

**BYRAM TOWNSHIP PLANNING BOARD AGENDA**  
**For Thursday, February 1, 2024, 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. **COMMITTEE APPOINTMENTS:** Site Plan Subcommittee
6. **MEETING MINUTES-** January 18, 2023
7. **RESOLUTIONS**

Z26-2023 Alex Rubenstein, 2 and 8 Carpenter Road, Block 237 Lots 519, 521, 522, R3 Zone

Approval for minor subdivision, site plan for a single-family dwelling, and site plan construction of a new single-family dwelling

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

Z08-2022 Jose Quinones, 187 Lackawanna Drive, Block 264 Lot 280, R-5 Zone

Extension request for construction of a deck

8. **NEW BUSINESS**

Z02-2024 Catherine Trader, 55 North Shore Road, Block 157 Lot 272, R-5 Zone

Approval for concrete pad and propane tanks in the side setback

**\*\*CARRIED TO 02/15/2024\*\***

Z16-2023 Barbara Krassner, 11 Pathfinder Trail, Block 115 Lot 6, R5 Zone

Approval for deck on an undersized lot

Z30-2023 Davia Maida, 68 Sleepy Hollow Road, Block 406 Lot 103, R4 Zone

Approval for gazebo within setback to house

Z29-2023 Ziad Jalbout, 60 Birch Parkway, Block 308 Lot 1831.02, R5 Zone

Approval for addition to home, relocation of entryway, and proposed porch

9. **EXTENSION REQUEST**

Z19-2022 Kevin and Kate Grey, 25 Carpenter Road, Block 238 Lot 508, R-3 Zone

Extension request for new single-family home

10. **BILLS**

Harold Pellow and Associates (10): \$3,570.00

Maraziti Falcon (12): \$3,132.50

11. **REPORTS FROM COMMITTEES**

Architectural Review Committee

Environmental Commission

Open Space

Township Council

12. OPEN TO THE PUBLIC

13. 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: January 18, 2024**

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

**ROLL CALL:**

*Members Present:* Ms. Raffay, Mayor Rubenstein, Messrs. Proctor, McElroy, Morytko, Serrilli, Smith, and Chairman Shivas

*Members Absent:* Mr. Walsh

*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

**REORGANIZATION:**

*Nomination and Appointment of Vice-Chairman:* Mr. McElroy nominated Ms. Raffay, seconded by Mayor Rubenstein. Mr. McElroy motioned to close the vote, seconded by Mr. Serrilli. Ms. Raffay accepted the nomination.

*Ayes:* Mayor Rubenstein, Ms. Raffay, Messrs. Proctor, McElroy, Morytko, Serrilli, Smith, and Chairman Shivas

*Absent:* Mr. Walsh

**COMMITTEE APPOINTMENTS**

Chairman Shivas said they'll be moving this item to next meeting's agenda.

**RESOLUTIONS**

Z28-2023 Sergey Tsukanov, 44 Strawberry Point, Block 320 Lot 14., R-5 Zone

*Approval for sauna in side yard*

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

*Ayes:* Mayor Rubenstein, Messrs. Proctor, McElroy, Morytko, Smith, and Chairman Shivas

*Abstaining:* Ms. Raffay, Mr. Serrilli

*Absent:* Mr. Walsh

None opposed. Motion carried.

**MINUTES:** January 4 2024. Mr. Proctor motioned to approve the minutes, seconded by Mr. Morytko.

*Ayes:* Mayor Rubenstein, Messrs. Proctor, McElroy, Morytko, Smith, and Chairman Shivas

*Abstaining:* Ms. Raffay, Mr. Serrilli

*Absent:* Mr. Walsh

None opposed. Motion carried.

**NEW BUSINESS**

Z16-2023 Barbara Krassner, 11 Pathfinder Trail, Block 115 Lot 6, R5 Zone

*Approval for deck on an undersized lot*

Mr. McElroy motioned to carry the application to 02/01, seconded by Mr. Proctor.

*Ayes:* Mayor Rubenstein, Ms. Raffay, Messrs. Proctor, McElroy, Morytko, Serrilli, Smith, and Chairman Shivas

*Absent:* Mr. Walsh

None opposed. Motion carried.

SP8-2023 Byram Car Wash, 56 Route 206, Block 365 Lot 1.01, VC Zone

*Approval for replacement of vacuums and monument sign*

Mr. Proctor motioned to carry the application to 02/15, seconded by Mr. Morytko.

