

**BYRAM TOWNSHIP
PLANNING BOARD AGENDA
FOR THURSDAY
FEBRUARY 18, 2021**

When: Feb 18, 2021 07:30 PM Eastern Time (US and Canada)

Topic: Planning Board Meeting

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/88046758695>

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 646 518 9805 or +1 267 831 0333

Webinar ID: 880 4675 8695

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **OPENING STATEMENT** - both the Federal and State governments have declared a state of emergency in response to the outbreak of the Covid-19 Virus, that limits the number of people allowed to gather, and requires social distancing. To continue Planning Board business, the regularly scheduled meeting for February 18, 2021 is being held by remote video or audio connection only. This service allows the Board, it's professionals, applicants, and members of the public to participate.

Adequate notice of this meeting has been published specifying the time and access information in compliance with the provisions of the Open Public Meetings Act. Notice of this meeting is on file in the office of the Planning Board Secretary, posted on the main door, and on the bulletin board of the Municipal Building, on the Township website at:

https://www.byramtwp.org/index.php/meetings/committees/planning_board

and has been forwarded to those persons requesting notice.

4. **FLAG SALUTE**

5. **MINUTES**

Approval of the January 28, and February 04, 2021 Meeting Minutes.

6. **RESOLUTIONS**

Z15-2020, Toedter Uwe, 135 Lackawanna Drive, Block 271 Lot 788, R-5 Zone

Relief sought for a setback to a body of water to keep an already installed outdoor kitchen.

Z16-2020, Hassenfeld James, 92 Birch Parkway, Block 308 Lot 1847, R-5 Zone

Relief sought for a side yard setback to install hot tub.

7. **OLD BUSINESS**

SP1-2020, Tomahawk Lake, Tomahawk Trail, Block 343, Lots 1 & 2, C-R Zone (Applicant requested this application be carried to March 04, 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.

Z09-2020, Barbara Bolen, 89 Glenside Trail, Block 312 Lot 2050, R-5 Zone (Applicant requested this application be carried to April 01, 2021)

8. **NEW BUSINESS**

Z17-2020, Lukich Kevin, 27 Deer Run, Block 284 Lot 211, R-5 Zone

https://byrampdtwp.sharepoint.com/:f:/s/PlanningBoard/EsO_bNQdvwRBh6zEjn7MMmUBCBvB_nO1ioa37ujTpddwmA?e=MIxAXw

Z01-2021, Warden Trevor, 115 Lake Drive, Block 249 Lot 101, R-5 Zone

Setback to a body of water to keep an already erected shed.

https://byrampdtwp.sharepoint.com/:f:/s/PlanningBoard/EheRJMpbJJpLjba_iAGab9EB335mr_gUUCxADCRkYOe44g?e=5zcO79

SP3-2019, 263 Route 206 Real Estate LLC, 251 Route 206, N-C Zone

Preliminary Major Site Plan with Variances to demolish an existing structure and construct a 7,500 sq. ft. retail/office building and a restaurant with a drive thru.

https://byrampdtwp.sharepoint.com/:f:/s/PlanningBoard/ErGqnA_bFJLgHKRgTkZzp4B7tjg_5rjtuUnj_eaQTaxYUw?e=clH3SB

9. **REPORTS FROM COMMITTEES**

Architectural Review Committee

Building Committee

Environmental Commission

Open Space

Township Council

Zoning Report – January 2021

10. **BILLS**

Harold Pellow & Associates, Inc. (10 bills) \$3,312.50

Law Office of Larry Wiener, Esq. (2 bills) \$855.00

11. **OPEN TO THE PUBLIC**

12. **ADJOURNMENT**

Next Meetings:

- March 04, 2021 – Tomahawk Lake, Tomahawk Trail
- March 18, 2021 - Raimo of Stanhope, Inc.

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
JANUARY 21, 2021**

CALL TO ORDER

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

Chairman Shivas welcomed Mr. Gregory Smith II, to the Board as an Alternate II member. Mr. Smith took his oath which was witnessed by Ms. Hubbard, Esq.

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	H	H		H	H	H
ABSENT											
EXCUSED								E			
LATE											

Also present: Attorney Alyse Hubbard, Esq.
 Engineer Cory Stoner, P.E. C.M.E.
 Planner Paul Gleitz, P.P. A.I.C.P.
 Secretary Cheryl White

STATEMENT BY CLERK

Both the Federal and State governments have declared a state of emergency in response to the outbreak of the Covid-19 Virus, that limits the number of people allowed to gather, and requires social distancing. To continue Planning Board business, the regularly scheduled meeting for January 21, 2021 is being held by remote video or audio connection only. This service allows the Board, it's professionals, applicants, and members of the public to participate.

Adequate notice of this meeting has been published specifying the time and access information in compliance with the provisions of the Open Public Meetings Act. Notice of this meeting is on file in the office of the Planning Board Secretary, posted on the main door, and on the bulletin board in the Municipal Building, and on the Township website at: https://www.byramtwp.org/index.php/meetings/committees/planning_board and has been forwarded to those persons requesting notice.

FLAG SALUTE led by Chairman Shivas

MEETING MINUTES Approval of the January 07, 2021 Meeting Minutes

A motion to approve the minutes as written was made by Mr McElroy. The motion was seconded by Mr. Serrilli. The following vote was taken:

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

Motion carried.

OLD BUSINESS

SP2-2020, Byram Route 206 Developers, LLC., 75-77 Route 206, Block 34 Lots 14 & 15, V-B Zone (carried from November 19, 2020)

To construct a 5,585 sq. ft. food market with fueling stations, and associated site improvements; parking, lighting, landscaping, and utilities

The record should reflect that Ms. Franco, Ms. Raffay, and Mayor Rubenstein stepped down for this application. Ms. Hubbard noted for the record that Mr. Serrilli, Mr. McElroy, and Mr. Smith have certified that they have listened to the meeting recordings on the dates this application was heard; September 10, October 29, and November 19, 2020, and are eligible to vote.

