the hydrants on this system—are they usable, do they do flow testing, and are there results? Mr.

Bakhash said they have flow testing results. They test on a regular basis to make sure they're functional. He can work with the Fire Department and share the information. Chairman Shivas noted he'd like someone to confirm if the two systems have been hooked together. They don't look like they connect. Mr. Bakhash will talk to the distribution manager. They like to make their distribution systems looped.

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

Chairman Shivas noted one of the conditions should be the consent of the property owner. Mayor Rubenstein confirmed they decided the color of the structure should be green. He noted one of the conditions is closing the construction permit. Mr. Wells noted another condition is paving the driveway in lieu of trenching. Ms. Hubbard noted the street opening permit and complying with the professionals' reports. Motion of Mr. Proctor to approve the application subject to the conditions discussed, second by Ms. DeMagistris.

Ayes: Mss. Raffay, DeMagistris, Ms. Lewandowski; Messrs. Mayor Rubenstein, Proctor, McElroy, Smith, Walsh, Chairman Shivas

Absent: Ms. Colligan, Mr. Morytko

None opposed. Motion carried.

REPORTS FROM COMMITTEES

Environmental Commission- Mr. McElroy said they have a meeting next week.

Open Space- Ms. Phillip said their July meeting was cancelled, and their next meeting is in August.

Township Council- Mayor Rubenstein said there's a resolution for paving on Route 206 from 80 to Andover Borough. The resolution calls on the DOT to resolve the Forest Lakes Drive North intersection issue, where they don't believe that road exists. Mr. Proctor said there is a program called Arrive, in which all calls that the police department receives that involve mental or behavioral health, they will now file a form with Atlantic Health, and Atlantic Health will send it to mental health professionals, who will follow up with the caller. He said the other item is a sidebar agreement between the Township and the DPW collective bargaining union for conditions for the designation of a backup operator for the sewer collection system. Mayor Rubenstein said they introduced an ordinance, in which there is a property that has a septic system across the street, and part of their yard is on Township property. The ordinance is to sell them that strip of land for \$2,500. He said they'll be applying for a Clean Energy Plan grant with Sustainable New Jersey. There was an application for a Congressionally Directed spending grant, for CO Johnson field house improvements, and they're on the short list. Mr. Stoner said they're paving Roseville around August or September. Mayor Rubenstein said there will be improvements to the DPW break building, and will be bidding out the leaf shed.

Zoning Report- Everyone had a copy.

BILLS:

Harold Pellow (5): \$1,622.50. A motion to approve the bills was made by Mr. Walsh, seconded by Mr. Proctor. All were in favor. Motion carried.

Maraziti Falcon (7): \$2,345.00. A motion to approve the bills was made by Mr. Walsh, seconded by Mr. Proctor. All were in favor. Motion carried.

OPEN TO THE PUBLIC

Chairman Shivas opened to the public. Patricia Moschella asked if there are any updates on Mountainside General Store. Mayor Rubenstein said they came in a few months ago for a building in the back. Mr. Stoner said there are a few items outstanding but they're close to being done. Chairman Shivas closed to the public.

ADJOURNMENT

A motion to adjourn the meeting was made at 9:25 pm by Mr. McElroy, seconded by Mr. Walsh. All were in favor. Motion carried. The meeting was adjourned.

Submitted by Caitlin Phillips

Resolutions Approved at Previous Meeting

In the matter of William and Diane Carkhuff
Case No. Z08-2024
MF#5000.017

BYRAM TOWNSHIP

PLANNING BOARD

RESOLUTION OF MEMORIALIZATION

RELIEF GRANTED:	MINIMUM FRONT YARD SETBACK
	MINIMUM SIDE YARD SETBACK
	MAXIMUM BUILDING HEIGHT
	MAXIMUM BUILDING COVERAGE
	MINIMUM SETBACK FROM A LAKE
	MINIMUM SETBACK FOR BASIC
	ACCESSORY STRUCTURE
	MINIMUM SETBACK OF AN
	ACCESSORY STRUCTURE
	MAXIMUM DRIVEWAY WIDTH

WHEREAS, William and Diane Carkhuff have applied to the Planning Board of the Township of Byram seeking approval for the construction of a new home located at 82 South Shore Road, and known as Block 189, Lot 1 on the Tax Map of the Township of Byram which premises are in a “R-5” Residential Zone;

