

BYRAM TOWNSHIP PLANNING BOARD AGENDA
For Thursday, September 18 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-** August 21, 2025
6. **RESOLUTIONS**
SP4-2025 Ionna EV (Wawa), 75 Route 206, Block 34 Lot 15, VB Zone
Application for EV charging stations in Wawa parking lot
7. **NEW BUSINESS**
Z05-2025 Joshua Guerra, 3 Camelot Drive, Block 336 Lot 3.16, R2 Zone
Application for ATV track and landscaping
****CARRIED TO 10/02 WITH FURTHER NOTICE NEEDED****
Z09-2025 Aaron Shrensel, 148 Glenside Trail, Block 306 Lot 2238, R5 Zone
Application for deck extension and fence
8. **REPORTS FROM COMMITTEES**
Environmental Commission
Open Space
Township Council
9. **OPEN TO THE PUBLIC**
10. **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: August 21 2025

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

ROLL CALL:

Members Present: Mss. Raffay, DeMagistris, Lewandowski; Messrs. Mayor Rubenstein, Proctor, Morytko, Smith, Chairman Shivas

Members Absent: Ms. Colligan, Messrs. McElroy, Walsh

Also Present: Engineer Cory Stoner, 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 Chairman Shivas.

MINUTES: August 7, 2025

Motion of Mr. Proctor to approve the minutes, second of Mr. Morytko.

Ayes: Ms. DeMagistris; Messrs. Mayor Rubenstein, Proctor, Morytko, Chairman Shivas

Abstaining: Ms. Lewandowski, Mr. Smith

Absent: Mss. Raffay, Colligan, Messrs. McElroy, Walsh

None opposed. Motion carried.

RESOLUTIONS

Z02-2025, Leah Lowrie, 79 Tamarack Road, Block 360 Lot 42.01, R2

Application for multiple structures on property and proposed generator slab

Motion of Mr. Proctor to approve the resolution, second of Mr. Morytko.

Ayes: Ms. DeMagistris; Messrs. Mayor Rubenstein, Proctor, Morytko, Chairman Shivas

Abstaining: Ms. Lewandowski, Mr. Smith

Absent: Mss. Raffay, Colligan, Messrs. McElroy, Walsh

None opposed. Motion carried.

WOSP7-2025, Salt Gastropub, 109 Route 206, Block 70 Lot 9, VB Zone

Waiver of site plan application for site improvements

Motion of Mr. Morytko to approve the resolution, second of Ms. DeMagistris.

Ayes: Mss. DeMagistris; Messrs. Mayor Rubenstein, Morytko, Chairman Shivas

Abstaining: Ms. Lewandowski, Messrs. Smith, Proctor

Absent: Mss. Raffay, Colligan, Messrs. McElroy, Walsh

None opposed. Motion carried.

DISCUSSION ITEM

Z14-2024 Rupesh Patel (Kyosis LLC), 1 Catalina Drive, Block 337 Lot 9.14, R2 Zone

Application for new home construction

Mx. Phillips noted this application started last year, and has been heard and carried multiple times. A few months ago, the Board indicated to the applicant that he should be ready to be heard at tonight's meeting, and if he wasn't ready, the Board would dismiss the application without

prejudice. Recently, he sent an email saying he was planning to withdraw the application, but then later shared plans and asked to be heard in September. The discussion item on tonight's agenda is to see if the Board may carry the application or if they'll stick to the position that it should be dismissed. Mr. Stoner asked what plans have been submitted. Ms. Hubbard said there is a landscaping plan. Ms. Phillips said he provided additional plans but is not sure that gives enough time for review, considering the next meeting is in two weeks and the applicant owes escrow, so no review can occur until that's paid. Ms. Raffay entered the meeting at this time. Ms. Hubbard said the application has been back and forth for months, and there have been numerous issues. The architectural plans don't match the engineering plans, there was testimony that the plans couldn't be constructed as proposed, there were issues with the size, and the applicant asked about changing the conservation easement. The submitted plans are different, and the pool is now in a building, so there are two accessory structures. She thinks the application needs completeness again, so doesn't think being heard at the next meeting is possible. Ms. Phillips noted he planned to withdraw, but then didn't send a formal letter, and the following week, there were messages with revised plans and an attempt to send a legal notice to the newspaper. Motion of Ms. Raffay to dismiss the application, second of Mr. Proctor.