Mr. Mike Selvaggi, Esq., representing the applicant said this is a continuation from the November 19, 2020 meeting and based on concern from Board members, the applicant preformed a sign presentation at the site which was videotaped and Nicholas Verterese, Traffic Engineer with Dynamic Engineering will review the presentation and videos with the Board this evening.

Mr. Verterese said on January 6, 2021 representatives from Dynamic Engineering and Wawa displayed faux signs of different styles and height, and from the southbound approach at the recommended speed limit of 35 mph, they videotaped the signs to demonstrate to the Board the visibility of the sign at various heights and styles.

Video #1, a 20 ft. Monument Sign, having the fuel pricing and logo are side by side. Mr. Verterese said that the sign becomes visible at approximately 350 to 375 ft.

Video #2, a 12 ft. Monument Sign, Mr. Verterese said there is no visibility of the sign until the CVS entrance saying the sign is mostly obscured by the CVS sign, landscaping, and vehicles in their parking lot.

Video #3, a 20 ft. Pylon Sign which Mr. Verterese said has similar visibility as the 20ft. Monument.

Video #4, a 12 ft. Pylon Sign has visibility like the 12 ft. Monument sign with poor visibility and again is frequently obscured with CVS sign, landscaping, and parked vehicles.

Mr. Verterese said the best visibility was the 20 ft. Monument sign. He said knowing some Board members have issues with a 20ft. high sign, they did some modifications to the sign and reduced the sign to 18 ft. He reviewed the submitted sign detail document of the "Hybrid Monument & Pylon Sign, dated January 08, 2021 saying this

sign is similar to the 14ft. Monument Sign at the Hackettstown site, and this modification reduces the sign square feet to under 50 ft., with 18" lettering. He noted that at the last meeting they reported that also removed the Spanner Sign from the fuel canopy and reduced the sign size at the rear store access.

Mr. Morytko said he was present for the sign presentation and he believed they tested a 16 ft. sign and would like to see that video and would like to see a presentation of a 14 ft. sign. He said he was under the impression that Wawa was going to test the sign at more heights to give the Board a better variation.

Mr. Verterese presented Exhibit A14, 16 ft Sign Video, saying it also has poor visibility. He said after they deliberated, they believed the 18 ft. sign was the best choice. It provided good sight visibility without being intrusive.

Mr. Morytko said in previous testimony it was stated that grading of the site would have to occur, raising the site elevation, and was that taken into consideration. Mr. Verterese said yes, the increase in grade was considered, and Mr. Stoner confirmed this.

Mr. Smith said in November 2020 the Board reviewed sign visibility images which included the canopy superimposed on one of those images. He said if the canopy elevation is the same as the proposed sign, would Wawa consider using the canopy for the sign and forgo the monument/pylon sign. Mr. Verterese said for good visibility fuel pricing should be on the roadway. Ms. Hubbard said the record should reflect that Mr. Smith was referring to Exhibit A10 submitted at a previous meeting.

Mr. Morytko didn't believe there was a great difference in visibility in the 16 ft vs. the 18 ft. sign. Mr. Verterese said the first thing you see is the Wawa sign, then your eyes are drawn to the gas pricing. There is only a two-foot difference in height, which will not be noticeable by travelers, but it is more visible, and he recommends for safety reasons the 18 ft. sign. He said Wawa is doing it's best to satisfy the Board while keeping safety at the foremost importance. Mr. Verterese said any business asking for approval on this site would be asking for the same size sign. Mr. Walsh disagreed.

The Board had no more questions of this professional.

Chairman Shivas opened to the public.

Mr. James Braun 51 Lackawanna Drive asked if the 20 ft. sign will cause traffic problems at the intersection. Mr. Verterese said he would not relate traffic problems to the sign, only if the sign were too low.

Mr. Earl Riley, 5 Louis Drive, was sworn in and said these videos were taken during the day and asked if the Board considered seeing the sign with the LED pricing and Wawa sign lite. He believes once the sign is lighted, it will be more visible, and a 16 ft. sign would be sufficient.

Ms. Annelise DeMagistris, 7 Lackawanna Drive was sworn in and said she is a local business owner and believes sign visibility is very important to a business, especially on a major highway. She said with the widening of Route 206 and Lackawanna Drive at her entrance to her business her signs are now set far from the curb and people comment to her often that they cannot find her business and drive right by.

No one else from the public came forward. Chairman Shivas closed to the public.

Mr. Lawrence Galiano, an environmental specialist was introduced by Mr. Selvaggi and he was sworn in. He provided his education and experience to the Board and the Board accepted him as an expert in his field.

Mr. Galiano said he has reviewed the applicants plans and the environmental impacts the proposed development may have on the C1 stream and wetlands on the site. It is Mr. Galiano's opinion this development will not pose any environmental impacts to the site or be detrimental to the environment. He said Wawa uses state of the art tank systems saying they are doubled walled tanks and piping with interstitial sensor monitoring between the tank walls and is monitored continuously, and if a tank is breached, and because the systems have secondary containment when an alarm is sounded the system is shut down immediately before an environmental impacts occur.

He added that for stormwater runoff the site is enhanced to protect against any stormwater runoff contamination and the Wawa has taken proactive measures with installing hoods with carbon filters over each one of the stormwater inlets which are also connected to oil and water separators before it enters the underground detention basins. He said this is not typical with most gas stations and is an added measure to ensure water quality. Mr. Galiano said it is important to note that Wawa must meet all NJDEP regulations as would any business wishing to develop on this site. He added that Wawa offers a full-service site with well-trained employees to dispense fuel.

