

BYRAM TOWNSHIP PLANNING BOARD AGENDA
For Thursday, July 3 2025, at 7:30 P.M.
Meeting Held at: 10 Mansfield Drive, Byram Township NJ

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **OPENING STATEMENT:** Adequate notice of this meeting of the Byram Township Planning Board was given as required by the Open Public Meeting Act. A resolution indicating the time, date, and location of regular Board meetings for the year 2025 was forwarded to the Board's designated newspaper, and posted on the bulletin boards and main doors of the Municipal Building.
4. **FLAG SALUTE**
5. **MEETING MINUTES-** June 19, 2025
6. **SUBCOMMITTEE**
WOSP7-2025, Salt Gastropub, 109 Route 206, Block 70 Lot 9, VB Zone
Application for emergency doors for building
7. **NEW BUSINESS**
Z09-2024, Daniel Scully, 33 Allamuchy Trail, Block 144 Lot 135 and 136, R-5 Zone
Amended application to construct a dwelling on a property with three front yards
8. **REPORTS FROM COMMITTEES**
Environmental Commission
Open Space
Township Council
9. **BILLS:** Maraziti and Falcon (6): \$2,223.25
10. **OPEN TO THE PUBLIC**
11. **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: June 19 2025

CALL TO ORDER: Vicechair Raffay called the meeting to order at 7:30 p.m.

ROLL CALL:

Members Present: Mss. Raffay, Colligan, DeMagistris, Lewandowski; Messrs. Proctor, Morytko, Smith, Walsh

Members Absent: Chairman Shivas, Mayor Rubenstein, Mr. McElroy

Also Present: Engineer David Simmons, Attorney Alyse Hubbard, Planner Dan Bloch, Secretary Caitlin Phillips

OPENING STATEMENT: Adequate notice of this meeting of the Byram Township Planning Board was given as required by the Open Public Meeting Act. A resolution indicating the time, date, and location of regular Board meetings for the year 2025 was forwarded to the Board's designated newspaper, and posted on the bulletin boards and main doors of the Municipal Building.

FLAG SALUTE: led by Vicechair Raffay.

MINUTES: June 5, 2025

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

Ayes: Mss. DeMagistris, Colligan, Lewandowski; Messrs. Proctor, Morytko, Smith, Walsh

Abstaining: Ms. Raffay

Absent: Chairman Shivas, Mayor Rubenstein, Mr. McElroy

None opposed. Motion carried.

RESOLUTIONS

Z06-2025 Tiffany Heineman, 205 Lake Drive, Block 255 Lot 191, R5 Zone

Application for an addition, deck, and site improvements

Motion of Mr. Walsh to approve the resolution, second by Mr. Proctor.

Ayes: Mss. Colligan, DeMagistris, Lewandowski; Messrs. Proctor, Morytko, Smith, Walsh

Abstaining: Ms. Raffay

Absent: Chairman Shivas, Mayor Rubenstein, Mr. McElroy

None opposed. Motion carried.

NEW BUSINESS

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

Application for construction of a new single-family dwelling

Ms. Raffay abstained from this application. Motion of Mr. Proctor to nominate Mr. Walsh as the temporary Chair for this portion of the meeting, second by Mr. Smith. No other nominations were made.

Ayes: Mss. Raffay, Colligan, DeMagistris, Lewandowski; Messrs. Proctor, Morytko, Smith, Walsh

Absent: Chairman Shivas, Mayor Rubenstein, Mr. McElroy

None opposed. Motion carried.

Mr. Walsh noted there was a discussion about the noticing. Ms. Hubbard said she spoke with Messrs. Selvaggi and Stoner about issues raised in the reports that were not in the legal notice. There were discrepancies in the numbers, setbacks, and dimensions that they'd like to go through before proceeding with the application. The notice included a variance for lot coverage, but included the number for building coverage. Mr. Selvaggi noted the maximum building coverage. They gave a larger number; they need a variance but the proposed is smaller. If it were the reverse, where the noticing number was smaller, it may be problematic. He noted that the noticing doesn't need numbers, just identification of the variances. The architect will confirm the correct number. Ms.