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

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

1. The Applicants were represented by Michael Selvaggi, Esquire.
2. The Applicants are the owners of the subject property, which contained a single-family dwelling, with two (2) accessory structures on a lake front lot. The Applicants received variance approval to construct an addition on their single-family home on January 5, 2023, via Application Z10-2022. In March of 2024, during construction, the Board's Engineer discovered that the entire house had been demolished and the Applicants were constructing a "new" home. A Notice of Violation was issued on March 15, 2024 by Nick Cutrone, the Zoning and Code Enforcement Officer, noting that the Applicants need to present a new application to the Board. The Applicant returned to the Board on April 18, 2024, seeking an amended approval, but the Board determined that Applicant should seek a new application for the construction of a single-family home, as they no longer had pre-existing, nonconforming rights related to the home.
3. The Applicants are now proposing to construct a new home, utilizing the location of the prior foundation. The proposed construction will require variance relief from the following Sections of the Township's Zoning Ordinance:
 - a. Section 240-50.1 – Maximum Building Coverage: 1605 square feet is permitted, 2345 square feet is proposed.
 - b. Section 240-55C.(2) – Minimum Front Yard Setback: 45 feet is required, 14.3 feet is proposed.
 - c. Section 240-55C.(3) – Minimum Side Yard Setback: 15 feet is required, 9.4 feet is proposed.

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- d. Section 240-55C.(7) – Maximum Building Height: 25 feet is permitted, 25.97 feet is proposed.
- e. Section 240-55C.(9) – Minimum Setback from the Lake: 50 feet is required, 48 feet is proposed.
- f. Section 240-16.B(4) – Minimum Side Yard Setback for an Accessory Structure (A/C Pad): 10 feet required.
- g. Section 240-16.B(4) - Minimum Side Yard Setback for an Accessory Structure (Shed): 10 feet required, 2½ feet existing to remain.
- h. Section 240-40.B(5) - Minimum Driveway Width: 12 to 13 feet permitted, 20 feet existing to remain.

4. The Applicant submitted the following documents:

- a. Architectural Plans, prepared by Heyrich Architects, dated February 1, 2025, consisting of seven (7) sheets.
- b. Variance/Site Grading Plan, prepared by Careaga Engineering, Inc, dated June 3, 2025, consisting of three (3) sheets.
- c. Septic Design Plan, prepared by Careaga Engineering, Inc, dated October 5, 2021, revised through March 31, 2025, consisting of two (2) sheets.
- d. Alternate Design Treatment Works Approval, issued by New Jersey Department of Environmental Protection (“NJDEP”) dated May 1, 2025.

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5. The Board received memorandum from the following:
 - a. Cory L. Stoner, P.E., P.P., of Harold E. Pello & Associates, Inc., the Planning Board Engineer, dated July 1, 2022
 - b. Daniel N. Bloch, PP, AICP, EADA, of Colliers Engineering & Design, the Board Planner, dated June 18, 2025.
 - c. Elaine Evers, Environmental Commission, dated June 2, 2025.
6. There were some minor discrepancies in the public notice, with regard to the relief sought. The Applicant's Attorney reviewed the notice and the Board was satisfied that notice was sufficient. A public hearing was conducted on June 19, 2025, at which time Jeffrey Careaga, PE, the site engineer, Peter Barry, who prepared the plans, but is not a licensed architect and was not accepted as an expert witness, and Allison Kopsco, PP of J. Caldwell & Associates, LLC, the Applicants' Planner, along with William Carkhuff presented sworn testimony in support of the application.
7. The subject property is a slightly irregular, lake front lot, with a bulkhead on Cranberry Lake. There is a 10-foot-wide paper street along the southern border of the property, creating a buffer to the adjacent lot. The lot is non-conforming as to maximum lot disturbance and maximum building coverage. Based on the bulk constraints on the property, there is a 5'x30' building envelope on the site. There are currently two (2) existing accessory structures on the site, one of which will be removed prior to the construction of the dwelling.
8. Mr. Careaga provided a Board with an overview of the proposed development.

The new septic system, that was designed by Careaga Engineering Inc., and
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approved by NJDEP, will be constructed between the proposed structure and the lake, dictating where the structure can be located on the property. According to the State Requirements, the septic system must be at least 25 feet from the lake and 15 feet from the dwelling. The proposed dwelling will only be 6 feet from the septic system, requiring approval from the NJDEP, and resulting in a 14.3-foot setback from the front property line, which requires variance relief. The water discharging from the advanced septic system is clean and will not have a negative impact on the lake.

