

BYRAM TOWNSHIP PLANNING BOARD AGENDA
For Thursday, October 1 2026, 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 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.
4. **FLAG SALUTE**
5. **MEETING MINUTES-** September 17, 2026
6. **EXTENSION REQUEST**
SP1-2024 Byram Waterloo LLC (Starbucks of Byram), 33 Route 206, Block 36 Lot 40, VB Zone
Extension request for application for preliminary and final site plan for development of Starbucks coffeehouse with drive-through
7. **OLD BUSINESS**
SP3-2026 Mountainside Country Store, 198 Route 206, Block 226 Lot 3, NC Zone
Application for amended site plan and signage
8. **BILLS:** Maraziti and Falcon (6): \$3,078.00 / Harold Pellow (4): \$1,334.75
9. **REPORTS FROM COMMITTEES**
Environmental Commission
Open Space
Township Council
10. **OPEN TO THE PUBLIC**
11. **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: September 17 2026

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

ROLL CALL: Mss. Raffay, DeMagistris, Colligan, Lewandowski; Messrs. Mayor Rubenstein, McElroy, Walsh, Chairman Shivas

Members Absent: Messrs. Proctor, Morytko, Smith

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 20, 2026.

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

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

Abstaining: Mss. Colligan, Lewandowski

Members Absent: Messrs. Proctor, Morytko, Smith

None opposed. Motion carried.

RESOLUTIONS

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

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

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

Abstaining: Mss. Colligan, Lewandowski, Mr. Walsh

Members Absent: Messrs. Proctor, Morytko, Smith

None opposed. Motion carried.

Zo7-2025 Avi and Ita Barak, 11 Lake Drive, Block 242 Lot 23.01, R5 Zone

Application for demo and construction of a single-family home

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

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

Abstaining: Mss. Colligan, Lewandowski

Members Absent: Messrs. Proctor, Morytko, Smith

None opposed. Motion carried.

OLD BUSINESS

Z12-2025 Marcelo Lopez, Jans Way, Block 360 Lot 6, R2 Zone

Application for new home construction

Chairman Shivas confirmed with Marcelo Lopez that his attorney will not be present, so he will be representing himself. Mr. Lopez said his attorney was unable to make it to the meeting. They had to change the access point to the driveway, because of the easement complications. They moved the driveway closer to the improved portion of Jans Way, and are willing to stabilize that area so vehicles can have access. Chairman Shivas confirmed he was sworn in at the last meeting. Ms. Hubbard reminded the Board that the applicant is seeking relief for a planning variance, because it's construction of a home on an unimproved road. The Board should consider emergency access to the property. Adnan Khan from AWZ Engineering remains under oath from the previous hearing. He presented the revised plans. There were questions about the easement, and they did research on the ownership, but did not find much, so they changed the orientation of the house. The driveway is now longer, and goes to the gravel area of Jans Way, which the applicant is willing to pave. They wanted to make sure there was room for guest parking on the property. They can reduce the driveway width to comply. The Board asked who owns Jans Way. Mr. McElroy asked about a maintenance plan. Is there an agreement for paving and plowing? Does the agreement get recorded? Mayor Rubenstein said the subdivision maps say the property owners need to make an organization, but they're not sure that happened. Mr. Stoner said the town plows up to the edge of pavement. Mr. McElroy noted if the Board approves this, it doesn't bind the Council to continue to pave this area. Ms. Hubbard noted there are other houses in this area. Mr. Stoner noted the town has been plowing and paving that area for decades, so it'd be hard for them to walk away from that. Mayor Rubenstein asked if this is applicable to the variance request. Mr. Walsh asked if the concern is access once on the property, since they can't ensure it across the gravel shared driveway. Ms. Hubbard said the concern is to get to the house for emergency purposes. The applicant can only control what's on the property, but the burden is to provide access. Mr. Stoner noted the gravel driveway goes back to two houses currently. He asked that the resolution state that they'll handle the maintenance in the subject area if the neighbors don't. Ms. Raffay noted they have a lot of area for parking. Mr. Khan said they can cut that down. Ms. Raffay noted that it looks like they'll need retaining walls. She asked why they cut the slopes off, and why it's so close to the driveway. Mr. Khan noted they're seeking a Highlands Exemption. Ms. Raffay said it looks like they're at a steep angle, and this doesn't look feasible. Chairman Shivas noted any wall over 4 feet needs to be engineered and certified. Mr. Khan added that they're proposing a septic system. Ms. Raffay asked if the Fire Department provided a review letter. Ms. Phillips noted it was sent to them but they didn't provide a response, and the Police Department said they had no comments. Mr. Stoner confirmed the layout is similar. Mr. Khan said the design is mirrored to accommodate the driveway. Chairman Shivas said he wants to see the proposed plans.