Ayes: Mss. Raffay, DeMagistris, Lewandowski; Messrs. Mayor Rubenstein, Proctor, Morytko, Smith, Chairman Shivas

Absent: Ms. Colligan, Messrs. McElroy, Walsh
None opposed. Motion carried.

NEW BUSINESS

SP4-2025 Ionna EV (Wawa), 75 Route 206, Block 34 Lot 15, VB Zone

Application for EV charging stations in Wawa parking lot

Joseph Paparo of Porzio, Bromberg, and Newman represented Ionna LLC, the applicant. He noted this is a D variance application, and confirmed there are six voting members. Mayor Rubenstein asked why this is a D1 variance. Mr. Bloch said the application was originally approved as a use variance, with preliminary and final site plan. If Byram had separate Zoning and Planning Boards, the Zoning Board would retain jurisdiction any time the application came back for a site plan. Each time, you have to re-certify that the use can still be granted based on the changes, and show the positive and negative criteria as not being substantially affected. Mayor Rubenstein and Mr. Proctor left the meeting at this time.

Mr. Paparo said they are here for a reaffirmation of the use variances granted. They're applying for an amended site plan and a D1 use variance for the installation of five EV chargers, which results in 10 charging positions at the existing Wawa. The application was originally approved in 2021, and they returned in 2022 for amended site plan approval as a result of DEP permitting. In 2022, they were proposing two EV parking spaces. This application is proposing to increase the total to five chargers, with ten EV positions, at a different location on site. There are no new variances.

David Lane was sworn in 315 Stirrup Creek Drive, Suite 315, Durham NC. He is a design manager for Ionna, and started with them last year. He assesses sites for the installation of chargers. Mr. Lane said Ionna was created by lawmakers to promote the adoption of electric vehicles in the United States. They're looking to put level-3 fast-chargers throughout the country to make it easier to charge electric vehicles. This year they have a goal to get 100 sites live. They are looking to establish other sites in New Jersey, so are seeking similar approvals in other towns. Mr. Paparo

submitted Exhibit A1, a colorized version of the submitted survey. Mr. Lane said the red items are the previously approved location for the chargers, at the front of the site. The green items are the proposed stations and equipment. The proposal is to relocate the chargers to the rear. There will be five chargers, and a transformer to facilitate the energy. Other than the chargers, the only other possible change is the ADA connections and the path to the store. Mr. Paparo confirmed with Mr. Lane he feels with the additional chargers, there is still adequate parking. Mr. Lane noted the charging stations are not EV exclusive, so other people can park there. Mr. Paparo submitted Exhibit A2, an example of the signs proposed for the charging stations. Ms. Hubbard confirmed the signs will be between stalls. Mr. Bloch confirmed it's on a separate pole. Chairman Shivas confirmed the charger stations are not only for Teslas. Mr. Lane said the Tesla connector is called NACS, and they service 40% for that. The rest are called CCS connectors, and the spots are labeled for which one is used.