9. The proposed landscaping is within 25 feet of Cranberry Lake, which can be accomplished via Permit-By-Rule #39 that allows for the placement of underground utility lines that do not cross regulated water. The required setback from the lake is 50 feet, but the proposed structure will be 48 feet, requiring variance relief. The dwelling will be located in a Riparian Buffer associated with Cranberry Lake, which can be accomplished via Permit-By-Rule #10 that allows for general construction activities located outside a flood hazard area in a riparian. The Applicant will utilize rain gardens and rain barrels to control the runoff and improve the water quality of Cranberry Lake.
10. The existing parking area is 20-foot-wide gravel driveway, that slopes toward the roadway, directing drainage into the existing inlet. The driveway can accommodate two (2) vehicles, with an additional parking stall in the garage. The Applicants agreed to pave the area, as required by the Township's Zoning Ordinance, however variance relief is needed for driveway width, as 12-13 feet is permitted and the Applicants would like to maintain the existing 20 feet.

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11. An air conditioning unit will be located on the southern side of the proposed home, near the mechanical equipment in the attic, but requires a side yard setback variance for the concrete pad, which was requested by the Applicant. Applicant agreed to revise the plans to dimension the accurate setback.
12. The existing shed will remain on the property, which is 2½ feet from the property line, requiring variance relief, as 10 feet is required. A boathouse structure was previously approved with the prior application and will be constructed with permits that have already been issued.
13. Mr. Barry testified that due to the topography and the construction of a new septic system, the grade was raised three (3) feet and the proposed home will be two and one half (2½) stories above the foundation. The proposed dwelling will be 2500 square feet in total area, with 9-foot ceilings on the first floor and 8-foot ceilings on the second floor. The footprint of the house, which is within the prior foundation, exceeds the building envelope.
14. There is no basement proposed. The dwelling will have a one-car garage on the first floor, along with the kitchen, pantry, dining room, family room and half bath. The second floor will have two (2) bedrooms, two (2) bathrooms, a laundry room and a deck. There will be a half story attic, which is partly habitable attic (8-foot ceilings) and partly housing the mechanical equipment and uninhabitable (6.8-foot ceilings).
15. The building height exceeds the permitted height of 25, with a measured height at the average distance between the eaves and the ridge level for the highest

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gable of no more than 25.97 feet. The façade height is in compliance on all sides.

16. Allison Kopsco, a professional planner, who was accepted as an expert, presented sworn testimony that the variances sought by the Applicant could be approved pursuant to N.J.S.A. 40:55D-70c(1), noting that the location of the septic, the size and shape of the lot and the location next to a paper street created a hardship that drove the location of the structure, requiring front and side yard setbacks. The relief necessary for the height of the structure is de minimis and can be accommodated on the oversized lot. The property is adjacent to a paper street, which mitigates the side yard setback variance.

17. Ms. Kopsco opined that relief could also be granted pursuant to N.J.S.A. 40:55D-70c(2), noting that the benefits of approving construction of the proposed home, with the required setbacks, outweigh the detriments that may result. The home will be a visual improvement to the property and is compatible with the homes in the surrounding area.

18. Ms. Kopsco further opined that the project meets the following purposes of the Municipal Land Use Law (N.J.S.A. 40:55D-2), namely:

- a. Purpose E – to promote the establishment of appropriate population densities and concentration that will contribute to the well-being of persons, neighborhoods, communities and regions and the preservation of the environment – the proposed development is a single-family residence in the R-5 zone, which is consistent with the neighborhood, at an appropriate density. The home is strategically placed due to the {349965.DOCX.2}7

upgrading of the septic system, which is beneficial to the property and the community.

- b. Purpose I – to promote a desirable visual environment through creative development techniques and good civic design and arrangement – the proposed dwelling will be a modern home, consistent with the neighboring homes that have already been renovated, creating a desirable visual environment.
- c. Purpose I - to promote a desirable visual environment through creative development techniques and good civic design and arrangement; the proposed home will be visually consistent with the homes in the surrounding area.
- d. 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 the more efficient use of land – the proposed dwelling, include eliminating and replacing it with a new septic system, will redevelop the property in a positive way.

19. The witness continued that the public good will be served by the proposed construction. The witness noted the varying scale and intensity of the neighborhood, opining that the house was consistent with the prevailing front yard setbacks and with respect to the lake.

20. Finally, the application is consistent with the goal of the Master Plan to maintain the character of lake communities and preserve environmentally sensitive areas.

The proposal does not conflict with the orderly growth of the lake community
{349965.DOCX.2} 8

or preservation of the environment. The use is contemplated by the zoning and the construction of the new home, although within the front and side yard, will include installing a new septic system which will result in better planning for the property.

