

BYRAM TOWNSHIP PLANNING BOARD AGENDA
For Thursday, April 16 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, 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-** April 2, 2026
6. **RESOLUTIONS**
Z19-2024 Alan Tedesco, 25 The Rotunda, Block 281 Lots 487 and 428, R5 Zone
Extension for subdivision of lots
7. **SUBCOMMITTEE**
SP1-2026 On Time Sign and Design LLC (Vito Lombardo), 10 Route 206, Block 42 Lot 112 Zone VB Zone
Application for amended site plan
8. **NEW BUSINESS**
Z13-2024 Shawn Steffens, 99 Lake Drive, Block 249 Lot 89.02, R5 Zone
Application for new home construction of a single-family dwelling
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: April 2 2026

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

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

Members Absent: Ms. Raffay, Messrs. Smith, 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, 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: March 19, 2026.

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

Ayes: Ms. DeMagistris, Colligan; Messrs. Mayor Rubenstein, Proctor, McElroy, Morytko, and Chairman Shivas

Abstaining: Ms. Lewandowski

Absent: Ms. Raffay, Messrs. Smith, Walsh

None opposed. Motion carried.

RESOLUTIONS

Z03-2023 Peter Smith, 9 Weasaug Trail, Block 187 Lot 1, R-5 Zone

Extension of approval for second-story addition, hot tub, and fence

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

Ayes: Ms. DeMagistris, Colligan; Messrs. Mayor Rubenstein, Proctor, Morytko, and Chairman Shivas

Abstaining: Ms. Lewandowski, Mr. McElroy

Absent: Ms. Raffay, Messrs. Smith, Walsh

None opposed. Motion carried.

Z01-2026 Michael Marotte, 3 Lakeview Trail, Block 131 Lot 1, R5 Zone

Application for deck extension

Motion of Ms. DeMagistris to approve the resolution, second by Mr. Proctor.

Ayes: Ms. DeMagistris, Colligan; Messrs. Mayor Rubenstein, Proctor, Morytko, and Chairman Shivas

Abstaining: Ms. Lewandowski, Mr. McElroy

Absent: Ms. Raffay, Messrs. Smith, Walsh

None opposed. Motion carried.

Z02-2026 Rosita DesJardins, 56 Fieldstone Trail, Block 337.04 Lot 10.09, R3 Zone

Application for reconstruction of single-family home, addition of ramp, and replacement of decks

Motion of Ms. DeMagistris to approve the resolution, second by Ms. Colligan.

Ayes: Ms. DeMagistris, Colligan; Messrs. Mayor Rubenstein, and Chairman Shivas

Abstaining: Ms. Lewandowski, Messrs. McElroy, Proctor, Morytko

Absent: Ms. Raffay, Messrs. Smith, Walsh

None opposed. Motion carried.

Z19-2024 Alan Tedesco, 25 The Rotunda, Block 281 Lots 487 and 428, R5 Zone

Extension for subdivision of lots

Ms. Phillips noted this is a request for an extension, so the resolution isn't drafted yet. Ms. Hubbard noted per the Municipal Land Use Law, there's a statutory amount of time, which is 190 days, to record a subdivision deed. An applicant is allowed a one-year extension of that time. Mr. Tedesco said his original lawyer took awhile to get things submitted. They got approval for the subdivision, and it was purchased through his lawyer. The only thing missing was the lot description to get the deed approved. Ms. Hubbard asked if he purchased the land before the subdivision was finalized. He said it was under contract. Ms. Hubbard asked if he paid for it, and Mr. Tedesco said he did. Ms. Hubbard noted he can't purchase land if it's not subdivided yet. She asked if he has title insurance, and he believes so. Mr. Stoner said his attorney needs to put together the deeds and description for his and Ms. Hubbard's review. Ms. Hubbard said she provided comments in August. Mr. Stoner said Chairman Shivas needs to sign it. Ms. Hubbard said she doesn't have a final deed. Ms. Phillips noted the extension is to allow the deed to be filed. Ms. Hubbard noted typically you record the subdivision deed, then you have a deed for a portion of the lot. Then you pay for it, and the deed records the perimeter of the entire lot. Chairman Shivas confirmed they have the authority to grant the extension. Ms. Hubbard said it can't go past a year and 190 days total. Mr. McElroy told Mr. Tedesco they can approve the extension for what's allowable, but if he doesn't hit his timelines, there's nothing the Board can do past that. Ms. Hubbard said the date is June 27th. Mr. Stoner said they need the description to review it. Mr. Tedesco noted he switched lawyers so that was part of the delay. He will get the documents to Ms. Phillips, and then Mr. Stoner and Ms. Hubbard will review. Mr. Stoner said he needs the subdivision for his new project. Motion of Ms. Colligan to approve the extension through to June 27th, second by Mr. Morytko.