Mr. Paparo noted the Environmental Commission's comments, about the equipment enclosure. Mr. Lane said there will be a Trex fence around the enclosure. To keep it secure from the public, they'll put a keycode lock, and a panic push bar inside. They will give the code to the Fire Department and work with them to help with shutoff requirements. Typically they use a Knox box. Chairman Shivas said he'd like this shared with the police department as well to make sure they can get in there if needed. Mr. Paparo asked regarding the Fire Department memo, about the location for the chargers and equipment. He confirmed with Mr. Lane it will be in the rear, away from the building. Mr. Lane said they have no objection to landscaping. Chairman Shivas mentioned the recommended native species planting list. Ms. Hubbard asked if the previously approved chargers were installed, and noted they were meant to be added as part of construction. Mr. Stoner said there was an issue during construction where Tesla stopped making chargers. In order to put the chargers in, they would have needed to put in the slow charging units. They may have the conduits underground. Chairman Shivas noted at that time Tesla had the first right of refusal, and they hadn't decided if they wanted to put in the stations, so Wawa would need to go to another vendor. Mr. Morytko recalls the Board asking them to put the conduits in, and pending the decision, something would be installed. Ms. Raffay reviewed the proposed sign. She noted it's apparent that this is for electrical vehicle charging, but there's nothing on the sign that states that. Mr. Lane said this is a Wawa-approved sign with Ionna's logo at the bottom; the chargers will be visible with Ionna branding on them. There is also stenciling in the stalls that will note which spaces are CCS (Combined Charger System) and NACS. Ms. Raffay asked if people with electrical vehicles would know what these acronyms mean. Mr. Lane said yes, or they'd find out the first time they charge their car. The NACS and CCS are the standard. Ms. Raffay asked if there will be signs near the road alerting people there are chargers in the back, or how do EV users know there's a facility in the back? Mr. Lane said typically through the manufacturers, they will have apps pre-loaded so people know where they can charge their vehicles. The app would be on the phone. Ms. Raffay confirmed they don't need to go into the facility to pay.

Mr. Morytko asked what the branding will look like. Mr. Lane said they have standard colors, which are a light turquoise with orange. Mr. Stoner noted it may be important to the Board to see the design. Mr. Smith asked if the stations light up. Mr. Lane said there's a screen on the side but there's no other lights on the outside. Mr. Smith asked if they're changing the site lighting. Mr. Lane said the only change may be moving a pole if there's a conflict with a charger, but they're not

reducing or adding any light. Ms. Hubbard noted the plans should show the lighting, signage, and design of the stations.

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

Mr. Bloch said space 4-B will be an ADA space. There is striping showing it will be ADA, but it's not indicated on the plan that it'll be ADA, and they need the signage to go with it. He added that whatever pathway into the store should be indicated on the plans. He confirmed that on the chargers they will have the Ionna logo. He noted that would become a sign, which needs to be included, so they will need details. Mr. Stoner said they should state the size of each "sign" on the charger. Mr. Lane said the charger itself is around 8 feet tall, and on top there is a sign identifying the type of charger. It would probably be 1 foot in height and 2 feet long on the sides, and the front is a little slimmer. Chairman Shivas said they should provide documentation that shows this design. Mr. Bloch confirmed the digital display is just for purchasing, and is not for advertising. Ms. Hubbard asked if they're selling ad space to third parties. Mr. Lane is not aware of anything like this. Mr. Morytko asked if there's a more neutral color, considering they're sizeable structures. Mr. Paparo asked how far the dispenser would be from the front property line. Mr. Lane said it's about 300 feet. Mr. Smith confirmed the 8-foot height is to the top of the charging unit, not the sign. Ms. Raffay noted these labels are more identification like the type of gas. The Board discussed what is considered a sign. Mr. Paparo submitted Exhibit A3, a rendering of an Ionna location, showing the chargers, but there is no canopy proposed. Ms. Raffay asked about the bollards. Mr. Lane said it's for equipment safety. Mr. Lane said there will be four NACS and six CCS bays. Mr. Stoner confirmed the NACS is for Tesla and the CCS is for all other electric cars. He asked why they're proposing this number of EV chargers. Mr. Lane said it's part of their market analysis, and looking at the demographics of the area. Mr. Morytko noted if they were in the front he'd be more concerned. He wants to see how they're considering them, for other applications going forward. Mr. Bloch noted the ordinance definition of a sign is very broad. He thinks it's a sign, and should be acknowledged.