*Ayes:* Mayor Rubenstein, Ms. Raffay, Messrs. Proctor, McElroy, Morytko, Serrilli, Smith, and Chairman Shivas

*Absent:* Mr. Walsh

None opposed. Motion carried.

Z26-2023 Alex Rubenstein, 2 and 8 Carpenter Road, Block 237 Lots 519, 521, 522, R3 Zone

*Approval for minor subdivision, site plan for a single-family dwelling, and site plan construction of a new single-family dwelling*

Mayor Rubenstein, Ms. Raffay, and Mr. Proctor recused themselves. Ms. Hubbard said she is comfortable with the remaining Board members hearing the application; they need to state that they will be impartial and unbiased. Messrs. Smith, McElroy, Morytko, Serrilli, and Chairman Shivas agreed to be impartial and unbiased in this application. Alexander Rubenstein was sworn in, along with Eric Wilson as the Engineer at 201 Houses Corner Road in Sparta. Mr. Wilson has been practicing engineering for about 10 years. He has appeared in front of this Board twice, as well as Sparta and Summit. Chairman Shivas deemed him an expert.

Mr. Rubenstein noted he is the neighbor for all three properties in question. Regarding 2 Carpenter, they found that it had a lot of issues, but the foundation appeared new. He learned that the house was relocated to that site in the 70s. They're proposing to remove the structure but leave the foundation and construct a new residence. They'd like to split lot 521 between 519 and 522. Mr. Rubenstein noted they'd also like to correct the issue of the

right-of-way, in which the property line doesn't match the edge of the street. They would be taking property from the right-of-way, and the paper street Deer Trail is proposed to be vacated. He is the property owner on both sides of the street. At the end of the project, they're aiming to have two residential lots: 522 would have a single-family home built on the existing foundation, and 519 would be new construction. Mr. McElroy confirmed lot 517 is not owned by Mr. Rubenstein.

Mr. Wilson said 521 is too small to build anything, and it's not developable. Mr. Stoner noted regarding the road vacation that the Council would need to agree to that by ordinance. Chairman Shivas asked if the paper street goes further down and would it affect the neighboring property. Mr. Wilson noted their access is from Carpenter Road. Ms. Hubbard said if that road was built, arguably they could put a driveway there; the neighbor would need to be noticed for the road vacation. Mr. Rubenstein said as part of the resolution that neighbor would be notified for the ordinance of vacation. Mr. Wilson showed the proposed new property line; this divides 522 and 519 and comes from the new corner of the road, and allows for the lot to be conforming. Mr. Wilson reviewed the setbacks. Chairman Shivas said when Carpenter Road was built, any houses that were added had something in their deed that states if the road was brought up to standard, there's a cost they'd have to contribute. Mr. Rubenstein said he doesn't recall this in his deed. Chairman Shivas said it was only when someone was planning to build a house. Mr. Stoner noted the town paved the road a few years ago, but it's not a standard road. The town took ownership of it, and it was resurfaced. Mr. Rubenstein said he'd agree to any conditions placed on them that are placed on anyone else on the road.