Ayes: Ms. DeMagistris, Colligan, Lewandowski; Messrs. Mayor Rubenstein, Proctor, McElroy, Morytko, and Chairman Shivas

Absent: Ms. Raffay, Messrs. Smith, Walsh

None opposed. Motion carried.

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

Mr. McElroy said the Subcommittee met a couple of times, and it was previously deemed incomplete. They reviewed new documentation, and the Subcommittee recommends it's deemed incomplete. The wetlands are not being delineated completely on the plan. They provided a photo log, but the numbers

of the structures don't match the numbers of the structures on the site plan, so they're unable to get a scope of what those structure sizes look like. They need confirmation from the DEP that the septic and the porta-john plan they're using is satisfactory and in accordance with their treatment works approval. Motion of Mr. McElroy to deem the application incomplete, second by Mr. Morytko.

Mayor Rubenstein noted this has been going on for a while, and there's a question about the details on their site plan. Is that still the same problem? Mr. Stoner said it does get better. They can't tell on the provided plan where all the wetlands are located. They added the traffic control plan to the plan set. They've added riparian buffers to the lakes and numbers to the structures, but the numbers don't match. It's getting better, but they want to know the environmental constraints and the sewage disposal system. They have an older approval, but they're adding parking, and they want to see the numbers match.

Ayes: Ms. DeMagistris, Colligan, Lewandowski; Messrs. Mayor Rubenstein, Proctor, McElroy, Morytko, and Chairman Shivas

Absent: Ms. Raffay, Messrs. Smith, Walsh

None opposed. Motion carried.

OLD BUSINESS:

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

Application for new home construction

Ms. Hubbard confirmed Marcelo Lopez remains under oath from the last hearing. Adnan Khan was sworn in from AWZ Engineering at 150 River Road in Montville, as the project engineer. Mr. Khan has degrees in civil engineering and construction management. He is a licensed professional, and his licenses are current. He has been before Boards in Parsippany, Montville, and Wantage. Eugenio Genise from Genise Law represented the applicant. He noted he was not present at the last hearing. He understands that Jans Way is a paper road and is gravel. He said the township wants it paved for his client's project to be built. Mr. Stoner noted one issue is that it's an unimproved roadway, shared by several properties. This would be the third house located in the gravel drive. He noted he recommended a portion be paved for adequate emergency access, and access for the properties. Since it's an unimproved roadway, that would be one of the criteria to show it's capable to have a third house and handle emergency vehicles. His recommendation is that at least the common part of the area be paved.

Mr. Stoner noted they have a letter from the Fire Department, and they agreed with this paving recommendation. Mr. Genise said he doesn't know who owns this. Mr. Stoner said no part of the road is owned by the town. In doing some research, they found that the town has taken some maintenance responsibilities for the part that's paved, but when it was subdivided, it was a private road. It was never officially taken over by the township. Mr. Genise asked if it's owned by private people, has the town requested from them that the area be paved and maintained, and why that burden is on his client. Mayor Rubenstein said because they are seeking the approval. Mr. Genise said there are other homes there, serviced by that road. If the Fire Department wants it, why wouldn't it have been done beforehand. Mayor Rubenstein noted at this point they're the ones seeking the variance, based on building on an unimproved roadway. The Board has the right to place conditions on an approval. One of the conditions would presumably be that the road needs to be stabilized so emergency vehicles can get through. Ms. Hubbard asked if they know it's owned by the other properties. She said it's not jointly owned. Mr. Stoner said based on subdivision plans from 1982, it was a private road that was supposed

to be maintained by an association. There doesn't seem to be an association. The town has historically been maintaining Jans Way, and in recent years, they paved up to that point. Past that spot, there are no records of the town having ownership or maintenance responsibilities. He's not sure why the other houses have gone on without this. Mr. Genise said the burden of his client to pave that would be substantial. If they can get a shared agreement with the other homeowners, they'd consider it. They've reached out to some homeowners, but they've been non-responsive. His client knocked on doors and sent letters. Unless they get feedback from the neighbors, they're stuck. Mr. Stoner said today, to have this area safely utilized for three properties, this area needs to be paved and maintained, and to have it outlined who is maintaining it. Mayor Rubenstein said they could move forward on the variance, with conditions being set, and how they work it out privately is up to them.

