

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