Mr. Selvaggi asked if the E.I.S. provided by the applicant was competent. Mr. Galiano said yes, it is in line with industry standards and environmental regulations.

Mr. Galiano said he reviewed the comments from Byram's Environmental Commission and concerns about Lubber's Run and the wetlands and he does not believe this site will be subject to a Floor Hazard Area permitting by the DEP, and that Riparian Zone mitigation will not be applicable as the site is proposed and added that he believes the required buffer is 50 ft., which is standard.

Mr. Serrilli asked Mr. Galiano to review the system design, the monitoring of systems, and secondary containment system. Mr. Galiano said the interstitial has a probe which continuously monitors for moisture between the tank walls. Inside the store is a panel that displays how the system is functioning. He said it is a reliable system and he has a high level of confidence no issues will occur. He said in his experience he has not experienced a failure in this system, it is inspected regularly for compliance.

Mr. Stoner said regarding Mr. Galiano's previous comment about the Riparian zone mitigation and the wetlands buffer he disagrees. He said the L.O.I. will establish buffers and notes that if this application is approved, it will be conditional that all outside permitted is obtained, i.e. NJDEP, NJDOT, etc. He said the Conservation Easement on the south side of the site will also have to be addressed.

Mr. Morytko said he believes the Board should have been provided with a copy of the Conservation easement, which is very restrictive.

Mr. Galiano said conservation easements are in sensitive areas to protect wetlands, threatened or endangered species or areas of natural resources and the current established LOI is perhaps the result of a previous submitted site plan and the easement is a result of that plan and added that each site plan submitted to the NJDEP for an LOI is treated differently, depending on the development plan, saying it could be more restrictive or less restrictive.

Mr. Morytko said he believes the DEP should review the proposed development prior to Board approval because the DEP may look differently on an approved plan.

Mr. Stoner said the Board cannot hold up a review of a site plan based on DEP approval. If DEP does not approve the plan as submitted, and it impacts the approval obtained within this application, the applicant will be required to return to the Board. Mr. Stoner said the DEP could approve development in the conservation easement but limit other areas. Mr. Galiano agreed that DEP has full control and does not take local approvals into account. The Board had no more questions of this witness.

Chairman Shivas opened to the public.

Donna Griff, 71 Brookwood Road who was sworn in previously and acknowledged she is still under oath and asked about tank longevity and tank replacement.

Mr. Galiano said typically they last 25 years. Ms. Griff asked about lines to the pumps and if they are inspected.

Mr. Galiano said inspections are done periodically to ensure piping is good, saying that the piping system is also doubled walled with interstitial monitoring and pressure tested on a regular basis to examine the integrity of the lines. Ms. Griff has concerns about gas leaks when filling fuel tanks or employees dispensing fuel. Mr. Galiano said Wawa is particular about fuel delivery providers which are fully vetted, and the employees that dispense fuel are well trained.

Mr. Scott Olson, 194 Glenside Trail asked why Mr. Galiano believes that a wetlands or flood hazard permits will not be applicable. Mr. Galiano said based on his review that was his determination, however the LOI will determine what permits will be required.

Mr. Olson said the EIS submitted does not speak about the nearby C1 stream. Mr. Galiano said in May 2020 the State updated the classification of streams. Mr. Olson said shouldn't the EIS submitted by Wawa be updated to include this information. Mr. Galiano said the Dynamic Engineering team should address this.

Mr. Olson agreed with Mr. Morytko that the Board should see the easement agreement which was the result of a 2006 development plan, and Mr. Olson wondered if they received any feedback regarding a new LOI. Mr. Galiano said no information yet in response to the LOI has been received and because it was submitted prior to the new class designation of the stream, that DEP will take that into consideration.

Kathleen Parrish, 5 Ross Road acknowledged she is still under oath and asked if the applicants considered the impacts on a historically filled stream and if any permits were required for this. She said in that Phase II, of the 2017 Geotechnical Investigation report submitted by Sovereign Consulting Inc., notes the existence of the historically filled stream on the site which is not reflected in the EIS or Environmental reports submitted by the applicant and wanted to know if permits are required. Mr. Galiano said no, if it is not recognized as a current wetland area, that should have no bearing on this development. He said is mentioned in the report to make people aware who are going to develop the site that feature exists, so technically speaking the soils may be softer soils and that is why it is mentioned. She said when she spoke to representative of the Lake Musconetcong Watershed Association and the Highlands Commission, she said they believed special permitting was required to build near an historically filled stream. Ms. Parrish believes it is an issue and has concerns about water quality and if they can guarantee no spills will occur. She said the plan shows a 50 ft. buffer and the parking and retaining wall appear to be within that buffer and what kind of permit is required for development within that buffer. Mr. Stoner said the applicant has a lot of work to do with the DEP and the LOI will determine the area of allowed development and the required buffer.

Ms. Parrish also has concerns in the increase in impervious coverage and has concerns about the lack of ground water re-charge and how that will impact the stream. Mr. Galiano said the way the stormwater system is established the stormwater infiltration at the underground detention basin and so water will re-enter the environment but can't answer how the water will get back to the stream. Ms. Parrish would like to hear testimony from a ground water re-charge expert that can address her concerns.

No one else from the public came forward. Chairman Shivas closed to the public.