Ms. Hubbard asked what the condition of the road is. Mr. Khan said it's a gravel road. Mayor Rubenstein said he drove the road around the time of the last hearing. When you get 50-100 feet before the subject property, it's paved by the town. Then it turns into a narrow gravel road, then it splits off into the two property owners on the right. It'd be about 100 feet of improvement. Ms. Hubbard confirmed they wouldn't pave to the right. Mayor Rubenstein noted another issue is it's very narrow and there's no place to turn around, which would be a concern for the Fire Department. Mr. Khan noted they're proposing a turnaround area on the property. In case of an emergency, the Fire Department could use that. Mr. Khan reviewed the submitted plans for the turnaround area. Mayor Rubenstein noted the Fire Department talks about the narrowness of the access between where the pavement ends and the subject property. They also noted trimming trees back. Mr. Khan said they can extend the width. They need to check, because the property is in the Highlands area, and right now they have an exemption because of the limit of disturbance. Mayor Rubenstein noted what they're discussing wouldn't be on the property. Mr. Stoner said he spoke with Mr. Pellek from the Fire Department, and he didn't mind the turnaround area as long as that's not used for parking. He noted on a lot of properties they'd need to back out anyway. As long as they can get in close enough to the house. Mayor Rubenstein discussed the narrow area the Fire Department mentions in their memo. He noted they also need to discuss stabilization. Mr. Khan said it can be widened, without having an issue with the Highlands exemption. Mr. Stoner said they're not discussing an extreme widening, but something to make sure vehicles can get through and not be hit by tree branches. Mr. Proctor asked whose property is affected by the widening. Mr. Stoner said that's a paper road. If they did a title search, they could see who it belongs to. Mr. Proctor said on the tax map it says right-of-way. Mayor Rubenstein said it has not been accepted. Mr. Stoner said they've been shown as a right-of-way on previous tax maps, and before it was listed as a private roadway, and there's no documentation showing it was turned over to the town. Mayor Rubenstein said the 1982 approval has notes about how this is a private road and there should have been some sort of association for the homeowners that maintain the road. Mr. Stoner said when Jans Way was Hilltop Road, it says it was to be deeded to a private road association which members shall consist of the following lot owners, which then list all the lots in the area. Mr. Genise said if it was never deeded over then whoever owned it then would still be the owner. Ms. Colligan confirmed Mr. Genise didn't run a search to see ownership. Mr. Stoner said it looks to be that the owner at the time was the Panther Lake Association. Ms. Hubbard said in theory, they could potentially deed it to a road association. Mr. Genise said he'd need to do a title search to see the owners, and see if they'd be willing

to deed it over to an association or his client. Ms. Hubbard said if it was to his client, they'd need access easements.

