

When: Jan 28, 2021 07:30 PM Eastern Time (US and Canada)

Topic: Byram Township Planning Board Meeting

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/86177985010>

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 267 831 0333 or +1 646 518 9805

Webinar ID: 861 7798 5010

If you lack the resources or know-how for technological access you should contact the Planning Board Secretary for assistance. The Planning Board Secretary may be contacted at 973-347-2500 Ext. 132 or via email at cwhite@byramtwp.org. The Planning Board will also live stream the meeting in the Municipal Building for those who may not have access to a computer.

**PLEASE TAKE NOTICE
SPECIAL MEETING OF THE
BYRAM TOWNSHIP PLANNING BOARD
ON JANUARY 28, 2021 7:30 P.M.**

Revised January 26, 2021

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **OPENING STATEMENT** - both the Federal and State governments have declared a state of emergency in response to the outbreak of the Covid-19 Virus, that prohibits all gatherings of more than twenty- five people and requires social distancing. To continue Planning Board business, the regularly scheduled meeting for January 28, 2021 is being held by remote video or audio connection only. This service allows the Board, it's professionals, applicants, and members of the public to participate. Access information was posted on the Township's Website under Planning and Zoning, Meeting Agendas. Adequate notice of this meeting has been published specifying the time and access information in compliance with the provisions of the Open Public Meetings Act. Notice of this meeting has also been electronically sent to the newspapers and uploaded to Byram's website at www.byramtwp.org not less than 48 hours in advance of the meeting. In addition, a copy of this notice is on file in the office of the Planning Board Secretary.
4. **FLAG SALUTE**
5. **NEW BUSINESS (carried from January 21, 2021)**
SP2-2020, Byram Route 206 Developers, LLC., Block 34 Lots 14 & 15, 75 – 77 Route 206, V-B Zone
To construct a 5,585 sq. ft. food market with fueling stations, and associated site improvements; parking, lighting, landscaping, and utilities.
<https://byrampdtwp.sharepoint.com/:f:/s/PlanningBoard/EtMbJfzz-PBPiDdnKvCRrxkBrLII-cif7Xag3JAgwc10hg?e=2EVbF9>
6. **OLD BUSINESS**
On Time Sign and Design, LLC., 10 Route 206, Block 42 Lot 112, V-B Zone
To amend a condition of a previously approved resolution, approved on November 19, 2020. Specifically on page 11, Condition 4. b.
https://byrampdtwp.sharepoint.com/:f:/s/PlanningBoard/EilvHhNPnMRCrYehNJqDd3IBhL-oQ0lkOA1gghy8yIHd_g?e=8DbwHd
7. **OPEN TO THE PUBLIC**
8. **ADJOURNMENT**

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.

Amended Resolution

In the matter of On Time Sign and Design
Case No. SP4-2020

BYRAM TOWNSHIP

PLANNING BOARD

AMENDED RESOLUTION OF MEMORIALIZATION

- **RELIEF GRANTED:**
 - **HEIGHT OF A PRINCIPAL STRUCTURE, 2 STORIES REQUIRED**
 - **INADEQUATE LANDSCAPE BUFFERS**
 - **INSUFFICIENT PARKING SETBACK**
 - **NO REAR ENTRANCE FOR PUBLIC ACCESS**
 - **INSUFFICIENT NUMBER OF PARKING SPACES**

WHEREAS, On Time Sign and Design has applied to the Planning Board, Township of Byram for Preliminary and Final Plan Approval, with related bulk variances, for the rehabilitation of an existing commercial building for premises located at 10 Route 206 and known as Block 42, Lot 112 on the Tax Map of the Township of Byram, which premises are in a “VB” 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 was represented by Michael Selvaggi, Esquire.
2. The Applicant is the owner of the subject property and currently operates a full-service sign company on site. The Applicant is proposing to renovate the property and subdivide the building to allow for 2 additional uses on site; specifically, You Name It, an embroidery/engraving company and Lombardo's deli. Applicant is seeking preliminary and final site plan approval with bulk variances from the following Sections of the Township's Zoning Ordinance:

- a. Section 240-56.E.8 - Principal Structure shall have a minimum height of 2 stories, 1 story existing and proposed
- b. Section 240-56.E.3 - Front Yard Landscape Buffer shall be 4 feet from the building to the sidewalk/parking, 0 feet existing and proposed
- c. Section 240-56.E.4 – Side Yard Landscape Buffer shall be 4 feet from the building to the sidewalk/parking, 0 feet existing and proposed
- d. Section 240-56.E.6 – Rear Yard Landscape Buffer shall be 4 feet from the building to the sidewalk/parking, 0 feet existing and proposed
- e. Section 240-56.E.11.d – Parking to building separation shall be 10 feet, less than 10 feet is proposed
- f. Section 240-56.E.11d and Section 240-56.E.13 – Parking Landscape Buffer shall be 20 feet where commercial use abuts a residential use, 0 feet existing and proposed
- g. Section 240-56.E.12 – Rear access for the public is required and none is proposed

- h. Section 240-38A – 22 parking spaces required, 15 proposed
- 3. Additionally, the Applicant is seeking waivers from the following Sections of the Township’s Municipal Code:
 - a. Section 215-29 – Landscape buffer shall be a minimum of 5 feet to adjacent commercial properties and 10 feet to adjacent residential properties, 0 buffer existing, 0 buffer proposed
 - b. Section 215-30.1 - Loading Space shall be 12’ by 50’, none existing, 18’ by 32’ proposed
 - c. Section 215-30.2 - Parking Surface in the rear shall be asphalt bituminous or cement binder pavement, gravel proposed
- 4. The Applicant submitted the following documents:
 - a. Site Plan entitled “Site Plan for Lot 11, Block 42 10 Route 206 Situated in: The Township of Byram, Sussex County, New Jersey”, prepared by Civil Engineering, Inc., consisting of seven (7) sheets dated 2/7/20 revised to 4/22/20.
 - b. Building elevations for 10 Route 206, LLC consisting of four (4) sheets undated.
 - c. Land Development Application, site photos, prior approvals, and other supporting application documents.
- 5. The Board received the following:
 - a. Memorandum from Paul Gleitz, Board Planner, dated October 7, 2020
 - b. Memorandum from Cory Stoner, Board Engineer, dated July 9, 2020

- c. Memorandum from Byram Township Fire Department, dated September 24, 2020
 - d. Memorandum from the Byram Township Environmental Commission, dated October 5, 2020
 - e. Memorandum from the Byram Township Police Department, dated August 27, 2020 – noting no comments on the application
 - f. Letter from CP Engineers to Joe Sabatini, Township Manager, dated September 7, 2020 regarding sewer allocation
 - g. Notice of Violation issued by Thomas S. Dixon, Byram Township Code Enforcement Officer, indicating “Work without an Approved Site Plan or Zoning Permit”
6. A duly noticed public hearing occurred on October 15, 2020 via Zoom, a web-based meeting platform and telephone conferencing service, consistent with Governor Phil Murphy’s statewide ban on public gatherings and in accordance with the Municipal Land Use Law, the Open Public Meetings Act, and the guidance document entitled “Planning Board and Zoning Board of Adjustments Operational Guidance – COVID-19: N.J.S.A. 40:55D-1: Recommendations for Land Use Public Meetings in New Jersey” issued by the Department of Community Affairs, Division of Local Government Services.
7. Vito Lombardo, owner and operator of On Time Sign and James Glasson, P.E., who was accepted as a professional engineer and prepared the site plan, presented sworn testimony at the public hearing.

8. The subject property is a 1.21-acre parcel, currently developed with an existing structure that is the current location of a sign and printing shop. The one-story structure is a 5,694 square foot masonry building that is in disrepair. There is a horseshoe shaped, paved parking lot in the front of the building and a gravel parking lot in the rear, with site circulation around the building.
9. When the property was purchased by the Applicant, it was overgrown and neglected, and the building was in disrepair. There was litter and debris throughout the site. The Applicant has taken steps to clean up the property, clear the overgrown vegetation and improve the site.
10. On Time Sign and Design will occupy 2,040 square feet in the rear of the building. Mr. Lombardo and one additional employee operate the sign shop; some printing work is done on site, but most of the work involves the installation of signs off site. Although open to the public, customers do not typically visit the site. The access door, loading dock and overhead garage doors are currently utilized by the sign shop, but the loading dock would be available to the other tenants as well.
11. You Name It is operated by the owner and her husband and will occupy 1,269 square feet in the front of the building. There would be a few customer visits to the site, with access through the front and side door of the building. Engraving is done on site, but screen printing is outsourced. There is no rear access to this unit, requiring a variance, but there are two (2) access doors.
12. Lombardo's Deli will occupy 2,563 square feet on the southern side of the building. The deli is open to the public, serving hot, cold, fresh, frozen, and

dry food to-go. Access is through the main entrance in the front of the building, the kitchen is the middle of the unit and the storage is in the rear. This unit also does not have rear access for the public, but there is a rear door for emergency egress. The proposed hours of operation are 7:00 a.m. to 7:00 p.m. There is no indoor dining proposed, and the plans will be revised to reflect same.