Mr. Gleitz asked Ms. Hubbard that if the DEP findings are more restrictive, and the applicant is required to return to the Board could that impact the use variance. Ms. Hubbard said site suitability is a factor when granting a use variance so, yes, it could impact that variance. Mr. Selvaggi acknowledged that and said the applicant is aware of this and is willing to take that risk. He added the applicant still needs DOT approval, and that the applicant filed their plan with the DEP in February 2020. Mr. Stoner agreed with Ms. Hubbard and if the DEP comes back with additional, major requirements it could affect the use variance. Ms. Hubbard asked about timing of DEP applications. Mr. Sharo, P.E. said because of COVID they are backed up, but their review is on-going.

No one else from the public came forward. Chairman Shivas closed to the public.

Chairman Shivas said he believed the applicant's planner was to return. He had several questions about some of the variances requested. Mr. Selvaggi said Mr. McDonough had a prior commitment, but when they return to the Board, he will be present, and they will revisit the sign discussion and may have an update from the DEP.

Mr. Selvaggi had Mr. Mike Redel, Operations Manager for Wawa who was previously sworn in and acknowledged he is still under oath talk about the piping between tanks and pumps, the fueling stations, the containment unit, and sensor reliability reiterating that it is continuously monitored and if a breach occurs it is addressed immediately. He added that they measure fuel gallons delivered and fuel gallons dispensed, and the numbers must match. He said Wawa has a contract with an Emergency Response Team that guarantees arrival within 2 hours and are ready for cleanup. Pump attendants are fully trained, and since Wawa is a recognized company that provides fuel to 2% of the entire country, they can negotiate contracts with reputable, reliable safe fuel delivery companies.

Chairman Shivas opened to the public.

Ms. Donna Griff, who is still under oath expressed concerns about fuel delivery driver and leaks. She added she is in favor of a Wawa store without fuel dispensing.

Ms. Kathleen Parrish, who is still under oath asked who will be accountable for the site 20 to 30 years from now.

Mr. Redel said Wawa wants to be a good neighbor and they have robust maintenance schedules and periodic quality check. Mr. Redel added that Wawa goes above and beyond to ensure a safe, clean environment and normally replaces tanks before the expiration date.

Mr. Scott Olson, who is still under oath believed that this development would require the disturbance of steep slopes, which would require a variance, and had questions about the Conservation easement. He said on Sheet 5 of the submitted plan, the topo depicts steep slopes being disturbed. Mr. Stoner said he would check on that and report back to the Board. Mr. Olson said the Highlands maps shows this area as severely constrained.

No other public came forward. Chairman Shivas closed to the public.

The applicant requested a special meeting date and will return with Mr. McDonough for testimony.

A motion to carry this application to January 28, 2021 was made by Mr. Walsh. The motion was seconded by Mr. McElroy. The following vote was taken:

	Mr. Chozick	Ms. Franco	Ms. Raffay	Mr. McElroy	Mr. Morytko	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 – No meeting was held.

Building Committee – No meeting was held.

Environmental Commission – No representative present.

Open Space – Meeting in February.

Township Council – Mayor Rubenstein said on February 4th the Board will so a consistency review with Byram’s Master Plan for Ordinance 002-2021, Stormwater Control. Mr. Stoner said this ordinance is the result of changes to DEP requirements and green infrastructure and more restrictive development changes.

He added the Council is forming an ADHOC subcommittee relating to the memorial for Mr. Harrison, the young veteran murdered in the East Brookwood section of Byram.

Zoning Report for December 2020 – the Board had no questions.

Chairman Shivas opened to the public. No one from the public came forward. Chairman Shivas closed to the public.

BILLS

Harold Pellow & Associates, Inc. (9 bills) \$2,561.30

A motion to approve Mr. Stoner’s bills was made by Mr. Morytko. The motion was seconded by Mr. Walsh. All were in favor. Motion carried.

Law Office of Larry Wiener, Inc.

A motion to approve Ms. Hubbard’s bills was made by Mr. Serrilli. The motion was seconded by Mr. Walsh. All were in favor. Motion carried.

Latini & Gleitz, (7 bills) \$2,760.00

A motion to approve Mr. Gleitz’s bills was made by Mr. Serrilli. The motion was seconded by Mr. Walsh. All were in favor. Motion carried.

WAIVER OF SITE PLANS

WOSP9-2020, Ronetco Supermarkets, Inc., 90 Route 206, Block 226 Lot 14, V-B Zone

Change of Tenant, Approved by the Zoning Officer - Temporary COVID-19 Vaccination Center.

WOSP10-2020, McDonald’s, 90 Route 206, Block 226 Lot 14, V-B Zone

Change of facade color – approved by the Zoning Officer

PUBLIC COMMENT

Chairman Shivas opened to the public. No one from the public came forward. Chairman Shivas closed to the public

ADJOURNMENT

A motion to adjourn the meeting was made at 10:30 p.m. by Mr. Smith. The motion was seconded by Mr. Serrilli. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted,
Cheryl White

**MEETING MINTUES
BYRAM TOWNSHIP PLANNING BOARD
MEETING, FEBRUARY 04, 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	H	H	H	H	H	H
ABSENT											
EXCUSED											
LATE											

Also present: Attorney Alyse Hubbard, Esq.
 Engineer Cory Stoner, P.E. C.M.E.
 Secretary Cheryl White *and* Caitlin Phillips

STATEMENT BY CLERK

Both the Federal and State governments have declared a state of emergency in response to the outbreak of the Covid-19 Virus, that limits the number of people allowed to gather, and requires social distancing. To continue Planning Board business, the regularly scheduled meeting for February 04, 2021 is being held by remote video or audio connection only. This service allows the Board, it's professionals, applicants, and members of the public to participate.