Ms. Hubbard said one of the proofs is that there's safe access to the property. Mr. Stoner said they need to make sure whatever is paved is not on a neighbor's property. For the common driveway portion, there should be a maintenance agreement so they understand who maintains and plows the area. Mr. Stoner noted he also recommended the gravel drive be paved and the trees cleared to address the comments from the Fire Department. Chairman Shivas asked about what's being proposed for the driveway. He asked if there's a turnaround area now. Mayor Rubenstein said where the pavement ends, there's an area to turn around. He's not sure if a firetruck could. Chairman Shivas asked if that's the area that would be extended. Mayor Rubenstein agreed the stabilization should be prior to their property. Mr. Khan discussed the areas proposed to be paved. Mr. Genise said before they agree to pave it, they need to find out the cost and if they can pave on someone else's property. Ms. Hubbard said they need to figure out ownership. Mr. McElroy said they could make the variance contingent on the ability to do that. Ms. Hubbard said they can't require that they pave, if they don't know ownership. They have to make it safe for emergency access. While paving might be ideal, but she's not sure they can make it a condition. Mr. McElroy said that language makes that a lot more vague. Ms. Hubbard said they need to figure out ownership to see what they can ask them to do. She's not sure an agreement with the neighbors solves the problem, because the neighbors don't own it either. Mr. Genise said he'd like to do a title search and see what the owner is willing to do. He reiterated they reached out to neighbors but didn't get a response. Ms. Hubbard said that's always an issue; you can't force someone else to do anything, except that ultimately they're accessing their property via your property, and you don't have to allow that encroachment to exist. Chairman Shivas said they had a previous subdivision in town where everything was agreed to, and when they were finished building the houses, they were going to have a group of people who owned the roads before it was turned over to the town. When the people moved in, they refused to form that organization. Eventually the town took over the roads, but some things like sidewalks didn't get taken over by the town, because the HOA was never built. In this case, there's also no association. Mr. Genise noted he needs to talk to his client to see what he's willing to do, and if he's willing to put that restriction in the deed when he sells the home. Mayor Rubenstein said there's also been a conversation on the administrative side as to whether they should be maintaining the road, because it was never accepted by the town. Mr. Proctor asked if it's a right-of-way, does the town own it, since they own paper streets. Ms. Hubbard said this was part of a bigger subdivision. Mr. Stoner noted the other roads were dedicated to the town in some fashion. This one is specific on the subdivision map that it's a private right-of-way. Mayor Rubenstein noted tax maps are not the source of truth, deeds are. Mr. Stoner confirmed before the Board can make a decision, they need to know ownership. Mayor Rubenstein noted they need to know they have the right to improve it. He noted he's not against a house on the property, but they need to make sure this is clarified. Mr. Stoner said he's seen this in other towns-- it's not odd to ask for it to be paved. Mr. Genise said paving would be a one-time cost that they may be able to absorb, but the issue is going forward, and if the neighbors are willing to share the burden. Mr. Khan noted the shed has been removed. Mayor Rubenstein noted the only variance then is the unimproved roadway.

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

Motion of Mayor Rubenstein to carry the application without further notice to 05/07, second by Mr. Morytko.
Ayes: Ms. DeMagistris, Colligan, Lewandowski; Messrs. Mayor Rubenstein, Proctor, McElroy, Morytko, and Chairman Shivas

Absent: Ms. Raffay, Messrs. Smith, Walsh

None opposed. Motion carried.

BILLS:

Maraziti and Falcon (3): \$2,605.65. A motion to approve the bills was made by Mayor Rubenstein, seconded by Mr. McElroy. All were in favor. Motion carried.

Harold Pellow (2): \$150. 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 represent this.

Open Space- Mayor Rubenstein said there's a meeting in two weeks.

Township Council- Mayor Rubenstein said there's a meeting next week.

OPEN TO THE PUBLIC

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

ADJOURNMENT

A motion to adjourn the meeting was made at 8:30 pm by Mr. McElroy, seconded by Ms. Colligan. All were in favor. Motion carried. The meeting was adjourned.

Submitted by Caitlin Phillips

Resolutions Approved at Previous Meeting

In the matter of Peter Smith (Extension)
Case No. Z03-2023
MF#5000.026

BYRAM TOWNSHIP

PLANNING BOARD

RESOLUTION OF MEMORIALIZATION

RELIEF GRANTED: Extension of Variance Relief

WHEREAS, Peter Smith applied to the Planning Board, Township of Byram and obtained approval to construct a second story addition with related improvements requiring bulk variance relief for premises located at 9 Weasaug Trail, and known as Block 187, Lot 1 on the Tax Map of the Township of Byram which premises are in a “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 is the owner and occupant of the subject property and received approval to construct a second story addition, a hot tub and a fence. Pursuant to N.J.S.A. 40:55D-70(c), variance relief was granted from the following sections of the Township’s Zoning Ordinance:

