

BYRAM TOWNSHIP PLANNING BOARD AGENDA
For Thursday, August 20 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-** August 6, 2026
6. **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
7. **OLD BUSINESS**
Z07-2025 Avi and Ita Barak, 11 Lake Drive, Block 242 Lot 23.01, R5 Zone
Application for demo and construction of a single-family home
8. **BILLS:** Maraziti and Falcon (4): \$2,448.00 / Harold Pellow (7): \$2,821.50
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: August 6 2026

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

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

Members Absent: Messrs. Proctor, Smith

Also Present: Engineer Cory Stoner, Attorney Alyse Hubbard, Planner Dan Bloch, 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: July 16, 2026.

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

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

Abstaining: Messrs. Mayor Rubenstein, Morytko

Members Absent: Messrs. Proctor, Smith

None opposed. Motion carried.

RESOLUTIONS

WOSP1-2026 Salt Bar LLC, 109 Route 206, Block 70 Lot 9, VB Zone

Application for deck and stair replacement

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

Ayes: Mss. Colligan, DeMagistris, Lewandowski; Messrs. Walsh, and Chairman Shivas

Abstaining: Ms. Raffay, Messrs. Mayor Rubenstein, McElroy, Morytko

Members Absent: Messrs. Proctor, Smith

None opposed. Motion carried.

Z17-2025 Brian Lenker, 88 Lee Hill Road, Block 298 Lot 2201, R5 Zone

Application for conversion of a garage into a single-family dwelling

Motion of Ms. DeMagistris approve the minutes, second by Ms. Lewandowski

Ayes: Mss. Colligan, DeMagistris, Lewandowski; Messrs. Walsh, and Chairman Shivas

Abstaining: Ms. Raffay, Messrs. Mayor Rubenstein, McElroy, Morytko

Members Absent: Messrs. Proctor, Smith

None opposed. Motion carried.

PUBLIC HEARING: Master Plan Consistency for Amended Fourth Round Housing Element & Fair Share Plan
Mr. Bloch said last year, they discussed the affordable housing plan. They've been working with the State agency to make sure the plan is acceptable. They're amending the plan's wording, but aren't changing

anything substantial. They're asking for a durational adjustment, due to a lack of water and sewer availability.

Chairman Shivas asked who the administrator is. Who checks to make sure someone selling a qualified property is selling it to another qualified business? Mr. Bloch said the administrative agent is a state department. Chairman Shivas asked who in the town helps with this. Ms. Hubbard said the affordable housing liaison is Mr. Sabatini. Chairman Shivas asked who he can speak to with any issues for this. Mr. Bloch said when someone owns an apartment building, they need to coordinate with the state department to make sure they're following the rules. Chairman Shivas asked who checks that things are being done correctly. He wants to make sure, since he's voting on these items. Mr. Bloch said this is Tom Kozma, who works for the New Jersey Housing and Mortgage Finance Agency. They provide the service to the municipality to coordinate with the property owners. Mr. McElroy asked about the nature of the agreement. Mr. Bloch said it's a consent order, stating the town met its obligation. Chairman Shivas noted there is an incorrect date, which should be updated.

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

Motion of Mr. Morytko to adopt this amendment to the Master Plan, second by Ms. Raffay.

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

Abstaining: Ms. Raffay, Messrs. Mayor Rubenstein, McElroy, Morytko

Members Absent: Messrs. Proctor, Smith

None opposed. Motion carried.

Ms. Phillips noted a resolution was added to be voted on, because the Council has this as an item on their agenda for their meeting on Tuesday.

NEW BUSINESS

Z07-2025 Avi and Ita Barak, 11 Lake Drive, Block 242 Lot 23.01, R5 Zone

Application for demo and construction of a single-family home

Mayor Rubenstein recused from this application, as it requests a D variance. Ms. Hubbard confirmed the Board had eight voting members present. Michael Selvaggi from Lavery, Selvaggi, and Cohen represented the application. He noted that after purchasing the property, the applicants had the lots merged, and don't intend to un-merge them. Their property is about 25,000 square feet. They're proposing a single-family home. He reviewed the variances. The façade height standard is 35 feet, and they're proposing about 2.5 feet above this.

