

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