

BYRAM TOWNSHIP PLANNING BOARD AGENDA
For Thursday, October 7th, 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 REVIEWS:**

SP4-2021 DeRosa Enterprises, 262 Route 206, Block 216 Lot 2, NC Zone

Merging of 2 lots into a single lot, and use variance for expansion of existing marina for service and sales.

https://byrampdtwp.sharepoint.com/:f:/s/PlanningBoard/EvdoagBtVSpIj_7W057e4LEBkKiGy1G2mMddekki_6dFSw?e=kDztjg

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

Approval for a temporary structure for a water treatment system.

https://byrampdtwp.sharepoint.com/:f:/s/PlanningBoard/Ei_SiuxBK9NFvhlT8tKqotMBM2Q97NIReL4X8POYH_NJfQ?e=450bvo

6. **RESOLUTIONS**

Z12-2021 Dustin Lovenberg, 151 Lake Drive, Block 250 Lot 135, R-5 Zone

Addition to a single-family dwelling and proposed garage.

7. **NEW BUSINESS**

IF DETERMINED COMPLETE TONIGHT

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

Approval for a temporary structure for a water treatment system.

https://byrampdtwp.sharepoint.com/:f:/s/PlanningBoard/Ei_SiuxBK9NFvhlT8tKqotMBM2Q97NIReL4X8POYH_NJfQ?e=450bvo

8. **OLD BUSINESS**

SP1-2020, Tomahawk Lake, Tomahawk Trail, Block 343, Lots 1 & 2, C-R Zone

Amended site plan to add two new water slides, to permit parking on Lots 1 & 2, to install a 10' X 20' ticket booth, and to construct a 36' X 40' building for retail sales.

https://byrampdtwp.sharepoint.com/:f:/s/PlanningBoard/EkzmTf4QBF9FvMm5kAW61WgBd77jbE8KNUPW8JGGKZ_gkw?e=tbTuGC

9. **REPORTS FROM COMMITTEES**

Architectural Review Committee

Building Committee
Environmental Commission
Open Space
Township Council

10. BILLS

Law Offices of Larry Weiner (2)- \$1,770.00

Vogel, Chait, Collins, Schneider (2)- \$1,361.25

11. OPEN TO THE PUBLIC

12. ADJOURNMENT

Next Meetings: 10/21—Center for Humanistic Change, Eric Schuffenhauer

11/04—Matthew Akerman, George Bukos, Dennis Fornarucci

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.

BYRAM TOWNSHIP

PLANNING BOARD

RESOLUTION OF MEMORIALIZATION

RELIEF GRANTED: **Front yard setback**
 Maximum building coverage
 Setback from the lake
 Two driveway openings within 200'
 Maximum driveway width

WHEREAS, Dustin Lovenberg has applied to the Planning Board, Township of Byram for permission to construct a second story addition and the addition of a two car garage requiring variance relief for premises located at 151 Lake Drive, Block 250, Lot 135 on the Tax Map of the Township of Byram which premises are in a “R-5” Zone;

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

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

1. The Applicant is the owner and occupant of the single-family home located on-site.

2. The Applicant is proposing to construct an addition to the existing dwelling which will include a second story and a two-car garage along with appurtenant site improvements requiring variance relief from the following Section of the Township's Ordinance:

- a. Section 240-55C(2) – Front yard setback: 38.5' required, 16.9 feet existing and proposed
- b. Section 240-55C(9) – Setback from the lake: 50' required, 48' existing and proposed
- c. Section 240-16A(5) – Maximum building coverage: 2,057 square feet permitted, 1,635 square feet existing, and 2,735 square feet proposed
- d. Section 240-40A(2) – One driveway opening is permitted for a frontage of less than 200 feet: a second driveway opening is proposed
- e. Section 240-40B(5) – Driveway width shall not exceed 13 feet, 34 feet is proposed

3. The Applicant submitted the following documents:

- a. Survey prepared by Careaga Engineering, Inc., consisting of one (1) sheet dated 12/21/20.
- b. Plan entitled "Septic Design" prepared by Careaga Engineering, Inc., consisting of one (1) sheet dated 1/5/21.
- c. Architectural plans prepared by Babula Architecture, LLC consisting of seven (7) sheets dated 7/27/21.

- d. Application to the Sussex County Department of Health and Human Services for an Individual Subsurface Sewage Disposal System, dated 8/16/2021.
 - e. Seven (7) pictures of various views of the home.
4. The Board received the following memorandums:
 - a. Cory Stoner, Planning Board Engineer, dated 9/2/21
 - b. Donna Fett, Environmental Commission Secretary, dated 9/2/21
5. The application was heard at a duly notice public hearing on September 16, 2021. Dustin Lovenberg presented sworn testimony in support of the application. The property is an oversized, irregularly shaped lot with frontage on Lake Lackawanna. The existing dwelling is a one-story dwelling, with three bedrooms and one bathroom. The Applicant received approved for a new septic system, which is currently under construction.
6. The Applicant is proposing a garage addition on the eastern side of the dwelling and a second story master suite addition on the western side of the dwelling. There is currently no garage for storage and the vehicles are parked in a driveway that is under pine trees, which damage the car. The addition of the garage will require the removal of a portion of the deck, which will be the location for interior access from the home to the garage. The garage will have a second story for storage but will not be temperature controlled. The garage requires relief for the front yard setback, which will be horizontally expanded, maximum building coverage, and setback from the lake.