Thomas Graham was sworn in as a licensed engineer with Dykstra Walker Design Group. His license is current, and Chairman Shivas deemed him an expert. Mr. Graham reviewed his plans. Currently there is a single-family dwelling, some outbuildings, and a dock. It's located within the flood hazard area of Lake Lackawanna, and has a riparian buffer. The entire property is now in the flood hazard area, and is also located in the Highlands Preservation area. Mr. Selvaggi confirmed this qualified for a Highlands Exemption. Mr. Graham said they're proposing a new single-family, three bedroom home, with a new sewer disposal bed. They have a permit for this from a few years ago, but it's still current in its design. They'll reconstruct the driveway and remove the sheds. The proposed building has some vents to let flood

waters in and out. He noted that a driver for the height was having to lift the first floor above the flood hazard area. He reviewed Mr. Stoner's memo, and agreed to obtain the permits and approvals needed. They designed the project with the NJDEP flood hazard rules in mind. He discussed the Environmental Commission memo, requesting a landscaping plan. They have protection around the existing mature trees, and are trying to minimize disturbance. There's a vegetative buffer along the shoreline. There's a dock that will remain. Chairman Shivas confirmed trees need to be removed around the septic. Mr. Graham said they're leaving it to the applicant to landscape. Ms. Raffay asked how much of the height is for flood compliance versus architectural choice. Mr. Graham said about 2 feet; if they didn't need to raise it higher for the flood plain, they'd have a standard house. He noted the lower level is the garage. Ms. Raffay confirmed the heights for habitable space. She asked about the landscape buffering, noting what's current doesn't look to be 80%. Ms. Hubbard noted they could put this on the plans. Mr. Morytko said they'll need to know what the percentage is. Mr. Stoner noted this will be inspected prior to a C.O.

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

Raymond O'Brien of O'Brien Architects was sworn in. He is licensed, and was deemed an expert. He noted the current house will be removed to install their dream home, where they plan to retire. There is currently a low ceiling. They wanted a traditional look to the house. He discussed the roof heights. Chairman Shivas asked about the deck. Mr. O'Brien noted it's about 2.5 feet from the ground. Ms. Hubbard confirmed there are two kitchens. Mr. O'Brien said he will likely use two colors for the deck, will stay within Earth hues, and likely use Hardie board. Mr. Stoner noted this is new construction. Mr. McElroy reiterated Ms. Raffay's question regarding the height of the structure, in terms of the necessity of the flood plain parameters versus aesthetics. Mr. O'Brien said the height is based on the pitch of the roof selected, but is driven by the odd perimeter and configuration of the house. Mr. McElroy asked if he looked at surrounding houses. Mr. O'Brien said colleagues of his designed houses nearby, so he's pretty familiar. Mr. McElroy asked if this proposed house is similar. Mr. O'Brien said he thinks this house is unique—he doesn't look to match ones nearby. Mr. McElroy noted he's asking about the character. Mr. O'Brien said yes. Ms. Raffay asked if he reduced the first floor height to 8 feet, and modified the roof pitch, what would the height be? Mr. O'Brien said he doesn't know if he can get down to the ordinance height. If he had to change the pitch, it would flatten the look of the house. He could maybe do 2 feet lower. If he has to modify everything, then it could be more expensive. Ms. Raffay noted he discussed the perimeter; they have a lot coverage variance because there's a large footprint, so if they reduced the footprint, they'd reduce the impact of the lot coverage and bring down the height. Mr. Selvaggi noted this is lot disturbance. Mr. O'Brien said he can't lower the finished floor. Ms. Raffay said the engineer said he could. Mr. Stoner asked why the first floor is three feet higher than the first floor. Mr. Selvaggi said it's two; Mr. Stoner said the plans show three. Mr. O'Brien said he can lower the house two feet. Mr. Bloch noted he doesn't think the Board is telling them they have to comply—they're asking why they can't. Mr. McElroy said it sounds like the aesthetics are determining the height. He needs to hear testimony to justify a 20% height variance. Chairman Shivas noted when you design something, you try to meet the standards. Ms. Raffay confirmed Mr. O'Brien is talking about dropping the first floor elevation 2 feet.