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Allison Kopsco was sworn in as a Planner at 145 Spring Street in Newton. She is a Senior Planner at J. Caldwell and Associates. She is licensed in New Jersey and her licenses are in good standing. Mr. Paparo submitted Exhibit A4, Ms. Kopsco's Planning analysis. Ms. Kopsco reviewed her report. She discussed why the application necessitates a use variance, and noted the positive criteria for the application. In the prior resolutions, the Board found the use suitable. The parking doesn't affect the suitability of the site. This adds electrical vehicle infrastructure, doesn't negatively affect the parking for gas-powered vehicles, and supports sustainability goals. The proposal includes allowing gas-powered vehicles to use the parking spaces, so they're not using the 2-for-1 credit because there's no exclusion of vehicles. She reviewed the negative criteria aspects, and there are no differences from the previous application, other than the addition of electric vehicle charging stations. Mr. Paparo confirmed that Ms. Kopsco believes this proposal is a better plan than having the stations in the front. The structures are visible, so having them in the rear is ideal. Mr. Paparo noted there is legislation in New Jersey for electrical charging stations, in which certain applicants can get building permits without Land Use approval. He added that the intent with the legislation is to encourage charging stations. He confirmed with Ms. Kopsco that she feels this application furthers the intent of this legislation and the goals in Byram Township. Mr. Smith

confirmed in Ms. Kopsco's report on page 5, the parking stalls should be 46 rather than 47. Mr. Paparo noted not only are they providing more chargers, they're not restricting parking to electrical vehicles only.

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Motion of Mr. Morytko to approve the application, second of Ms. Raffay. Chairman Shivas noted they need the plans to be updated to show the design and dimensions. They will also need to do native species landscaping. Mr. Smith said they should acknowledge the signs in each parking stall, agree they are directional signs, and that they can't become advertising. They should note the digital screens will not be used for advertising. Mr. Stoner confirmed the plans will show where the signs are being placed, landscaping, and details on the charger units including size and color of the units and signs. This should be done before a zoning permit is issued.

Ayes: Mss. Raffay, DeMagistris, Lewandowski; Messrs. Morytko, Smith, Chairman Shivas

Absent: Ms. Colligan, Messrs. Mayor Rubenstein, Proctor, McElroy, Walsh

None opposed. Motion carried.

BILLS: Harold Pellow (5): \$1,876. A motion to approve the bills was made by Mr. Morytko, seconded by Ms. DeMagistris. All were in favor. Motion carried.

Maraziti and Falcon (9): \$3,520.65. A motion to approve the bills was made by Ms. DeMagistris, seconded by Mr. Morytko. All were in favor. Motion carried.

REPORTS FROM COMMITTEES

Environmental Commission- Ms. Phillips said Mr. McElroy was not present, but asked that they discuss that the Environmental Commission is doing a hike on September 14th at Waterloo Village at 11am. They meet in the parking lot and go through the trails, and there's a guide that goes through the history. Mr. Morytko said there's a part where they go through the Lost Hamlet, so it's not just the part that's typically explored.

Open Space- Mr. Morytko said they discussed re-doing their forestry plan. They also discussed the Tamarack controlled burn, and talked about it at the Council meeting. This would take place in 2026, and it's very weather-dependent. There's a lot of barberry in the Tamarack Trail. It's about 40 acres. It's closer to CO Johnson. Ms. Raffay asked how they keep the trees from burning. Mr. Morytko said they burn low, and they will prep beforehand. They may dig trenches, and a lot of the area has existing rock walls that can act as a break. The State Forest Fire Service would be the ones doing the controlled burn. They met with the Open Space and Environmental Commission and went through the process. The public will be educated ahead of time. It will be positive, and based on this, they may do more. It will eliminate invasive species for awhile. Chairman Shivas noted it will help prevent future forest fires. Mr. Morytko said it will make it safer, refresh the soil, and bring in more wildlife.

Township Council- No one was present for this.

OPEN TO THE PUBLIC

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

ADJOURNMENT

A motion to adjourn the meeting was made at 8:55 pm by Mr. Smith, seconded by Ms. DeMagistris. All were in favor. Motion carried. The meeting was adjourned.