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

Jose Cardenas noted he was here last time. His head architect is not here today; he is the project manager and knows all the details. Ms. Hubbard noted the Board can take testimony from him but Mr. Cardenas can't be deemed an expert. He was sworn in at Palermo Edwards Architecture as the project manager. They changed the house layout to accommodate the driveway. The grading drops down in the back. Chairman Shivas asked if this is 2.5 or 3 stories. Mr. Stoner said it can't be exposed more than 5 feet. Mr. Cardenas said they'll have windows. In the basement is a recreation area, and laundry and mechanical rooms. There will be a guest bedroom and a bathroom. The first floor will have a garage and a porch on the front. The second floor will have 4 bedrooms. Chairman Shivas asked about the septic system. Mr. Cardenas said it's meant for 5. Mayor Rubenstein noted there's an expired approval, so nothing is currently

approved. Ms. Hubbard confirmed there will be an egress window in the basement since there's a bedroom. Ms. Raffay confirmed the plans being shown have not been updated. Mr. Cardenas said it will be these plans, but flipped. He noted internally the house hasn't changed. Mr. Stoner noted the variances don't have to do with the house. Chairman Shivas noted he can't approve plans he hasn't seen. Mr. McElroy asked if any changes affect disturbance. Messrs. Stoner and Khan reviewed the calculations. Mr. McElroy noted if the numbers are over they need to come back. Mr. Walsh noted there have been a lot of changes, and he needs to see these rather than have a conditional approval. Mr. McElroy asked the question from the Environmental Commission about slope disturbance. The Board reviewed the definition of disturbance. Ms. Raffay said she wants to hear from the Fire Department. Mayor Rubenstein noted they're looking for updated civil drawings that show the change to the driveway, a steep slope analysis, and updated architectural plans. Mr. McElroy added the retaining wall details. Mr. McElroy asked if they can require that something be added to the deed for the maintenance. Ms. Hubbard said they could record a deed that references the resolution. She confirmed with Mr. Lopez that his attorney is retained, and she can speak with him. She asked if he will take action on the driveways encroaching on his property.

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

Mr. Khan noted he isn't available on 10/15. Motion of Mr. Walsh to carry the application with no additional notice, to 11/05, second by Mr. McElroy.

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

Members Absent: Messrs. Proctor, Morytko, Smith

None opposed. Motion carried. Ms. Phillips noted they need the plans at least 10 days ahead of the hearing.

REPORTS FROM COMMITTEES

Environmental Commission- Mr. Smith was not present.

Open Space- Ms. Phillips said the meeting was cancelled.

Township Council- Mayor Rubenstein said they will be reassessing the town next year. They've tried to avoid it and filed extensions, but they need to get this done. They don't need an outside company, which would be expensive. The new Assessor has a side-business where he does this, so it will save money. The process will start in January, where homes will be inspected, and will be done by September 1st.

OPEN TO THE PUBLIC

Chairman Shivas opened to the public. No one was present, so he closed to the public.

ADJOURNMENT

A motion to adjourn the meeting was made at 8:50 pm by Mr. McElroy, seconded by Ms. Lewandowski. All were in favor. Motion carried. The meeting was adjourned.