The Board discussed the setbacks. Mr. Graham noted the location of the lake and septic system. Ms. Hubbard noted it's the size of the house that's intruding on the side yard. Mr. McElroy noted driving around the area, he didn't see anything close to the proposed size. Mr. Selvaggi noted even if they

conformed, they'd still be the biggest house. Chairman Shivas noted it doesn't need to be bigger than the biggest house. Mr. McElroy said it doesn't need to be 20% larger than the biggest possible house. Mr. Selvaggi noted this is also the biggest lot. Mr. McElroy noted it doesn't seem to be the lot that's driving the issues. Mr. Selvaggi discussed with the applicant, and requested to carry this application to 08/20.

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

Motion of Mr. McElroy to carry the application to 08/20 with no additional notice, second by Mr. Walsh.

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

Abstaining: Mayor Rubenstein

Members Absent: Messrs. Proctor, Smith

None opposed. Motion carried. Mayor Rubenstein reentered the meeting at this time.

PUBLIC HEARING: Master Plan Consistency for Amended Fourth Round Housing Element & Fair Share Plan

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

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

Abstaining: Ms. Raffay, Messrs. Mayor Rubenstein, McElroy, Morytko

Members Absent: Messrs. Proctor, Smith

None opposed. Motion carried.

BILLS:

Harold Pellow (5): \$2,300. A motion to approve the bills was made by Mr. Walsh, seconded by Ms. Lewandowski. All were in favor. Motion carried.

REPORTS FROM COMMITTEES

Environmental Commission- Mr. Smith wasn't present.

Open Space- Mr. Morytko said they have a meeting Monday. There is discussion at the County about the trails grant application.

Township Council- Mayor Rubenstein said they meet later in the month. They will consider being an intervener in relation to JCP&L's reliability standards, which have fallen below the threshold.

OPEN TO THE PUBLIC

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

Ms. DeMagistris discussed 33 Allamuchy Trail, which was approved by the Board. She said it looks like a wall, and it's on a mountain. Ms. Phillips asked if Ms. DeMagistris is concerned it wasn't built the way it was proposed. Ms. DeMagistris said she didn't realize the configuration. Mr. Stoner said he can do an inspection. The Board noted there should be a way to see a rendering of proposed work. Mr. McElroy noted they didn't need a height variance. Mr. Stoner noted there's supposed to be landscaping.

ADJOURNMENT

A motion to adjourn the meeting was made at 9:20 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 (Salt Bar LLC
Case No. WOSP_1-2026
MF# 5000-126

BYRAM TOWNSHIP

PLANNING BOARD

RESOLUTION OF MEMORIALIZATION

RELIEF GRANTED: Waiver of Site Plan

WHEREAS, the Salt Bar, LLC has applied to the Planning Board of the Township of Byram for Waiver of Site Plan Approval to renovate the existing restaurant for the premises located at 109 Route 206 and known as Block 70, Lot 9 on the Tax Map of the Township of Byram, which premises are in a “V-B” 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 Applicant and having reviewed the matter after a report from the subcommittee has made the following factual findings:

1. Applicant is the Salt Bar, LLC, which is located on 109 Route 206. Timothy Driscoll is the owner of the subject property and consented to the application. The Applicant is seeking a waiver of site plan (“WOSP”) to renovate the interior and exterior of the existing restaurant.
2. The Board received the following:

- a. A complete Application for Waiver of Site Plan signed May 11, 2026.
 - b. Architectural Plans, prepared by Oak and Moss Architecture, undated, consisting of twenty-six (26) sheets, with the following sheets revised through:
 - i. A-0.10-P – June 11, 2026
 - ii. A-0.11-P – February 24, 20226
 - iii. A-1.00-P – April 29, 2026
 - iv. A-1.01-E – June 11, 20206
 - v. A-1.01-P – June 11, 2026
 - vi. A-1.02-E – June 11, 20206
 - vii. A-1.02-P – June 11, 2026
 - viii. A-1.11-P – February 24, 2026
 - ix. A-1.11-P(2) – April 29, 2026
 - x. A-2.00-E – July 1, 2026
 - xi. A-2.00-P – July 1, 2026
 - xii. A-2.01-EP– July 1, 2026
 - xiii. A-6.00-P – June 11, 2026
 - c. Resolution WOSP7-2025, Granting Waiver of Site Plan to Bradley Boyle (Salt Gastropub) on August 7, 2025, Memorialized on August 21, 2025.
 - d. Meeting Minutes of the Byram Township Planning Board: August 7, 2025.
3. The Board received Memorandum from Cory L. Stoner, P.E., P.P., C.M.E., of Harold E. Pellow & Associates, Inc., the Board’s Engineer, dated June 4, 2026 and July 15, 2026.