- a. Section 240-55(C)(2) and Section 240-14 – to permit a front yard setback of 5.5 feet, where 44 feet was required.
 - b. Section 240-55(C)(3) – to permit a side yard setback of 3.1 feet is proposed for the second story addition, where 15 feet was required.
 - c. Section 240-55(c)(9) – to permit a minimum setback from the lake of 12.6 feet, where 50 feet was required.
 - d. Section 240-16(A)(7) – to permit a minimum setback from the lake of 20 feet for the hot tub where 50 feet was required.
 - e. Section 240-16(B)(4) – to permit a side yard setback of accessory structure of 5 feet, where 10 feet was required.
2. The Approval was granted on February 16, 2023, memorialized in a Resolution on March 16, 2023 and published in the New Jersey Herald on March 23, 2023.
 3. Section 45-23 of the Township’s Ordinances provides that any variance granted that permits the creation or alteration of a structure shall expire unless construction has commenced within one year from the date of publication of the resolution.
 4. Via email on March 6, 2026, the Applicant requested an extension of the approval, stating that he was unable to complete the construction in the allotted time frame, as the project exceeded the anticipated budget.
 5. The Applicant appeared at the Board’s meeting on March 19, 2026 and explained that he completed the construction of the addition, but due to financial limitations, the hot tub and fence had not yet been installed. The Applicant plans to start construction of the hot tub and fence in the near future.

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6. Accordingly, the Applicant requested three (3) one-year extensions of said approval from the date of publication, which would extend the variance relief until March 17, 2027.

WHEREAS, the Board determined that, based on the information provided, the Variance Approval shall expire on March 23, 2027, and the Applicant is entitled to three one-year extensions of the subject variance approval to commence construction, as per the Township's Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the 19th day of March, 2026 that the variance approval, as stated herein, shall be extended for a period of three, one-year extensions from the date of the publication of the Resolution, to March 23, 2027.



George Shivas

On motion of: Mr. Morytko

Seconded by: Mr. Proctor

The vote on the Resolution was as follows:

AYES: Six (6): Ms. DeMagistris, Colligan; Messrs. Mayor Rubenstein, Proctor, Morytko, and Chairman Shivas

NAYS: Zero (0)

ABSTAINING: Two (2): Ms. Lewandowski, Mr. McElroy

ABSENT: Three (3): Ms. Raffay, Messrs. Smith, Walsh

I certify that the above Resolution is a true copy of a Resolution adopted by the

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Smith Z03-2023
3/24/2026
MF# 5000.026

Planning Board on April 2, 2026, and is
in effect for one year.

Caitlin Phillips

Caitlin Phillips, Planning Board Secretary

Dated: 04/06/2026

Prepared by: Alyse Landano Hubbard, Esq.

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Smith Z03-2023
3/24/2026
MF# 5000.026

In the matter of Michael Marotte
Case No. Z01-2026
MF#5000.147

BYRAM TOWNSHIP

PLANNING BOARD

RESOLUTION OF MEMORIALIZATION

RELIEF GRANTED: Setback to the Lake

WHEREAS, Michael Marotte has applied to the Planning Board of Township of Byram seeking approval to construct a new deck and a roof structure over the existing deck for premises located at 3 Lakeview Trail, and known as Block 131, Lot 1 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 is the owner and occupant of the subject property. The Applicant is proposing to construct a new deck and a covered roof structure over the existing deck, requiring the variance relief, pursuant to N.J.S.A. 40:55D-70c, from the following Sections of the Township’s Zoning Ordinance:

- a. Section 240-55C(9) – Minimum setback from existing lake: 50 feet required, 29.3 feet proposed to the new deck.
 - b. Section 240-55C(9) – Minimum setback from existing lake: 50 feet required, 37.6 feet proposed to the covered porch.
2. The Applicant submitted the following documents, along with the Land Use Application:
- a. Architectural Plans, prepared by PVA Architecture, LLC, date February 12, 2026, consisting of seven (7) sheets.
 - b. Tax Map, prepared by Harold E. Pellow, PE, LS, dated June, 2026, revised through August, 2024, Sheet 3.02.
 - c. Resolution Z06-12, for Michael Marotte to construct the existing deck. dated August 16, 2012, memorialized August 16, 2012.
3. The Board received memorandum from:
- a. Cory L. Stoner, P.E., P.P., of Harold E. Pellow, & Associates, the Planning Board Engineer, dated March 13, 2026.
 - b. Environmental Commission, dated March 16, 2026.
4. The following documents were marked for identification at the public hearing:
- a. A-1 - Picture of the rear view of the residence
 - b. A-2 - Portion of the Deck Floor Plan marked up by the Applicant during the hearing
 - c. A-3 – Pictures of the supporting structure of the existing deck, four (4) total (marked A-3.1-3.4)