Adequate notice of this meeting has been published specifying the time and access information in compliance with the provisions of the Open Public Meetings Act. Notice of this meeting is on file in the office of the Planning Board Secretary, posted on the main door, and on the bulletin board in the Municipal Building, and on the Township website at: https://www.byramtp.org/index.php/meetings/committees/planning_board and has been forwarded to those persons requesting notice.

FLAG SALUTE led by Chairman Shivas

MINUTES

Approval of the January 21, 2021 Meeting Minutes

A motion to approve the minutes as written was made by Mr. Serrilli. The motion was seconded by Mr. Chozick. The following vote was taken:

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

Motion carried.

COMPLETENESS REVIEW

SP5-2020, Mountainside Country Store and Garden Center, 198 Route 206, Block 226 Lot 3, N-C Zone

Conversion of a restaurant to a retail store and garden center, and associated site improvements.

Mr. Walsh said the site plan subcommittee, and Mr. Stoner met prior to the regular meeting and reviewed the application and materials submitted. Mr. Walsh said that initially this application was deemed incomplete because it was lacked some checklist items. Since then the applicant has provided most of the items previously identified as deficient, such as grading, fence details, and drainage information, the committee believed the application can be deemed complete. However important items that applicant did not provide, such as vehicle circulation/truck turning template, and signage details Mr. Stoner believes that because of the nature of the business, utilizing large trucks on a busy highway, a truck turning template must be provided. The committee agreed and added that a signage plan should be provided. Mr. Stoner also said some fire protection details are vague, but he will leave that up to the construction department and when the fire department reviews the application, they will have an opportunity to provide comment. He added that waivers requested by the applicant, such as an Earthwork Summary, and Environmental Impact Study, and Type of Fill report he does not object to these waivers being granted because the site is already fully developed.

In conclusion Mr. Stoner recommended that the Board request that a Truck Turning Template and a Signage Plan be provided prior to the hearing for his review. The Board agreed.

A motion to deem this application complete with the understanding that the applicant provide a Truck Turning Template and a Signage Plan prior to the hearing date was made by Mr. Walsh and to set a hearing date of April 15th.

The motion was seconded by Mr. Morytko. The following vote was taken:

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

Motion carried.

Z14-2020, Safa, LLC (aka Joe Ahmad), 16 Weaver House Cove Road, Block 109 Lot 2, R-5 Zone, (carried from December 03, 2020)

A request was made by the applicant’s attorney, Alan J. Mariconda, Esq. requested that this application be carried. The Board voted to carry this application to April 01, 2021. Ms. Hubbard said re-noticing would not be required unless substantial changes are made to the application.

A motion to carry this application was made by Mr. Walsh. The motion was seconded by Mr. Morytko. The following vote was taken:

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

Motion carried.

OLD BUSINESS

Z11-2020, John Petersen, 6 Ascot Lane, Block 337.11 Lot 32.15, R-3 Zone (carried from November 19, 2020)

To install 1,204 sq. ft. of ground mounted solar array panels.

Mr. John Peterson, owner and applicant, and Mr. Justin Hellhake, Director, Northeast Operations acknowledged they are still under oath. Mr. Hellhake said they revised the plan to move the structure out of the Township easement and he reviewed the reviewed plan with the Board. He discussed items submitted such as the profile of the array panels, photos of the trees to be removed and trees to remain, and the revised setback that are a result of the structure being moved out of the easement.

There was a lengthy discussion about the height of the structure, which is 17 ft. at the northeast corner because of the grade of the property, and 9 ft. at the southeast corner. They discussed the overall size of the structure: 1,257 sq. ft., the visual impact, and the trees to remain and be removed. The Board reviewed photos that were submitted to demonstrate to the Board, with the removal of trees, the visibility of this structure from the street and surrounding neighbors. Mr. Walsh pointed out that some of the trees that are supposed to provide a buffer are located within a township easement and if those trees had to be removed, a buffer would no longer exist. Ms. Hubbard confirmed that statement. Chairman Shivas believed those trees were planted as a buffer at the time that development was constructed. Mr. Stoner added that if in the future work in the easement requires tree removal the township is not obligated to replace the trees.

The Board discussed various options with the applicant such as reducing the size of the structure, changing the pattern of the array, changing the location. Mr. Hellhake said the applicant wishes to get as much production of energy as possible. Mr. Smith suggested locating some panels on the roof, and some on the ground. Mr. Hellhake said that is an option. The Board is in favor of solar energy and green infrastructure; however it was the consensus of the Board that the proposed structure is too large, and intrusive for a residential neighborhood.

Chairman Shivas opened questioning to the public.

Ms. Kelly Swiencki, 4 Ascot Manor said this structure is too large and industrial looking for a residential neighborhood, adding that the applicant is not providing any buffering to obstruct her view. She said the applicant’s pool and lounge area sit above this structure, so it will not be seen by them, however it will always be in their view and she objects to the application as proposed.

No one else from the public came forward. Chairman Shivas closed to the public.

Chairman Shivas told the applicant that he believes most of the Board agrees that the structure is too large, and visually will have a negative impact to neighbors and from the street. He asked if the applicant wanted the Board to take a vote on the application as it stands, or is the applicant willing to consider other options and come back to the Board. The applicant, and Mr. Hellhake said will work together and look at other options such as relocating, reducing, or sectioning the array panels to the Board’s satisfaction and requested this application be carried.

A motion to carry this application to May 6, 2021 without further notice was made by Mr. Serrilli. The motion was seconded by Mr. Chozick. The following vote was taken:

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

Motion carried.

NEW BUSINESS

Z15-2020, Toedter Uwe, 135 Lackawanna Drive, Block 271 Lot 788, R-5 Zone

Relief sought for a setback to a body of water to keep an already installed outdoor kitchen.