4. The application was discussed by the Waiver of Site Plan Subcommittee on June 4, 2026 and July 16, 2026. The Applicant is now seeking the subject Waiver of Site Plan application to replace the existing exterior deck and stairs “in kind.”
5. Pursuant to Section 215-55.B.(1), a change in use is exempt from site plan approval if the change would not involve any of the following:
 - a. Any structural alteration to the exterior of the building.
 - b. Any anticipated increase in the number of parking spaces required by the use which cannot be accommodated by existing parking on site.
 - c. Any storm drainage installation or need for the same as may be determined by the Board Engineer.
 - d. Any increase in stormwater runoff which the Board Engineer determines cannot be dealt with by existing stormwater drainage facilities.
 - e. Any direction of stormwater runoff.
 - f. Any change in vehicular traffic circulation patterns within the site.
 - g. Any elimination or change in landscaping, buffering or lighting.
6. The Planning Board granted Site Plan Approval on January 27, 1976 for a restaurant on the subject property. The building and the site remain generally unchanged since the original approval
7. The Applicant received Waiver of Site Plan (“WOSP”) Approval on August 7, 2025 for minor interior modifications, including the relocation of the bathroom and expanding the kitchen. An increase in the bar area was requested, but not approved, because it would impact the parking requirements and require a site plan application.

8. The Applicant is now proposing modifications to replace the existing flooring, repair the pergola, and replace the second-floor deck and stairs. The previously approved changes were not construction and the Applicant wishes to maintain the existing interior layout, with some cosmetic upgrades. The Applicant already replaced the exterior staircase.
9. At the request of the Board, after the first WOSP Subcommittee Meeting, the Applicant submitted revised plans at the request of the Board to include the previously existing stairs. It was noted that the proposed stairs were a “like for like” replace of the existing stairs. There are no interior or exterior changes that will impact parking, drainage, traffic, landscaping or lighting.
10. The Committee considered the plans submitted and the requirements per the ordinance, as well as the existing conditions on the property and made a recommendation to the Board that the Waiver of Site Plan application be granted.

WHEREAS, the Board has determined that the relief requested by the Applicant is in accordance with the Ordinances of the Township of Byram relative to site plan waivers.

1. The Board finds that all of the requirements of the Township’s Waiver of Site Plan Ordinance, as set forth in Section 215-55.B, have been met as follows:
 - a. There will be no structural alteration to the exterior of the building, the exterior modifications are a repair or in-kind replacement.
 - b. There is no anticipated increase in the number of parking spaces required by the use which cannot be accommodated by existing parking on site.
 - c. There will be no need for storm drainage installation per the Board Engineer.
 - d. There will be increase in stormwater runoff which the Board Engineer determines cannot be dealt with by existing stormwater drainage facilities.

- e. There will be no re-direction of stormwater runoff.
- f. There will be no change in vehicular traffic circulation patterns within the site.
- g. There will be no elimination or change in landscaping, buffering or lighting.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the 16th day of July, 2026 that the approval of the within application be granted subject, however, to the following conditions:

1. The Applicant shall pay all fees, sureties, and escrows required by ordinance.
2. The Applicant shall obtain all the necessary municipal, county and state permits, and approvals related to the operations of a restaurant, including, but not limited to, the Sussex County Board of Health, and comply with the conditions therein.
3. The replacement of the deck and stairs and the renovations to the pergola shall be consistent with the approved plans.
4. The Applicant shall submit Site Plan application to expand seating, construct the steel platform, and create an outdoor dining area, in addition to other requested site improvements.


