

**BYRAM TOWNSHIP PLANNING BOARD AGENDA**  
**For Thursday, July 17 2025, 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 2025 was forwarded to the Board's designated newspaper, and posted on the bulletin boards and main doors of the Municipal Building.
4. **FLAG SALUTE**
5. **MEETING MINUTES-** July 3, 2025
6. **RESOLUTIONS**
  - Z08-2024 Diane and William Carkhuff, 82 South Shore Road, Block 189 Lot 1, R-5 Zone  
Application for construction of a new single-family dwelling
  - Z09-2024, Daniel Scully, 33 Allamuchy Trail, Block 144 Lot 135 and 136, R-5 Zone  
Amended application to construct a dwelling on a property with three front yards
7. **SUBCOMMITTEE**
  - SP6-2023 Tomahawk Lake, 155 Tomahawk Trail, Block 343 Lots 1, 2, 3, CR Zone  
Application for amended site plan and use variance approval to use Lot 3 for additional parking, reconfigure the overflow parking area and employee parking area, construct a slide and merry-go-round, and modify a ticket office for larger square footage
  - SP4-2025 Ionna EV (Wawa), 75 Route 206, Block 34 Lot 15, VB Zone  
Application for EV charging stations in Wawa parking lot
8. **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
9. **NEW BUSINESS**
  - Z07-2025, Anthony Castelluccio, 4 Sandys Road, Block 403 Lot 77, R4  
Application for gable roof cover and house generator
  - SP3-2025 Aqua New Jersey, Inc., Lynn Drive, Block 337.04 Lot 25.45, R3 Zone  
Application for utility enclosure for PFAS water treatment equipment
10. **REPORTS FROM COMMITTEES**
  - Environmental Commission
  - Open Space
  - Township Council
  - Zoning Report
11. **BILLS:** Harold Pellow (5): \$1,622.50 / Maraziti Falcon (7): \$2,345.00
12. **OPEN TO THE PUBLIC**
13. **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: July 3 2025

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

### ROLL CALL:

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

*Members Absent:* Ms. Lewandowski

*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: June 19, 2025

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

*Ayes:* Mss. Raffay, DeMagistris, Colligan; Messrs. Morytko, Smith, Walsh

*Abstaining:* Mayor Rubenstein, Mr. McElroy, Chairman Shivas

*Absent:* Ms. Lewandowski, Mr. Proctor

None opposed. Motion carried.

### SUBCOMMITTEE

WOSP7-2025, Salt Gastropub, 109 Route 206, Block 70 Lot 9, VB Zone

Amended application to construct a dwelling on a property with three front yards

Chairman Shivas said this application has been withdrawn at this time.

### NEW BUSINESS

Z09-2024, Daniel Scully, 33 Allamuchy Trail, Block 144 Lot 135 and 136, R-5 Zone

Amended application to construct a dwelling on a property with three front yards

Robert McBriar, an attorney at Schenck, Price, Smith, and King, introduced the applicant and professionals. Mr. Proctor entered the meeting at this time. Architect Paul Ashworth was sworn in at Newton NJ. He is licensed and was deemed an expert. Mr. Ashworth submitted **Exhibit A1**, a red-outlined plan. Mr. Ashworth said they started excavation earlier this year and found extensive rock, and the excavators stopped at a certain point. Dykstra re-surveyed the area, and they shrunk the house down to meet that available area. The red lines on the plans show what was previously there, which is within inches. The roof height dropped. No calculations changed, and all the stormwater comments and drainage remain the same.

Mr. Stoner noted the building coverage reduces a variance and the variances are made better by this amended plan. Nothing has changed except the footprint. He noted the only difference is with the garage; the west elevation was two stories, and now there is a floor over the area so there's more volume on the southern side. It was a one-car garage, but now it's two stories high. The Board discussed the variances. Mr. Walsh confirmed the nearest house is in the back left on Ka-Ton-Nah, and this is further from that house than the previous approval. He asked the distance. Mr. Ashworth said it's about 7-8 feet. Ms. Raffay confirmed the septic is designed for three bedrooms. Chairman Shivas asked if the lots have been incorporated. Mr. McBriar said there was a merger, and the Tax Assessor said after the merger the lots are known as 135. It's been recorded with the County Clerk's office. Ms. Raffay confirmed the landscaping was approved at the last application, and it's already

been looked at and nothing has changed. She reviewed the previous conditions. Mr. Ashworth said one of the main items was the runoff, so they had to add gardens and swales. Mr. Stoner said they added a berm that keeps the water off the neighbor's property. Mayor Rubenstein asked how they ensure the previous conditions are carried forward. Ms. Hubbard said they can note that all prior conditions that don't conflict will remain. She confirmed Mr. Stoner went through resolution compliance for construction purposes. Mr. Proctor asked if this relates to the new tree ordinance and if they're taking down any live trees. Mr. Stoner said they were approved before those items went into effect. Ms. Phillips this is an amended application. Mr. Ashworth noted there aren't any trees on the property. Mr. Stoner said the ordinance states tree removal is permitted but the Board needs to discuss it, or it's part of a zoning permit application, and this is part of a non-major stormwater development. Mr. Walsh confirmed there is no other tree removal or earthwork on the site.

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

Motion of Mr. Morytko to approve the application, second by Ms. Raffay.

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

*Absent:* Ms. Lewandowski

None opposed. Motion carried. Mr. McBriar requested a waiver of the reading of the resolution so the applicant can proceed at his own risk. Ms. Hubbard said they can waive the reading. Mr. Stoner asked for an updated zoning permit for the property.

## **REPORTS FROM COMMITTEES**

Environmental Commission- Mr. McElroy said they met last week, but he was not present.

Open Space- Mr. Morytko said there was no meeting; there is one in August.