Mr. Uwe Toedter, owner of the property was sworn in and said he constructed an outdoor kitchen not knowing a variance was required due to a mountain stream close to his property. He said the engineer’s report he received stated that no permits were required. Mr. Stoner clarified that his report stated that this appears to be an intermittent mountain stream and would not be under State jurisdiction because it is not classified as a stream, so no special permitted is required, however the applicant still must comply with local regulations, and based on Byram’s code, a 50 ft. setback to water is required. The applicant’s kitchen and patio are 3 feet from the water’s edge, which requires a variance of 47 ft. Mr. Toedter said the house was built in the 1920’s and is also 3 ft. from the stream. He said the patio has helped with water run-off from the slope behind his house. Chairman Shivas asked what was there before the patio and kitchen, Mr. Toedter said grass and mud, saying so much mud he lost a pair of shoes. Mr. Toedter said with the improvements made, the property no longer has water issues. Mr. Stoner said he believes this request will not cause run off problems to the area or stream, and he believes a vegetative buffer requirement should not apply. The Board agreed and had no further questions.

Chairman Shivas opened to the public. No one from the public came forward. Chairman Shivas closed to the public.

A motion to approve this application was made by Mayor Rubenstein. The motion was seconded by Ms. Shimamoto. The following vote was taken:

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

Motion carried.

Z16-2020, Hassenfeld James, 92 Birch Parkway, Block 308 Lot 1847, R-5 Zone

Relief for a side yard setback and a setback from a principal structure to an accessory structure.

Mr. James Hassenfeld and Mrs. Catherine Marcus, owner’s and applicants were sworn in. Mr. Hassenfeld said because of the narrowness of the lot, and the lot topography, they want to install a two-person, tri-angular in shape hot tub on a pre-existing concrete patio which will not meet the required setbacks. He said there is no other location to put the tub. He said he understands the Board may have concerns about the proximity of the hot tub to the property line if repair or maintenance is needed, but he pointed out that the type of tub they propose is accessed from the front, towards the house, so there will be no need to go on the neighbor’s property.

Ms. Hubbard talked about the Zoning Officer’s Memo regarding his review of the applicant’s survey and pre-existing, non-conforming structures on the property: an in-ground pool, shed and outdoor kitchen. She said these conditions may have predated zoning and the matter before the Board to consider is the hot tub. She added that it was discovered that 3 construction permits for a generator, and two permits for oil tanks remain open and need to be closed by the applicant.

Joe Sabatini, Township Manager said because these conditions could have pre-dated zoning, and since the Township’s zoning records only date back to 2001, and based on other records in the town it appears that these structures may have existed on the property for a long time, possibly thirty-years, and could have been constructed prior to the creation of the UCC code which was established in the late 1979’s. He said the current owner should not be held accountable these accessory structures.

Mr. Hassenfeld said in August 2020 he purchased the home and prior to the purchase he submitted an Open Public Records request to verify there were no open permits on this property. He said at the time of closing it was discovered two tanks needed to be removed and it was his understanding the estate was responsible for obtaining and closing any permits. They believed they did everything in accordance with Township rules. Mr. Sabatini explained that the response to his Open Public Records request was provided prior to new permits being opened, so at that time, there were no open permits. The permits were opened after the request was complete. Mr. Sabatini added that final inspections were never done, and he encouraged the applicant to close these permits. Mayor Rubenstein asked if it is appropriate to make the approval subject to the closing of the three permits mentioned. Ms. Hubbard some permits may take time to close, which would delay the applicant in being able to obtain a permit to install the hot tub, if this application is approved.

Ms. Hubbard said the Board does not need to recognize variances for this pre-existing, non-conforming items and the hot tub is for Board consideration this evening.

Chairman Shivas asked about the outdoor kitchen. Mr. Hassenfeld said he would not call it an outdoor kitchen, saying it’s a sink embedded into the concrete retaining wall. Mr. Hassenfeld said he believes the sink has been there if the pool. Chairman Shivas disagreed with Ms. Hubbard and believed the applicant should seek relief for the nonconformities on the property or have them removed.

The Board asked Mr. Hassenfeld if the hot tub could be located on the patio in the rear of the home, since it is so close to the side yard property line. Mr. Hassenfeld said they considered that but there is a door in that location and the hot tub would obstruct that door. Mr. Hassenfeld said they even considered moving the door but the layout of the house that would not work. Exhibit B1, a Property Record Card Photo, was presented showing the rear of the home, and the Board agreed, it would not be a good location.

Chairman Shivas opened to the public. No one from the public came forward. Chairman Shivas closed to the public.

There was discussion if the non-conforming items should be mentioned in the resolution and Ms. Hubbard said it could be noted within the resolution that these structures pre-existed on the property but also that this resolution is not an approval for those structures. As far as a condition that any open permits be closed, and Mr. Hassenfeld said he would commit to closing out the open permits as expeditiously as possible. Mr. Walsh recommended language in the resolution acknowledging the pool, shed and outdoor kitchen and to close out permits.

A motion to approve this application was made by Mr. McElroy. The motion was seconded by Mayor Rubenstein. The following vote was taken:

	Mr. Chozick	Ms. Franco	Ms. Raffay	Mr. McElroy	Mr. Morytko	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 – Ms. Shimamoto said the meeting is next week.

Building Committee – Mr. Morytko February 9th is the joint meeting with the Township Council and the Building Committee, and he encouraged people to join the call.

Environmental Commission – Ms. Shimamoto currently said the zoning officer is reviewing a proposed ordinance for lot coverage and soon the Board will be asked to review the proposed ordinance for comment and consistency.

Open Space – Mr. Morytko said the next OS meeting is Monday, February 8th . Mayor Rubenstein announced Russ Raffay as a new volunteer member on the Open Space Committee.