Mr. Wilson marked Exhibit A1, the submitted site plan page 3 of 8 from October 4<sup>th</sup>, 2023, marked up with a crosshatch to note areas where Carpenter Road's car path is on the property. He reviewed the property lines. They're proposing a chicken coop, which they'll relocate by one foot. Mr. Wilson said it's not in the 50 foot setback. Ms. Hubbard noted it can't be in the front yard. Mr. Wilson said the chicken coop is about 25 feet from the garage. He went through Mr. Stoner's report, and noted there are a lot of steep slopes, but most are rock face. There's a lot of exposed bedrock. They're proposing to put the house between that, along with a septic system. They're not disturbing any slopes over 25%, and the driveway goes between the rock outcroppings. The driveway is steeper going to Carpenter than the ordinance allows. Mr. Wilson noted they're not a major development so they don't meet the DEP's requirement to enact stormwater controls. They're proposing a rain garden. On the neighboring property, there is a wetlands area. They have an application to the DEP for a letter of interpretation on this. There will be an overflow drain under the driveway. Mr. Stoner said his concern is slowing the water down before it gets to the road. He confirmed the wall details are on the septic plan. Chairman Shivas asked about the wall grading. Mr. Wilson said the top is level, and the highest point is 3.9 feet. The septic will be raised and then graded out, because of the amount of bedrock in the area. They're not planning to pave the gravel area of as now. Mr. Wilson noted there's a second driveway for a garage, which comes off Partridge. Mr. Rubenstein said this driveway was approved as part of the Partridge subdivision in 2004. Mr. Wilson said they're proposing an access easement on the corner of the lots. They'll submit to the Upper Delaware Conservation District for their approval as they get further in the process, and will provide a copy of the approval. Mr. Wilson noted they submitted the Highlands application; Mr. Stoner said he's confident this will qualify for exemption 2. Chairman Shivas asked about tree removal. Mr. Wilson said there's 18 being removed on lot 519 because of the septic system and the footprint of the house and driveway. Mr. Rubenstein noted some trees are ash. Mr. Wilson noted they didn't mark which trees are which. Mr. Rubenstein said they already took down all the dead and dying trees on the other lot. Mr. Wilson said four trees need to be removed for the septic. Chairman Shivas noted the new state ordinance coming up. Mr. Stoner said the resolution should mention the trees are being removed in accordance with the plans.

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

Mr. Rubenstein reviewed the architectural plans for each lot. Mr. Wilson noted to address the bedrock concern, the first floor of the house is elevated and much of it will be pinned to the bedrock. The proposed well is on the other side of the house. Mr. Rubenstein said on 522 there's an existing well, and 519 will need a new well.

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

Ms. Hubbard reviewed the conditions including: following the order of seeking the vacation of Deer Trail and Partridge, dedicating a portion of the right-of-way for Carpenter Road to the town, obtaining a driveway easement, filing subdivision deeds, and obtaining perimeter deeds. Additionally, updating the plot plans, relocating the chicken coop, adjusting the stormwater map, County approval for the septic plans, updating the septic plan, a new well for lot 519, new septic for both lots, and updating the plans with any changes at the meeting. Mr. Stoner added moving the chicken coop, notes on the septic, the right-of-way dedication and driveway easement, and final stormwater information. Ms. Hubbard added notification of the neighbor, and she'll look into the language of the deed restriction; installation of the rain garden; finalizing the grade of the driveway;

obtain an LOI from the DEP; and adding notes on the tree removal. Mr. McElroy motioned to approve the application with the changes and conditions, seconded by Mr. Serrilli.

*Ayes:* Messrs. McElroy, Morytko, Serrilli, Smith, and Chairman Shivas

*Abstaining:* Mayor Rubenstein, Mr. Proctor, Ms. Raffay

*Absent:* Mr. Walsh

None opposed. Motion carried. Ms. Raffay, Mr. Proctor, and Mayor Rubenstein reentered the meeting.

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*

John Ursin from Schenck Price represented the applicant. They're proposing updates to the pool area; the pool itself will remain but the amenities are being upgraded. He noted the 1982 resolution is the last one that set the number of campsites; they included a map of the property. John Hansen of 140 Main Street in High Bridge of Engineering and Land Planning Associates was sworn in as the engineer. He's been an engineer for the last thirty years. His licenses are current. Chairman Shivas deemed him an expert.

Mr. Hansen reviewed sheet 5 of the plans. The pool area is near the center of the property. They're proposing to upgrade the patio area and add pavilions, bathrooms, and shade areas. They will remove a block bathroom, which is not ADA accessible and it doesn't have a clear path. The new bathroom will be on a concrete pad and ADA accessible, and can be accessed from the back of the property or the interior of the pool. It will be surrounded by a safety fence made of decorative aluminum. They will add some planters and annuals around the site. They also plan to add some security lighting, which will be consistent with current lighting. Mr. Stoner confirmed sheet two is given out to people visiting the site; Ms. Hubbard confirmed it's not accurate. Mr. Hansen noted they try to make it as readable as possible. Mr. Hansen noted the existing shed is going to remain. There will be a new septic system designed for a maximum of 250 people per day, which has been approved by the NJDEP through a Treatment Works application. Mr. Hansen said they received approval from the Upper Delaware Soil Conservation District. The bathroom will be five units with bathrooms and shower stalls. Some have access from the pool and some from the back, which helps because after the pool closes, people can still access the bathrooms. There will also be pergolas for shade.

