

BYRAM TOWNSHIP PLANNING BOARD AGENDA
For Thursday, October 21st, 2021 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. COMPLETENESS REVIEW:

SP6-2021 Cranberry Lake Community Club, PO Box 360, Block 193 Lot 1, R-5 Zone
Maintenance for a boat dock.

https://byrampdtwp.sharepoint.com/:f/s/PlanningBoard/Eqdbf6oqFHIHrVSyAZjBjOUBAU_WqJ_e67NYzPHQhhimwg?e=Q77SPS

6. RESOLUTIONS

SP7-2021, Suez Water, Block 43 Lots 206.02, R-5 Zone

Approval for a temporary structure for a water treatment system.

7. NEW BUSINESS

Z13-2021 Veronica Sullivan, 5 Landone Trail, Block 122 Lot 33, R-5 Zone

Extension of exterior wall with variance for setback to body of water.

<https://byrampdtwp.sharepoint.com/:f/s/PlanningBoard/EitJJRi9AJpKqz4kDP0hEaYBWznZ5Mt0mdmwVQOW0H3fSQ?e=VySibg>

8. OLD BUSINESS

Z02-2021 Eric Schuffenhauer, 271 Lackawanna Drive, Block 344 Lot 2.03, R-2 Zone

Addition of a pole barn, attached garage, front porch, and pool deck.

<https://byrampdtwp.sharepoint.com/:f/s/PlanningBoard/Eh3H-0n99hBEujDTowU0XskBW0yxdYoHMhNWcEM1GUsRRQ?e=AFYHNe>

9. NEW BUSINESS

SP5-2021 Center for Humanistic Change, 12 Route 206, Block 42 Lot 110, VB Zone

Interior renovations and addition of exterior elevator.

https://byrampdtwp.sharepoint.com/:f/s/PlanningBoard/Ehb-7ZWagL1Gmp-RDvHyI6EBLXUIOJLeQCB7EbGReQLF_Q?e=b5WwpR

10. DISCUSSION TO ADOPT THE 2021 MUNICIPAL WATER USE AND CONSERVATION MANAGEMENT PLAN

<https://byrampdtwp.sharepoint.com/:f/s/PlanningBoard/EgP1w9nQFxBpE0dYEZXt8EBNVRdZ4XRhFXdkIdQDSgsyg?e=S2QxF5>

11. REPORTS FROM COMMITTEES

Architectural Review Committee
Building Committee
Environmental Commission
Open Space
Township Council
Zoning Report

12. BILLS

Harold Pellow's Office (16)- \$4,075.84
Larry Weiner's Office (5)- \$2,595.00

13. OPEN TO THE PUBLIC

14. ADJOURNMENT

Next Meetings: 11/04—Matthew Akerman, George Bukos, Dennis Fornarucci
11/18—DeRosa Enterprises

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.

In the matter of Suez Water NJ, Inc.
Case No. SP7-2021

BYRAM TOWNSHIP

PLANNING BOARD

RESOLUTION OF MEMORIALIZATION

RELIEF GRANTED: **Minimum Front Yard Setback**
 Minimum Side Yard Setback
 Minimum Rear Yard Setback

WHEREAS, Suez Water NJ, Inc. has applied to the Planning Board, Township of Byram for Preliminary & Final Site Plan approval for premises located at 8 Mountain Avenue and known as Block 43, Lot 206.02 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 above referenced application is for a Preliminary and Final Site Plan approval required for the installation of a prefabricated woodshed on the Block 43, Lot 206.02 property. The purpose of this shed is to house a temporary water treatment facility that is needed at the existing booster pump

station. Relief is required from the following Sections of the Township Ordinance:

- a. Section 240-55.C.2 – Minimum front yard setback: 35 feet is required and 29.58 feet is proposed.
 - b. Section 240-55.C.3 – Minimum side yard setback: 15 feet is required and 14.08 feet is proposed
 - c. Section 240-55.C.4 – Minimum rear yard setback: 20 feet is required and 16.75 feet is proposed
2. The property is a 0.137-acre triangular parcel at the eastern terminus of Mountain Avenue in the East Brookwood neighborhood. Access to the site is from Mountain Avenue. The property is in the R-5 Residential Zone. The site is currently developed with a large above ground storage tank, an equipment shed, and associated improvements. The property is adjacent to single family homes and a wooded buffer on three (3) sides.
 3. The Applicant is proposing to construct a temporary 44 square foot shed addition to an existing equipment shed to house four (4) water treatment filters in order to comply with new NJDEP water treatment regulations until a permanent structure can be constructed on the site. The shed will be adjacent to the southern side of the existing equipment shed and will be painted to match. Additional plumbing work and fencing will be necessary to complete the project.
 4. The Applicant submitted the following documents:

