

**BYRAM TOWNSHIP PLANNING BOARD AGENDA**  
**For Thursday, December 7 2023, at 7:30 P.M.**  
**Meeting Held at: 10 Mansfield Drive, Byram Township NJ**

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **OPENING STATEMENT:** Adequate notice of this meeting has been published specifying the time and place in compliance with the provisions of the Open Public Meetings Act.
4. **FLAG SALUTE**
5. **MEETING MINUTES-** November 16, 2023
6. **RESOLUTION**  
Z22-2023 John Brennan, 135 Lake Drive, Block 250 lot 120, R-5 Zone  
Approval for addition to single-family home, and memorialization of existing shed and fence
7. **SUBCOMMITTEE**  
SP8-2023 Byram Car Wash, 56 Route 206, Block 365 Lot 1.01, VC Zone  
Approval for replacement of vacuums and monument sign
8. **NEW BUSINESS**  
SP6-2023 Tomahawk Lake, 155 Tomahawk Trail, Block 343 Lots 1, 2, and 3, CR Zone  
Application for amended site plan approval to include Lots 3 and 4 into the site plan for parking, and modify a ticket office for larger square footage  
**\*\*CARRIED TO 01/04/2024\*\***  
  
Z16-2023 Barbara Krassner, 11 Pathfinder Trail, Block 115 Lot 6, R5 Zone  
Approval for deck on an undersized lot  
**\*\*CARRIED TO 12/21/2023\*\***  
  
Z24-2023 Ruth Pineiro, 72 Lynn Drive, Block 337.04 Lot 54, R-3 Zone  
Approval for deck expansion  
  
Z23-2023 Mia Costic and Stuart Marker, 2 Sleepy Lagoon Terrace, Block 297 Lots 1 and 2, R-5 Zone  
Approval for pre-existing non-conforming decks
9. **BILLS**  
Maraziti and Falcon (5): \$892.50
10. **REPORTS FROM COMMITTEES**  
Architectural Review Committee  
Environmental Commission  
Open Space  
Township Council
11. **OPEN TO THE PUBLIC**
12. **ADJOURNMENT**

The Board Engineer, Planner, and Attorney 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: November 16, 2023**

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

**ROLL CALL:**

*Members Present:* Mayor Alex Rubenstein, Ms. Franco, Mr. McElroy, Ms. Raffay, Mr. Morytko, Mr. Smith, Mr. Proctor, Mr. Walsh, Chairman Shivas

*Members Absent:* Mr. Serrilli

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

**OPENING STATEMENT:** Adequate notice of this meeting has been published specifying the time and place in compliance with the provisions of the Open Public Meetings Act.

**FLAG SALUTE:** led by Chairman Shivas

**MINUTES:** November 2 2023. Mayor Rubenstein motioned to approve the minutes, seconded by Mr. Morytko.

*Ayes:* Mayor Rubenstein, Mr. McElroy, Mr. Morytko, Mr. Proctor, Mr. Walsh, Chairman Shivas

*Abstaining:* Ms. Franco, Ms. Raffay, Mr. Smith

*Absent:* Mr. Serrilli

None opposed. Motion carried.

**RESOLUTUIONS**

Z20-2023 Sal and Catherine Volonnino, 65 Lake Drive, Block 249 Lot 53, R-5 Zone

*Approval for garage in the front yard*

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

*Ayes:* Mayor Rubenstein, Mr. McElroy, Mr. Morytko, Mr. Proctor, Mr. Walsh, Chairman Shivas

*Abstaining:* Ms. Franco, Ms. Raffay, Mr. Smith

*Absent:* Mr. Serrilli

None opposed. Motion carried.

**SUBCOMMITTEE**

SP7-2023 Panther Lake RV, LLC, 6 Panther Lake Campground, Block 360 Lots 23, 24, 31, 31.10, and 31.11, CR Zone

*Approval for changes to pool and patio area, including bathrooms, a pavilion, cabana facilities, expansion of patio, and enhancements to lighting and landscaping*

Mr. Walsh said there are a series of improvements around the pool, but the pool will not be modified.