7. The proposed garage addition requires a second driveway on the property, which requires variance relief. The proposed driveway is 34 feet at the dwelling and tapers to 17 feet wide, requiring variance relief. At the suggestion of the engineer, the proposed driveway will be 34 feet, the width of the two-car garage. The Applicant explained that the existing driveway will be utilized as a basketball court for family recreation, with occasional parking for visitors and possible boat storage in the winter. It is an elevated area, created with retaining walls and access from the yard by a set of stairs. An in-depth discussion ensued regarding the use of the existing driveway and the Board determined that same could remain on the property.
8. The master suite addition will contain a bedroom, bathroom and walk in closet, as well as a balcony in the rear of the property. The addition will be set back from the front and western sides of the dwelling. There is a minor renovation to the main floor, which involves squaring off a bay window bump out.
9. The addition will have roof leaders that follow the current drainage pattern, flowing into a raingarden in the rear of the property and ultimately, the bulkhead of Lake Lackawanna. The Applicant presented three pictures to the Board that depicted the rain garden in the northwestern corner of the property that were marked A1-3 for identification purposes.
10. A picture of the existing sitting area that contains river rock and pea gravel was marked as A-4 for identification. In response to input from the Board and

the Engineer, the Applicant agreed to add landscaping to the sitting area to limit an additional drainage onto adjoining properties.

11. During the public portion of the meeting, James Reid and Leslie Chorun, 149 Lake Drive, the neighbors to the west of the subject property, raised opposition to the application. Mr. Reid and Ms. Chorun testified that the dwellings are only 15 feet apart and they currently have limited views of the sky from their kitchen window. They opined that the proposed second story addition would further block their light and sky view. Additionally, the objectors testified there were changes in the shoreline of the subject property that have negatively impacted their property, impeding water flow and wind.

The following were submitted by the objectors and marked for identification:

- a. O-1 – Survey of the property in question, prepared by Timothy Robinson, dated 8/24/1984
- b. O-2 – Enlarged image of the Survey of the property in question, prepared by Timothy Robinson, dated 8/24/1984
- c. O-3 – Survey of 149 Lake Drive, prepared by Highpoint Engineers, dated 9/1/1970
- d. O-4 – Six (6) photos of the view from their windows
- e. O-5 – Six (6) photos of the proximity of the two dwellings to each other
- f. O-4 – Five (5) photos of the shoreline

12. In response to the comments from the objectors, the Board noted that the addition is setback from the side and front of the Applicant's home and that

the master suite addition did not require variance relief. The relief requested is solely related to the garage addition. The Applicant testified that he explored other options but shifting the addition toward the garage would result in an awkward interior layout and an addition above the garage would not be aesthetically pleasing.

13. The subject property is in the Riparian Buffer and the construction of the proposed additions is permitted under New Jersey Department of Environmental Protection, Permit-by-Rule, #10, which permits construction inside a riparian zone outside of the flood hazard area as long as new disturbance does not occur within 25 feet of the top of any bank unless located behind a lawfully existing bulkhead.

14. The property is located within the Highlands Preservation Area and is regulated by the Highlands Water Protection and Planning Act, which excludes the construction of improvements to single family dwellings, including additions and garage, from the provision of the Highlands Regulations.

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 240-55C(2) – Front yard setback: 38.5’ required, 16.9 feet existing and approved
 - b. Section 240-55C(9) – Setback from the lake: 50’ required, 48’ existing and approved
 - c. Section 240-16A(5) – Maximum building coverage: 2057 square feet permitted, 1635 square feet existing, and 2,735 square feet approved
 - d. Section 240-40A(2) – One driveway opening is permitted for a frontage of less than 200 feet: a second driveway opening is approved
 - e. Section 240-40B(5) – Driveway width shall not exceed 13 feet, 34 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.
 2. The subject property is irregularly shaped with an existing dwelling that has a non-conforming front yard setback. The proposed addition of the garage will provide vehicle parking and storage for the family and will not exacerbate the front yard setback but will be a horizontal expansion of the existing setback.

The approved driveway width will allow for easier, safer access to the two-car garage. The second driveway, which is existing on site, will provide additional off-street parking on occasion, a place for recreation for the family and boat storage in the winter. Accordingly, the benefits of permitting the garage and driveway outweigh the detriments that may result from denying the requested relief.

3. It was determined that there would be little impact to the surrounding area although the immediate neighbors are opposed to the addition. The Board determined that the second story addition in question was set back from the rest of the dwelling, did not require variance relief, and resulted in a better plan and appearance of the home. 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 7th 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 Applicant shall obtain all necessary permits prior to the construction of the additions.
3. Additional landscaping shall be planted near the lake front sitting area, subject to review and approval by the Board's Engineer.
4. All drainage shall be directed away from the home and into the ground, toward the lake.

5. A drywell shall be installed near the garage doors; details shall be subject to review and approval by the Board Engineer.

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 7th, 2021 and is in effect for one year.

**Caitlin Phillips, Planning Board
Secretary**

Dated:

Prepared by: Alyse Landano Hubbard, Esq.

**BYRAM TOWNSHIP PLANNING BOARD
BILL LIST FOR October 7, 2021**

<u>HAROLD PELLOW & ASSOCIATES, INC</u>	DATE	AMOUNT
Harold Pellow total		\$0.00

<u>LAW OFFICE OF LARRY WIENER</u>	DATE	AMOUNT
Inv. 2021-65 Suez, emails, calls, and conference call	9/14/21	\$570.00
Inv. 2021-64 Planning Board; phone calls, emails, 08/20 hearing, conference call, 09/02 hearing	9/14/21	\$1,200.00
Larry Wiener Total		\$1,770.00

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

<u>Vogel, Chait, Collins, Schneider</u>	DATE	AMOUNT
98907 Raimos; review of emails	9/3/21	\$1,278.75
98908 Skylands Surgical Center; review of emails for developers agreement	8/18/21	\$82.50
Total for VCCS		\$1,361.25

<u>GRAND TOTAL</u>		\$3,131.25
---------------------------	--	-------------------