Hubbard noted the building calculation is higher. Mr. Selvaggi said they need a variance; in the notice, there is catch-all language to help with any notes in the review memos. Ms. Hubbard said the front setback had a discrepancy, and that Mr. Stoner noted the lot disturbance is an existing condition. She said the boathouse was approved previously, and there are building permits. Mr. Selvaggi noted it's called a boathouse but it's more of a canopy. Ms. Hubbard said the other item is accessory structures in relation to air conditioners. Mr. Proctor noted the Council adopted an ordinance eliminating air conditioners from basic accessory structures. Ms. Phillips noted there is an effective date. Mr. Proctor noted the purpose is to get rid of the setback issue for A.C units. Mr. Selvaggi said they can remove it for purposes of the notice. Mr. Walsh asked about the catch-all language, and if it's meant for things coming up over the course of testimony. Mr. Selvaggi said the way the architect calculated the height, it was not applied the same way as Mr. Stoner. The language is there for situations like this, so if professionals see an error, it's covered. The notice is meant to give reasonable information to the public on what's proposed. If the notice had just said this is for a house, this discussion would be germane enough to ask the applicant to re-notice. Mr. Walsh noted the Board needs to decide if they're comfortable proceeding, given that the notice had some inconsistencies. Mr. Proctor noted the difference doesn't seem too great. Mr. Bloch asked if the building height changed; Mr. Stoner's previous letter said it was conforming but now it's not. Mr. Barry said the height was taller before, but the median roof height changed. Mr. Selvaggi recognizes that this is a new application; this is a vacant piece of property now. He noted this is smaller than the previous. They went through a review by the State, so the septic system is more advanced and safer for the lake. The septic approval was more rigorous because of the requirements they now fall under. Mr. Walsh noted there are references to the previous approval, but the Board is looking at this as a new application on a vacant lot.

Mr. Selvaggi introduced himself and the application. The previous home was taken down to the foundation. When that's done, any grandfathered rights or pre-existing non-conformities are removed. That gave them an opportunity to come up with a smaller home that's consistent with the septic system, which has a large impact on the development of the property. He noted the professionals presenting tonight, and that Mr. and Mrs. Carkhuff are present to fill in any testimony, but since this is a new application, what was there and their knowledge of it is irrelevant.

Jeff Careaga of Careaga Engineering was sworn in at Budd Lake New Jersey. Mr. Walsh noted he has been before this Board many times, and they can accept his expertise. Ms. Hubbard confirmed his license is in good standing. Mr. Careaga said he was brought in after the original approvals to help with the septic. Mr. Selvaggi asked how the septic approval impacted the site. Mr. Careaga said where the septic is going is right up against the house. He reviewed sheet 2 of 3 of his plans from 06/03/2025. The system is between the lake and the house. They had to be 25 feet from the lake to maintain the permit-by-rule status. They have the house 6 feet away from the septic, and needed variances from the State. They have an advanced treatment, so the water being discharged through the septic field is clear and should have no impact on the lake. This drove how far away the house could be. They moved the house further back from the road. Mr. Careaga said this is in keeping with the neighborhood. Ms. Hubbard noted the plans show 14.3 rather than 15. Mr. Careaga will revise that number to show 14.3. Mr. Selvaggi asked about landscaping at the bulkhead. Mr. Careaga said the plantings are part of the permit-by-rule. The vacant lot had 70% disturbance, and there is less disturbance now than what was there. Ms. Hubbard asked if they mean it's less than when the prior house was there or what was approved last time. Mr. Careaga confirmed it was what was existing. Ms. Hubbard asked if disturbance can be reduced. Mr. Careaga said 70% is disturbed because that's what was there. They'll replant, so they'll lessen the disturbance. Ms. Hubbard noted they can plant, but things can't be undisturbed. Mr. Selvaggi asked if there's any way to satisfy the 50-foot requirement. Mr. Careaga said by shrinking the house down. Mr. Proctor noted the 25 feet doesn't seem to be the closest point. Mr. Bloch asked if it's from the bulkhead as a radius. Mr. Careaga said

it's the edge of the sea wall. The dimensions are not shown on the plan. Mr. Selvaggi said the 25 is to the edge of the septic field. He asked about the vegetative buffer. Mr. Careaga said the applicant will agree to add the buffer. It will consist of DEP listed native plants. Mr. Walsh confirmed they'll meet the 10 feet along 80% of the lakefront, and they'll update the plans to show the buffer. Ms. Hubbard asked that they also show what the plants will be. Mr. Selvaggi confirmed Mr. Careaga read Mr. Stoner's memo. In it, he raised an issue with riparian areas. Mr. Careaga said they need the permit-by-rule. As long as you're working within a previously disturbed area and meet the requirements, you qualify. Mr. Careaga noted if they take off the A.C units, it will lower their lot coverage, and then later may be an issue when applying for them. The Board discussed the new ordinance for basic accessory structures. Mr. Bloch said he reads it as being excluded from basic accessory structures, so now they're in the regular category. Ms. Hubbard noted the intent is that they don't want them regulated. Mr. Selvaggi said they'll ask for the relief.

Mr. Walsh opened to the public and no one spoke so he closed to the public.