George Shivas

On motion of: Ms. DeMagistris

Seconded by: Mr. McElroy

The vote on the Resolution was as follows:

AYES: Five (5): Mss. Colligan, DeMagistris, Lewandowski, Messrs. Walsh, Chairman Shivas

NAYS: Zero (0)

ABSTAINING: Four (4): Mayor Rubenstein, Mr. McElroy, Ms. Raffay, Mr. Morytko

ABSENT: Two (2): Messrs. Proctor, Smith

I certify that the above Resolution is a true copy
of a Resolution adopted by the Planning Board
on August 6, 2026 and is in effect for one year.

Caitlin Phillips

Caitlin Phillips, Planning Board Secretary

Dated: 08/07/2026

Prepared by: Alyse Landano Hubbard, Esq.

In the matter of Brian Lenker
Case No. Z17-2025
MF#5000.152

BYRAM TOWNSHIP

PLANNING BOARD

RESOLUTION OF MEMORIALIZATION

RELIEF GRANTED: **Height of Principal Structure (D6)**
 Minimum Front Yard Setback
 Minimum Side Yard Setback
 Maximum Lot Disturbance

WHEREAS, Brian Lenker has applied to the Planning Board of Township of Byram seeking approval to construct an addition on an existing garage for premises located at Lee Hill Road and East Shore Trail, and known as Block 298, Lot 2201 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 of the subject property. The Applicant is proposing to construct a two-story addition on an existing garage structure, requiring the

following relief, pursuant to N.J.S.A. 40:55D-70c and 40:55D-70d(6), from the Township's Zoning Ordinance:

- a. Section 240-55.C(2) – Minimum Front Yard Setback: 35 feet required, 31 feet proposed.
 - b. Section 240-55.C(3) – Minimum Side Yard Setback: 15 feet required, 12 feet proposed.
 - c. Section 240-55.C(6) – Maximum Lot Disturbance: 50% of lot area, more than 50% of lot area proposed.
 - d. Section 240-55.C(7) – Maximum Building Height: 25 feet permitted, 33 feet proposed.
2. The Applicant submitted the following documents, along with the Land Use Application:
- a. Architectural Plans, prepared by Joel E. Jenkins, Architect, dated October 6, 2025.
 - b. Survey, prepared by Yannaccone, Villa, & Aldrich, LLC, dated March 19, 2026.
 - c. Survey, with topography, prepared by Yannaccone, Villa, & Aldrich, LLC, dated March 19, 2026, revised through May 18, 2026.
 - d. Plot Plan, prepared by Gary L. Worley, N.J.L.S., dated June 26, 1989.
 - e. Resolution – Docket No. 625, dated July 12, 1989.
 - f. Pictures of the existing garage – seven (7) total.
 - g. Tax Map, prepared by Harold E. Pellow, PE, LS, dated June 2026, revised through December, 2013, Sheet 9.03.

3. The Board received memorandum from Cory L. Stoner, P.E., P.P., the Planning Board Engineer, dated January 19, 2026 and May 29, 2026.
4. A duly noticed public hearing was conducted on July 16, 2026, at which time Brian Lenker, the Applicant, presented sworn testimony in support of the application. The Applicant received a prior approval for the construction of a three (3) bay garage on the subject property without a principal structure. The property is an irregularly shaped, corner lot, with frontage on Lee Hill Road and East Shore Trail. There is approximately 50 feet of frontage on the southeast corner of the property along a 15-foot-wide bridle path. The Applicant dedicated 2.5 feet along the East Shore Trail right-of-way to Sussex County in 1991. The existing structure was constructed on a level portion of the property, with a conforming front yard setback. The portion of the lot behind the home slopes up, but the southeastern corner of the lot is relatively level.
5. The Applicant is now proposing to construct two (2) stories above the existing structure, with an elevator and exterior stairs. The first floor will remain as is, with three (3) bays, a vault and equipment room. The proposed second floor will consist of a living room, kitchen, dining room, bedroom and bathroom. The proposed third floor will consist of a home office/hobby area, with a half bathroom and attic area. The proposal includes a roof covering of the existing door on the southern side of the home and a second story deck with stairs to grade and an access door to the dining room. Two dormers are proposed on the second story, front facing windows.