Submitted by Caitlin Phillips

Resolutions Approved at Previous Meeting

In the matter of Leah Lowrie
Case No. Z02-2025
MF#5000.136

BYRAM TOWNSHIP

PLANNING BOARD

RESOLUTION OF MEMORIALIZATION

RELIEF GRANTED: **Minimum side yard setbacks of multiple
accessory structures
Minimum setback between principal and
accessory structure
Minimum side yard setback for basic accessory
structure
Maximum driveway width**

WHEREAS, Leah Lowrie has applied to the Planning Board of Township of Byram seeking ex post facto approval for several accessory structures located at 79 Tamarack Road, and known as Block 360, Lot 79 on the Tax Map of the Township of Byram which premises are in the “R-2” 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 has constructed several accessory structures on the property without the proper zoning approvals and wishes to pave the driveway and construct retaining walls, requiring relief, pursuant to N.J.S.A. 40:55D-70c from the following Sections of the Township's Zoning Ordinance:
 - a. Section 240-16B(1) – Minimum distance between principal structures and accessory structures: 10 feet required, less than 10 feet existing.
 - b. Section 240-16B(4) – Minimum Side Yard Setback for an Accessory Structure Less than 200 Square Feet (Greenhouse): 10 feet required, 0.5 feet existing.
 - c. Section 240-16B(5) – Minimum Side Yard Setback for an Accessory Structure More than 200 Square Feet (12'x17'): 15 feet required, 10 feet existing.
 - d. Section 240-16B(5) – Minimum Side Yard Setback for an Accessory Structure More than 200 Square Feet (12'x17'): 15 feet required, 4 feet existing.
 - e. Section 240-7 (Definition of Basic Accessory Structure) - Minimum Side Yard Setback for Basic Accessory Structure: 25 feet required, approximately 15 feet proposed.
 - f. Section 240-40B(5) – Maximum Driveway Width: 13 feet permitted, 50 feet proposed.
2. The Applicant submitted the following documents, along with the Application for a Variance:

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- a. Survey of Property, prepared by Lakeland Surveying, dated October 14, 2009, revised on April 16, 2025.
 - b. Survey of Property, prepared by Lakeland Surveying, dated October 14, 2009, marked up by the Applicant.
 - c. Zoning Application and Permit, issued by Nick Cutrone, Zoning and Code Enforcement Officer, on September 26, 2024.
 - d. Aerial Picture, with the structures indicated, dated February 20, 2025.
 - e. Pictures of the three (3) structures, undated.
 - f. Letter from Applicant, dated March 27, 2025.
3. The Board received the following memorandum from:
- a. Cory L. Stoner, P.E., P.P., the Planning Board Engineer, dated March 14, 2025 and June 14, 2025.
 - b. Elaine Evers, Secretary of the Environmental Commission, dated August 7, 2025.
4. A duly noticed public hearing was conducted on August 7, 2024, at which time Leah Lowrie, the Applicant, presented sworn testimony in support of the application. The subject property is rectangular shaped lot, with an angled rear lot line. There is an existing 1½ story frame dwelling located in the front of the property, with a driveway, patio, deck and several accessory structures. The rear half of the lot is wooded, with a fence enclosing the perimeter of the rear yard. The lot is undersized as to lot area, where 5 acres are required, but 1.255 acres is existing. The lot is also non-conforming as to lot width, front yard setback, side yard setbacks and maximum building coverage.