- a. Plan set entitled “Suez, Township of Byram, Sussex County, New Jersey, Highlands Well Sites Treatment Improvements, East Brookwood No. 2 Temporary Treatment System, Block 43 Lot 206.02”, prepared by Mott Macdonald, consisted of four (4) sheets, and dated September 14, 2021.
 - b. Plan entitled, “Enclosure for Temporary PFAS Treatment Equipment Plans & Elevations”, prepared by Coppola, consisting of one (1) sheet, dated September 3, 2021 and last updated September 8, 2021.
 - c. Land Development Application and other supporting documents.
5. The Board received the following memorandums:
- a. Paul Gleitz, Township Planner, dated 9/29/21
 - b. Cory Stoner, Planning Board Engineer, dated 10/4/21
6. A duly noticed public hearing was held on October 7, 2021. The following witnesses presented sworn testimony in support of the Application:
- a. Eugene C. Destefano, P.E., of Mott McDonald, who was accepted as an expert engineer.
 - b. Daniel Bloch, PP, AICP, AED, of Colliers Engineering and Design, who was accepted as an expert planner.
 - c. Emad Sidhom, P.E., the Director of Engineering for Suez Water, who was accepted as an expert engineer.
7. Mr. Destefano provided the Board with an overview of the site plan and proposed improvement related to the construction of the temporary shed. The following were marked for identification purposes:

- a. A-1 – Cover sheet of the Site Plan with a picture of the proposed shed
 - b. A-2 – Current condition of the existing Brookwood Site, depicting what is currently visible from Mountain Road
 - c. A-3 – Proposed Water Work Treatment Shed
 - d. A-4 – Architectural Rendering of the proposed shed
 - e. A-5 – Example of an existing similar treatment center
8. Referring to the marked exhibits, the witness testified that the proposed shed will be 7' x 6', with a height of 9.4'. The structure will be assembled on site, abutting the existing shed. The site plan also indicates the location of the proposed permanent structure, which is on the northern portion of the site. The temporary structure should be functioning by the end of the year, to meet the NJDEP requirements, and will be operational until the permanent structure is completed. If the required deadlines are not met, the Applicant faces notices of violation, including public notifications.
9. The witness provided an overview of the design of the structure, with one man door facing east and no interior access from the existing structure. A residential light fixture is proposed, that is manually turned on as needed. Inside the structure, 4 PFAS treatment units are proposed, which collect the discharge from the well, treat the water, which is then discharged downstream. The system is pressure operated, without pumps, and no noise will emanate from the system. The system is monitored daily by a technician on site.
10. All construction will be conducted within the fenced area, with a minor adjustment of the fence line. The shed will be constructed on a stone pad and

stabilized with riprap in the rear of the shed. There will be minimal soil movement, but the pipes will be buried, requiring some regrading.

11. Mr. Bloch presented the necessary criteria to grant the necessary bulk variances, noting that the existing lot is undersized as to lot area, 5,967 square feet existing, where 10,000 square feet are required by the zone. Although relief is required for the front yard setback of the proposed structure, the shed is actually setback 29.58', where the existing structure has a front yard setback of 18.5' and 35 feet is required.

12. Mr. Bloch opined that the required relief could be granted under N.J.S.A. 40:55D-70.C(1) and C(2). Due to the exceptional shape and topography of the site, relief can be granted pursuant C(1), hardship variance. There are existing structures on site that prohibit the proposed structure to be constructed in a conforming location. The location was chosen to keep the temporary structure away from the proposed location of the proposed permanent structure so it can operate during the construction of the permanent structure.

13. Mr. Bloch further opined that relief can be granted under the "flexible C" criteria, noting that that the treatment center meets the purposes of the Municipal Land Use Law; specifically, Purpose A, to promote the public good. He further testified that relief could be granted without a substantial detriment to the public. The proposed structure will not be visible to the public, as the property is heavily landscaped and sloped away from the

neighborhood. The proposed structure will not generate traffic, noise, or light concerns.

14. Mr. Bloch reviewed 2000 Master Plan and the 2012 update, noting that the proposal is consistent with the Master Plan. The use is permitted in the zone and the proposal advances Purpose A of the Municipal Land Use Law, by preserving and maintaining infrastructure to support the public good.

15. Jack Moran, a Byram Resident, not within 200 feet of the subject property, questioned each of the witnesses with regard to the operation and maintenance of the water treatment equipment. In response to Mr. Moran's questions regarding the system operations, Emad Sidhom, from Suez, testified that the system is not a full redundancy system. Per the NJDEP regulations, the approval of the temporary use of this system will expire in one year from the date of the application to NJDEP.

16. It was noted that the property in question is located within the Highlands Preservation Area. Per the Highlands Water Protection and Planning Act, the reconstruction of a building or structure within 125% of the lawfully existing impervious surface on the site is permitted.