6. The first floor has 10-foot ceilings, the second floor is proposed with 8-foot ceilings and the third floor with 10-foot ceilings. The Applicant testified that the 10-foot ceiling accommodates the existing vault, which contains his mother's artwork. The second story will be the living area, with a traditional ceiling height. The third floor will contain a model train collection that requires the additional height. The total building height is 33 feet, where 25 feet is permitted in the zone. Because the height exceeds the permitted height by more than 10%, relief is needed pursuant to N.J.S.A. 40:55D-70d(6).
7. The roof cover over the side door will result in a 13.4-foot setback, where 15 feet is required. Similarly, the proposed overhang along the front of the home will result in a 30.8-foot setback, where 35 feet is required. The front yard setback is decreased due to the right-of-way dedication to the County.
8. The structure is currently serviced by overhead electrical wires. There are gas and public water available to service the home, which are not currently connected. A septic system is proposed, with a tank on the northern side of the property, on the East Shore Trail side of the lot, and a septic field in the southeastern portion of the property, which is at a higher elevation and will require a pump system. The septic system design is subject to review and approval from the Sussex County Health Department. The installation of the septic system will result in additional lot disturbance. Although the total lot disturbance is unknown at this time, the Board's Engineer opined that it would exceed 50% of the lot area, requiring variance relief.

9. Tree removal may be required but some diseased trees have already been removed and some Ash Trees will be removed for safety reasons.
10. There is no outdoor storage structure proposed. The air conditioning unit and a standby generator will be installed in the rear of the home.
11. There is a stone wall that was created when large boulders were broken down. The wall extends from the current property onto the adjoining lot. The Applicant agreed to discuss the removal of the wall with the adjacent property owner.
12. 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.
13. The proposed addition will create a primary residence for the Applicant and his wife, and bring the structure's use into conformity in the zone. The Applicant testified that the intent is to keep the property in the family. The architectural design was chosen to fit with the community and maintain the existing footprint. Due to the location on the property and the topographic changes in the area, the proposed structure will not block the light, air or views of the neighbors.
14. The garage was constructed with steel beams, with the existing 10-foot ceiling height and cannot be reduced. An addition in the rear would be difficult due to the change in elevation and would result in additional disturbance and tree removal.
15. The home is designed without gutters or any stormwater management measures. The Applicant explained that the construction will not result in additional

impervious coverage, the driveway will remain gravel and unpaved and there are currently no water issues on the property.

16. The driveway is large enough for vehicles to turn around in, so that they do not back out onto Lee Hill Road, per the prior approval.

17. 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 Applicant met the criteria to grant a variance pursuant to N.J.S.A. 40:55D-70d(6) to permit the construction of the vertical addition, resulting in a total height of 33 feet, where 25 feet is permitted per Section 240-55.C(7). The Applicant established that the height of the structure would not impact the light and air of the neighboring properties. The house was designed to fit in with the lake community and reduce the impact to the environment, minimizing the impervious coverage, lot disturbance and tree removal.
2. 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(2) – Minimum Front Yard Setback: 35 feet required, 31 feet approved.
 - b. Section 240-55.C(3) – Minimum Side Yard Setback: 15 feet required, 12 feet approved.

- c. Section 240-55.C(6) – Maximum Lot Disturbance: 50% of lot area, more than 50% of lot area approved.
3. 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.
4. The subject property is an oddly shaped lot, that was constructed with a three (3) bay garage that was conforming as to the setbacks. The construction of the roof cover over the side door, which provides a covered entrance during inclement weather, will violate the side yard setback. Due to the right-of-way dedication and the roof cover over the garage doors, the front yard setback will require variance relief as well. The architectural features will also enhance the appearance of the home. The installation of the septic field will require additional lot disturbance, but is necessary for the proposed use.
5. The Board determined that permitting the addition would not result in a substantial detriment to the surrounding area, as the house was designed to fit in with the lake community and will not impact the light and air of the surrounding neighbors. The residential use is not inconsistent with the Master Plan and the

Zoning Scheme, as the conversion of the garage into a single-family home will bring the property into conformance with the permitted uses in the zone.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the 16th day of July 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 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. Outside agency approvals include, but are not limited to:
 - a. Sussex County Health Department
 - b. Lake Mohawk Country Club
8. Stormwater runoff shall be maintained on the property, continuing the current drainage pattern, and not directed onto an adjacent lot.
9. The Applicant will discuss the stone wall encroachment with the owner of the adjacent lot.