Peter Barry was sworn in at Springfield NJ. He has worked with three architectural firms, and served in Bernardsville and Mendham, and presented here, Madison, Summit, and Tewksbury. He is not a licensed architect; he is an architectural designer. Mr. Selvaggi confirmed his designs would be signed off on by an architect, and that Mr. Barry prepared the plans. Mr. Bloch asked if he's a professional witness or an expert. Mr. Barry said he's normally accepted. Mr. Walsh said it's okay to hear his opinion but the Board should keep in mind that he's not a licensed architect. Mr. Selvaggi confirmed he's been doing this for 40 years. He confirmed Mr. Barry's work was delayed because of the septic approval. Mr. Barry said they wanted to build on what was already existing, to limit disturbance elsewhere on the property. They have an existing foundation and a septic system that can't go anywhere else. The septic is a mountain system, so the grade is going up three feet, which is their platform for the new structure. They've scaled down the size of the project. The proposed is 2,500 square feet with 2.5 stories. They have 9-foot ceilings in the first floor, and 8-foot in the second floor. The half-story is a habitable attic where the mechanical equipment is going. He reviewed the architectural plans from February of 2025. They don't have a basement or storage areas. They're limited to two bedrooms because of the septic. They're trying to keep with the neighborhood. They sloped the roof back. This is taller than what was there. The low story faces the road. Ms. Hubbard noted he keeps saying they'll work it out with Mr. Stoner but he's not here. Mr. Barry noted they'll go for the variance. Mr. Selvaggi said they think they may be able to avoid it through construction, but they're not going to agree that they can. Mr. Walsh confirmed that they'll ask for 25.97 feet. Mr. Simmons said if the Board is willing to consider the maximum height of 25.97 feet, he's comfortable. Mr. Selvaggi confirmed Mr. Barry does not dispute any height calculations from Mr. Stoner's memo. Mr. Barry said they're proposing a one-car garage. Mr. Selvaggi asked if there's any extravagance in the design that could be removed. He confirmed Mr. Barry thinks the design is compliant with the septic requirements. Mr. Barry said there are landings proposed. Mr. Selvaggi confirmed that's been calculated in the coverage. Mr. Bloch asked about the attic and if that's in compliance. He noted Mr. Barry didn't explain how, but it looks like the plans comply. Mr. Barry said for a habitable attic, a certain amount has to be below 5 feet. He didn't draw the heights, but reviewed the calculations. This will be the family's primary residence. Ms. Hubbard confirmed there's a second-story porch.

Mr. Walsh opened to the public. Veronica Varisco was sworn in. She lives on the north side of the subject property. Her concern is that it's going to be such a big house, much closer to her property line, and doesn't want it to be daunting. Mr. Barry said the lowest part of the structure is facing her property, so the only area where it's two stories is where the house was. Mr. Selvaggi said on her side is a compliant setback. Mr. Walsh confirmed the 9.4 setback is on the other side with the trail. Ms. Varisco confirmed there is no variance for her side. Mr. Barry showed her what she would be seeing. Ms. Hubbard said the second story will be set back further. Mr. Walsh closed to the public.