21. During the public portion of the hearing Veronica Varisco, the adjacent property owner to the north, testified that she was concerned about the size of the structure. The Applicant's team explained that the portion of the home nearest to her would be smaller in height and mass.

22. Additionally, Karl Mangels, who lives within 200 feet of the property and has water service through the water company, was concerned about protecting the well and waterline during construction. There is a Deeded Easement that runs through the subject property and provides Mr. Mangels water from the well that is located on the southern side of the paper street. The Applicant agreed to utilize steel plates to protect the underground piping during construction, prohibit the parking of vehicles or storage of material in the paper street during construction and work with the water company to comply with the easement.

23. A discussion ensued about the chosen location of the home and it was noted that shifting the house in either direction would create or exacerbate the variances. The Applicant is utilizing the location of the prior foundation and pouring a new foundation to slightly shift the home.

24. The property is located within the Highlands Preservation Area. Per the Highlands Water Protection and Planning Act, the construction activities

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related to the construction of a single-family dwelling, qualify for Exemption No. 2 and would not be subject to the restrictions of the Act.

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 relief can be granted pursuant to N.J.S.A. 40:55D-70C from the following Sections of the municipal zoning ordinance:
 - a. Section 240-50.1 – Maximum Building Coverage: 1605 square feet is permitted, 2345 square feet is approved.
 - b. Section 240-55C.(2) – Minimum Front Yard Setback: 45 feet is required, 14.3 feet is approved.
 - c. Section 240-55C.(3) – Minimum Side Yard Setback: 15 feet is required, 9.4 feet is approved.
 - d. Section 240-55C.(7) – Maximum Building Height: 25 feet is permitted, a maximum of 25.97 feet is approved.
 - e. Section 240-55C.(9) – Minimum Setback from the Lake: 50 feet is required, 48 feet is approved.
 - f. Section 240-16.B(4) – Minimum Side Yard Setback for an Accessory Structure (A/C Pad): 10 feet required, less than 10 feet is approved and shall be set forth on the revised plans.

- g. Section 240-16.B(4) - Minimum Side Yard Setback for an Accessory Structure (Shed): 10 feet required, 2½ feet existing to remain.
 - h. Section 240-40.B(5) - Minimum Driveway Width: 12 to 13 feet permitted, 20 feet existing 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 oversized lot, that is sloped toward the lake with an upgraded the septic system. Accordingly, the existing conditions and the regulations related to the septic system impacts the ability to develop the lot in a conforming manner.
 4. The upgrade of a new septic system and the improved visual appearance of the home will benefit both the homeowner and the surrounding area. Accordingly, the benefits of permitting the construction of the proposed addition outweigh the detriments that may result from denying the requested relief.
 5. The intensity of the proposed addition is consistent with the neighborhood, so there will be little impact to the surrounding area. A goal of the Master Plan is

{349965.DOCX.2} 11

to maintain the character of the lake communities and there is a benefit to the community by constructing a modern home, which is located in a residential zone. Therefore, the relief can be granted without substantially impairing the zoning scheme or Master Plan.

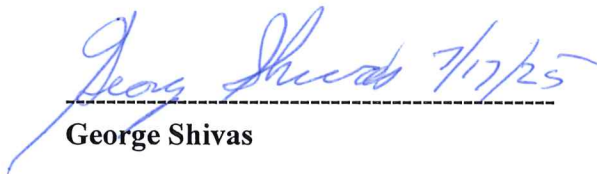
NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the 17th day of July, 2025, that the approval of the within application be granted subject, however, to the following conditions:

1. The Applicant shall comply with all the conditions and standards set forth in Section 240 of the Township's Ordinances.
2. The construction and improvements on the property shall be consistent with the plans submitted to the Board and the testimony at the public hearings.
3. Signed and sealed architectural drawing shall be submitted to the Board Engineer to confirm the height of the proposed addition.
4. The variance plan shall be updated with all proposed improvements, walls, topography, waterline information and septic system information and submitted to the Board Engineer for review and approval prior to the issuing of zoning and construction permits.
5. Applicant shall obtain all outside agency approvals prior to the issuance of construction permits.
6. The location of the community well, waterline, Deeded Easement, and related equipment located along the front of the property shall be indicated on the plans and marked on site for protection during construction.