George Shivas

On motion of: Ms. DeMagistris

Seconded by: Ms. Lewandowski

The vote on the Resolution was as follows:

AYES: Five (5): Mss. Colligan, DeMagistris, Lewandowski, Mr. Walsh, Chairman Shivas

NAYS: Zero (0)

ABSTAINING: Four (4): Mayor Rubenstein, Mr. McElroy, Ms. Raffay, Mr. Morytko

ABSENT: Two (2): Messrs. Proctor, Smith

I certify that the above Resolution is a true copy of a Resolution adopted by the Planning Board on August 6, 2026.

Caitlin Phillips

**Caitlin Phillips, Planning Board
Secretary**

Dated: 08/07/2026

Prepared by: Alyse Landano Hubbard, Esq.

BYRAM TOWNSHIP, SUSSEX COUNTY, NEW JERSEY

**RESOLUTION OF THE PLANNING BOARD ADOPTING
THE AMENDMENT TO THE MASTER PLAN TO ADD THE
“FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN –
FOR THE TOWNSHIP OF BYRAM, SUSSEX COUNTY, NEW JERSEY,
JULY 9, 2026,” PREPARED BY DANIEL N. BLOCH, P.P., AICP, EADA**

WHEREAS, N.J.S.A. 40:55D-28 authorizes the Planning Board to prepare and, after a public hearing, adopt or amend a Master Plan, or components thereof, to guide the use of lands within the municipality in a manner that protects public health and safety and promotes the public welfare; and

WHEREAS, pursuant to N.J.S.A. 52:27D-310 and the Township of Byram’s Fourth Round Affordable Housing Obligation, the Planning Board determined the need to adopt a new Housing Element and Fair Share Plan; and

WHEREAS, the Township and Planning Board retained Daniel N. Bloch, P.P., AICP, EADA to prepare the “Fourth Round Housing Element and Fair Share Plan, for the Township of Byram, Sussex County, New Jersey, May 15, 2025,” (hereinafter “HEFSP”) which represents the Planning Board’s vision of the Township of Byram in a manner generally consistent with the goals and objects of the Planning Board and the Municipal Land Use Law; and

WHEREAS, the Planning Board adopted the HEFSP on June 5, 2025; and

WHEREAS, the Township cooperated with the Fair Share Housing Center to implement the HEFSP, but was advised that a durational adjustment was required to address the lack of sewer capacity in the Village Center and Village Business Zones; and

WHEREAS, revisions have been made to the HEFSP via the “Fourth Round Housing Element and Fair Share Plan, for the Township of Byram, Sussex County, New Jersey, July 9, 2026” prepared by Daniel N. Bloch, P.P., AICP, EADA, which was considered at a duly noticed public hearing of the Planning Board on August 6, 2026, and the Planning Board intends, by this Resolution, to adopt the “Fourth Round Housing Element and Fair Share Plan, for the Township of Byram, Sussex County, New Jersey, July 9, 2026”, as prepared by Mr. Bloch and amended during the subject public hearing, which shall supersede all prior Housing Elements and Fair Share Plans of the Township of Byram; and

WHEREAS, the “Fourth Round Housing Element and Fair Share Plan, for the Township of Byram, Sussex County, New Jersey, July 9, 2026”, as prepared by Mr. Bloch and amended during the subject public hearing, shall be adopted pursuant to N.J.S.A. 40:55D-28 of the Municipal Land Use Law.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the 6th day of August, 2026, as follows:

1. The Planning Board of the Township of Byram, County of Sussex, State of New Jersey hereby adopts the “Fourth Round Housing Element and Fair Share Plan, for the Township of Byram, Sussex County, New Jersey, July 9, 2026” prepared by Daniel N. Bloch, P.P., AICP, EADA; and
2. The Planning Board Secretary is authorized and directed to provide notice of this action in accordance with N.J.S.A. 40:55D-13.
3. The Planning Board Secretary is hereby authorized and directed to forward a copy of the “Fourth Round Housing Element and Fair Share Plan, for the

Township of Byram, Sussex County, New Jersey, July 9, 2026” prepared by Daniel N. Bloch, P.P., AICP, EADA, together with a copy of this Resolution to the Highlands Council, the Office of Planning Advocacy, and to the Sussex County Planning Board, as required by law.