Alison Kopsco was sworn in as a Senior Planner at J. Caldwell and Associates, at Newton New Jersey. Her license is in good standing. She represents Boards in Sussex County. Mr. Selvaggi confirmed with her that these are all bulk variances. She said this application can fall under C1 and C2 variances, and went through the purposes that this project meets. The lake setback is being improved from what was there. Cranberry Lake has unique topography. The applicants are upgrading the septic system which is beneficial for the lake and community. The proposed is in keeping with the neighborhood in terms of scale and intensity. The neighborhood has a variety of house sizes, and houses closer to the street. Ms. Kopsco said she reviewed the Master Plan, and noted how it connects to this project. This will be a year-round housing unit that the Township has designated for this use. There are hardships because of the lot shape, the paper trail, and the proximity to the lake. The property is slightly larger than the minimum lot size, and it's able to accommodate the proposal with no substantial detriment to the public good, and no substantial impairment to the intent and purpose of the ordinance. It's more beneficial and practical than what would be permitted under zoning. Mr. Selvaggi asked if the height has any deleterious effect in terms of view. Ms. Kopsco said it's de minimis, and it's less than a foot that being requested. Mr. Selvaggi asked about rain gardens and barrels, and how that improves on the development. Ms. Kopsco said improving on the water quality going into the land and lake is a benefit to the larger community. Mr. Selvaggi said they're proposing to meet the 10-foot requirement. Ms. Kopsco said the buffer helps with the distance to the water body. Mr. Walsh asked how the height relates to the neighborhood. Ms. Kopsco said she visited the site and drove around the neighborhood. Most of the houses are two or two-and-a-half stories, so it's in line with that. They're also closer to the street, so it's a common occurrence and it will fit in nicely. Mr. Morytko asked how the building coverage compares. Ms. Kopsco said the lots in the immediate area are not uniform. This is one of the larger lots, which is beneficial to the project because it allows the lot to accommodate the slight exceptions to the bulk requirements, the building coverage being one of them. Mr. Morytko said he wouldn't call them slight, and that's why he's asking to see how other homes in the area compare. Ms. Kopsco doesn't know the square footage of the surrounding homes; the scale isn't unusual for the area. It's in line with the type of houses that exist there. Mr. Bloch asked if she did an analysis of existing conditions in the neighborhood in terms of setbacks, building height, or lot coverage. Ms. Kopsco doesn't have specific numbers, but through observation and driving around, there are accessory and principle structures that are very close to the street. Mr. Bloch asked what the prevailing setback in the immediate vicinity is. Ms. Kopsco said the proposed is closer than either of the nearby buildings, but in the neighborhood at a larger scale, the pattern in the area is having structures closer to the street. She doesn't believe this would be the closest. Mr. Bloch asked why the slope of the building couldn't be changed to be a foot less. Ms. Kopsco said she'd defer to the architect. Mr. Bloch said she's looking at the scale of the neighborhood but it's not correlating to the variances requested. How does the reduction of the setback meet the character of the neighborhood? Ms. Kopsco said it can be tied back to the limitations the engineer and architect are faced with regarding the septic. They're limited to certain locations on the lot. This would be a hardship for the side yard. Mr. Bloch asked why the air conditioners couldn't be put in a conforming location. Ms. Kopsco deferred to the engineer or architect. Mr. Selvaggi confirmed the side with the setback variance runs along a paper street. He said between the property and the next property over, there's a buffer, so it's not immediately adjacent. Ms. Kopsco said the adjacent lot can't be developed, which mitigates the impact. Mr. Bloch asked the purpose of the paper street. Mr. Selvaggi noted it's public access.

Ms. Hubbard asked about the driveway offset from the house. Mr. Careaga said there's one car in the garage and two cars outside, so three total off-street. Mr. Walsh asked about moving the air conditioning units to a conforming location. Mr. Barry doesn't see a reason why they couldn't be moved. Most of the utilities would be in the attic, so it would make sense to have them there. Mr. Walsh noted the driveway will need a variance. Ms. Hubbard said it's 20 feet wide. Mr. Selvaggi said they can reduce it to 12 feet. Mr. Bloch asked if that would affect the parking. Mr. Proctor noted they

can't park on the lawn. Mr. Smith asked if there's an existing driveway. William Carkhuff was sworn in at Chester New Jersey. He said the existing driveway is about 20 feet wide from where the existing house was. The garage is starting where the driveway was. Mr. Walsh noted if the driveway was there, that may be an existing nonconformity. Ms. Hubbard confirmed it's a gravel driveway. Mr. Carkhuff said it'll stay as existing. Mr. Bloch confirmed the driveway comes off the road rather than the paper street. Mr. Proctor noted the code says they should pave the driveway. Mr. Walsh asked about the slope of the driveway. Mr. Carkhuff said there's a slope down. With the septic and the house coming up to meet that, there is a slight slope away from the street. The driveway has been there since 1964. Mr. Selvaggi asked for the 20-foot driveway, and said they'll pave it. Mr. Simmons noted it looks like it's sloping towards the road, and then would go into the lake. Mr. Careaga agrees and said that's the existing condition. Mr. Bloch confirmed they'd like a variance for the location of the air conditioners. He asked the justification, since the architect said they could be moved. Mr. Barry said the mechanicals should be nearby. Mr. Careaga said it's not good practice to put them further away. Mr. Smith asked about the shed. Mr. Carkhuff said it exists now. Mr. Bloch asked if there will be a walkway between the house and dock. Mr. Carkhuff said on top of the septic has to be grass, so maybe stepping stones. Mr. Walsh asked about the setback for the shed, and noted it would be a nonconformity. Mr. Careaga said it's 2.5 feet. Mr. Carkhuff said he'd like to keep it there.