13. The building is 22 feet in height, which is complying with the zone requirements, but only one (1) story, which requires variance relief. The exterior of the building is proposed to have “biscuit” colored siding, with black trim, and brown stucco with 3D cutouts and decorative sconces. Vertical Stone details will be added to the exterior of the building to separate the units. The wall mounted signs will be in conformance with the zoning requirements and unique for each tenant.
14. The property is located within the Highlands Wetland Buffer Area; a 300 foot buffer is required to the wetlands in the rear of the site. The Applicant clear cut the property but is adding additional landscape to provide a vegetative buffer. Applicant has applied from Highlands Exemption #4, which allows for the reconstruction of any building or structure within 125 percent of the footprint of the lawfully existing impervious surfaces on site.
15. The proposed landscaping will be enhanced with two rows of staggered evergreens to provide additional screening to the residential use in the rear of the property. All invasive species will be removed. Gray river rock and mulch will be added to the landscaping to improve the aesthetic appearance of

the site. The landscape bed in the front of the property will be extended and foundation plantings will be added. Shade trees will be added in the front parking lot.

16. The sidewalk will be extended to the rear of the building. Employee parking will be in the rear of the building in the gravel area, which requires variance relief. The existing sign will be removed and replaced with a free-standing sign containing individual signs for each tenant. A sidewalk will be added to the sign area, which will be improved to create a courtyard area.
17. The site is served by public sewer and well water. An application with the Musconetcong Sewerage Authority has been made to obtain additional EDUs as required to service the proposed uses. The well is located in the gravel area in the rear of the property. Bollards shall be installed around the well area, as suggested by the Fire Department.
18. There is a paved encroachment in the front of the site from the adjacent property owner that will be removed. The area will be appropriately landscaped with grass and shrubs. The impervious coverage on site will be reduced from 48.28% to 40.02%.
19. The parking calculation is based on the square footage of the building, but the actual parking demand will be much less, as On Time Sign and You Name It infrequently have customers on site. Per the Township's code, 22 parking spaces are required, and 15 spaces are proposed, requiring variance relief. The front lot will be reconfigured to contain six (6) 9' x 18' stalls, which requires a waiver for size, and one (1) A.D.A. compliant stall.

20. The security lighting will be located in the parking lot and directed toward the building. All lights will be LED and downward lite; two (2) pole mounted, 12' high in the front parking lot, two (2) building mounted lights on either side of the front façade and one (1) pole mounted light in the rear.

21. There was no one present from the public concerning this application.

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 testimony of the witnesses to be competent and credible.
2. The Board determined that relief can be granted pursuant to N.J.S.A. 40:55D-70(C) from the following Sections of the Township's Zoning Ordinance:
 - a. Section 240-56.E.8 - Principal Structure shall have a minimum height of 2 stories, 1 story is approved
 - b. Section 240-56.E.4 – Side Yard Landscape Buffer shall be 4 feet from the building to the sidewalk/parking, less than 4 feet is approved
 - c. Section 240-56.E.6 – Rear Yard Landscape Buffer shall be 4 feet from the building to the sidewalk/parking, less than 4 feet is approved
 - d. Section 240-56.E.12 – Rear access for the public is required and none is provided
 - e. Section 240-38A – 22 parking spaces required, 15 provided
3. 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. The property is a fully developed site, which creates certain constraints regarding compliance with zoning requirements; specifically building height. The Applicant has mitigated the relief requested by adding additional landscaping and buffering. Although the parking in the rear is not paved, the rear parking will be designated as employee only. Although the parking calculation requirements were not met, the Applicant established that the 15 spaces provided on site met the needs of the tenants. The Applicant was amenable to the suggestions made by the Board and its professionals.