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5. The Applicant purchased the property more than 15 years ago and constructed several structures since then, including an 8'x6' greenhouse on the southern side of the property, approximately 0.5 feet from the side yard line, requiring variance relief. The greenhouse has been in the same location for many years without any complaints from the adjacent neighbor. The greenhouse is also located less than 10 feet from the principal structure, requiring variance relief. The Applicant testified that the location was chosen for maximum sunlight.
6. The Applicant also constructed a 12'x17' shed, on the northern side of the property, in the rear of the property, approximately 10 feet from the side yard, requiring variance relief. A 10'x26' accessory structure, similar to a car port, was constructed on the southern side of the property, approximately 4 feet from the property line, also requiring a variance. All of the accessory structures are located within the fenced in yard for about 10 years.
7. The Applicant owns a trailer that is stored in the rear of the property. There is no area on the property to turn around, so the trailer is towed to the back yard and towed out utilizing the driveway and a gravel area that is adjacent to it on the northern side. The existing asphalt driveway is sloped, with a stone retaining wall at the rear; with a portion that is parallel to the driveway that slopes a toward the rear. The Applicant was concerned that the driveway was eroding and hired a contractor to replace the existing wall, construct a new retaining wall to stabilize the upper driveway and pave both the upper and lower driveway. The driveway width exceeds the 13 feet permitted in the Township and requires a variance relief. Additionally, there were no details provided for the retaining wall, which

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- may require engineered plans if it exceed 4 feet in height. Finally, the gravel driveway encroaches on the adjacent property, which must be removed prior to paving the area.
8. The Applicant noted that the lot is narrow, with neither side of the property having the required 50-foot setback. The lot is sloped, with mature trees, and rock out crops, limiting the usable space.
 9. The Board noted that there was a Notice of Violation for the driveway, from August 9, 2024, that was marked as B-1 for identification.
 10. It was further noted that there is an open Construction Permit for the installation of a gas line, #19274, aka #10-301, from 2010 that needs to be closed out by the Applicant.
 11. The Applicant testified that the vehicles and other items that were improperly stored on the property, as noted in #13 of the Engineer's Report, have been removed.
 12. 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 accessory structures and a driveway.
 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:

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MF# 5000.
date

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 240-16B(1) – Minimum distance between principal structures and accessory structures: 10 feet required, less than 10 feet approved.
 - b. Section 240-16B(4) – Minimum Side Yard Setback for an Accessory Structure Less than 200 Square Feet (Greenhouse): 10 feet required, 0.5 feet approved.
 - c. Section 240-16B(5) – Minimum Side Yard Setback for an Accessory Structure More than 200 Square Feet (12’x17’): 15 feet required, 10 feet approved.
 - d. Section 240-16B(5) – Minimum Side Yard Setback for an Accessory Structure More than 200 Square Feet (12’x17’): 15 feet required, 4 feet approved.
 - e. Section 240-7 (Definition of Basic Accessory Structure) - Minimum Side Yard Setback for Basic Accessory Structure: 25 feet required, approximately 15 feet approved.
 - f. Section 240-40B(5) – Maximum Driveway Width: 13 feet permitted, 50 feet approved.
2. N.J.S.A. 40:55D-70c(1) indicates that a variance may be granted under its “hardship” provisions, with the hardship being related to the exceptional narrowness, shallowness, shape of the property, unusual topographic conditions or by reason of the location of the existing structures on the property. Under the c(2)

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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. The subject property is a long, narrow, undersized lot, with topography, rock outcrops and mature trees that create a hardship for the Applicant to construct conforming structures on the property. The side yards are non-conforming, limiting the ability to construct anything conforming within the side yard, specifically a basic accessory structure. The lot is sloped, with no room to turn around, requiring the paving of the driveway at a width that exceeds what is permitted in the zone.
4. The Board determined that permitting the existing structures to remain would not result in a substantial detriment to the surrounding area, as the structures have existed without issue. The driveway improvements include the removal of the encroachment, which is beneficial to both lot owners. The improvements are not inconsistent with the Master Plan and the Zoning Scheme, as this property is unique due to the size and configuration, and the accessory structures support the permitted residential use of the lot.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the 7th day of August, 2025, that the approval of the within application be granted subject, however, to the following conditions:

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1. The Applicant shall comply with all the conditions and standards set forth in Section 240 of the Township's Ordinances. The Applicant shall be subject to all 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 Applicant shall be bound to comply with the representations made before this Board by the Applicant 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. Applicant shall submit a Certificate that taxes are paid to date of approval to the Board Secretary.
5. Applicant shall submit a survey indicating the paved driveway, wall location, and concrete generator pad, subject to the approval of the Board Engineer, prior to the issuance of a Construction Permits.
6. Applicant shall stake out the property limits on the northern side of the lot, subject to the review and approval of the Board Engineer, prior to paving the gravel driveway.
7. The encroachment onto the adjacent property (Lot 42) shall be removed prior to paving.
8. Applicant shall obtain permits and approvals from the Township's Construction and Zoning Department prior to the commencement of work.

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9. Applicant shall obtain a post construction zoning permit for the installation of the existing fence.
10. If the proposed retaining walls exceed 4 feet in height, the Applicant shall submit construction details, prepared by licensed engineer, subject to the review and approval of the Township Engineer and/or the Construction Department prior to the issuance of permits.
11. An inspection of all improvements shall be subject to the review of the Board Engineer prior to the closure of zoning or construction permits.
12. Applicant shall close the open Construction Permit for the installation of a gas line, #19274, aka #10-301, from 2010 prior to the issuance of construction or zoning permit.


George Shivas

On motion of: Mr. Proctor

Seconded by: Mr. Morytko

The vote on the Resolution was as follows:

AYES: Five (5): Mayor Rubenstein, Mr. Proctor, Mr. Morytko, Ms. DeMagistris, Chairman Shivas

NAYS: Zero (0)

ABSTAINING: Two (2): Mr. Smith, Ms. Lewandowski

ABSENT: Four (4): Mr. McElroy, Ms. Raffay, Ms. Colligan, Mr. Walsh

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I certify that the above Resolution is a true copy of a Resolution adopted by the Planning Board on August 21, 2025.

Caitlin Phillips

**Caitlin Phillips, Planning Board
Secretary**

Dated: 08/22/2025

Prepared by: Alyse Landano Hubbard, Esq.

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MF# 5000.
date

In the matter of Bradley Boyle (Salt Gastropub)
Case No. WOSP7-2025
MF# 5000-126

BYRAM TOWNSHIP

PLANNING BOARD

RESOLUTION OF MEMORIALIZATION

RELIEF GRANTED: Waiver of Site Plan

WHEREAS, the Bradley Boyle (Salt Gastropub, LLC) has applied to the Planning Board of the Township of Byram for Waiver of Site Plan Approval to renovate the existing restaurant for the premises located at 109 Route 206 and known as Block 70, Lot 9 on the Tax Map of the Township of Byram, which premises are in a “V-B” Village Business 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 reviewed the matter after a report from the subcommittee has made the following factual findings:

1. Applicant is Bradley Boyle the operator of the Salt Gastropub or Salt Bar, LLC, which is located on 109 Route 206. Timothy Driscoll is the owner of the subject property and consented to the application. The Applicant is seeking a waiver of site plan to renovate the interior of the building to re-open a restaurant.

2. The Board received the following:
 - a. A complete Application for Waiver of Site Plan signed July 28, 2025.
 - b. Architectural Plans, prepared by Oak and Moss Architecture, undated, Existing First Floor Plan, consisting of one (1) sheet.
 - c. Architectural Plans, prepared by Oak and Moss Architecture, undated, Existing First Floor Plan, consisting of one (1) sheet.
3. The application was discussed by the Waiver of Site Plan Subcommittee on August 7, 2025. It was noted by the Board Engineer that the Applicant previously submitted a Site Plan Application for exterior renovation, but was deemed incomplete and withdrew the application. The Applicant is now seeking the subject Waiver of Site Plan application for interior renovations only.
4. Pursuant to Section 215-55.B.(1), a change in use is exempt from site plan approval if the change would not involve any of the following:
 - a. Any structural alteration to the exterior of the building.
 - b. Any anticipated increase in the number of parking spaces required by the use which cannot be accommodated by existing parking on site.
 - c. Any storm drainage installation or need for the same as may be determined by the Board Engineer.
 - d. Any increase in stormwater runoff which the Board Engineer determines cannot be dealt with by existing stormwater drainage facilities.
 - e. Any direction of stormwater runoff.
 - f. Any change in vehicular traffic circulation patterns within the site.
 - g. Any elimination or change in landscaping, buffering or lighting.