Mr. Walsh opened to the public. Karl Mangels was sworn in. His house is four doors away, on Ms. Varisco's side. Mr. Mangels doesn't want to oppose what they're doing and doesn't want his comments to be construed as opposing their home. He's representing two constituencies, the Briar and Della Heights Property Owners' Association. Ms. Hubbard asked how he's related to them and if he's an attorney. Mr. Mangels said he's not an attorney, he's a corporate officer. It's a 1920 corporation set up to provide water service to the summer colony built on Cranberry Lake. He is the Secretary and Treasurer. Mr. Selvaggi objected because it's a corporation. Ms. Hubbard said a corporation needs an attorney; you can't represent a corporation as an individual, so he can't represent the water company. Mr. Mangels said he'll represent himself as a user of the water company. He confirmed he is within 200 feet of the subject property. Mr. Mangels said they have water lines that traverse the front of the Carkhuff property. They are parallel to the street and are about 6-8 inches underground. All the properties are deeded with easement. Mr. Walsh confirmed they're not sure if they're on the property or in the right-of-way. Mr. Mangels said the pipes are PVC, and need to be protected during construction. He's asking for a condition that they provide all reasonable means to protect the pipes and be responsible for repairing any damage to the water lines. Mr. Carkhuff said they don't have a problem with that. Mr. Walsh believes this was a request Mr. Mangels made last time the application was heard. He asked, to the extent the work occurred, if he was satisfied that the precautions were taken. Mr. Mangels agreed. Mr. Bloch asked why the water lines are not shown on the plans. Mr. Careaga didn't know about them; he will put on the plans. Mr. Mangels said the pipes have been replaced over time. Ms. Hubbard asked if this was done without agreements in place to protect either party. Normally if you're doing work on a property, there'd be some sort of indemnification for if something is damaged. Mr. Mangels said it's a deeded easement. Mr. Selvaggi reiterated that there was work done where heavy equipment was brought in, and he's not aware of any issues. Mr. Smith asked if they'd work with the water company to mark out the lines. Mr. Mangels said they've marked it and Mr. Carkhuff has photos. Mr. Carkhuff said he and Mr. Mangels have walked it and twice highlighted it. When the demolition occurred, he put down steel plates through the fire plan to the pump house. He has no problem working with Mr. Mangels on this. The plates are there and will be there until heavy equipment is removed. Mr. Simmons noted an existing well on the plans. Mr. Mangels said there's a shed near the fire lane, which is right on the edge. It is a well house where the water is pulled from the ground. The door to the shed opens right on to the fire line. There can't be parking in the fire lane. Ms. Hubbard said they can't control the fire lane; the applicant is not proposing to park there. These items are outside the property lines. Mr. Walsh said he remembers this being discussed, and that Mr. Carkhuff said they'd need the paper trail

to access that side of the property, but at no time would anything be stored or parked on that trail. Mr. Carkhuff confirmed that's true and still the case. Mr. Mangels noted he'd like to see that stipulation repeated. Mr. Simmons confirmed the well is existing and serves the home. Mr. Mangels noted it's a summer system. He noted they need to have access to the building in case of an emergency. They can't have cars or trucks obstructing access. He asked about signage for parking on the fire lane. Mr. Walsh said that would be a request to the Council. Mr. Mangels said traversing is okay. Ms. Hubbard asked if they control the fire lane. Mr. Mangels said he assumes the Township does. Mr. Selvaggi thinks it's more an easement for the community. Mr. Walsh said it was made as part of the original development to provide access for people who don't have lake frontage. Mr. Mangels also wants to make sure the lane stays open to the Fire Department, since this is an easy access point to get water. He noted this is a big house and close to the road. It's much closer than any other house in the immediate vicinity. In Cranberry Lake you can find any exception, but in the immediate area, the houses are further from the road. If there's anything that can be done to move the house back from the road, it would be much appreciated. He noted parking is a big problem in the neighborhood, so as much parking as can be provided. He questioned why the house isn't centered on the lot. Mr. Careaga said to put the house on the same foundation. Mr. Mangels said they're building a grass roots structure. Ms. Hubbard confirmed the old foundation exists. Mr. Careaga said they're pouring new foundation. When they redid this, they had to reconfigure the house, but they tried to keep it in the same spot so they could put it back where it was. Mr. Mangels said if the house weren't so far to the left side, there would be space to park a vehicle alongside the garage. Mr. Selvaggi said at best you could move it two feet, because otherwise there would be a variance on the other side. Mr. Bloch said they'd also be closer to the road. Mr. Walsh closed to the public.

Mr. Smith said he understands the testimony because in Forest Lakes, the water lines are similar with easements and going through properties. There should be a condition that they'll work with the water company during construction, and that they'll comply with any conditions of the easement that already exist. Mr. Carkhuff agreed to that condition. Mr. Bloch asked about the building height, and why it couldn't be 25 feet. Mr. Carkhuff said they'd like the first floor to be 9 feet. Mr. Bloch said they could change the pitch of the roof. Mr. Barry said in satisfying his client's needs, the height is established as stands in the drawings. Mr. Careaga doesn't see the potential in changing the grade. Mr. Barry said the plate height on the second floor is driving the height. He could change an eave but it won't change the height. Mr. Selvaggi asked how to calculate height. The Board and professionals discussed this. Mr. Simmons reviewed the height calculations. Mr. Bloch confirmed those points are established on the plan, so Mr. Stoner didn't come up with those numbers. Mr. Walsh noted he took the numbers and averaged them.

