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November 2, 2018

Via Email ([jsabatini@byramtwp.org](mailto:jsabatini@byramtwp.org))

**MEMORANDUM TO:** Mr. Joseph Sabatini, Byram Township Manager

**FROM:** Cory L. Stoner, P.E., C.M.E., Byram Township Engineer

**SUBJECT:** Preliminary Engineering & Environmental Permit Review for the  
Byram Township Municipal Building Renovation/Reconstruction and  
Byram Township Intermediate School Parking Area Options  
Byram Township, Sussex County  
HPA No. 18-262

Dear Joe:

As requested, our office has completed a preliminary engineering review of various options for providing additional parking at the Byram Township Intermediate School. The locations for the additional parking were outlined at the September 5, 2018 meeting of the Byram Township Municipal Building Subcommittee as potential parking locations if it is decided to utilize the “open space” portion of the Byram Township Intermediate School building to house municipal services. Our office has also performed a review of the current environmental permit requirements if the Byram Township Municipal Building is renovated/reconstructed at its current location. This topic was also discussed at the Subcommittee meeting. Based on our review of these items, I offer the following:

**1. Environmental Constraints:**

The Byram Township Municipal Complex and the Byram Intermediate School are both located within the Highlands Preservation Area and are constrained by wetlands transition areas and riparian buffers associated with the Category One water known as Lubbers Run. A map illustrating the anticipated environmental sensitive areas associated with these properties is attached.

Since both properties are located within the Highlands Preservation Area, any construction activity on either property will require a formal Highlands Applicability Determination from the New Jersey Department of Environmental Protection (NJDEP) to determine if the construction activity will qualify for a Highlands Exemption. By review, it is anticipated that the project will qualify for Exemption #4. Exemption #4 allows for the increase in the impervious footprint that existed as of the enactment of the Highlands Act (August 10, 2004) as long as the total increase does not increase

the impervious coverage by 125% or more and the new impervious coverage does not result in an increase of ¼ acre or more.

Upon the receipt of a Highland Exemption determination, transition areas from wetlands areas on this property will be established at 150 feet from the delineated wetland boundary line. It should be noted that the transition area would typically be 300 feet within the Highlands Preservation Area but it is reduced to 150 feet if the project is deemed to qualify for a Highlands Exemption. A Freshwater Wetlands Transition Area Waiver or a Freshwater Wetlands General Permit will be required for any work within this wetland transition area buffer.

The riparian buffer associated with Lubbers Run and its tributary on the opposite side of Mansfield Drive will be 300 feet as measured from the top of bank or edge of water. Construction activities within this area will require a Flood Hazard Area Permit or can be covered by the regulatory provisions of a Permit-by-Rule or Permit-by-Certification designation.

In addition to the above restrictions, both properties are both located in close proximity to the FEMA study Flood Hazard Area associated with Lubbers Run and its tributaries. No work within the Flood Hazard Area will be permitted unless it is demonstrated that the resulting fill will have no impact on the flood elevations associated with this water.

## **2. Byram Intermediate School Parking Lot Options**

Three options for providing additional municipal parking at the Byram Intermediate School were developed. A concept plan illustrating the location of these options is attached. A review of these options is as follows:

### **Option 1 – Conversion of Existing Playground**

The first option is to construct a new parking area in the location of the existing playground on the north side of the School building. The construction of a parking area in this location will require the removal of the existing paved playground (or possible overlay) and the construction of a new asphalt parking area suitable for vehicle traffic. A total of 26 parking spaces could be created with this new parking area. The existing playground area is located within a 150-foot freshwater wetland buffer and the 300-foot riparian buffer associated with the tributary of Lubbers Run located along Mansfield Drive.

Freshwater Wetlands – The construction of a new parking area in the location of the existing playground will require the construction of a paved driveway from Mansfield Drive. This driveway will be located within the 150-foot freshwater wetland buffer and will require a Freshwater Wetlands General Permit #10 for construction.

A General Permit #10 will require a delineation of wetlands in the area, the preparation of a permit plan, and the submission of a permit application to the NJDEP. The cost to obtain this approval will be approximately \$6,000 (permit preparation & fees). The length of time to obtain such an approval is approximately 4 to 6 months.

Riparian Buffer Area - A Permit-by-rule #10 that permits general construction activities located outside a flood hazard area in a riparian zone will cover the proposed activities under this option since all disturbance will be greater than 25 feet beyond any top of stream bank and no clearing of riparian zone vegetation will be required. A permit by rule will be documented during the design phase but will not require an official NJDEP approval.

Option 2 – Construct Additional Parking within Grass Open Space

The construction of a new parking area in the existing grass open space to the east of the existing parking lot is proposed under the second option. This option would require the removal of 4 shade trees and the relocation of two memorial monuments. A total of 19 parking spaces could be created with the construction of this new parking area. The location of the proposed parking area is located within a 150-foot freshwater wetland buffer and the 300-foot riparian buffer associated with the tributary to Lubbers Run.