Brent Crebs was sworn in at 6 Panther Lake Road as the property manager for Panther Lake. He noted the new owners bought the property about three years ago. They're looking to increase guest experience, customer service, security, safety, and quality. There are over 400 camp sites; many are allocated for seasonal guests who spend a significant amount of time there. He noted their facilities need to be upgraded. Mr. Ursin confirmed the new owners have experience running other campgrounds; they own three. Mr. Crebs confirmed most of the area around the pool is grass. The maintenance and health of this is a challenge, because the grass and dirt get into the pool. Mr. Ursin confirmed having the bathrooms closer is more sanitary because right now people walk about 140 feet to them. Mr. Crebs noted this is inconvenient especially because there's no formed path. The functionality of the improvements are important, to help with shade and private areas. Chairman Shivas asked if the houses along the side are part of the property. Mr. Ursin noted there are three that are privately owned; one is rented and two are for employees. Mr. Stoner noted between the site and architectural drawings there are a few differences in the layout, fence location, and sidewalks. Mayor Rubenstein confirmed the architectural plans are the ones with the correct proposed changes. Mr. Hansen noted there is also a utility closet. Once the area is locked, three bathrooms will still be accessible. The Board reviewed fencing on the plans. Mr. Stoner said sheet 6 will need to be updated to match the architectural plans, and reviewed his report. Mr. Ursin reviewed previous resolutions for the site; he said in the back corner of the property, there were dilapidated cabins that will be part of an application to the Board, to remove those and replace them with a similar amount of campsites. Mr. Stoner confirmed the dates of the campsite are from April 1 to October 31st, but in recent years they've opened on April 15th. Mr. Ursin said they have 437 campsites over 141 acres, so there should be no issues with complying with density. Mr. Crebs confirmed there are three houses on the property; Mr. Crebs lives in one, a maintenance person living in another, and the third is a rented cabin—it is the old house on 206, and is currently not rented but is a rental home. Ms. Hubbard confirmed the rental is not an Airbnb. Ms. Crebs said it has its own private driveway, and they don't have access to the resort. Chairman Shivas noted the plans are difficult to read—he can't tell where the existing versus proposed fence is. He wants a final drawing of what the fence will be. Ms. Raffay asked about the drain. Mr. Hansen said the plan is to have plumbing go to an existing septic tank, which will flow into a pump tank. Mr. Crebs noted the outside shower water will fall into a channel drain, which is not septic. Ms. Raffay said an issue with camping is if there's someone taking a shower, the bathroom is then occupied. Mr. Crebs said there are multiple bathroom facilities, but for this one in particular, they are individual use facilities. Mr. Smith noted the ADA area is accessible from inside and outside the fence, and asked if someone can access the fence through the bathroom. Mr. Crebs said they won't be open consecutively; they'll lock from the inside. Ms. Raffay confirmed there's no lifeguard, and there are five bathrooms, one being ADA complaint, and a janitor's

closet. Mayor Rubenstein asked about lot 31.11. Mr. Hansen said there's no plan to change it. Mr. Smith asked if there are any lighting concerns. Mr. Stoner said the only concern is safety. Mr. Hansen noted the property is about 1,200 feet from Route 206. Mr. Ursin noted the other lot near it is Tamarack Park. Mr. Hansen said there will be security lighting around the outside of the bathroom area and in the interior of the pool. Mr. Crebs said they'll keep the existing gravel path. Mayor Rubenstein asked about 31.10.

Chairman Shivas opened to the public. Betty Ann Crawford was sworn in. She said her property has been in her family for a long time, so she's observed a lot of the changes. She said the people on the other side of the lake are concerned about the demographic of the campground. There's no issue with upgrading, but there's been gunshots and other things going on, and she's concerned about what contractors are being used. She noted this is a tiny lake, and she's concerned about the permanent residences which are close to the other side of the lake. She said people own property underneath the lake. Chairman Shivas asked if the people who own property under the lake can use the lake. Ms. Crawford said they don't, and don't want to; they can use the property they own, but it's a small lake. Chairman Shivas noted this application doesn't address that, and that Panther Lake would come back with another application in the future so it can't be discussed now. Mr. Ursin said if she's hearing gunshots, it's not from Panther Lake— the campground doesn't tolerate guns on the property and there's no place on the grounds for them. He added that when the new owners bought the property, they found nine cabins that had been converted to possibly be used year-round that were in poor shape. Those will be replaced with just campsites, so the cabins will be gone. Mayor Rubenstein confirmed those cabins are mostly demolished. Ms. Crawford confirmed no one will be building permanent residences. She noted she's observed work like grading and paths down to the lake, since August. She's concerned about tree removal. Mr. Crebs said the tree removal is hazard mitigation; they've removed probably over 150 dead ash trees with more need to come down. Some trees have fallen and destroyed trailers. Mr. Stoner confirmed they're not removing these to prepare for work. Mayor Rubenstein confirmed they're only removing dead or dying trees. Chairman Shivas closed to the public.