Mr. Walsh opened to the public and no one spoke so he closed to the public.

Mr. Proctor noted he's not bothered by the setbacks, but his concern is with the building coverage. Cranberry Lake is known for small lots and not a lot of setback. There's testimony that it fits in with the neighborhood, and he asked if any Board members see this as large. It looks big for Cranberry Lake. Ms. Colligan said they've had a lot of houses go up in Cranberry Lake and they're all big. Mr. Walsh noted there are also hills in this area that make things look larger. Ms. DeMagistris said they've had the house for awhile so they know it well, and they wouldn't do anything with it or the well building or piping, and they seem to be willing to work with everybody. Mr. Walsh said the only issue is that the approval runs with the land, so the next person may not be the same steward.

Motion of Ms. DeMagistris to approve the application, second by Ms. Colligan. Mr. Walsh said the approval would be conditional on revising the plans to include the front yard measurement, the building setbacks to the water, the location and makeup of the vegetative buffer, a revised zoning table, and show the water lines on the road, right-of-way, and property. Mr. Simmons said they should

dimension the air conditioner pads. He noted not using the attic as a bedroom. Ms. Hubbard said having two bedrooms per the septic. Mr. Simmons said the side yard for the shed. Ms. Hubbard noted the widened, paved driveway. Mr. Walsh noted the use of the fire trail but not for storage or parking. Ms. Hubbard said protecting the water lines during the construction, and putting the easement on the plans. Mr. Walsh noted having silt fencing during construction. Mr. Bloch said updating to show the correct bulk schedule. Ms. Hubbard said any conditions in the reports. Mr. Selvaggi said no basement.

Ayes: Mss. Colligan, DeMagistris, Lewandowski; Messrs. Proctor, Morytko, Smith, Walsh

Abstaining: Ms. Raffay

Absent: Chairman Shivas, Mayor Rubenstein, Mr. McElroy

None opposed. Motion carried. Ms. Hubbard said she'll work on the resolution for the next meeting. Ms. Raffay re-entered the meeting.

REPORTS FROM COMMITTEES

Environmental Commission- Mr. McElroy was not present.

Open Space- Mr. Morytko said they discussed controlled burn, where the State will speak with the Council on what's involved. They're looking to do a controlled burn at the Tamarack parcel for barberry. Ms. Raffay confirmed it goes through the woods. Ms. Phillips noted they approved the deer hunting parcels.

Township Council- Mr. Proctor said they had a presentation from Dennis Keenan about CO Johnson field 8. The project has gone well and the sod has taken root. They will need to wait to see if the drainage will work. The Historical Society presented a scholarship, and the Lenape Valley Media Class presented the History of the Roseville Schoolhouse. The link will be posted with the minutes. It was well done and informative. They passed resolutions including endorsing the 2025 Housing Element and Fair Share Plan. They finished adopting the light nuisance and trespass ordinance. This should not change how the Board handles applications. He noted that he messaged Mr. Sabatini about the air conditioners, and it was noted the intent was to stop regulating the air conditioners. They will be regulated through construction permits. Ms. Phillips noted it didn't apply to this application because it's not in effect yet.

Zoning Report- Everyone had a copy.

BILLS:

Maraziti and Falcon (7): \$1,015. A motion to approve the bills was made by Mr. Walsh, seconded by Ms. Colligan. All were in favor. Motion carried.

Harold Pellow (12): \$3,936.25. A motion to approve the bills was made by Mr. Walsh, seconded by Ms. Colligan. All were in favor. Motion carried.

OPEN TO THE PUBLIC

Ms. Raffay opened to the public and no one spoke so she closed to the public.

ADJOURNMENT

A motion to adjourn the meeting was made at 10:01 pm by Mr. Proctor, seconded by Mr. Walsh. All were in favor. Motion carried. The meeting was adjourned.

Submitted by Caitlin Phillips

Resolutions Approved at Previous Meeting

In the matter of Tiffany Heineman
Case No.
MF#5000.135

BYRAM TOWNSHIP

PLANNING BOARD

RESOLUTION OF MEMORIALIZATION

RELIEF GRANTED: **Minimum Side Yard Setback**
 Minimum Setback to the Lake
 Minimum Side Yard Setback of an
 Accessory Structure

WHEREAS, Tiffany Heineman has applied to the Planning Board of Township of Byram seeking approval to construct a two-story addition for the existing home located at 205 Lake Drive, and known as Block 255, Lot 191 on the Tax Map of the Township of Byram which premises are in the “R-5” Residential Zone;