- d. A-4 – Pictures of the views from the deck, three (3) total (marked A-4.1-4.3)
5. A duly noticed public hearing was conducted on March 19, 2026, at which time Michael Marotte, the Applicant and Paul Ashworth, AIA, NCARB, who was accepted as an expert in the field in architecture, presented sworn testimony in support of the application.
6. The subject property is an odd-shaped lot, with an irregular frontage on Lakeview Trail and frontage on Cranberry Lake, with a portion of the lake located within the subject lot. The property is developed with an existing two-story dwelling, a deck, a garage, a boathouse and a dock. The property is conforming to all bulk requirements in the R-5 Zone, but for required setback to the lake. The Applicant constructed a deck, with the prior approval, that has four (4) stairs from the upper level, to the lower level, that expand the width of the deck.
7. The Applicant is proposing to reconstruct the existing roof over the sunroom to cover both the sunroom and the deck. Additionally, the existing stairs will be removed to create a traditional staircase and the deck will be enlarged to absorb the area of the stairs. Finally, the existing portion of the deck will be squared off. The deck renovations will require relief from the setback to the lake, which is measure to the water's edge, although the water's edge is within the subject property.
8. The Applicant testified that the sunroom will remain the same, including the windows and doors, although the roofline will change. The stairs will be infilled to create additional deck area, with standard stairs. The existing deck will be

covered, but the sides will remain open. The foundations of the deck are pinned into the granite, as depicted in Exhibit A-3.

9. As noted by the Environmental Commission, the Township's Ordinance calls for a 10-foot-wide vegetated buffer along 80% of the lake front. The Applicant testified that there is a natural vegetative buffer along the lake, and that he has tried to grow grass unsuccessfully. There is a small portion of the lake front, where a sidewalk exists, that is not vegetated. The existing vegetation collects the runoff before it flows into the lake.
10. There is a garage on the plans, that has been constructed, and the shed on the plans has been removed.
11. As noted in the Engineer's Report, the deck extension is located in the riparian zone of Cranberry Lake. The deck can be constructed under New Jersey Department of Environmental Protection, Permit-by-Rule #10, which permits construction within the riparian zone, outside of the flood hazard area.
12. Additionally, the property is located within the Highlands Preservation Area and the proposed improvements can be accomplished under Highlands Exemption #5, which permits the construction of various improvements to a single-family dwelling, including a deck.
13. No one from the public was in attendance at this hearing.

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 Section 240-55C(9) of the Township's Zoning Ordinance, to permit the setback to the lake of the deck at 29.3 feet and the setback to the porch of 37.6 feet, where the minimum setback required from existing lake is 50 feet required.
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 oddly shaped lot, with a portion of the lot consisting of Cranberry Lake. The lot is conforming to all bulk requirements, but for the setback to the lake. The lakefront is irregular, and the house is situated on the property in an area close to the lake front with a front yard setback of more than three-times the required distance, creating a hardship for the Applicant. The proposed extension of the deck is in a logical location and is backfilling the existing stairs to create a more functional area for passive recreation.
4. The Board determined that permitting the renovations to the deck would not result in a substantial detriment to the surrounding area, as the setbacks are similar to

the existing setbacks. The renovations will be a de minimis increase in the mass of the deck but the proposal creates usable space, which is a better plan for the property, instead of construction a new, expanded deck. The proposal is not inconsistent with the Master Plan and the Zoning Scheme, as decks are common residential amenities, especially on lake front properties, that provide passive recreation for the homeowners.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the 19th day of March, 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 his professional, 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. Applicants 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. Applicants 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. The Applicant shall close out the open permits on the property prior to the issuance of zoning or construction permits.
7. 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.
8. 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.



George Shivas

On motion of: Ms. DeMagistris

Seconded by: Mr. Proctor

The vote on the Resolution was as follows:

AYES: Six (6): Ms. DeMagistris, Colligan; Messrs. Mayor Rubenstein, Proctor, Morytko, and Chairman Shivas

NAYS: Zero (0)

ABSTAINING: Two (2): Ms. Lewandowski, Mr. McElroy

ABSENT: Three (3): Ms. Raffay, Messrs. Smith, Walsh

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

Caitlin Phillips

**Caitlin Phillips, Planning Board
Secretary**

Dated: 04/06/2026

Prepared by: Alyse Landano Hubbard, Esq.