4. The Planning Board hereby approves the work on the “Fourth Round Housing Element and Fair Share Plan, for the Township of Byram, Sussex County, New Jersey, July 9, 2026” prepared by Daniel N. Bloch, P.P., AICP, EADA as performed under the grant agreement between the Township and the Highlands Council.
5. This Resolution shall take effect as provided by law.



George Shivas

On motion of: Mr. McElroy

Seconded by: Ms. Raffay

The vote on the Resolution was as follows:

AYES: Nine (9): Mss. Raffay, Colligan, DeMagistris, Lewandowski; Messrs. Mayor Rubenstein, McElroy, Morytko, Walsh, Chairman Shivas

NAYS: Zero (0)

ABSTAINING: Zero (0)

ABSENT: Two (2): Messrs Proctor, Smith

I certify that the above Resolution is a true copy of a Resolution adopted by the Planning Board on August 6, 2026.

Caitlin Phillips

**Caitlin Phillips, Planning Board
Secretary**

Dated: 08/07/2026

Prepared by: Alyse Landano Hubbard, Esq.

JOHN P. GALLINA

Attorney at Law

260 Route 202, Suite 1100
Flemington, NJ 08822

Tel: (908)-782-4988

Fax: (908)-782-2608

jpgesq@embarqmail.com

jgallinalaw.com

July 27, 2026

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 apartments on the first floor of a mixed commercial/residential building. Construction of the new commercial/apartment building on Lot 383 is pending receipt of the necessary building permits. The Township had also advised that the permits would not be issued until the necessary COAH Deed Restrictions were recorded.

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 was initially set to expire on September 7, 2025. By Resolution dated July 17, 2025, the Board granted a one year extension of the approvals to September 13, 2026.

We have experienced extraordinary delays in having the State of New Jersey review and approve our submissions regarding the COAH deed restrictions for the Venture Two project. The proposed Deed Restrictions were submitted to the NJHMFA in February of this year, and our office and the Township Attorney's office have continually requested a response. We finally received the approved documents on July 10, 2026. We then submitted the requested attachment Exhibits to the State for review and approval. We were also instructed that NJHMFA must sign last, and that I supply them with a return shipping label. On July 27, 2026, the Deed Restriction was signed on behalf of Venture Two, LLC and forwarded to Thoms Collins Esq, for the Township's signature. Once signed on behalf of the Township, it will be returned to me and forwarded to the NJHMFA for signature and return to my office. It will then be recorded with the Sussex County Clerk. Therefore, it is doubtful if the permits will be issued by September 12, 2026. We would therefore need to request an extension of variance and site plan approvals.

We would like to appear before the Board at the August 20, 2026, 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/Venture Two
Thomas Collins, Esq.
Jessica Caldwell, PP
Daniel Davies, PE
Paul Gleitz, PP, Board Planner
Alyssa Hubbard, Esq., Board Attorney
Cory L. Stoner, PE, Board Engineer

Byram Township Planning Board Bills**August 20 2026**

Harold Pellow	Date	Amount
Inv. 86819 Landscapes By Lou: review	8/11/2026	\$ 337.50
Inv. 86823 Lenker: meeting, report	8/11/2026	\$ 176.50
Inv. 86824 Pedersen: meeting attendance	8/11/2026	\$ 150.00
Inv. 86826 Wroblewski: report, review	8/11/2026	\$ 69.25
Inv. 86827 Patriot's Path: meeting	8/11/2026	\$ 300.00
Inv. 86829 Barak: report, review	8/11/2026	\$ 1,070.75
Inv. 86830 Salt: meeting attendance, review	8/11/2026	\$ 717.50
Harold Pellow Total		\$ 2,821.50
Maraziti and Falcon	Date	Amount
Inv. 62347 General: communications, meeting attendance	8/5/2026	\$ 180.00
Inv. 62351 Affordable Housing: communications, review	8/5/2026	\$ 180.00
Inv. 62352 Salt: communications, review, resolution	8/5/2026	\$ 594.00
Inv. 62353 Lenker: communications, review, attendance	8/5/2026	\$ 1,494.00
Maraziti and Falcon Total		\$2,448.00
Colliers	Date	Amount
Colliers Total		\$ -
Grant Total		\$5,269.50