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

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

1. The Applicant is the owner and occupant of the subject property. The Applicant is proposing to construct a two-story addition on the existing home, requiring the

following relief, pursuant to N.J.S.A. 40:55D-70c from the Township's Zoning Ordinance:

- a. Section 240-55C(3) – Minimum Side Yard Setback: 15 feet is required, 3.16 feet is existing and 8.92 feet is proposed.
 - b. Section 240-55C(9) – Minimum Setback to the Lake: 50 feet is required, 31.12 feet is existing, 24.65 feet is proposed.
 - c. Section 240-16B(4) – Minimum Side Yard Setback for an Accessory Structure: 10 feet is required, 8.96 feet is existing and proposed to remain.
2. The Applicant submitted the following documents along with the Application for a Variance:
- a. Architectural Plans, prepared by Adam J. Finkle, AIA, dated April 16, 2025, consisting of seven (7) sheets.
 - b. Boundary and Topographic Survey, prepared by DMC Associates, Inc., dated December 16, 2024.
 - c. Highland Exemption Determination Application, dated April 23, 2025.
 - d. System Review of Individual Subsurface Sewage Disposal, filed with the Sussex County Department of Health and Human Services, submitted April 17, 2025.
 - e. Documents regarding 2017 Septic Repairs, consisting of twelve (12) pages.
 - f. Tax Map, prepared by Harold E. Pellow, PE, LS, dated June 2006, Sheet 6.04.

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3. The Board received a memorandum from Cory L. Stoner, P.E., P.P., the Planning Board Engineer, dated May 21, 2025.
4. A duly noticed public hearing was conducted on June 6, 2025, at which time Tiffany Heineman, the Applicant, and Adam Finkle, AIA, who was accepted as an expert architect, presented sworn testimony in support of the application. The subject property is rectangular in shape, with an irregular frontage on Lake Lackawanna. The lot is developed with a single-family dwelling, that has an existing 3.16-foot side yard setback on the western side and approximately 66-foot setback on the eastern side, which contains the existing septic field, There is a gravel driveway area on Lake Drive, with a long walkway to the home that sits back approximately 67 feet from the front lot line.
5. There is an existing frame shed 8.96 feet from the eastern side lot line and a modular block wall along the western side of the lake front. The Applicant testified that due to the location of the septic field, she did not want to relocate the shed. Accordingly, the application was amended to request relief from Section 240-14B(4) for the non-conforming side yard setback.
6. The Applicant testified that the home is small and somewhat in disrepair. As part of the repairs to create a safer home, the Applicant is proposing to remove the existing sunroom and construct a two-story addition. The first-floor addition will include a kitchen, dining room, bathroom and a new deck in the rear. The second floor will consist of a relocated bedroom, bathroom and laundry room.
7. The proposed addition will be constructed over a crawl space. The proposed addition will set back 8.92 feet from the side yard and the proposed deck will be

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- set back 24.65 feet from the lake front, both of which require variance relief. A landscape buffer is proposed for approximately 60% of the lakefront, where 80% is required. The Applicant will provide a planting schedule to the Board for review and approval. A paver/stamped concrete patio is proposed to replace the existing gravel patio near the modular block wall. The Applicant must stabilize the area.
8. The Board was concerned about drainage toward the lake. The existing leaders from the roof terminate at grade. The Applicant shall construct gravel pads at the discharge sites and direct the runoff away from the neighbor's home. The Applicant suggested the installation of a drywell, but agreed to pipe the gutters under the deck into a raingarden.
 9. There was a discussion about enlarging the driveway toward the east, due to the site constraints associated with the well, future gas light, utility pole, and mailboxes, the Board determined that same was not feasible.
 10. The property is serviced by an existing septic system, which will require a certification from the Sussex County Health Department. There is an existing private well on site. Currently, the home is serviced by an oil tank, with the plan to connect to gas service when available.
 11. The property is located within the Highlands Preservation Area and the proposed improvements can be accomplished under Highlands Exemption #5, which permits the construction of various improvements to a single-family dwelling, including an addition.

{379432.DOC.2}4

12. The project can be constructed with a New Jersey Department of Environmental Protection Permit-by-Rule #1, #2 or #8, which shall be stated on the plans.

13. No one from the public was in attendance at this hearing.

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

1. The Board found the witness testimony to be competent and credible. The Board determined that the relief can be granted pursuant to N.J.S.A. 40:55D-70c from the following Sections of the municipal zoning ordinance:

- a. Section 240-55C(3) – Minimum Side Yard Setback: 15 feet is required, 3.16 feet is existing and 8.92 feet is approved.
- b. Section 240-55C(9) – Minimum Setback to the Lake: 50 feet is required, 31.12 feet is existing, at least 25 feet is approved.
- c. Section 240-16B(4) – Minimum Side Yard Setback for an Accessory Structure: 10 feet is required, 8.96 feet is approved as existing.