Ms. Hubbard reviewed the conditions, including: upgrading sheet 6, make plans consistent with architectural plans, and clean up additional lines on architectural drawings. Mr. Stoner added both plans should reflect proposed changes and proper locations, the site plan should be updated to show the tax lots, septic constructed per DEP and TWA approvals, and construction needs to be inspected prior to a CO. Mayor Rubenstein motioned to approve the application with the list of conditions, seconded by Mr. Morytko.

*Ayes:* Mayor Rubenstein, Ms. Raffay, Messrs. Proctor, McElroy, Morytko, Serrilli, Smith, and Chairman Shivas

*Absent:* Mr. Walsh

None opposed. Motion carried.

#### **EXTENSION REQUEST**

Zo8-2022 Jose Quinones, 187 Lackawanna Drive, Block 264 Lot 280, R-5 Zone

*Extension request for construction of a deck*

Mr. Stoner said they did the house improvements but the deck needs to be done. Mayor Rubenstein motioned to approve the application with the list of conditions, seconded by Mr. Morytko.

*Ayes:* Mayor Rubenstein, Ms. Raffay, Messrs. Proctor, McElroy, Morytko, Serrilli, Smith, and Chairman Shivas

*Absent:* Mr. Walsh

None opposed. Motion carried.

#### **REPORTS FROM COMMITTEES**

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

*Environmental Commission:* Mr. McElroy said their reorganization is next Thursday.

*Open Space:* Mr. Morytko said their reorganization is in February.

*Township Council:* Mayor Rubenstein said they had a first reading for Raimo's Netcong Avenue work. Mr. Proctor said they are working on recreation improvements items. Mayor Rubenstein said they're applying for the Local Recreation Improvement Grant for the reconstruction of the tennis courts at the municipal building. They are discussing possibly adding pickleball. There is a special public hearing regarding the Completely Inclusive Playground grant application coming up.

*Zoning Report:* Everyone had a copy.

#### **OPEN TO THE PUBLIC**

Chairman Shivas opened and closed to the public.

#### **ADJOURNMENT**

A motion to adjourn the meeting was made at 9:40pm by Mr. McElroy, seconded by Mr. Proctor. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted by Caitlin Phillips

# **Resolutions Approved at Previous Meeting**

In the matter of Sergey Tsukanov  
Case No. Z28-2023  
MF#5000.094

**BYRAM TOWNSHIP**

**PLANNING BOARD**

**RESOLUTION OF MEMORIALIZATION**

**RELIEF GRANTED:**        **Side Yard Setback – Accessory Structure  
Setback between the Principal Dwelling and  
Accessory Structure**

**WHEREAS**, Sergey Tsukanov has applied to the Planning Board, Township of Byram seeking approval to construct a barrel sauna on the premises located at 44 Strawberry Point Drive, and known as Block 320, Lot 14.02 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 Applicant is the owner of the subject property, which is utilized as a second home. The Applicant is proposing to install a barrel sauna in the side yard, requiring the following relief, pursuant to N.J.S.A. 40:55D-70c from the  
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Sections 240-16B(4) of Township's Zoning Ordinance, which states that an accessory structure that is less than 200 square feet shall not be closer than 10 feet to a side lot line, two (2) feet is proposed.

2. The Applicant submitted the following documents, in addition to the Application for a Variance:

- a. Survey Update, prepared by Lakeland Surveying, dated March 18, 2021, with the sauna and fencing depicted on same.
- b. Survey Update, prepared by Lakeland Surveying, dated March 18, 2021, with the sauna depicted on same.
- c. Tax Map, prepared by Harold E. Pellow & Associates, Inc., dated January, 2009, revised through December, 2016, Sheet 3.04.
- d. Pictures of the proposed Barrel Sauna, with dimensions, two (2) total.
- e. Pictures of the property with the location of the proposed Barrel Sauna indicated on same.

