

MEETING MINTUES OF THE BYRAM TOWNSHIP PLANNING BOARD: November 6 2025

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

ROLL CALL:

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

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 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: October 16, 2025

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

Ayes: Mss. Raffay, DeMagistris, Colligan, Lewandowski; Messrs. McElroy, Smith, Walsh, Chairman Shivas

Abstaining: Messrs. Mayor Rubenstein, Proctor, Morytko

None opposed. Motion carried.

RESOLUTIONS

Z05-2025 Joshua Guerra, 3 Camelot Drive, Block 336 Lot 3.16, R2 Zone

Application for use variance for ATV track and landscaping

Mayor Rubenstein asked Ms. Hubbard or Mr. Stoner to outline the obligations in the resolution, in terms of restoration. Ms. Hubbard said Mr. Stoner and the administration discussed that this application stemmed from the homeowner disturbing the property and starting the trail. He made a second driveway, did a lot of work on the property, and was asked to stop and come to the Board. There's language in the resolution that says he needs to restore the disturbed areas. Ms. Hubbard noted she's never done a resolution of denial with conditions in it. Mr. Stoner doesn't think violations have been issued. He was denied for the zoning permit, and started work that disturbed the property. Chairman Shivas noted the applicant said he'd remove dead and dying trees. Mr. McElroy noted he's not running into an issue because of the denial, it's because the zoning office would determine the work is not in compliance with the law. The Board is not the enforcement body. Mr. Stoner noted if he doesn't restore the areas, the next step is to issue a notice of violation. Mr. Smith said it might be helpful having this wording in there. Years from now, new members could use it as a reference for the discussion that occurred. It can show the intent that goes with the denial. Ms. Hubbard noted this is not listed as a condition. Mr. Walsh doesn't like anything that's not enforceable, but doesn't see the harm, especially for future reference.

Motion of Mr. Smith to approve the resolution, second of Ms. Colligan.

Ayes: Mss. Raffay, DeMagistris, Colligan, Lewandowski; Messrs. McElroy, Smith, Walsh, Chairman Shivas

Abstaining: Messrs. Mayor Rubenstein, Proctor, Morytko

None opposed. Motion carried.

NEW BUSINESS

SD1-2025 Angela Prestia, 127 North Shore Road, Block 125 Lot 33, R5 Zone

Application for subdivision of lots

Michael Mullen of Schenck, Price, Smith, and King represented the applicant. He is filling in for Mr. McBriar, who has handled the application. The applicant owns two smaller lots, one for parking and one for the septic, which were part of the noticing. They received conditional approval from the County Board. Under the road in this area there was meant to be a septic line. There is a small bridge on the property, which the County would like more documentation on for their responsibility. Chairman Shivas asked where the bridge is. Mr. Mullen noted the Board gave approval for a second story addition. There were discussions about purchasing a piece of town property, and merging the parcels. He noted they need to extend the approval. Mr. Stoner noted the approval for the addition was from 2023. He asked if they're looking to extend that approval. Mayor Rubenstein noted they're considering the subdivision. Mr. Stoner confirmed they haven't filed for an extension. Ms. Hubbard confirmed they can request the extension now. She noted the extension and the subdivision are two separate requests.

Fred Stewart was sworn in at 459 US 206 Kenvil. He has been in front of this Board before. His credentials are in good standing. He has worked in Denville, Roxbury, Wantage, and Jefferson. He was deemed an expert. Mr. Stewart submitted Exhibit A1, a highlighted map of the property. He reviewed the variance changes. Chairman Shivas asked about the bridge. Mr. Stewart reviewed the location, and noted the County would like an easement onto the property for construction purposes in the future and for servicing purposes. Mr. Walsh confirmed no work is proposed for lot 37. Mr. Stoner confirmed the easement is being formalized. He confirmed a deed will be filed once merged. Mr. Walsh confirmed on the 1968 survey the concrete wall was there.

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

Ms. Hubbard asked for testimony on the extension request. Mr. Mullen confirmed he'd like to request the extension. Mr. McElroy confirmed the extension is necessitated by the conditions from the resolution, and the process of getting outside agency approvals. He confirmed they intend to move forward with the work once approved. Mr. Smith asked if the original resolution needs to be amended since the lot lines are being adjusted. Ms. Hubbard said they'll be cross-referenced. Mr. Mullen said as a result of the merger, there will be a new deed. Ms. Hubbard said they should speak with the Tax Assessor to determine the new block and lots. Mayor Rubenstein noted they'll need to file the easement information. Ms. Hubbard noted the extension will need to be at least for two years. Mr. Proctor asked if they can give them three, that way they don't need come back for another request.

Ms. Hubbard said they'll need to perfect their subdivision deeds with approval through her and Mr. Stoner. They will need to perfect the easement for the septic line. All prior conditions from the last approval are still valid. They need to confirm the blocks and lots. They need outside agency approvals, like the County. Motion of Mr. Walsh to approve the application for minor subdivision subject to the conditions that were discussed, second of Mr. Proctor.

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

None opposed. Motion carried.

Motion of Mr. McElroy to extend the variances for three years, second of Mr. Proctor.

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

None opposed. Motion carried.

BILLS: Maraziti and Falcon (7): \$2,705.63. A motion to approve the bills was made by Mr. Morytko, seconded by Mr. Walsh. All were in favor. Motion carried.

REPORTS FROM COMMITTEES

Environmental Commission- Mr. McElroy said the E.C has a Facebook page which has been updated, and is under the name Friends of Byram Environmental Commission. On 11/09 they will have a volunteer day for trails at Cranberry Overlook. On 11/22 at the E Louise Childs library branch, they will have a presentation on sustainable living, and a zero waste refillery. Ms. Phillips reminded the group that they'll need an E.C replacement next year.

Open Space- Mr. Morytko said they discussed the forest stewardship plan, and will meet Monday.

Township Council- Mayor Rubenstein said they passed an ordinance for Veolia to expand its franchise area to the Brookwoods, relating to putting in new waterlines for the contaminated wells as it relates to the superfund site. The Police Department asked for new rifles, and the Council agreed. Mayor Rubenstein noted they do over one thousand rounds of testing per year per gun, which wears them out. Mr. Proctor said they awarded the Halloween decorating contest winners.

OPEN TO THE PUBLIC

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ADJOURNMENT

A motion to adjourn the meeting was made at 8:20 pm by Mr. McElroy, seconded by Mr. Proctor. All were in favor. Motion carried. The meeting was adjourned.

Submitted by Caitlin Phillips