17. No one else from the public participated in 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 240-55.C.2 – Minimum front yard setback: 35 feet is required and 29.58 feet is approved.
 - b. Section 240-55.C.3 – Minimum side yard setback: 15 feet is required and 14.08 feet is approved.
 - c. Section 240-55.C.4 – Minimum rear yard setback: 20 feet is required and 16.75 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 existing lot is undersized and developed with an existing structure. The proposed structure cannot be constructed in a conforming location on the property, creating a hardship for the Applicant. The treatment system will serve the public good, while preserving and maintaining the existing

infrastructure. Accordingly, the benefits of permitting the setback variances outweigh the detriments that may result from denying the requested relief.

4. It was determined that there would be little impact to the surrounding area and the existing use and proposed structure are permitted in the zone as an institutional use. The Applicant is complying with NJDEP requirements and protecting the public health and welfare by providing safe drinking water to the residents it serves. Accordingly, the relief can be granted without substantially impairing the zoning scheme or Master Plan.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the 21st day of October 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 temporary structure shall be constructed as set forth in the plans submitted to the Board and testified to at the public hearing.
3. The Applicant shall ensure that any disturbed area is properly stabilized during construction.
4. The Applicant shall comply with all conditions, requirements and timeframes established by the New Jersey Department of Environmental Protection.

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 October 21st, 2021 and is in effect for one year.

**Caitlin Phillips, Planning Board
Secretary**

Dated:

Prepared by: Alyse Landano Hubbard, Esq.

Zoning Report
Oct. 2021 (for activity during Sept. 2021)

Permitting

Zoning permits approved	20 Total
- Typical, variance not required	20
- post-resolution to begin work	
- for C.O. or C.A.	
Zoning permits denied	2
Site plan waivers/change of tenant	2
Highlands determinations	0
COVID-19 Special Permits	0
<u>Investigation of Violations (zoning only)</u>	
-Initial contact letter	1
- notices of violation (NOVs)	3
-zoning cases cleared	2 (2 still pending with court)
-summonses issued	0
-signs removed from roadway	0

**BYRAM TOWNSHIP PLANNING BOARD
BILL LIST FOR October 21, 2021**

<u>HAROLD PELLOW & ASSOCIATES, INC</u>	DATE	AMOUNT
Inv. 73504 Anty Trucking: review resolutions	9/24/2021	\$65.00
Inv. 73505 Schuffenhauer: plan review	9/24/2021	\$130.00
Inv. 73506 Planning Board: Safa meeting 08/18 and hearing 08/05	9/24/2021	\$260.00
Inv. 73507 PNC: Application review	9/24/2021	\$65.00
Inv. 73508 Matthew Akerman: 08/19 meeting attendance	9/24/2021	\$32.50
Inv. 73509 DeRosa: Application review	9/24/2021	\$65.00
Inv. 73510 Nielsen Nissan: Application review (Highlands)	9/24/2021	\$270.50
Inv. 73511: Center for Humanistic Change: Application Review (Highlands)	9/24/2021	\$359.63
Inv. 73512: Center for Humanistic Change: attendance at 08/19 meeting, application review	9/24/2021	\$443.50
Inv. 73513 Rooney: Attendance at 08/19 meeting and application review	9/24/2021	\$489.63
Inv. 73514 Rooney: Application review (Highlands)	9/24/2021	\$205.50
Inv. 73515 Bukos: Application review	9/24/2021	\$333.94
Inv. 73516 Smith: Attendance at 08/19 meeting and application review	9/24/2021	\$489.63
Inv. 73517 DeRosa: Application Review (Highlands)	9/24/2021	\$130.00
Inv. 73518 Suez: Phone conferences	9/24/2021	\$130.00
Inv. 73527 Delorenzi: Reports, memos, application review	9/24/2021	\$606.01
Harold Pellow total		\$4,075.84

<u>LAW OFFICE OF LARRY WIENER</u>	DATE	AMOUNT
Inv. 2021-68 Smith: review application and revise resolution	10/5/2021	\$270.00
Inv. 2021-66 Planning Board: 09/16 meeting attendance, emails for resolutions, phone calls	10/5/2021	\$630.00
Inv. 2021-67 Lovenberg: Review application, resolution draft, phone calls, emails	10/5/2021	\$585.00
Inv. 2021-69 Rooney: Review application, resolution preparation	10/5/2021	\$225.00
Inv. 2021-75 Planning Board: calls/emails, attendance at 10/07 meeting	10/12/2021	\$885.00
Larry Wiener Total		\$2,595.00

<u>LATINI & GLEITZ, PLANNING</u>	DATE	AMOUNT
Paul Gleitz total		\$0.00
GRAND TOTAL		\$6,670.84