

MEETING MINTUES OF THE BYRAM TOWNSHIP PLANNING BOARD: August 20 2026

This meeting was called to order at 7:30pm by Chairman Shivas.

ROLL CALL: Mss. Raffay, DeMagistris; Messrs. Mayor Rubenstein, Proctor, McElroy, Morytko, and Chairman Shivas

Members Absent: Mss. Colligan, Lewandowski, Messrs. Smith, and Walsh

Also Present: Engineer Cory Stoner, Attorney Alyse Hubbard, 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 2026 was forwarded to the Board's designated newspaper, and posted on the bulletin boards and main doors of the Municipal Building. Starting on March 1, 2026, all legal notices of the Planning Board shall be posted on the website of the Township of Byram. A link to the website location was forwarded to the Secretary of State of the State of New Jersey. All applicant notices shall be published on an online publication that meets the statutory requirements of NJSA 35:1-1.

FLAG SALUTE: led by Chairman Shivas.

MINUTES: August 6, 2026.

Motion of Mr. McElroy to approve the minutes, second by Ms. Raffay.

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

Abstaining: Mr. Proctor

Members Absent: Mss. Colligan, Lewandowski, Messrs. Smith, and Walsh

None opposed. Motion carried.

EXTENSION REQUEST

SP2-2023 Venture Two LLC, 11 and 13 State Route 206, Block 27 Lots 383, 384, 381.02, VB Zone

Extension of approval for site changes with apartments and retail space

John Gallina represented the applicant. Anthony Reis was sworn in as the applicant. Mr. Gallina said they were at the Board last August. Permits couldn't be issued because of the COAH restriction. They finalized the deed restriction. The State has had the documents since February, and they received them back last week. Documents needed to be completed and sent back to the State, so they're waiting to receive them back. No permits can be issued until the deed restriction is filed.

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

Ayes: Mss. Raffay, DeMagistris; Messrs. Mayor Rubenstein, Proctor, McElroy, Morytko, Walsh, and Chairman Shivas

Members Absent: Mss. Colligan, Lewandowski, Messrs. Smith, and Walsh

None opposed. Motion carried.

OLD BUSINESS

Z07-2025 Avi and Ita Barak, 11 Lake Drive, Block 242 Lot 23.01, R5 Zone

Application for demo and construction of a single-family home

Mr. Selvaggi represented the applicant. He noted the Board had concerns on the height, so the revised plans have eliminated the height variance. Raymond O'Brien remains under oath and his licenses are still current. Mr. O'Brien noted that on the plans, they list the roof as a mansard; in Mr. Stoner's review, he noted it's a gambrel roof. The building height is 22.5 feet, and the façade height is 29 feet. Mr. Stoner noted the building height is a bit higher based on the ordinance definition, and it at about 24.9 feet. Ms. Hubbard

confirmed Mr. Proctor listened to the audio of the previous hearing, so is able to vote. Mr. Stoner noted his memo requested that the engineer state if the revisions change the DEP review. He noted Mr. Graham is not present today, but he spoke with him, and he stated he doesn't believe it has any impact. Mr. Selvaggi read an email from Mr. Graham, confirming the modifications won't impact the DEP permitting. He needs to finalize the net fill calculations. Chairman Shivas requested that a copy of the email be provided for the record.

Chairman Shivas opened to the public. No one came forward, so he closed to the public.

Ms. Hubbard asked for a certification of the height to make sure it complies. Mr. Selvaggi noted Mr. O'Brien can revise the plans to get below the 24.9 feet. Mayor Rubenstein asked about exterior colors. Mr. O'Brien said they haven't finalized this, but plan on Earth tones, with a white or tan trim, and window accents. Mayor Rubenstein noted the Board previously approved an application and didn't ask about colors, and the colors turned out to be stark. Other houses in this area are 1-1.5 stories, so he worries about it standing out.

Ita Barak was sworn in. She said she and her husband don't like stark colors. They discussed browns and a log cabin, natural look, and like a slate roof. Mayor Rubenstein noted he sees an open construction permit for interior renovations, but now they're demoing the house. Mrs. Barak said they didn't want to change much but update the interior. They thought about expanding to a second floor. They want to make the house larger for people to visit, which turned it into new construction. She noted they had an issue with the septic system, which they knew going in. They knew it failed for being used for a three-bedroom home. The previous owner already had plans for a septic, so they had to work with that. Mayor Rubenstein confirmed they will need to replace the septic.

Chairman Shivas opened to the public. No one came forward, so he closed to the public.

Matthew Flynn was sworn in, in Morris Plains, as a Planner. Mr. Flynn studied at Rutgers, and has a Planner's license in New Jersey and an AICP license; both are in good standing. He has testified here and at other Boards, including West Orange, East Orange, and Montclair. He noted this property used to be two tax lots. At that time, between the two lots, there would have been about 5,000 square feet of building footprint, and they're proposing about half of that. By merging the lots, they've protected an area from development and views of the lake. When the lots are combined, and looking at the proposed building, it's 10%, so proportionally it makes sense. He noted this is a permitted single-family use, and is less intense than what could have been there. They're removing some accessory structures. The architecture is in line with the neighborhood. If they moved the house over, it would encroach on the lake setback, and they thought this would be the more sensitive condition to protect, rather than the side setback that already exists. Mr. Selvaggi confirmed Mr. Flynn was able to look at other recently-approved houses in the area. Mr. Flynn said within the last 2-3 years, there's been redevelopment on Lake Drive, and some look more modern than what they're going for. Some had significant upgrades. This is in line with what they've been seeing, but softer in the approach.