Township Council – Ms. Franco said she had nothing new to report.

Chairman Shivas reminded the Board, and Board professionals that if they have any recommendations/changes to the zoning codes, please provide them to Cheryl so that he can include them in the Planning Board Annual Report, which goes to the Council.

WOSP1-2021

Extreme Gym, Gordon Byram Associates, 90 Route 206, Block 226 Lot 14 V-B Zone

Change of tenant, approved by the Zoning Official

The Board had no questions about this waiver.

CONSISTENCY REVIEW

Stormwater Control Ordinance

Mr. Stoner said that Byram’s Storm Water Management Plan was updated in 2020. This Storm Water Control Plan is a result of changes to the Highlands Regional Master Plan, and requirements by DEP to implement green infrastructure improvements such as rain gardens, swales, etc. He said previously green infrastructure designs were recommended but now they will be mandatory. He said when vacant land is developed, 20 % of green infrastructure must be incorporated into the development. He said green infrastructure requirements are more stringent and incorporate the use for example of pervious pavers, and more environmentally friendly elements and will make development more difficult. Ms. Franco asked if these rules apply to current applicants. Ms. Hubbard said no, it would only apply to applications that are filed after the ordinance is passed. Any applications that were deemed complete before the ordinance was passed, are grandfathered to prior conditions.

A motion that this ordinance, which promotes water quality and Township goals, is not inconsistent with Byram’s Master Plan was made by Mr. McElroy. The motion was seconded by Mr. Chozick. The following vote was taken:

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

Motion carried.

BILLS

Law Office of Larry Wiener (4 bills) \$1,005.00

A motion to approve Ms. Hubbard’s bills was made by Mr. McElroy. The motion was seconded by Mr. Serrilli. All were in favor. Motion carried.

Chairman Shivas opened to the public. No one from the public came forward. Chairman Shivas closed to the public.

ADJOURNMENT

A motion to adjourn the meeting was made at 10:200 p.m. by Mr. Chozick. The motion was seconded by Mr. Serrilli. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted,
Cheryl White

In the matter of Uwe Toedter
Case No. Z 15-2020

BYRAM TOWNSHIP

PLANNING BOARD

RESOLUTION OF MEMORIALIZATION

**RELIEF SOUGHT: Setback of an Accessory Structure from a lake, pond
stream or wetlands**

WHEREAS, Uwe Toedter has applied to the Planning Board, Township of Byram seeking *ex post facto* approval for the construction of an outdoor kitchen requiring variance relief for premises located at 135 Lackawanna Drive and known as Block 271, Lot 788 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 Applicant is the owner and occupant of the subject property. An outdoor kitchen was constructed in the rear yard, requiring relief from Section 240-16B(7) of the Township’s Zoning Ordinance, which requires a 50 foot setback

of an accessory structure from a stream, where approximately 2 feet is existing.

2. The Applicant submitted the following documents:
 - a. Survey prepared by Lakeland Surveying consisting of one (1) sheet dated May 7, 2019.
 - b. A marked-up portion of the above referenced plan showing the constructed outdoor kitchen.
 - c. A picture of the outdoor kitchen and patio.
3. The Board received the following memorandums:
 - a. Cory L. Stoner, Planning Board Engineer, dated December 23, 2020
 - b. Environmental Commission dated January 29, 2021
4. A duly noticed public hearing occurred on February 4, 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.
5. The Applicant presented sworn testimony in support of the application. The subject dwelling is located in close proximity to a intermittent mountain stream; approximately 3 feet distance between the corner of the house and

stream. The subject property is sloped, with limited buildable area and lots of rocks. The kitchen and patio were constructed with a rock wall that cuts into the slope and creates a buffer between stream and the kitchen. The kitchen is approximately 2 feet from the intermittent stream.

6. When the Applicant purchased the property, the area to the rear of the home was natural grass and soil. During heavy rains, the Applicant has problems with water in the dwelling. The construction of the patio has addressed the runoff into the home.
7. It was noted that the stream sometimes runs dry and a permit from the New Jersey Department of Environmental Protection is not required.

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 240-16B(7) of the Township's Zoning Ordinance, which requires a 50 foot setback of an accessory structure from a stream, where approximately 2 feet is 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. Accordingly, the natural conditions on the property limit the area in which an outdoor patio and kitchen could be constructed. The house was constructed near the existing intermittent stream, creating a hardship for the Applicant.
4. Additionally, the construction of the patio has stopped the water issues that the Applicant experienced during heavy rains, diverting the rain away from the home. Therefore, the benefits of approving the construction outweigh the detriments that may result from denying the requested relief.
5. 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.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the 18th day of February 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. Applicant shall obtain any necessary permits.

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 February 18, 2021 and is in effect for one year.

Cheryl White, Planning Board Secretary

Dated:

Prepared by: Alyse Landano Hubbard, Esq.

In the matter of James Hassenfeld
Case No. Z 16-2020

BYRAM TOWNSHIP

PLANNING BOARD

RESOLUTION OF MEMORIALIZATION

**RELIEF SOUGHT: Side Yard Setback of an Accessory Structure
Setback of an Accessory Structure from the Primary
Structure**

WHEREAS, James Hassenfeld has applied to the Planning Board, Township of Byram for permission to construct a hot tub for premises located at 92 Birch Parkway and known as Block 308, Lot 1847 on the Tax Map of the Township of Byram, which 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 Applicant and his wife, Catherine Marcus, are the owners and occupants of the subject property.