Elevations were provided at the meeting. Waivers sought are related to existing conditions or minimal disturbance, so can be granted. Mr. Walsh motioned to deem the application complete and schedule it for a hearing on 12/21, subject to the architectural beings submitted for the whole Board prior to the hearing, seconded by Mr. McElroy.

*Ayes:* Mayor Rubenstein, Ms. Franco, Mr. McElroy, Ms. Raffay, Mr. Morytko, Mr. Smith, Mr. Proctor, Mr. Walsh, Chairman Shivas

*Absent:* Mr. Serrilli

None opposed. Motion carried.

**NEW BUSINESS**

Z22-2023 John Brennan, 135 Lake Drive, Block 250 lot 120, R-5 Zone

*Approval for addition to single-family home, and memorialization of existing shed and fence*

Glenn Kienz from Weiner Law Group represented applicant John Brennan. Mr. Brennan wants to add a second story, staying within the existing footprint. John Brennan was sworn in as the applicant, and Jason Dunn was sworn in at 11 Lawrence Road in Newton as the planner. His license is current and in good standing, and he has recently testified in Newton, Hardyston, Byram, and Sparta. He was deemed an expert.

Mr. Brennan said they bought the house about a year ago. The issue with the house is the size for their family. They haven't moved in yet—they're waiting for the approvals and the construction to finish. There were issues with the septic; when it was inspected at closing it failed; necessary repairs were made, and a new septic is in. It's sized for two bedrooms, and they want to keep it two bedrooms. Items on the architectural plans labeled "existing" are what is proposed. In the proposed, they'd now like to connect the sitting room to the bedroom to make it larger. There is no shed anymore—it was removed because it was sitting on the septic area. It still shows the shed on the survey. There is an existing fence; from talking with neighbors Mr. Brennan noted this is a joint, neighborly fence which they'd like to keep. Mr. Dunn submitted **Exhibit A1**, photos of the property showing the fence, taken today. It depicts the fence being lower in the front and stepping up in the back area. Mr. Dunn said it's four feet in the front. Mayor Rubenstein asked why Mr. Brennan doesn't want a shed. Mr. Brennan said there's not a lot needed for yardwork. Mayor Rubenstein said they're in front of the Board, so they could ask for it now. The Board discussed

variances that may be needed. Mr. Kienz asked to amend the application to include a shed, five feet from the side yard. Mr. Stoner requested they stay 25 feet from the lake for the riparian buffer. There is a maximum of 100 square feet proposed, likely a 10x10 shed. Ms. Raffay confirmed noticing is ok for this. Ms. Hubbard confirmed it'll be on footings or stone, not a concrete pad.

Mr. Dunn reviewed the property. He agreed with Mr. Stoner's chart. The parcel is narrow and undersized. He believes the improvement proposed is reasonable and will be an upgrade. It won't have any negative impacts on the neighborhood. Chairman Shivas asked about overhangs. Ms. Hubbard noted the blue lines on the plans are the overhangs. Mr. Dunn said the footprint is the same but the overhangs change. Chairman Shivas noted on the Careaga map, it says the property is in Hopatcong. They should have that fixed so their documents are correct for future reference. Mayor Rubenstein asked about the propane tank; Mr. Brennan noted it's actually an oil tank. Mayor Rubenstein confirmed there's a crawlspace. Mr. McElroy asked about the shed distance in relation to lake landscaping. Mr. Proctor noted they have a bulkhead. Ms. Raffay asked about the height. Things didn't seem to scale correctly for the roof. Mr. Kienz said the side elevation is 26 feet. Mr. Stoner said there's 25 feet to the ridgeline which is the midpoint of the roof. The average grade estimate is likely under 25. Ms. Raffay asked about the attic and the space for people living there. Mayor Rubenstein noted his septic system is an ecoflow which has a maintenance profile filed with the County that needs to be adhered to. The septic also needs to be pumped every three years. He noted the house can never have a third bedroom because of the septic. The resolution should note that there can't be a third bedroom. Mr. Brennan said the septic company told him it can't be more than a two-bedroom septic; there's not enough room for more. Ms. Raffay asked about septic pumping schedules. Mayor Rubenstein said there's an agreement with the County, which he will need to follow. Mr. Walsh confirmed the sitting room is becoming part of a bedroom. Mr. Stoner said the plans should be updated for resolution compliance to show the updated proposal and the new shed. Ms. Raffay asked about the window placements. The Board reviewed it. Mr. Brennan is not removing any trees; some may be trimmed. Ms. Franco asked about the wall removal—Ms. Raffay said he may need a header, which the architect should help with.