In the matter of Rosita DesJardins
Case No. Z02-2026
MF#5000.146

BYRAM TOWNSHIP

PLANNING BOARD

RESOLUTION OF MEMORIALIZATION

**RELIEF GRANTED: Minimum Rear Yard Setback
 Maximum Height of Principal Structure
 in Stories**

WHEREAS, Rosita DesJardins has applied to the Planning Board of Township of Byram seeking approval to reconstruct a fire-damaged home located at 56 Fieldstone Trail, and known as Block 337.04, Lot 10.09 on the Tax Map of the Township of Byram which premises are in the “R-3” 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 Todd Hooker, Esquire, of Askin & Hooker, LLC.

2. The Applicant is the owner and occupant of the subject property. The Applicant is proposing to reconstruct the existing home that was damaged by a fire. The reconstruction includes interior and exterior changes, requiring the following variance relief, pursuant to N.J.S.A. 40:55D-70c, from the Township's Zoning Ordinance:
 - a. Section 240-53C(4) – Minimum Rear Yard Setback: 50 feet required, 52.8 feet existing, 44.9 feet proposed.
 - b. Section 240-53C(7) – Maximum Building Height: 2 ½ stories permitted, 3 stories existing and proposed.
3. The Applicant submitted the following documents, along with the Land Use Application:
 - a. Architectural Plans, prepared by Chen Consulting Architectural Engineer, dated October 30, 2025, consisting of five (5) sheets.
 - b. Proposed Statement of Justification, undated.
 - c. Tax Map, prepared by Harold E. Pellow, PE, LS, dated June 2006, revised August 2020, Sheet 10.05.
 - d. System Review of Individual Subsurface Sewage Disposal, from the Sussex County Department of Health and Human Services, approved December 1, 2025, with related plans and communications.
 - e. Survey, prepared by Morris Engineering, dated June 18, 1992, Final Survey June 2, 1993, with above-ground pool location indicated.
 - f. Pictures of the home, five (5) total.

4. The Board received a memorandum from Cory L. Stoner, P.E., P.P., of Harold E. Pellow & Associates, Inc., the Planning Board Engineer, dated March 13, 2026.
5. A duly noticed public hearing was conducted on March 19, 2024, at which time Rosita DesJardins, the Applicant, along with Carol Chen, PE, who was accepted as a professional engineer, presented sworn testimony in support of the application.
6. The subject property is a rectangular shaped lot, with frontage on the cul-de-sac of Fieldstone Trail. The lot is developed with a 2 ½ story dwelling, small decks, paved driveway and concrete walkway. The Applicant purchased the property in 2015 and recently replaced the roof. The property was damaged by a fire in June of 2025, and the Applicant and her family of 8 have been displaced since then.
7. The home consists of three (3) floors, including a basement, with storage area and utilities. The first floor consists of two (2) living areas, a kitchen, dining room, and half bathroom. The second floor consists of a master suite, two (2) bedrooms, a bathroom and playroom/living area.
8. The Applicant proposes to renovate the interior of the home to upgrade the utilities in the basement, create a laundry room, pantry and open area. The proposed first floor includes the conversion of one of the existing living rooms into an office and smaller living room, the wall between the kitchen, dining room and living room will be removed to create an open floorplan. Finally, the second floor will be renovated to convert the bedrooms into a living area and study, the hallway bathroom is being merged with the master bathroom to create one large

bathroom. The playroom/living area is being converted into two (2) bedrooms and a split bathroom.

9. The conversion of the playroom/living area will include the raising of the roof to create full ceiling height in the bedrooms and additional attic space. The conversion will result in the redesign of the roof lines and the removal of the existing dormers. The additional ceiling height results in an increase in the mass of the third story, requiring variance relief. It was noted that the height in feet, and the façade height, will both be conforming.
10. Additionally, the Applicant is proposing to construct a new, larger deck to a practical size for the family, resulting in the need for a rear yard setback variance. The proposed deck will be an open structure, with crushed stone underneath, to minimize the runoff, with 100% infiltration. The deck will run the length of the rear façade of the home and extend 10 feet on one side to 16'4" on the other side.
11. The existing home consists of multiple roof areas, at varying heights and designs. The proposed renovation will alter the pitch of one of the rooflines, which will not be the highest point of the home. The Engineer testified that the redesign will simplify the roof design and reduce the chances of leakage. The highest point measures at 29 feet. The roof that is being raised is at 25 feet, and is proposed at 27'3". Ms. Chen testified that the reconstruction of the existing roof, with the dormers, would not be time efficient and the proposed changes will modernize the appearance of the home. From the front view of the home, it will appear to have one continuous roof, broken up by the conical roof element.