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Mr. Morytko asked about the justification for the side yard. Mr. Flynn said moving the house so it didn't have the setback would move it towards the lake. Mayor Rubenstein noted it seems based on the plan that

they think the Board thinks the lake buffer is more of the focus than the side setback. Mr. Flynn said there is an existing side setback. Mr. Selvaggi noted the septic is also on the other side. Mr. Stoner confirmed this is new construction. He noted they're working through their flood hazard permit. Mayor Rubenstein asked Mr. Stoner about the flood hazard considerations. Mr. Stoner said they need to be further than 25 feet from the water's edge. There is also net fill for this application, because of the grading. There is a concern about placing fill in the flood hazard area, so if pushed closer to the lake, it may be an issue.

Mr. Stoner noted the septic permit expired in 2024 but it's for an alteration. Mayor Rubenstein noted this would be part of resolution compliance to get the County Health Department approval. Ms. DeMagistris confirmed the neighboring house is offset. She noted they don't look like they'll be on top of each other. Mayor Rubenstein asked about the spruce trees in the front. Ms. Barak said she loves trees, and they haven't had issues with losing power. She doesn't want to take trees down unless they're a danger.

Chairman Shivas opened to the public. Georgette Schroeder from 9 Briar Lane was sworn in. She noted she grew up in a lake community. She asked, if they start approving these types of applications, what happens if the neighbor then wants to expand, and use this as an example. Chairman Shivas noted each application stands on its own. Ms. Schroeder noted her lake became a bunch of mansions close together.

Ms. Raffay reviewed the conditions, including no further subdivision, a lake buffer, removal of outbuildings, and the DEP plans match these presented. Chairman Shivas added the height certification. Ms. Hubbard added soil conservation and well approval, the flood hazard area approval, Highlands approval, and other outside agency approvals.

Motion of Ms. Raffay to approve the application with these conditions, second by Ms. DeMagistris.

Ayes: Mss. Raffay, DeMagistris; Messrs. Mayor Rubenstein, Proctor, McElroy, Morytko, Walsh, and Chairman Shivas

Members Absent: Mss. Colligan, Lewandowski, Messrs. Smith, and Walsh

None opposed. Motion carried.

BILLS:

Maraziti and Falcon (4): \$2,448.00. A motion to approve the bills was made by Mayor Rubenstein, seconded by Mr. Proctor. All were in favor. Motion carried.

Harold Pellow (7): \$2,821.50. A motion to approve the bills was made by Mayor Rubenstein, seconded by Mr. Proctor. All were in favor. Motion carried.

REPORTS FROM COMMITTEES

Environmental Commission- Mr. Smith was not present to discuss this.

Open Space- Mr. Morytko said they received the trails grant. Ms. Phillips noted they picked the vendor for the trail signs.

Township Council- Mayor Rubenstein said they've instructed Mr. Stoner to go out to bid for lighting at CO Johnson, and for the announcer booth. There are issues with field 8, and they'll discuss this in September. They decided to become an intervener with JCP&L's case. Other municipalities have also filed. He is meeting with the Township administration and the DEP about the DEP's tree maintenance.

OPEN TO THE PUBLIC

Chairman Shivas opened to the public. Ms. Schroeder said she has come before about Briar Lane. The road is steep, and a lot of water comes off of it, from the properties. At the bottom of the road, it misses the first and

second drains. In the winter, the bottom is ice. They salt the first day, but it's an issue for days, and there's a bus stop. She noted they could put a drain near the stop sign and connect it to where the water is going. She talked about conflicts with paving. Chairman Shivas noted this is an issue for the Council. Mayor Rubenstein noted she should talk to the DPW first, then the administration, then the Council. Ms. Schroeder noted she spoke with the DPW, and she'll now talk with Mr. Sabatini. She asked about the proposed Starbucks on 206, about the fencing. The Board noted it could be a property maintenance issue. Mr. Stoner noted that would be something Mr. Sabatini handles. Ms. Schroeder asked about dead trees on neighbor's property. Mayor Rubenstein noted she should also speak to Mr. Sabatini about this, in the Zoning Department. Chairman Shivas closed to the public.

Mr. McElroy noted they don't have anything to enforce colors for houses. He asked if an applicant says they'd paint it one color and did another, is there anything to do with that? Chairman Shivas noted commercial properties have aesthetic standards. Ms. Hubbard noted this is more a conversation to have with the applicant, to guide them. Mr. McElroy asked if it's a violation if another owner years later changes the house color that was stated in the resolution.

ADJOURNMENT

A motion to adjourn the meeting was made at 8:48 pm by Mr. McElroy, seconded by Mr. Proctor. All were in favor. Motion carried. The meeting was adjourned.

Submitted by Caitlin Phillips