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

Ms. Hubbard said the conditions are amending the application for a shed, no third bedroom with the existing septic, and updated architectural and survey. Mayor Rubenstein motioned to approve the application with those conditions, seconded by Mr. Walsh:

*Ayes:* Mayor Rubenstein, Ms. Franco, Mr. McElroy, Ms. Raffay, Mr. Morytko, Mr. Smith, Mr. Proctor, Mr. Walsh, Chairman Shivas

*Absent:* Mr. Serrilli

None opposed. Motion carried. Ms. Hubbard said the resolution will be ready on 12/07, and explained the appeal period.

## **BILLS**

Harold Pellow and Associates (9): \$1,177.00. A motion to approve the bills was made by Mayor Rubenstein, seconded by Mr. Walsh. All were in favor. Motion carried.

## **REPORTS FROM COMMITTEES**

*Architectural Review Committee:* Mr. Morytko said there's been no meeting.

*Building Committee:* The Board noted this should be removed from updates.

*Environmental Commission:* Mr. McElroy said there was no meeting.

*Open Space:* Mayor Rubenstein said there was no meeting.

*Township Council:* Mayor Rubenstein said it was routine business.

## **OPEN TO THE PUBLIC**

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

## **ADJOURNMENT**

Ms. Hubbard asked about the application review subcommittee. A motion to adjourn the meeting was made at 8:13pm by Mr. McElroy, seconded by Ms. Franco. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted by Caitlin Phillips

# **Resolutions Approved at Previous Meeting**

In the matter of Sal and Catherine Volonnino  
Case No. Z20-2023  
MF#5000.088

**BYRAM TOWNSHIP**

**PLANNING BOARD**

**RESOLUTION OF MEMORIALIZATION**

**RELIEF GRANTED:        Accessory Structure in Front Yard**

**WHEREAS**, Sal and Catherine Volonnino have applied to the Planning Board, Township of Byram seeking approval to construct an accessory structure in the front yard of the premises located at 65 Lake Drive, and known as Block 249, Lot 53 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 are the owners and occupants of the subject property.
2. The Applicants are proposing to construct a pre-fabricated 12’ x 20’ garage in the front yard of their property, requiring the relief pursuant to N.J.S.A. 40:55D-70 from Section 240-16B(2) of the Township’s Zoning Ordinance,

{365618.DOC.1} 1

which prohibits accessory structures in the front yard. Applicants are further proposing to construct a fence, which requires no variance relief.

3. The Applicant submitted the following documents along with the Application for a Variance:
  - a. Plot Plan, prepared by Kenneth A. Wentink, & Associates, dated September 20, 2019, which was marked up by the Applicant to indicate the proposed location of the proposed garage and existing propane tank and gas line.
  - b. Pictures of the property, two (2) total
  - c. Specification sheets for the garage, four (4) total
4. The Board received a memorandum from Cory L. Stoner, P.E., P.P., the Planning Board Engineer, dated October 27, 2023.
5. A duly noticed public hearing was conducted on November 2, 2023, at which time Sal Volonnino presented sworn testimony in support of the application. The subject property is a somewhat rectangular, oversized lot, with an existing single-family home and circular driveway. The rear of the lot has frontage on Lake Lackawanna. The home is serviced by an existing well and septic system and a propane tank with an underground gas line.
6. The Applicants have owned the subject property for approximately 4 years and have made significant improvements to the home. They now wish to construct a one-car garage, as there is currently no garage. Due to the location of the driveway, the existing gas line and septic system, they are limited in

{365618.DOC.1}2

where the garage can be located. The house is setback further than the surrounding homes, so there will be minimal impact to the neighbors.