12. The Applicant introduced an aerial photo of the home, which was marked A-1 for identification. The picture shows the dormers to be removed, and a blue tarp on the portion of the roof that will be redesigned. The existing dormers are above the playroom, and are attached to the attic space that is to be expanded. The roof expansion is an intensification of the 3rd story, increasing the mass of the nonconformity.
13. Ms. Chen opined that reconstructing the roof as previously constructed was technically complex and structurally inefficient, which created a hardship for compliance with the ordinance. Additionally, the benefits of revising the design of the roof would speed up the construction timeline and allow the family to occupy the home sooner. The renovations are consistent with the current home, it is an increase in the usable space, which is a better design for the home, bringing the home up to modern standards. The redesign results in additional windows, allowing natural light into the home.
14. With regard to the proposed deck, the house is setback more than twice the required distance, creating a hardship for complying with the rear yard setback. There was a pool that was removed from the rear yard. The deck will provide additional recreational space for the homeowners.
15. The Applicant received approval for the dwelling renovation to utilize the existing septic system from the Sussex County Health Department on December 1, 2025 for a three (3) bedroom residence.
16. The property is located within the Highlands Preservation Area and the proposed improvements can be accomplished under Highlands Exemption #5, which

permits the construction of various improvements to a single-family dwelling, including an addition and a deck.

17. During the public portions of the meeting, James Conrad, the neighbor in the rear (west) of the property was concerned that the increase in height would block his sunlight. Debbie DeBoer, the Applicant's neighbor, questioned what portion of the roof would be changing and what portions would remain the same. Both members of the public objected the change in the roofline.

18. The Applicant requested the Board vote on the rear yard setback variance for the deck first, which was approved unanimously. The Board then voted on variance permitting the expansion of the 3-story of the home, which was approved by a vote of 5-3.

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 240-53C(4) – Minimum Rear Yard Setback: 50 feet required, 52.8 feet existing, 44.9 feet approved.
 - b. Section 240-53C(7) – Maximum Building Height: 2 ½ stories permitted, 3 stories existing and 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 fully developed with the home setback toward the rear of the lot, creating a hardship for the applicant to construct a larger, functional deck that is conforming to the zone requirements. The deck is a common residential amenity that provides a passive recreation area for the homeowner.
4. The increase in the 3rd story mass will provide additional area for the homeowner, without triggering a variance for the height of the structure, in feet, nor a variance for height of the building’s façades. The Board determined that permitting the variances would not result in a substantial detriment to the surrounding area. The variance for the increase in mass of the 3rd floor does not increase the overall height of the structure. The highest peak of the structure will remain the same. The Board found that the improvements were not inconsistent with the Master Plan and the Zoning Scheme, as the proposed deck will provide an area for passive recreation and the increase in a portion of the roof, will not impact the surrounding neighbors and is consistent with the design of the home and the

surrounding area. The overall appearance and function of the home will be modernized with the proposal.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the 19th day of March, 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 Departments 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 comply with the approval from the Sussex County Health Department, permitting three (3) bedrooms only.



George Shivas

On motion of: Ms. DeMagistris

Seconded by: Ms. Colligan

The vote on the Resolution was as follows:

AYES: Four (4): Ms. DeMagistris, Colligan; Messrs. Mayor Rubenstein, and Chairman Shivas

NAYS: Zero (0)

ABSTAINING: Four (4): Ms. Lewandowski, Messrs. McElroy, Proctor, Morytko

ABSENT: Three (3): Ms. Raffay, Messrs. Smith, Walsh

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

Caitlin Phillips

**Caitlin Phillips, Planning Board
Secretary**

Dated: 04/06/2026

Prepared by: Alyse Landano Hubbard, Esq.