3. The Board received a memorandum from Cory L. Stoner, P.E., P.P., C.M.E., Planning Board Engineer, dated December 22, 2023.

4. A duly noticed public hearing was conducted on January 4, 2024, at which time Surgery Tsukanov presented sworn testimony in support of the application. The subject property is an irregularly shaped, long narrow lot, with frontages on Cranberry Lake and the curve of Strawberry Point Drive as it approaches North Shore Road. The lot is non-conforming as to minimum lot area, minimum lot width, minimum front yard setback, minimum side yard setback, and maximum lot disturbance. There is an existing 1½ story

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dwelling with a deck in the rear, a frame garage in the front yard and several stone landscaping walls. The property slopes from the front to the rear of the lot. Due to the configuration of the home on the property, along the angle of Strawberry Point Drive, the front of the home does not face the front yard, rather the front yard setback is measured to the corner of the home. Accordingly, based on the shape and configuration of the lot, the Board determined that the proposed Barrel Sauna was located in the side yard of the property, not the front yard.

5. The Applicant is proposing a 225 cm deep by 180 cm wide Barrel Sauna, that is 180 cm in height. The sauna is proposed 2 feet from the property line, where 10 feet is the required setback for an accessory structure from both the side yard and the principal structure. The Applicant testified that the rear yard consists of a septic system, so he cannot locate the sauna there. The door to the sauna will face the home and the panoramic window will face Cranberry Lake.
6. There was an in-depth discussion of the history of the site, related to a prior approval in 2019 for steep slopes disturbance related to the construction of the septic system. There was a significant amount of tree removal related to the septic installation, as well as disturbance to the front of the lot to gain access to the rear. It was noted that as a condition of the prior approval, the previous owner was required to re-vegetate certain portion of the property. Due to the significant tree removal in the rear of the property, a partial fence

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was installed adjacent to the location of the neighbor's home on the eastern side of the lot.

7. Additionally, the Applicant received zoning approval for the construction of a fence to complete the partial fencing along the eastern property line, starting at the lake and extending toward the garage and then turning toward the home. The fence will provide privacy and security for the sauna and the yard in general. A Zoning Permit for the fence was located after the public hearing, which designated the area parallel to Strawberry Point Drive, to the nearest corner of the house, as the front yard. The permit noted that fence could be 6 feet in height along the side yard, but only 4 feet in the front yard.
8. The fence will serve as a buffer to the neighboring property, but there is a row of trees along the property line that may interfere with the construction of the fence. The Applicant amended the application to state that the sauna will be at least 2 feet off the fence line and at least 5 feet from the principal structure. The Applicant further agreed to have the property corners staked prior to completing the fence, subject to review and approval by C Stoner.
9. The Barrel Sauna rests on a wooden cradle and will be constructed on a pad comprised of packed gravel and concrete pavers. It is powered by electric heat, 6 kilowatts, and the temperature can reach 180 degrees within an hour. No water is utilized to produce the heat, special rocks are "heated up" to produce the desired temperatures. No noise is emitted from the sauna.
10. The property is located in the Highlands Preservation Area and the construction of the sauna falls under Exemption #5, which permits the

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construction of improvements to single family dwelling, including accessory structures, such as saunas.

11. No one from the public was in attendance at the hearing.

**WHEREAS**, the Board has determined that the relief requested by the Applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Township of Byram for the following reasons:

1. The Board found the witness testimony to be competent and credible. Relief can be granted pursuant to N.J.S.A. 40:55D-70c from the following Sections of the municipal zoning ordinance:
  - a. Section 240-16B(4) – minimum side yard setback of an accessory structure: 10 feet is required, less than 10 feet is approved, as the sauna will be located at least 2 feet of the fence line,
  - b. Section 240-16B(1) – minimum setback between an accessory structure and a principal structure: 10 feet required, 5 feet permitted.
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

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further determined that the benefits of granting the variance outweigh any detriments which might result from it.