Submitted by Caitlin Phillips

Resolutions Approved at Previous Meeting

In the matter of 11 Lake Drive, LLC
Case No. Z07-2025
MF#5000.153

BYRAM TOWNSHIP

PLANNING BOARD

RESOLUTION OF MEMORIALIZATION

**RELIEF GRANTED: Minimum Side Yard Setback
 Maximum Impervious Coverage**

WHEREAS, 11 Lake Drive, LLC has applied to the Planning Board of Township of Byram seeking approval to construct a new home on the premises located at 11 Lake Drive, and known as Block 242, Lot 23.01 on the Tax Map of the Township of Byram which premises are in the “R-5” 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 was represented by Michael S. Selvaggi, Esquire, of Lavery, Selvaggi & Cohen, PC.
2. 11 Lake Drive, LLC is the owner of the subject property. Avi and Ita Barak are members of 11 Lake Drive LLC and the occupants of the existing home on the

- property. The Applicant is proposing to demolish the existing dwelling and construct a new dwelling on the property, requiring variance relief, pursuant to N.J.S.A 40:55D-70c from the following Sections the Township's Zoning Ordinance:
- a. Section 240-55.C.(3) – minimum side yard setback: 15 feet required, 8.9 feet proposed.
 - b. Section 240-50.1.A(9) – maximum building coverage: 2,493 square feet permitted, 2,695 square feet proposed.
3. The Applicant submitted the following documents:
- a. Boundary and Topographic Survey Plan, prepared by Dykstra Walker Design Group, dated October 15, 2025.
 - b. Lot Development Plan, prepared by Dykstra Walker Design Group, dated April 2, 2026, Sheets 1 and 2 revised through August 10, 2026, Sheets 3-6 revised through May 6, 2026.
 - c. Architectural Plans, prepared by O'Brien Architects, Inc., dated January 12, 2026, revised through August 10, 2026, consisting of one sheet.
 - d. Municipal Highlands Exemption Determination, dated April 30, 2026.
 - e. Pictures of the Property, 8 total
4. The Board received the following memorandum:
- a. Cory L. Stoner, P.E., P.P., the Planning Board Engineer, of Harold E. Pellow & Associates, Inc., dated June 24, 2026 and August 19, 2026.

- b. Cory L. Stoner, P.E., P.P., the Planning Board Engineer, of Harold E. Pellow & Associates, Inc. Highland Exemption Determination, dated July 9, 2026.
 - c. Environmental Commission, dated, July 22, 2026.
5. Duly noticed public hearings were conducted on August 6, 2026 and August 20, 2026, at which time Thomas Graham, PE, of Dykstra Walker Design Group, the site engineer, Raymond O'Brien, AIA, of O'Brien Architects, Inc., the project architect, and Matthew Flynn, PP, of McDonough Associates, the planner, were accepted as experts in their fields and presented sworn testimony in support of the application. Ita Barak, a member of 11 Lake Drive, LLC, also testified during the hearings.
6. The subject property is an irregularly shaped lot, consisting of two (2) tracts, and 25,860 square feet is lot area, where 10,000 square feet is the minimum lot area in the R-5 Zone. The lot has approximately 80 feet in frontage on Lake Drive, and over 255 feet of shoreline on Lake Lackawanna. The lot depth on the southern side of the property is 239 feet and 98.5 feet on the northeastern lot line. The property is developed with an existing dwelling, a paved driveway, a concrete patio in the rear, and three (3) sheds. The lot slopes gradually toward the lake and is located in the Flood Hazard Zone, the Highlands Preservation Area and requires a 50-foot lake buffer.
7. The original application submitted to the Board, and considered at the August 6, 2026, required a variance, pursuant to N.J.S.A. 40:55D-70d(6) for the height of the principal structure exceeding 10% of the height permitted in the zone.