Township Council- Mayor Rubenstein said they named the Miss Byram winners. The Boy Scouts of America have a camp nearby, and up until Tuesday, any guns are owned by one of the people who lives on the property. Due to a change in federal laws and BSA policy, they want to transfer the ownership of the weapons to the Patriots' Path Council. To do that they need a federal firearms license, and to get that, the Zoning Officer in the town in which the license is stationed needs to say the use of the property is conducive to the zoning. This pre-dates zoning. The Township Attorney thought the Council should approve the request. The BSA will be in front of the Board in the next few months for a site plan, and one of the items may be a certification of pre-existing non-conforming use. He also noted the paving of Route 206 from Route 80 to the tunnel. One decision was if they're keeping the stamped concrete in the shared turn lane, and they may not. He noted the previous Council never signed the previous agreement, so it wasn't executed. Ms. Raffay asked about narrowing the lanes, to help bring the speed down and to help with bikes.

## **BILLS:**

Maraziti and Falcon (6): \$2,223.25. A motion to approve the bills was made by Mr. Walsh, seconded by Ms. Colligan. All were in favor. Motion carried.

## **OPEN TO THE PUBLIC**

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

## **ADJOURNMENT**

A motion to adjourn the meeting was made at 8:57 pm by Mr. McElroy, seconded by Mr. Proctor. All were in favor. Motion carried. The meeting was adjourned.

Submitted by Caitlin Phillips

**JOHN P. GALLINA**

*Attorney at Law*

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June 16, 2025

Caitlin Phillips, Land Use Technical Assistant  
Byram Township Planning Board  
10 Mansfield Drive  
Stanhope, NJ 07874

**Re: Byram Twp. Planning Board  
Resolution 23-133  
Venture Two LLC, 11 Route 206  
APEP, Inc., 13 Route 206  
Block 27, Lots 383 & 381.02**

Dear Ms Phillips:

As you may recall, I represent Venture Two, LLC and APEP, Inc. with regard to the above referenced Byram Township Planning Board application.

By Resolution dated September 7, 2023, the Applicants were granted conditional use variance approval and preliminary and final site plan approval, with conditions.

As part of the application, a new commercial/residential building is proposed on Lot 383. The conditional use variance approval granted relief from Ordinance 240-63 regarding the number of rental apartments (11 units) and having 5 one bedroom apartment on the first floor of a mixed commercial/residential building. There has been ongoing work on the site and the Applicants are working toward completing all conditions of approval. Construction of the new commercial/apartment building on Lot 383 is anticipated to begin in the spring of 2026.

Ordinance Section 45-23 indicates that any variance will expire unless construction has commenced within one year from the date of publication of the notice of approval by the Board. Also, under N.J.S.A. 40:455D-52, the final site plan approval protection from Zoning Ordinance changes will expire within 2 years, or by September 7, 2025.

We would like to appear before the Board at the July 17, 2025 meeting to request the appropriate extensions. Kindly advise if we will be placed on the meeting agenda for that evening.

Please let me know if you have any questions.

Thank you for your courtesies.

Very truly yours,

***John P. Gallina***

JOHN P. GALLINA

cc: Anthony Reis  
Jessica Caldwell, PP  
Daniel Davies, PE  
Paul Gletiz, PP, Board Planner  
Alyssa Hubbard, Esq., Board Attorney  
Cory L. Stoner, PE, Board Engineer

# **ZONING REPORT**

## **(July 2025 for activity during June 2025)**

<b>Zoning Activity</b>	<b>June</b>
ZP Approved	22
ZP Denied	1
ZP Not Required	1
ZP Var/Site Plan Waiver Compl.	0
ZP Change of Tenant Waiver	0

<b>Investigation of Complaints</b>	<b>June</b>
<b>Property Maint./Zoning Complaints</b>	
Complaints Received	12
Open Cases	17
Cases Cleared	5
Summonses Issued	0

	<b>June</b>
Signs removed from roadside	21



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Nick Cutrone, Zoning and Code Enforcement Officer

ZP Permits approved post resolution: Steffens, Del Franco, Qualtieri/Schuffenhauer

<b>Byram Township Planning Board Bills</b>		
<b>July 17 2025</b>		
<b>Harold Pellow</b>	<b>Date</b>	<b>Amount</b>
Inv. 83408 General: meeting attendance	7/2/2025	\$ 145.00
Inv. 83412 Guerra: application review	7/2/2025	\$ 168.75
Inv. 83411 Castelluccio: application review	7/2/2025	\$ 36.25
Inv. 83410 Aqua: application review	7/2/2025	\$ 732.50
Inv. 83409 Heineman: application review	7/2/2025	\$ 540.00
Harold Pellow Total		<b>\$1,622.50</b>
<b>Maraziti and Falcon</b>	<b>Date</b>	<b>Amount</b>
Inv. 59920 Planning Board: communications, attendance	7/7/2025	\$ 245.00
Inv. 59921 Carkhuff: review, communications, attendance	7/7/2025	\$ 1,295.00
Inv. 59923 Schuffenhauer: attendance for resolution discussion	7/7/2025	\$ 70.00
Inv. 59924 Venture II: communications for extension	7/7/2025	\$ 35.00
Inv. 59927 Salt: review application and report	7/7/2025	\$ 87.50
Inv. 59928 Aqua: review application and report, attendance	7/7/2025	\$ 140.00
Inv. 59929 Heineman: review, attendance, resolution	7/7/2025	\$ 472.50
Maraziti and Falcon Total		<b>\$2,345.00</b>
<b>Colliers</b>	<b>Date</b>	<b>Amount</b>
Colliers Total		<b>\$ -</b>
<b>Grant Total</b>		<b>\$3,967.50</b>