7. Applicant shall take all reasonable means to protect the water line and underground pipes during construction.
8. Applicant shall work with the water company to comply with the easement conditions during construction.
9. A silt fence shall be installed and maintained throughout construction to protect Cranberry Lake from soil runoff and construction materials.
10. There shall be no construction equipment on South Shore Drive.
11. There shall be no construction equipment or material stored in the paper street during construction. The paper street may be used for access to the rear of the property, as needed, during construction.
12. There shall be no basement and no more than two (2) bedrooms in the home, in compliance with the septic system design; no common areas shall be converted into bedrooms.
13. Applicant shall construct rain barrels and rain gardens to address the stormwater runoff, utilizing native vegetation. Roof leaders shall be directed into the stormwater management system and directed away from the septic system, subject to the review and approval of the Board Engineer.
14. An as-built survey shall be provided after construction is completed to verify items shown on the updated variance map have been constructed per the approvals granted by the Planning Board.
15. Access to the community well shall remain open during construction.
16. Plans shall be revised to reflect the accurate setbacks, dimensions and coverage calculations.

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17. Applicant shall comply with Section 240-55C.(9), which requires a 10-foot-wide vegetated buffer along at least 80% of the water's edge.
18. The vegetated buffer shall consist of native plantings, subject to the review and approval of the Board Engineer or the NJDEP.
19. The Boat House shall be removed from the current engineering and architectural plans.
20. All approvals for the septic and well shall be obtained and submitted to the Board prior to the issuance of zoning or construction permits.
21. The plans shall be revised to accurately indicate the flow of stormwater related to the swales in the rear yard.
22. The plans shall be revised to remove existing conditions data.
23. Lot width shall be added to the zoning table and all setbacks and dimensions shall be updated on the zoning table.
24. Applicant shall comply with all conditions stated in the professional reports.


George Shivas

On motion of: Mr. Proctor

Seconded by: Mr. Smith

The vote on the Resolution was as follows:

AYES: Five (5): Mr. Proctor, Mr. Smith, Mr. Walsh, Ms. DeMagisitriss, Ms. Lewandowski

NAYS: Zero (0)

ABSTAINING: Four (4): Mayor Rubenstein, Mr. McElroy, Ms. Raffay, Chairman Shivas

{349965.DOCX.2}14

ABSENT: Two (2): Mr. Morytko, Ms. Colligan

I certify that the above Resolution is a true copy of a Resolution adopted by the Planning Board on July 17, 2025 and is in effect for one year.

Caitlin Phillips

**Caitlin Phillips, Planning Board
Secretary**

Dated: 07/18/2025

Prepared by: Alyse Landano Hubbard, Esq.

{349965.DOCX.2} 15

In the matter of Scully Properties, Inc.
Case No. Z09-2024
MF#5000.111

BYRAM TOWNSHIP

PLANNING BOARD

RESOLUTION OF MEMORIALIZATION

**RELIEF GRANTED: MINIMUM FRONT YARD SETBACK
 MINIMUM REAR YARD SETBACK**

WHEREAS, Scully Properties, LLC has applied to the Planning Board of Township of Byram seeking amended approval to construct a single-family home on premises located at 33 Allamuchy Trail, and known as Block 144, Lot 135 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 was represented by Robert McBriar, Esquire.
2. The Applicant is the owner of the subject property. The Applicant received approval to construct a single-family home, via Application #Z09-2024, on August 1, 2024. During construction, bedrock was discovered that prohibited the construction of the home as

approved. The within application seeks to construct a home with a smaller building footprint, requiring the following relief from the Township's Zoning Ordinance:

- a. Section 240-55C(2) – Minimum front yard setback: 35 feet required, 8.9 feet proposed to Greywood Lane.
 - b. Section 240-55C(4) – Minimum rear yard setback: 20 feet required, 13.1 feet proposed.
3. Along with the Application for a Variance, the Applicant submitted the following documents:
- a. Variance Plan, prepared by Dykstra Associates, dated March 11, 2024, revised May 27, 2025, consisting of one (1) sheet.
 - b. Architectural Plans prepared by PVA Architect, dated February 11, 2024, revised through May 14, 2025, consisting of five (5) sheets.
4. A duly noticed public hearing was conducted on July 3, 2025, at which time Paul Ashworth, AIC, NCARB, a licensed architect, presented sworn testimony in support of the application. The subject property is comprised of two (2) lots, with three (3) front yards, Allamuchy Trail, Greywood Lane, and Ka-Ton-Ah Trail. The proposed home is situated toward Greywood Lane, with approximately 160 feet of front, and a lot depth of approximately 50 feet. The Applicant completed resolution compliance, which included approved septic system and the merger of the lots 135 and 136 into Lot 135, via Deed recorded on May 1, 2025. During construction, the excavators stopped digging when they hit bedrock and the property was resurveyed to redesign the home.
5. Sheet Z-1 of the Architectural Plans prepared by PVA Architects, dated February 11, 2025, revised through May 15, 2025, with the previously approved footprint and frame of

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the proposed dwelling indicated by a red, dashed line was marked at A-1 for identification.