- Additionally, bulk variance relief was required for façade height. After the first hearing, the Applicant revised the proposed structure to eliminate both variances, but the proposed structure still required variances for the minimum side yard setback and the maximum building coverage. The Mayor and Council Member did not participate in the August 6, 2026 hearing, as “d” variance relief was required. Both members certified that they listened to the recording of the first meeting and were eligible to participate in the August 20, 2026 meeting.
8. The Applicant is proposing to demolish the existing home and construct a three-bedroom dwelling, with a two-car attached garage and deck in the rear of the property. The home will be serviced by the existing well but a new septic system is proposed for the new structure. Per the current approval, the septic tanks will be located on the southern side of the home and the disposal field will be located on the front yard, within the northeastern side of the property. The existing sheds will be removed from the property.
 9. An individual permit is required from the New Jersey Department of Environmental Protection (“DEP”) for construction in the Flood Hazard Area. The project was designed to comply with the DEP rules and is in conformance with the Flood Damage Prevention regulations. The home will be constructed with flood vents in the foundation, that look like screens but allow stormwater to flow under the home and trigger the opening and closing of the flood vents. The first-floor elevation is proposed one (1) foot above the Flood Hazard Elevation (“FHE”), as required by the applicable regulations. The mechanical equipment must be located inside of the home and the air conditioner unit will be one (1) foot

above the FHE, on a platform, pursuant to the DEP regulations. Mr. Graham represented that the construction plans will result in a zero net fill, in conformance with the Flood Hazard Regulations.

10. The Environmental Commission issued a memorandum recommending that the Applicant maintain the vegetative buffer along the shoreline, which is generally in compliance with the Township's Ordinances. Additionally, the EC recommended that the Applicant submit a landscaping plan, which includes the removal or addition of trees. The Applicant noted that tree removal is required for the construction of the septic system, but that additional trees will be planted, in compliance with the Tree Preservation Ordinance.

11. Mr. O'Brien testified that the existing dwelling is 1423 square feet, with two (2) bedrooms and a low ceiling on the second floor. He further testified that the new home has an asymmetric design to accommodate the lot with traditional rooflines. There are numerous windows on the lake front side of the home, with the garage doors facing Lake Drive and the main access door on the side of the home, with a portico cover. The first floor consists of a great room, kitchen with pantry area, office, master suite, powder room, garage and mechanical/laundry room. The second floor has a loft that is open to the great room, a powder room, two bedrooms with a shared bathroom and another office. An irregularly shaped exterior deck is proposed with access from the great room and the master suite.

12. The Applicant has not finalized the design, but the proposed structure has two sidings, that are intended to be in earth tones (browns, creams, beige or tan), with a contrasting color for the trim. The Applicant testified that the home will have a

rustic appearance, consistent with the character of the neighborhood and they were not planning on utilizing exterior finishes that would make the home stand out.

13. After the first hearing, the Architect redesigned the home to eliminate the height and façade variances, and changed the original roofline to a Gambrel roof design, but provided calculations for a Mansard roof. Accordingly, the height calculations were not accurate, but the testimony at the hearing confirmed that the height and façade heights were conforming. Mr. O'Brien agreed to submit a Height Certification to confirm that variance relief would not be required.
14. The property is located within the Highlands Preservation Area and the proposed improvements can be accomplished under Highlands Exemption #2, which permits the construction of a single-family dwelling, including a garage and driveway, if the construction does not disturb one (1) or more acres of land or result in a cumulative increase in impervious surface by $\frac{1}{4}$ acre or more.
15. The Applicant testified that the original plan was to renovate the existing structure and the construction permits were issued by the Township. Unfortunately, the home is in disrepair and for several reason, the renovation of the home was not practical or easy, so they chose to demolish the existing home and construct a new home.
16. Mr. Flynn provided the planning testimony, noting that the two lots were merged into one lot and the proposed structure is half the size of the permitted footprint based on the square footage of the lot. Additionally, he noted that half of the lot

will be protected from development, as the house is situated to the southern side of the lot, leaving open space on the northern side of the lot.

17. As required for relief, pursuant to N.J.S.A. 40:55D-70c(2), the witness opined that the proposed construction would advance the following purposes of zoning, as set forth in the Municipal Land Use Law, N.J.S.A. 40:55D-2:

- a. Purpose A - To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare; the proposal is an investment in the property that will create a dedicated area for light, air and open space.
- b. Purpose G - To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens; the proposed use is a permitted single-family dwelling, which is a less intense use that will improve the existing conditions.
- c. Purpose I - To promote a desirable visual environment through creative development techniques and good civic design and arrangement; the accessory structures will be removed from the property and the proposed design is attractive and will blend with the neighborhood.
- d. Purpose M - To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of

land; the proposed construction will not result in the overdevelopment of the lot, providing open space on the property.