2. N.J.S.A. 40:55D-70c(1) indicates that a variance may be granted under its “hardship” provisions, with the hardship being related to the exceptional narrowness, shallowness, shape of the property, unusual topographic conditions or by reason of the location of the existing structures on the property. Under the c(2) subsection, variance relief may be granted where it is determined that the proposed relief advances one or more of the purposes of zoning (which purposes are set forth in N.J.S.A. 40:55D-2) and where it is further determined that the

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

3. The subject property is constrained due to the site conditions, namely the location of the existing home and the septic field, creating a hardship to construct a conforming addition. The house is small and in disrepair. The proposed renovations and addition will create a safer living environment for the Applicant.
4. The Board determined that permitting the addition within the side yard setback would not result in a substantial detriment to the surrounding area. The addition will be further set back than the existing structure and result in a modern home. The deck will replace the existing deck in the rear of the home and not impact the neighbors. The vegetative buffer will mitigate any impact to the lake. The shed has existed for years without any issue and can remain in its current location without impacting the neighbors.
5. Accordingly, the proposal is not inconsistent with the Master Plan and the Zoning Scheme, as this property is unique due to the configuration of the lot. The addition will improve the home and have a positive impact on the surrounding area.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the 6th day of June, 2025 that the approval of the within application be granted subject, however, to the following conditions:

1. The Applicants shall comply with all the conditions and standards set forth in Section 240 of the Township's Ordinances. The Applicants shall be subject to all


{379432.DOC.2}6

other applicable rules, regulations, ordinances and statutes of the Township of Byram, County of Sussex, State of New Jersey, or any other jurisdiction.

2. The Applicants shall be bound to comply with the representations made before this Board by the Applicant, and its professional, at the public hearing. The representations are incorporated herein and were relied upon by this Board in granting the approval set forth herein and shall be enforceable as if those representations were made conditions of this approval
3. Applicants shall pay all fees, costs, escrows due or to become due. Any monies are to be paid within twenty (20) days of said request by the Board's Secretary.
4. Applicants shall submit a Certificate that taxes are paid to date of approval to the Board Secretary.
5. Applicants shall obtain permits and approvals from the Township's Construction and Zoning Department prior to the commencement of work.
6. 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.
7. Applicants shall secure any and all approvals required from any other public agency or governmental body that may have jurisdiction, whether specified herein or not, prior to seeking construction or zoning permits. Outside agency approvals include, but are not limited to the Sussex County Health Department for Certification regarding the septic system.
8. The Applicant shall revise the plan notes to indicate compliance with a NJDEP Permit-by-Rule.

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9. A landscape plan shall be submitted to the Board, subject to review and approval of the Board Engineer, Planner or Environmental Commission.
10. Applicant shall stabilize the lakefront patio and retaining wall, subject to review and approval of the Board Engineer.
11. Gravel pads shall be constructed at the discharge of the roof leaders.
12. Stormwater shall be piped under the deck into a raingarden, subject to the review and approval of the Board Engineer.



George Shivas

On motion of: Mr. Walsh

Seconded by: Mr. Proctor

The vote on the Resolution was as follows:

AYES: Seven (7): Mss. Colligan, DeMagistris, Lewandowski; Messrs. Proctor, Morytko, Smith, Walsh

NAYS: Zero (0)

ABSTAINING: One (1): Ms. Raffay

ABSENT: Three (3): Chairman Shivas, Mayor Rubenstein, Mr. McElroy

I certify that the above Resolution is a true copy of a Resolution adopted by the Planning Board on June 19, 2025.

Caitlin Phillips

**Caitlin Phillips, Planning Board
Secretary**

{379432.DOC.2}8

Dated: 06/24/2025

Prepared by: Alyse Landano Hubbard, Esq.

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MF# 5000.135
6/16/2025

4907-7285-4862, v. 1

Byram Township Planning Board Bills		
July 3 2025		
Harold Pellow	Date	Amount
Harold Pellow Total		\$0.00
Maraziti and Falcon	Date	Amount
Inv. 59677 Frandano: review, attendance, resolution	6/9/2025	\$315.00
Inv. 59672 Carkhuff: review	6/9/2025	\$105.00
Inv. 59675 Scully: communications, review	6/9/2025	\$175.75
Inv. 59673 Schuffenhauer: communications	6/9/2025	\$332.50
Inv. 59676 Affordable Housing: communications, review	6/9/2025	\$980.00
Inv. 59671 General: attendance, communications, review	6/9/2025	\$315.00
Maraziti and Falcon Total		\$2,223.25
Colliers	Date	Amount
Colliers Total		\$ -
Grant Total		\$2,223.25