3. The subject property is an irregularly shaped lot, with an angled front yard on Strawberry Point Drive and a septic field on the lakefront side of the lot. There is no conforming location on the property to locate the proposed sauna. The benefits of permitting the proposed sauna outweigh the detriments of denying the variance relief, as the sauna will provide passive recreation for the property owner. A fence will be installed along the property line, with a row of trees, to create a buffer to the adjacent property.
4. Although an additional variance was requested for the minimum distance between the sauna and the principal structure, the Board determined that it was preferable to establish the setback from the fence, rather than the property line, as the location of the fence may be shifted to accommodate the existing trees.
5. Accordingly, the Board determined that there would be no substantial detriment to the public good, the zone scheme or the Master Plan, as the property is uniquely situated and there is sufficient screening to the neighbors and the roadway.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Byram on the 18<sup>th</sup> day of January 2024 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.

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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. Applicant shall obtain the necessary construction and electrical permits prior to the installation of the sauna.
4. The Applicant shall be bound to comply with the representations made before the Board at the public hearing, which are incorporated herein and were relied upon by the Board when granting this approval. Same shall be enforceable as if they were conditions of approval.
5. The Applicant shall comply with the reports submitted by the Township's Professionals and Commissions.
6. Payment of all fees, costs, and escrows due shall be paid within twenty (20) days of said request by the Board's Secretary.
7. Pursuant to Section 45-23 of the Township's Ordinances, the variance granted herein shall expire in one year unless construction has commenced.
8. No trees shall be removed for the construction of the fence or the installation of the Barrel Sauna.
9. The property shall be staked by a licensed surveyor, prior to the installation of the fence or the sauna, subject to the review and approval of the Board Engineer.
10. The sauna shall not be closer than 2 feet from the constructed fence line and shall not be closer than 5 feet from the principal dwelling.

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**George Shivas**

**On motion of:** Mr. Proctor

**Seconded by:** Mr. Morytko

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

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

**NAYS:** Zero (0)

**ABSTAINING:** Two (2): Ms. Raffay, Mr. Serrilli

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

I certify that the above Resolution is a true copy of a Resolution adopted by the Planning Board on January 18<sup>th</sup> 2024.

Caitlin Phillips

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**Caitlin Phillips, Planning Board  
Secretary**

**Dated:** 01/19/2024

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

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Byram Township Planning Board  
Bills for February 1 2024

<b>Harold Pellow</b>	DATE	AMOUNT
Inv. 78893 Planning Board: meeting	01.08.2024	\$138.00
Inv. 78894 Panther Lake: reports	01.08.2024	\$69.00
Inv. 78900 Panther Lake: meeting, review	01.08.2024	\$614.00
Inv. 78901 Volonnino: meeting, review	01.08.2024	\$487.00
Inv. 78904 Kane: review	01.08.2024	\$168.00
Inv. 78913 Brennan: memo, review	01.08.2024	\$586.00
Inv. 78914 Pineiro: memo, review	01.08.2024	\$349.00
Inv. 78915 Costic: memo, review	01.08.2024	\$349.00
Inv. 78916 Tiernan: memo, review	01.08.2024	\$349.00
Inv. 78917 Byram Car Wash: memo, review	01.08.2024	\$461.00
HP Total		\$3,570.00

<b>Maraziti and Falcon</b>	DATE	AMOUNT
Inv. 55452 Costic: review, meeting, resolution	01.09.2024	\$612.50
Inv. 55451 Kane: notice, review, meeting, resolution	01.09.2024	\$402.50
Inv. 55450 Brennan: resolution	01.09.2024	\$17.50
Inv. 55449 Rubenstein: communications, notice	01.09.2024	\$87.50
Inv. 55448 Krassner: notice	01.09.2024	\$17.50
Inv. 55447 Byram Car Wash: review, notice	01.09.2024	\$87.50
Inv. 55445 Pirnos: extension, resolution	01.09.2024	\$105.00
Inv. 55443 Tomahawk Lake: communications, review	01.09.2024	\$595.00
Inv. 55442 Panther Lake: communications, notice	01.09.2024	\$157.50
Inv. 55453 Pineiro: review, meeting, resolution	01.09.2024	\$332.50
Inv. 55454 Tsukanov: review, notice	01.09.2024	\$122.50
Inv. 55440 General: meeting attendance, communications, reviews	01.09.2024	\$595.00
Maraziti Falcon total		\$3,132.50

<b>GRAND TOTAL</b>		<b>\$6,702.50</b>
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