18. With regard to the negative criteria, Mr. Flynn opined that the proposed construction is substantially compliant with the Township's Zoning requirements. The lot is oversized in lot area and complies with lot width. As proposed, the dwelling will have significant front and rear yard setbacks, and a 50-foot buffer from the lake. To provide a conforming side yard setback, the house would be shifted toward the lake and the Applicants chose to protect the lake and seek the necessary variance.

19. The witness also presented testimony that relief could be granted pursuant to N.J.S.A. 40:55D-70c(1), suggesting that the lake and proposed septic location create a hardship for the Applicant to construct the home in a conforming location. He further noted that the proposal is an appropriate development of the site and an improvement of the historic use of the property. Finally, he opined that the redevelopment on Lake Drive has resulted in modern homes and that the proposed dwelling took a "softer" approach in the exterior design.

20. The Board engaged in a series of questions and discussion regarding the location of the home and the need for a side yard setback variance for new construction on an oversized lot. The Applicants' team responded that the location was partially determined based on the lake front buffer and the location of the septic field. Additionally, the proposed setback is an improvement to the existing setback. The driveway location was a consideration as well, providing direct access to the garage. It was noted that the proposed structure is not in line with the adjacent

structures and that there is a vegetative buffer along the common lot line where the setback variance is required, mitigating any impact the dwelling might have on the neighbors. It was further noted that the lot is irregular in shape and the house is skewed, so the setback variance is required for a pinch-point at the corner of the home and not the entire length of the side of the home.

21. Lynette Schroeder, 9 Briar Lane, questioned the Board with regard to creating a precedent for future applications and was advised that there is no precedent in land use application. There was no further input from the public.

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 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 240-55.C.(3) – minimum side yard setback: 15 feet required, 8.9 feet approved.
 - b. Section 240-50.1.A(9) – maximum building coverage: 2,493 square feet permitted, 2,695 square 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)

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 an irregularly shaped lot, with frontage on Lake Lackawanna. The property is oversized as to lot area and lot width, as it is comprised of two (2) tracks that were merged together. The Applicant's Planner provided the necessary analysis to support the granting of a side yard setback and maximum building coverage variance. The Board can grant relief, pursuant to N.J.S.A. 40:55D-70c(2), as the proposed construction advances the purposes of zoning, as set forth in the Municipal Land Use Law, N.J.S.A. 40:55D-2.
4. Specifically, and as set forth in more detail above and incorporated again herein, the proposed construction is an investment in the property that will improve the appearance of the site and will create a dedicated area for light, air and open space. The proposed use is permitted in the zone and will be an improvement of the existing conditions on the property. The accessory structures will be removed from the property, with an attractive exterior design that will blend with the neighborhood. The lot is oversized and the proposed development is appropriate for the site.
5. Additionally, with regard to the negative criteria, there will be no detrimental impact to the surrounding areas, the dwelling will have significant front and rear

yard setbacks, and a 50-foot buffer from the lake. The location of the home was chosen considering the 50-foot buffer and the location of the septic system.