6. The prior approval included a front yard setback of 8.4 feet and a rear yard setback of 9.6 feet. The Applicant now seeks approval to redesign the home, requiring a front yard setback of 8.9 feet and a rear yard setback of 13.1 feet.
7. The home is approximately the same width, but increased in depth, with additional mass on the second floor and a larger front porch. The new configuration includes an open floor plan of a kitchen and living room, a half bath and a one car garage. Three (3) bedrooms and two (2) bathrooms are proposed on the second floor.
8. As a result of the reduction in the building footprint, the building coverage variance is eliminated. The landscaping plan, stormwater management and septic approval on the site remains the same. No additional tree removal or earth work is required for the revised proposal.
9. The Board hereby restates the additional fact findings set forth in the original resolution of approval.
10. 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:


{379432.DOC.2}3

- a. Section 240-55C(2) – Minimum front yard setback: 35 feet required, 8.9 feet approved to Greywood Lane.
 - b. Section 240-55C(4) – Minimum rear yard setback: 20 feet required, 13.1 feet approved.
2. N.J.S.A. 40:55D-70c(1) indicates that a variance may be granted under its “hardship” provisions, with the hardship being related to the exceptional narrowness, shallowness, shape of the property, unusual topographic conditions or by reason of the location of the existing structures on the property. Under the c(2) subsection, variance relief may be granted where it is determined that the proposed relief advances one or more of the purposes of zoning (which purposes are set forth in N.J.S.A. 40:55D-2) and where it is further determined that the benefits of granting the variance outweigh any detriments which might result from it.
3. The Board hereby restates the legal justification for relief set forth in the original resolution of approval. The subject property is a wide, shallow lot, with bedrock that has created a hardship for the Applicant to construct the previously approved or a conforming home. The revised plans allow for the construction of a similar home, while eliminating a variance for building coverage and changing the rear and front yard setbacks. The Board determined that permitting the redesigned home would not result in a substantial detriment to the surrounding area, as the changes are de minimis in nature. The development is not inconsistent with the Master Plan and the Zoning Scheme, as this property is unique due to the size and shape of the property.

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NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the 3rd day of July, 2025 that the approval of the within application be granted subject, however, to the following conditions:

1. The Applicants shall comply with all the conditions and standards set forth in Section 240 of the Township's Ordinances. The Applicants shall be subject to all other applicable rules, regulations, ordinances and statutes of the Township of Byram, County of Sussex, State of New Jersey, or any other jurisdiction.
2. The Applicants shall be bound to comply with the representations made before this Board by the Applicants, and its professionals, at the public hearing. The representations are incorporated herein and were relied upon by this Board in granting the approval set forth herein and shall be enforceable as if those representations were made conditions of this approval.
3. The Applicant shall comply with all of the conditions set forth in the Original Resolution of Approval, Application #Z09-2024.


George Shivas

On motion of: Mr. Proctor

Seconded by: Ms. DeMagistris

The vote on the Resolution was as follows:

AYES: Eight (8): Mayor Rubenstein, Mr. Proctor, Mr. McElroy, Ms. Raffay, Mr. Smith, Mr. Walsh, Ms. Demagistris, Chairman Shivas

NAYS: Zero (0)

ABSTAINING: One (1): Ms. Lewandowski

{379432.DOC.2}5

ABSENT: Two (2): Mr. Morytko, Ms. Colligan

I certify that the above Resolution is a true copy of a Resolution adopted by the Planning Board on July 17, 2025.

Caitlin Phillips

Caitlin Phillips, Planning Board Secretary

Dated: 07/18/2025

Prepared by: Alyse Landano Hubbard, Esq.

{379432.DOC.2}6

Byram Township Planning Board Bills		
August 7 2025		
Harold Pellow	Date	Amount
Harold Pellow Total		\$0.00
Maraziti and Falcon	Date	Amount
Maraziti and Falcon Total		\$0.00
Colliers	Date	Amount
Inv. 0001070993 Carkhuff: review and meeting	7/8/2025	\$ 1,260.00
Colliers Total		\$ 1,260.00
Grant Total		\$1,260.00