4. The requested variances could also be granted pursuant to N.J.S.A. 40:55D-70(C)(2), the “flexible C”, which allows for relief if the benefits outweigh the detriments. The Applicant purchased a blighted property and is improving the safety, functionality, and aesthetic appearance of the site, which is located on the commercial corridor of Route 206 within the Township.
5. Waivers were granted from the following Sections of the Township’s Municipal Code, as it was determined that granting the waiver was reasonable based on the current conditions on site:
 - a. Section 215-30.1 - Loading Space shall be 12’ by 50’, approved loading space shall be 18’ by 32’
 - b. Section 215-30.2 - Parking Surface in the rear shall be asphalt bituminous or cement binder pavement, rear parking shall be gravel

6. The property is located in the Village Business Zone, which encourages economic development in commercial areas that are complementary to existing businesses. The purpose of the zone is to encourage revitalization of existing commercial development. The subject application will rehabilitate a blighted property and provide commercial spaces for businesses that serve the community. The Applicant has mitigated any impact on the adjacent properties with landscape buffers. Accordingly, there will be no negative impact from the proposed development, which is consistent with the Master Plan and the Zone Scheme.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the _____ day of _____ 2020 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 outside agency approval with jurisdiction, including, but not limited to Sussex County Planning Board, Byram Township Construction Department, Byram Township Fire Subcode Official, the Highlands Commission and the Musconetcong Sewerage Authority.
3. There shall be no indoor dining in the deli; the plans shall be revised to reflect same.
4. An updated landscape plan shall be submitted to the Board Planner for review and approval.

- a. The 50' vegetative buffer in the rear of the property shall be indicated on the revised site plan.
 - b. The area within the 50' wetlands buffer shall be re-vegetated with shrubs and ground cover and the remainder of the rear of the property shall be re-vegetated as a grass area.
 - c. The proposed landscaping shall be enhanced to provide additional screening to the residential use in the rear of the property.
 - d. The front landscape bed shall be extended, and foundation plantings shall be added to the site.
 - e. A sidewalk with associated landscaping will be added to provide access from the sidewalk along the property frontage to the building entrance.
 - f. Shade trees shall be added in the front parking lot.
 - g. All invasive plant species shall be removed.
5. The existing oil tank shall be relocated, and the sidewalk shall extend to the rear of the property.
 6. The exterior design shall be amended to add vertical stone veneer as accents to separate the units for review and approval of the Board Planner.
 7. The encroachment from the adjacent property shall be removed from the site and removed from the plan. The area shall be restore with appropriate grass and landscaping.
 8. Applicant shall comply with the requirements set forth in the September 24, 2020 memorandum from the Fire Department:

- a. No Parking Fire Zones shall be established along the entire left side of the one-way ingress to the site. This shall include proper signage and pavement markings and be enforceable under the NJ Uniform Fire Code as well as Title 39.
 - b. No Parking Fire Zones shall be established along the entire right side of the one-way exit to the site. This shall include proper signage and pavement markings and be enforceable under the NJ Uniform Fire Code as well as Title 39.
 - c. No Parking Fire Zones shall be added to the Construction Plan for detail of such signs.
 - d. Exit doors shall be marked "Exit Only, Do Not Block" on the exterior of the doors.
 - e. The proposed deli use shall be required to have a ventilation system as well as a cooking suppression system be installed if grease laden vapors are produced, as required by the Building Department.
 - f. The cooking suppression system shall be required to have a yearly Type 1 Fire Safety Permit and the current fee of \$54 shall be payable to the jurisdiction having authority.
 - g. Bollards shall be used in protecting the well head instead of utilizing boulders.
9. Lighting details shall be added to the plans and in conformance with the Township's lighting ordinance for review and approval of the Board Engineer.

10. A courtyard area shall be created around the free-standing sign in the front of the property. The revised plans shall include same for review and approval of the Board Planner.

11. The proposed signage shall be in compliance with the Township's sign ordinance.

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 _____, 2020 and is in effect for one year.

Cheryl White, Planning Board Secretary

Dated:

Prepared by: Alyse Landano Hubbard, Esq.

Approved Resolution

In the matter of On Time Sign and Design
Case No. SP4-2020

BYRAM TOWNSHIP

PLANNING BOARD

RESOLUTION OF MEMORIALIZATION

- **RELIEF GRANTED:**
 - **HEIGHT OF A PRINCIPAL STRUCTURE, 2 STORIES REQUIRED**
 - **INADEQUATE LANDSCAPE BUFFERS**
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WHEREAS, the Board, after carefully considering the evidence presented by the Applicant and having conducted a public hearing has made the following factual findings:

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2. The Board determined that relief can be granted pursuant to N.J.S.A. 40:55D-70(C) from the following Sections of the Township's Zoning Ordinance:
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4. The requested variances could also be granted pursuant to N.J.S.A. 40:55D-70(C)(2), the "flexible C", which allows for relief if the benefits outweigh the detriments. The Applicant purchased a blighted property and is improving the safety, functionality, and aesthetic appearance of the site, which is located on the commercial corridor of Route 206 within the Township.
5. Waivers were granted from the following Sections of the Township's Municipal Code, as it was determined that granting the waiver was reasonable based on the current conditions on site:
 - a. Section 215-30.1 - Loading Space shall be 12' by 50', approved loading space shall be 18' by 32'
 - b. Section 215-30.2 - Parking Surface in the rear shall be asphalt bituminous or cement binder pavement, rear parking shall be gravel

6. The property is located in the Village Business Zone, which encourages economic development in commercial areas that are complementary to existing businesses. The purpose of the zone is to encourage revitalization of existing commercial development. The subject application will rehabilitate a blighted property and provide commercial spaces for businesses that serve the community. The Applicant has mitigated any impact on the adjacent properties with landscape buffers. Accordingly, there will be no negative impact from the proposed development, which is consistent with the Master Plan and the Zone Scheme.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the 19th day of November 2020 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 outside agency approval with jurisdiction, including, but not limited to Sussex County Planning Board, Byram Township Construction Department, Byram Township Fire Subcode Official, the Highlands Commission and the Musconetcong Sewerage Authority.
3. There shall be no indoor dining in the deli; the plans shall be revised to reflect same.
4. An updated landscape plan shall be submitted to the Board Planner for review and approval.

- a. The 50' vegetative buffer in the rear of the property shall be indicated on the revised site plan.
 - b. The area of the 300' Highlands Wetlands Buffer located on the property shall be re-vegetated.
 - c. The proposed landscaping shall be enhanced to provide additional screening to the residential use in the rear of the property.
 - d. The front landscape bed shall be extended, and foundation plantings shall be added to the site.
 - e. A sidewalk with associated landscaping will be added to provide access from the sidewalk along the property frontage to the building entrance.
 - f. Shade trees shall be added in the front parking lot.
 - g. All invasive plant species shall be removed.
5. The existing oil tank shall be relocated, and the sidewalk shall extend to the rear of the property.
 6. The exterior design shall be amended to add vertical stone veneer as accents to separate the units for review and approval of the Board Planner.
 7. The encroachment from the adjacent property shall be removed from the site and removed from the plan. The area shall be restore with appropriate grass and landscaping.
 8. Applicant shall comply with the requirements set forth in the September 24, 2020 memorandum from the Fire Department:
 - a. No Parking Fire Zones shall be established along the entire left side of the one-way ingress to the site. This shall include proper signage and

pavement markings and be enforceable under the NJ Uniform Fire Code as well as Title 39.

- b. No Parking Fire Zones shall be established along the entire right side of the one-way exit to the site. This shall include proper signage and pavement markings and be enforceable under the NJ Uniform Fire Code as well as Title 39.
 - c. No Parking Fire Zones shall be added to the Construction Plan for detail of such signs.
 - d. Exit doors shall be marked "Exit Only, Do Not Block" on the exterior of the doors.
 - e. The proposed deli use shall be required to have a ventilation system as well as a cooking suppression system be installed if grease laden vapors are produced, as required by the Building Department.
 - f. The cooking suppression system shall be required to have a yearly Type 1 Fire Safety Permit and the current fee of \$54 shall be payable to the jurisdiction having authority.
 - g. Bollards shall be used in protecting the well head instead of utilizing boulders.
9. Lighting details shall be added to the plans and in conformance with the Township's lighting ordinance for review and approval of the Board Engineer.
10. A courtyard area shall be created around the free-standing sign in the front of the property. The revised plans shall include same for review and approval of the Board Planner.

11. The proposed signage shall be in compliance with the Township's sign ordinance.
12. Applicant shall continue to operate On Time Sign and Design in the subject location. Applicant shall obtain the necessary EDU's from the Musconetcong Sewerage Authority prior to leasing the units approved herein.



George Shivas

On motion of: Mr. Olson

Seconded by: Mr. Morytko

The vote on the Resolution was as follows:

AYES: (8) Eight - Mr. Chozick, Mr. Gallagher, Mr. Kaufhold, Mr. Morytko, Mr. Olson, Mayor Rubenstein, Mr. Walsh and Chairman Shivas

NAYS: (0) None

ABSTAINING: (0) None

ABSENT: (0) None

I certify that the above Resolution is a true copy of a Resolution adopted by the Planning Board on November 19, 2020 and is in effect for one year.



Cheryl White, Planning Board Secretary

Dated: *November 19, 2020*
Prepared by: Alyse Landano Hubbard, Esq.