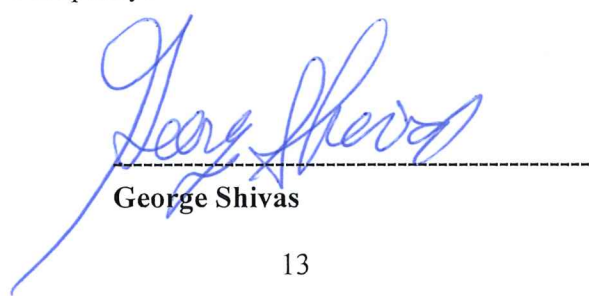
6. The recent redevelopment on Lake Drive has resulted in modern homes, but the proposed dwelling will have a rustic, earth tone façade that will blend with the lake community. Accordingly, the Board determined that permitting the proposed construction would not result in a substantial detriment to the surrounding area. Finally, the proposal is not inconsistent with the Master Plan and the Zoning Scheme, as this project is an investment in the property and will modernize the current home and housing stock in the Township.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the 20th day of August 2026 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. 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, and its professionals, 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. The Applicant 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. The Applicant shall submit a Certificate that taxes are paid to date of approval to the Board Secretary.
5. The Applicant shall obtain permits and approvals from the Township's Construction and Zoning Department prior to the commencement of work.
6. An inspection of all improvements shall be subject to the review of the Board Engineer prior to the issuance of a Certificate of Occupancy and/or the closure of zoning or construction permits.
7. The Applicant shall secure any and all approvals required from any other public agency or governmental body that may have jurisdiction, whether specified herein or not, prior to seeking construction or zoning permits.
8. The Applicant shall obtain approval from the Sussex County Health Department for the new septic system
9. The Applicant shall obtain an individual permit from the DEP for construction in a Flood Hazard Area.
10. The Applicant shall obtain approval for the use of the existing well on the property or construct a new well.
11. The Applicant shall obtain an exemption or approval from Highlands Council for construction in the preservation area.

12. The Applicant shall obtain a Soil Erosion and Sediment Control Plan Approval from the Upper Delaware Soil Conservation District for the proposed disturbance of over 5,000 square feet.
13. There shall be no further subdivision of the property.
14. The Applicant shall remove all sheds and accessory structure prior to the issuance of a Certificate of Occupancy is issued.
15. The Applicant shall plant additional trees in compliance with the Tree Preservation Ordinance, subject to the review and approval of the Board Engineer.
16. The Applicant shall enhance the vegetative buffer, along Lake Lackawanna to comply with the Township's Ordinance, subject to the review and approval of the Board Engineer.
17. The plans shall be revised to provide for the capture of rainwater into the stormwater management system.
18. A Height Certification, prepared by the Applicant's Architect, shall be submitted to the Board, for review and approval by the Board Engineer, prior to the issuance of a Certificate of Occupancy.
19. The plans shall be revised to reflect revisions requested by the Board, subject to the review and approval of the Board Engineer, prior to the issuance of a Certificate of Occupancy.



George Shivas

On motion of: Ms. DeMagistris

Seconded by: Ms. Raffay

The vote on the Resolution was as follows:

AYES: Six (6): Mss. Raffay, DeMagistris; Messrs. Mayor Rubenstein, McElroy, Walsh, Chaiman Shivas

NAYS: Zero (0)

ABSTAINING: Two (2): Mss. Colligan, Lewandowski

ABSENT: Three (3): Messrs. Proctor, Morytko, Smith

I certify that the above Resolution is a true copy of a Resolution adopted by the Planning Board on September 2, 2026.

Caitlin Phillips

**Caitlin Phillips, Planning Board
Secretary**

Dated: 09/18/2026

Prepared by: Alyse Landano Hubbard, Esq.

In the matter of Venture Two LLC (Extension 2026)
Case No. Z23-133
MF 5000-044

BYRAM TOWNSHIP

PLANNING BOARD

RESOLUTION OF MEMORIALIZATION

RELIEF GRANTED: **Extension of Preliminary and Final Site
Plan, and Variance Relief**

WHEREAS, Venture Two, LLC applied to the Planning Board of the Township of Byram for Preliminary and Final Site Plan, along with conditional use and bulk variance relief for the premises located at 11 Route 206 and known as Block 27, Lot 383 on the Tax Map of the Township of Byram which premises are in a “VB” 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 Applicants and having conducted a public hearing the subject application was approved; and

WHEREAS, based on the foregoing, the Board was requested to revisit the subject approval:

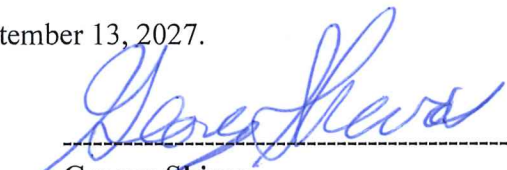
1. The Applicant is the owner of the subject property, and received Planning Board Approval to construct a mixed-use building, with commercial uses on the first floor and eleven (11) residential apartments on the first and second floor, requiring conditional use variance relief from Section 240-63 of the Township's Zoning Ordinance to exceed the residential density permitted on the property, as well as construct residential units on the first floor.
2. APEP, Inc. is the owner of Block 27, Lot 381.02, 13 Route 206, which is a fully developed mixed use of retail and residential. Anthony Reis is an owner of both Venture Two and APEP, which will ultimately develop the two lots with cross access and common amenities.
3. Venture Two and APEP received Amended Preliminary and Final Site Plan, with the conditional use approval, on August 3, 2023, memorialized in a Resolution dated September 7, 2023, and published in the New Jersey Herald on September 13, 2023. As part of the 2023 Amended approval, the Applicants proposed to change the commercial uses on each site, which required the renovation of the first floor of the existing structure to accommodate a restaurant.
4. N.J.S.A. 40:55D-52 provides protections from changes in zoning for Final Site Plan Approval for a period of two (2) years after the date of the resolution.
5. Via a resolution dated July 17, 2025, the Applicant received an extension of approvals to September 13, 2026.

{369580.DOC.1}2

6. Via a letter from John P. Gallina, Esq., legal counsel for Venture Two, dated July 27, 2026, the Applicant requested an extension of the approval, stating that they experienced extraordinary delays in obtaining the necessary approval of the Affordable Housing Deed Restrictions.
7. At the Board meeting on August 20, 2025, Mr. Gallina and Mr. Reis appeared and explained to the Board that the Applicant prepared the required Affordable Housing Restrictions, and are awaiting execution by the Township, to then forward the Deeds to the State for execution before recording with the County, in furtherance of resolution compliance.
8. Accordingly, the Applicants have requested a one-year extension of said approvals.

WHEREAS, the Board determined that, based on the information provided, the Final Site Plan Approval shall expire on September 13, 2026 and the Applicants are entitled to a one-year extension of the subject approvals to commence construction per the applicable law.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the 20th day of August, 2026 that the Final Site Plan Approval, as stated herein, shall be extended for a period of one year from the date of the publication of the Resolution, to September 13, 2027.



George Shivas

On motion of: Ms. Raffay

Seconded by: Ms. DeMagistris

{369580.DOC.1}3

The vote on the Resolution was as follows:

AYES: Six (6): Mss. Raffay, DeMagistris; Messrs. Mayor Rubenstein, McElroy, Walsh, Chaiman

NAYS: Zero (0)

ABSTAINING: Two (2): Mss. Colligan, Lewandowski

ABSENT: Three (3): Messrs. Proctor, Morytko, Smith

I certify that the above Resolution is a true copy of a Resolution adopted by the Planning Board on September 3, 2026 and is in effect for one year.

Caitlin Phillips

Caitlin Phillips, Planning Board

Secretary

Dated: 09/18/2026

Prepared by: Alyse Landano Hubbard, Esq.

{369580.DOC.1}4

BYRAM WATERLOO LLC
C/O RONETCO SUPERMARKETS, INC.
1070 U.S. Highway 46, Suite 17
Ledgewood, NJ 07852-9735

(973) 927-8300

(973) 927-4953 Fax

September 25, 2026

Via E-Mail and Overnight Mailing

Ms. Caitlin Phillips
Planning Board Administrator
Byram Township Municipal Building
10 Mansfield Drive
Stanhope, NJ 07874
T: (973) 347-2500

ER 033 429 163 US

*Re: Byram Planning Board ("Board")
Byram Waterloo LLC ("Applicant")
Byram Tax Map: Block 36, Lot 40 ("Property")
Case Number: SP1-2024.*

Dear Ms. Phillips,

As you know, the Applicant seeks to develop the Property for commercial use. Pursuant to this goal, the Applicant received authorization from the Board via Resolution SP1-2024 granting preliminary and final site plan approval on June 6, 2024, and memorialized on June 20, 2024 ("**2024 Site Plan**"). In accordance with Section 40:55D-52(a) of the Municipal Land Use Law, the Applicant hereby submits this letter to the Board formally requesting an extension of the 2024 Site Plan and continuing its protections.