2. The Applicants are proposing to install a hot tub on an existing patio, requiring relief from Section 240-16B, which requires a side yard setback of 10 feet from the property, where 1.8 feet is proposed and a 10 foot setback from the principal building, where 5.7 feet is proposed.
3. The Applicant submitted a Survey of Property, prepared by Schmidt Surveying, dated July 17, 2020.
4. The Board received a Memorandum from Thomas S. Dixon, Zoning Officer, dated January 21, 2021.
5. A duly noticed public hearing occurred on February 4, 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.
6. Applicants presented sworn testimony in support of their application. The Applicants purchased the property in 2020. The subject property is a deep, narrow lot that slopes from the street to the lake. It contains a single-family dwelling, with a driveway, a pool, patios, retaining walls and an outdoor kitchen. There is also a shed in the rear of the property and a generator in the

side yard. All improvements were on the property when the Applicants purchased it. There is an existing patio in the side yard of the home and the Applicants are proposing to install a hot tub on the patio.

7. It was noted that the Township did not have several permits on record for some of the existing improvements. Specifically:
 - a. The Board acknowledged that the pool, shed and kitchen were pre-existing non-conforming conditions, but takes no action to approve them. If the shed is removed, a new shed shall be constructed in a conforming manner or the Applicants shall obtain the necessary approval.
 - b. An oil tank was removed as part of the Applicants' purchase of the home, for which a No Further Action letter was issued by the New Jersey Department of Environmental Protection, but there was no municipal permit for the removal of the tank nor the installation of a tank. Applicant shall obtain the necessary permits.
 - c. Generator was installed with a permit, but a final inspection has not occurred. Applicant shall request final inspection and obtain the necessary permits.
8. A picture of the home, which was part of the Tax Assessor Survey, was screen shared and marked as B-1 for identification purposes. It depicted the steep slopes on the property and the limiting factors in finding a conforming location to install the hot tub. Due to the topography and narrow shape of the

lot, the Board determined that the proposed location was the only place to install a hot tub. The hot tub is irregularly shaped, but roughly 72” x 72”.

The access panel shall be facing the home.

9. There was no one from the public 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 Section 240-16B of the municipal zoning ordinance.
 - a. Side Yard Setback of an Accessory Structure – 10 feet required, 1.8 feet approved.
 - b. Setback of an Accessory Structure to a Principal Structure – 10 feet required, 5.7 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. The Board determined that relief could be granted because the steep slopes on the property and the long, narrow shape created a hardship for the Applicants.

3. It was determined that there would be little impact to the surrounding area based on the slope of the land. Additionally, the relief can be granted without substantially impairing the zoning scheme or Master Plan as a hot tub is a common amenity to a residential home.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the 18th day of February 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. The hot tub shall be installed as indicated on the plans and testified to at the public hearing.
3. The side yard setback of the accessory structure shall be 1.8 feet from the property line.
4. The setback of the accessory structure to the principal structure shall be 5.7 feet.
5. If the shed is removed from the property, a new shed shall be constructed in a conforming manner or relief shall be obtained from the Board.
6. The Applicant shall obtain the required permits for the removal of the old underground oil tank and the installation of a new above-ground oil tank.
7. The Applicant shall obtain a final inspection and permit for the installation of the generator.

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 February 18, 2021 and is in effect for one year.

Cheryl White, Planning Board Secretary

Dated:

Prepared by: Alyse Landano Hubbard, Esq.

Zoning Report
January 2021

Permitting

zoning permits approved	6	
<i>typical, variance not req'd</i>		6
<i>post-resolution to begin work</i>		0
<i>none</i>		
<i>for C.O. or C.A</i>		0
<i>none</i>		
zoning permits denied	2	
site plan waivers / change of tenant	1	
<i>Extreme Gym</i>		
Highlands determinations	0	
<i>none</i>		
COVID-19 Special Permits	0	
<i>none</i>		

Investigation of Violations

notices of violation (NOVs)	18	
zoning cases cleared	16	
summonses issued	0	
signs removed from roadway	0	

**BYRAM TOWNSHIP PLANNING BOARD
REVISED BILL LIST FOR FEBRUARY 18, 2021**

<u>HAROLD PELLOW & ASSOCIATES, INC</u>	DATE	AMOUNT
Inv. 72124 Board business	1/25/2021	\$65.00
Inv. 72120 Attendance at the Meeting 12/10/2020	1/25/2021	\$260.00
Inv. 72121 Prepare Report- Anty Trucking	1/25/2021	\$195.00
Inv. 72122 Attendance at Meeting 12/17/2020- Raimo	1/25/2021	\$899.30
Inv. 72123 Onsite Field Check- G Pacillo	1/25/2021	\$65.00
Inv. 72124 Attendance at Meeting 12/17/2020- PB Engineering	1/25/2021	\$65.00
Inv. 72125 Application and Plan Review- Lombardo	1/25/2021	\$130.00
Inv. 72126 Prepare reports and Application Review- 263 Route 206	1/25/2021	\$1,300.80
Inv. 72127 Application and Plan Review- E. Schuffenhauer	1/25/2021	\$130.00
Inv. 72128	1/25/2021	\$202.40
Harold Pellow total		\$3,312.50

<u>LAW OFFICE OF LARRY WIENER</u>	DATE	AMOUNT
Inv. 2021-7 Board business - Wawa	2/4/21	\$705.00
Inv. 2021-8 Resolution- On Time Sign Design	2/4/21	\$150.00
Larry Wiener Total		\$855.00

<u>LATINI & GLEITZ, PLANNING</u>	DATE	AMOUNT
No bills submitted		\$0.00
Paul Gleitz total		\$0.00

<u>CP Engineers</u>	DATE	AMOUNT
No bills submitted		
Total for CP Engineers		\$0.00

<u>GRAND TOTAL</u>		\$4,167.50
---------------------------	--	-------------------