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5. The Applicant is proposing to relocated the existing bathroom where there is currently a storage room, expand the kitchen area, replace the booth and storage room neat the stage with additional seating and replace the existing man-door with a double man-door.
6. The Proposed First Floor Plan includes the construction of a steel platform associated with the repair/replacement of the exterior stairs, as well as the replacement of the exterior pergola, which the Committee noted was outside the parameters of a Waiver of Site Plan approval. The Board Engineer and the Applicant discussed the exterior modifications and agreed that the Applicant would return to the Board for a Site Plan application associated with those improvements, but the interior modifications that could be approved by a Waiver of Site Plan would allow for the operations of the restaurant.
7. The proposed future application may also include the expansion of the bar area and the construction of a beer garden, in addition to the steel platform and pergola. The Committee specifically excluded those improvements, as well as requiring the removal of the temporary outdoor seating area that was approved during the Covid Pandemic, as part of the Waiver of Site Plan approval.
8. The Committee considered the plans submitted and the requirements per the ordinance, as well as the existing conditions on the property and made a recommendation to the Board that the Waiver of Site Plan application be granted.

WHEREAS, the Board has determined that the relief requested by the Applicant is in accordance with the Ordinances of the Township of Byram relative to site plan waivers.

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1. The Board finds that all of the requirements of the Township's Waiver of Site Plan Ordinance, as set forth in Section 215-55.B, have been met as follows:


- a. There will be no structural alteration to the exterior of the building.
- b. There is no anticipated increase in the number of parking spaces required by the use which cannot be accommodated by existing parking on site.
- c. There will be no need for storm drainage installation per the Board Engineer.
- d. There will be increase in stormwater runoff which the Board Engineer determines cannot be dealt with by existing stormwater drainage facilities.
- e. There will be no re-direction of stormwater runoff.
- f. There will be no change in vehicular traffic circulation patterns within the site.
- g. There will be no elimination or change in landscaping, buffering or lighting.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the 7th day of August, 2025 that the approval of the within application be granted subject, however, to the following conditions:

1. The Applicant shall pay all fees, sureties, and escrows required by ordinance.
2. The Applicant shall obtain all the necessary municipal, county and state permits, and approvals related to the operations of a restaurant, including, but not limited to, the Sussex County Board of Health, and comply with the conditions therein.
3. The interior renovations include the expansion of the kitchen, the relocation of the bathrooms, additional seating in the stage area, and replacement of the man-door with a double man-door, as represented on the approved plans.

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4. The Applicant shall submit Site Plan application to expand seating, construct the steel platform, construct the pergola, and create an outdoor dining area, in addition to other requested site improvements.
5. The Applicant shall submit updated Proposed First Floor Plan to reflect the approved interior renovations and eliminate the exterior modifications, prior to the issuance of a Certificate of Occupancy.


George Shivas

On motion of: Mr. Morytko

Seconded by: Ms. DeMagistris

The vote on the Resolution was as follows:

AYES: Four (4): Mayor Rubenstein, Mr. Morytko, Ms. DeMagistris, Chairman Shivas

NAYS: Zero (0)

ABSTAINING: Three (3): Mr. Proctor, Mr. Smith, Ms. Lewandowski

ABSENT: Four (4): Mr. McElroy, Ms. Raffay, Ms. Colligan, Mr. Walsh

I certify that the above Resolution is a true copy of a Resolution adopted by the Planning Board on August 21, 2025 and is in effect for one year.

Caitlin Phillips
Caitlin Phillips, Planning Board Secretary

Dated: 08/22/2025

Prepared by: Alyse Landano Hubbard, Esq.

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