The Applicant remains committed to proceeding with the approved development. Implementation of the project, however, has been delayed by circumstances outside the Applicant's reasonable control, including project-related delays, changing market conditions, and changes involving a prospective tenant. The Applicant has continued its efforts to move the project forward and has not abandoned the approved development.

Unforeseen Delays

The Applicant planned to develop the Property for use as a drive-thru coffee shop. This project was to include demolition of the former Santander Bank and construction of a modern quick service restaurant operated by the Starbucks Corporation ("**Starbucks**") with a long-term lease.

In October of 2024, Starbucks assigned a new regional development team to oversee this project. This administrative shakeup required new and lengthy internal reviews with the Applicant's engineers, architects and attorneys.

September 25, 2026

In January of 2025, Starbucks elected to terminate its involvement with the project. As a result of Starbucks' withdrawal, the planned development did not proceed as originally contemplated notwithstanding the substantial time and resources that had been invested by the ownership and development team in advancing the project. The decision to discontinue the transaction was made by Starbucks Corporation and was not the result of any loss of interest by the property owner or a failure of the site to satisfy Starbucks' zoning requirements.

While the Applicant held out hope that Starbucks would reverse its policy and enter into a new agreement to operate the site, Starbucks' conduct has shown otherwise.

Summary

The Applicant remains highly optimistic about the future of its site. The Property continues to possess the fundamental characteristics that made it attractive to a national retailer. While identifying and securing the right partner takes time, we believe patience and a thoughtful approach will result in an overall stronger and more successful development.

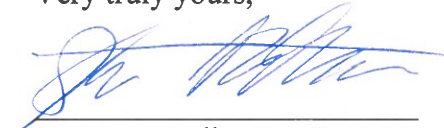
Accordingly, pursuant to N.J.S.A. 40:55D-52 and the applicable provisions of the municipal land development ordinance, the Applicant respectfully requests a one (or more, if permitted) year extension of the period of protection associated with the Final Site Plan Approval, together with such other extension or confirmation of the continuing validity of the approvals as the Board may deem appropriate.

We respectfully request that this matter be placed on the Board's next available agenda and note that the Applicant is not presently proposing any material change to the 2024 Site Plan.

Please confirm any fees that the Board may require to review this application.

Thank you for your assistance in this matter. If your office has any questions, or if I may provide any additional information to further this request, please contact me at steven.polhamus@wakefern.com or 973.927.8300 ext. 313.

Very truly yours,



Steven A. Polhamus, Esq.
Associate General Counsel
RoNetco Supermarkets, Inc.

Byram Township Planning Board Bills		
October 1 2026		
Harold Pellow	Date	Amount
Inv. 87038 Landscapes By Lou: application review	9/8/2026	\$ 456.00
Inv. 87046 Lenker: meeting attendance, review	9/8/2026	\$ 312.50
Inv. 87051 Barak: inspection, report, review	9/8/2026	\$ 378.75
Inv. 87052 Salt: meeting, review	9/8/2026	\$ 187.50
Harold Pellow Total		\$ 1,334.75
Maraziti and Falcon	Date	Amount
Inv. 62436 General: review, meeting attendance, communications	09.07.2026	\$ 648.00
Inv. 62939 Venture II: review, meeting attendance, resolution	09.07.2026	\$ 288.00
Inv. 62441 Mountainside: review report	09.07.2026	\$ 36.00
Inv. 62443 Affordable Housing: review, communications	09.07.2026	\$ 396.00
Inv. 62445 Barak: review, communications, meeting attendance	09.07.2026	\$ 1,674.00
Inv. 62441 Mountainside: review report	09.07.2026	\$ 36.00
Maraziti and Falcon Total		\$3,078.00
Colliers	Date	Amount
Colliers Total		\$ -
Grant Total		\$4,412.75