Freshwater Wetlands – The construction of a new parking area will occur within the 150-foot freshwater wetland area and will require a Freshwater Wetlands Transition Area Waiver. A freshwater wetlands transition area waiver will require a delineation of wetlands in the area, the preparation of an averaging plan, and the submission of a permit application to the NJDEP. The cost to obtain this approval will be approximately \$10,000 (permit/waiver preparation & fees). The length of time to obtain such an approval is approximately 4-6 months.

Riparian Buffer Area - A Permit-by-rule #10 that permits general construction activities located outside a flood hazard area in a riparian zone will cover the proposed activities under this option since all disturbance will be greater than 25 feet beyond any top of stream bank and no clearing of riparian zone vegetation will be required. A permit by rule will be documented during the design phase but will not require and official NJDEP approval.

Option 3 – Conversion of Former Tennis Court Area to Parking

The third option would include the conversion of the existing fenced in area that once was utilized for tennis courts but is now utilized of the storage of equipment and school vehicles. The existing paved area is located within a 150-foot freshwater wetland buffer and the 300-foot riparian buffer associated with Lubbers Run.

Freshwater Wetlands – The conversion of the existing fenced areas would likely consist of pavement resurfacing and the replacement/removal of chain link fence that is located in this area. As long as the pavement is not increased in size within the wetland buffer, the work will be considered a pavement replacement project and will not be regulated. No NJDEP permit will be required for this work.

Riparian Buffer Area – A Permit-by-rule #10 that permits general construction activities located outside a flood hazard area in a riparian zone will cover the proposed activities under

this option since all disturbance will be greater than 25 feet beyond any top of stream bank and no clearing of riparian zone vegetation will be required. A permit by rule will be documented during the design phase but will not require and official NJDEP approval.

### **3. Byram Municipal Building Renovation/Reconstruction**

As previously stated, the Byram Township Municipal Building Complex is also constrained by freshwater wetland transition areas and riparian buffers associated with Lubbers Run. During the Municipal Building Subcommittee meeting held on September 5, 2018, the subcommittee members also requested a review of the permit requirements for the renovation/reconstruction of the existing municipal office/police department building if the new structure would be located on or slightly larger than the existing building footprint. Assuming the expansion will occur within areas that are currently paved or lawn areas on the parking lot sides of the building, the permit requirements will be as follows:

Freshwater Wetlands – The expansion of the building footprint in the paved areas or small lawn areas will require a Freshwater Wetlands Transition Area Waiver, specifically a Redevelopment Transition Area Waiver. This waiver permits the redevelopment of significantly disturbed area such as pavement and impervious surfaces.

A freshwater wetlands transition area waiver will require a delineation of wetlands in the area of the improvement, the preparation of a waiver plan, and the submission of a permit application to the NJDEP. The cost for obtain this approval will be approximately \$10,000 (permit/waiver preparation and permit fees). The length of time to obtain such an approval is approximately 4-6 months.

Flood Hazard Area - A Permit-by-rule #10 that permits general construction activities located outside a flood hazard area in a riparian zone will cover the proposed activities under this option since all disturbance will be greater than 25 feet beyond any top of stream bank and no clearing of riparian zone vegetation will be required. A permit by rule will be documented during the design phase but will not require and official NJDEP approval.

It should be noted that the expansion of the building in the existing paved areas will require the Freshwater Wetlands Transition Area Waiver as discussed above. This is considerably different from a paved parking lot being replaced in kind which would not require a permit. While both uses of the area would be considered impervious, the construction of an expanded building in this area would constitute a change of use that triggers a more detailed review by the NJDEP.

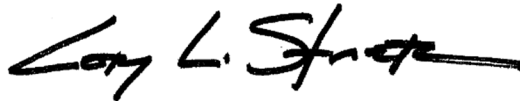
Also, it should be noted that the expansion of the municipal building toward Lubbers Run would be problematic and would require considerable more permitting. Such an expansion would require a Freshwater Wetlands Transition Area Waiver Averaging Plan and may require a Flood Hazard Area Individual Permit. These approvals will be more expensive and will take considerably more time to obtain. It is recommended that any expansion of the existing Municipal Building be limited to the parking lot sides of the building so that these more difficult approvals are not required.

**Mr. Joseph Sabatini, Byram Township Manager**  
**RE: Preliminary Engineering & Environmental Permit Review for**  
**Municipal Building and Intermediate School Parking Options**  
**November 2, 2018**

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I trust that the above information will be helpful in reviewing the options for parking at the Byram Township Intermediate School and help clarify the permit requirements for the renovation/reconstruction of the existing Byram Township Municipal Building. If you have any questions regarding the information provided herewith or wish to meet to review the items discussed above in further detail, please do not hesitate to contact me.

Very truly yours,



Cory L. Stoner, P.E., C.M.E.  
**HAROLD E. PELLOW & ASSOCIATES, INC.**  
Byram Township Engineer

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