7. The garage will have a stone apron that extends to the existing driveway and will be constructed on a 14' x 22' gravel pad that is pitched toward the rear of the property. The driveway will be resurfaced as part of the project. No tree removal is necessary to construct the garage.
8. The Applicants are also proposing to construct a 4-foot-high fence, which was partially installed on a portion of the property. A zoning permit is needed for the construction of the fence.
9. There is an existing 10' x 10' shed on the property to enclose the well, which the Board grants ex post facto approval for herein.
10. The property is located within the Highlands Preservation Area. The proposed construction of the garage can be accomplished under Highlands Exemption #5 which permits the construction of improvements to single-family homes, including the construction of a garage.
11. There was no one from the public in attendance at the public 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-70(c) from Section 240-16B(2) of the municipal zoning ordinance to permit the construction of a garage in the

{365618.DOC.1}3

front yard of the property, where same is prohibited. The Board grants further approval of the 10' x 10' shed that encloses the well.

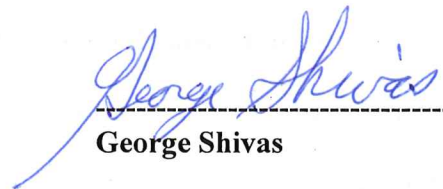
2. N.J.S.A. 40:55D-70(c)(1) indicates that a variance may be granted under its “hardship” provisions, with the hardship being related to the exceptional narrowness, shallowness, shape of the property, unusual topographic conditions or by reason of the location of the existing structures on the property. 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 developed with a single-family dwelling that is serviced by a propane tank, a septic system, and a private well. These improvements, along with the circular driveway, create a hardship for the homeowners to construct a garage in a conforming location on the property. The house is setback further than the adjacent homes, therefore there will be minimal impact on the neighbors. Tree removal is not proposed in connection with the construction of the garage.
4. The construction of the garage is not inconsistent with the zone scheme or the Master Plan, as garages are typical in single-family residential zones. The Board determined that relief can be granted without substantial impact to the public good.

{365618.DOC.1}4



**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Byram on the 16<sup>th</sup> day of November 2023 that the approval of the within application be granted subject, however, to the following conditions:

1. The Applicant shall comply with all the conditions and standards set forth in Section 240 of the Township's Ordinances.
2. An inspection of all improvements shall be subject to the review of the Board Engineer prior to the issuance of a Certificate of Occupancy and/or the closure of zoning or construction permits.
3. The improvements to the property shall be consistent with the plans submitted to the Board and representations made at the public hearing.
4. Applicants shall obtain a zoning and construction permit for the construction of the garage, prior to the start of construction.
5. Applicants shall obtain a zoning permit for the installation of fence.
6. The within variance shall expire within one year unless construction has commenced, pursuant to Section 45-23 of the Township's Ordinances.

  
-----  
**George Shivas**

**On motion of:** Mr. McElroy

**Seconded by:** Mr. Morytko

**The vote on the Resolution was as follows:**

**AYES:** Six (6): Mayor Rubenstein, Mr. McElroy, Mr. Morytko, Mr. Proctor, Mr. Walsh, Chairman Shivas

**NAYS:** Zero (0)

{365618.DOC.1}5

**ABSTAINING:** Three (3): Ms. Franco, Ms. Raffay, Mr. Smith

**ABSENT:** One (1): Mr. Serrilli

I certify that the above Resolution is a true copy of a Resolution adopted by the Planning Board on November 16<sup>th</sup>, 2023.

Caitlin Phillips

---

**Caitlin Phillips, Planning Board  
Secretary**

**Dated:** 11/17/2023

**Prepared by:** Alyse Landano Hubbard, Esq.

{365618.DOC.1}6

Byram Township Planning Board  
Bills for December 7, 2023

<u>Maraziti and Falcon</u>	<u>DATE</u>	<u>AMOUNT</u>
Inv. 54984 Volonnino review, report	11/6/2023	\$122.50
Inv. 54985 Brennan communications, review	11/6/2023	\$87.50
Inv. 54973 Planning Board communications, calls	11/6/2023	\$595.00
Inv. 54975 Tomahawk Lake review letter	11/6/2023	\$17.50
Inv. 54982 Krassner communications, review agenda	11/6/2023	\$70.00
<b>Maraziti Falcon total</b>		<b>\$892.50</b>
<b><u>GRAND TOTAL</u></b>		<b><u>\$892.50</u></b>