

MEETING MINTUES OF THE BYRAM TOWNSHIP PLANNING BOARD: February 5 2026

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

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

Members Absent: Ms. Raffay, Mr. Proctor

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. As of March 1, 2026, legal notices for the Planning Board will appear on the New Jersey Herald's Online publication and will be posted on the Township's Website and forwarded to the Secretary of State of the State of New Jersey.

FLAG SALUTE: led by Chairman Shivas.

Chairman Shivas led a moment of silence for Councilman Harvey Roseff, who passed away earlier this week.

Messrs. Morytko and Walsh entered the meeting at this time.

COMMITTEE APPOINTMENTS

Chairman Shivas said they'll leave the Site Plan Subcommittee with the current members, including Mss. Raffay and DeMagistris and Messrs. Walsh and McElroy. They will not appoint the Master Plan Subcommittee at this time, and will appoint it as necessary.

MINUTES: January 15, 2026.

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

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

Abstaining: Mr. Morytko

Absent: Ms. Raffay, Mr. Proctor

None opposed. Motion carried.

RESOLUTIONS

Z11-2025 David and Cindy Lisk, 41 Meteor Trail, Block 162 Lot 46, R5 Zone

Application for addition on single-family dwelling

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

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

Abstaining: Mr. Morytko

Absent: Ms. Raffay, Mr. Proctor

None opposed. Motion carried.

Z13-2025 Matthew Malloy, 22 Mayne Avenue, Block 29 Lot 294.01, R4 Zone

Application for addition on single-family dwelling

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

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

Abstaining: Mr. Morytko

Absent: Ms. Raffay, Mr. Proctor

None opposed. Motion carried.

NEW BUSINESS

Z14-2025 Robert and Julie Gockeler, 183 Forest Lake Drive, Block 360 Lot 1.01, R2 Zone

Application for tract disturbance and accessory structures, including shed, greenhouse, and chicken coop. Mr. Smith recused from this application. Julie and Robert Gockeler were sworn in as the applicants. Mr. Gockeler said when they put up their pole barn and deck, they exceeded the lot coverage allowed, and they put up a shed, greenhouse, and small chicken coop, and those are over the limit. They're on 12 ½ acres and you can't see the house from the street, so it wouldn't burden anyone. Mr. Stoner said the variance isn't for lot coverage; it was for an accessory structure over the 400 square feet that's allowed in a residential zone. There are no variances for the structure setbacks. In 2020, they appeared in front of the Board and obtained a variance for a pole barn structure that exceeded 400 square feet, and a variance for the maximum building height. They also exceeded the 50% of the principal structure area; the total area of accessory structures has to be less than 50%. Their current application is related to a notice of violation. They brought in soil fill, and there are three additional structures, which then further exceed the allowable area of accessory structures permitted. The notice of violation called out other items, like the proximity to structures and waterways, and tract disturbance. These are not variances based on the full review of the application; the only violation is the total area of the accessory structures. The applicants provided soil testing information, and it was determined to be clean fill, so that issue was addressed.

Mr. McElroy asked how their property is situated, and confirmed there's no one around them. Mr. Stoner noted there didn't seem to be any complaints about the structures, but the soil being brought in caught people's attention. Mayor Rubenstein said they have open building permits that go back to 2006. Ms. Hubbard noted there needs to be a legal justification for their request to the Board. She asked what they do with each structure. Mr. Gockeler said one is a shed, which holds garden equipment. Mrs. Gockeler is an avid gardener, so they have a greenhouse. He noted the other structure is a chicken coop. Chairman Shivas noted this is a large piece of property, so it doesn't really affect much. The structures are spread throughout the property.

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

Motion of Mayor Rubenstein to approve the application with the condition of closing out the building permits, second by Mr. McElroy.

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

Abstaining: Mr. Smith

Absent: Ms. Raffay, Mr. Proctor

None opposed. Motion carried. Ms. Hubbard explained the appeal period. Mr. Stoner asked how the notice of violation is addressed. Ms. Phillips said once the resolution is signed, typically they'll review the notice of violation at that time. Ms. Hubbard asked about obtaining building permits, and confirmed they don't need any for the structures. Mr. Smith re-entered the meeting at this time.

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

Application for new home construction

Marcelo Lopez was sworn in at 102 Highland Trail, Denville, NJ. Jose Cardenas from Palermo Edwards Architecture was sworn in at 600 Mountain Road, Kinnelon, NJ. Mr. Cardenas said the other professionals were not available for this meeting, and requested to present. He is the project manager of the architectural company; he has an architectural degree but not a license.

Mr. Cardenas said they're looking to build a single-family home. Mr. Stoner noted the lot abuts an unimproved roadway, which requires a variance. The work needs to be assessed for how emergency vehicles can access the property. Mayor Rubenstein asked if they're then just reviewing this for the access to the road, if the proposed house is conforming. Mr. Cardenas noted that Mr. Lopez is the property owner. Ms. Hubbard confirmed with Mr. Lopez that they are planning to build the single-family home to live in. She asked what the neighborhood is like and how they get to the house. Mr. Lopez showed on the map how to get to the property. Ms. Hubbard confirmed that nothing on the map is improved. Chairman Shivas asked how long the driveway is. Mr. Cardenas said it's about 72 feet long. It will be a four-bedroom, two-story house. Mayor Rubenstein confirmed there's currently no structures on the property. Mr. McElroy noted there are other houses on that road. Ms. Hubbard asked where the road is improved, and what the main road is that leads there. Mr. Stoner said on their plan, it shows the end of the paved section. The municipality paved that portion a few years ago. After that is a gravel roadway with a couple houses. This lot has frontage on Jans Way, but it's not improved in that location. He asked how many houses access this roadway. Mr. Lopez said three homes, including their proposed one. Chairman Shivas asked if there are other empty lots, or if this is the last one. Mr. Cardenas said this is the last lot on their side. On the other side, the road bends to the right, and there are more houses. Mayor Rubenstein said this is complicated because this road goes across private property in certain areas. There are several houses in the area. Chairman Shivas asked if the house is built, and if the town decides to pave the road, would they be willing to pay a portion to do that. Mayor Rubenstein noted that may be part of a development agreement. Chairman Shivas confirmed this was a single lot that they purchased. Ms. Hubbard said the issue is, if they build this house and the town never paves the road, can the house be accessed if there's a fire. Whether the town paves the road in the future is not before the Board. The Board needs to consider how accessible is the driveway from the paved roadway, in case there's an emergency. Can it be plowed, can it be accessed by a fire truck, is there a turn-around? Mayor Rubenstein confirmed the Fire Department has not been provided the application for review. Ms. Hubbard asked how wide the roadway is, is it easily driven on? Mr. Cardenas said they accessed it by car when working on the plans. Up to the property is completely drive-able. It's a narrow road, for one car. Chairman Shivas asked if a fire truck or ambulance could go through the road without an issue. Mr. Cardenas said the road can't be plowed because it's gravel. Ms. Hubbard confirmed that means they can't access it then when it snows. Mr. Stoner asked who plows the road. Mr. Cardenas noted it hasn't been plowed to the house. Mr. Stoner noted there are two other houses on the road. Mr. McElroy asked if there's an agreement for the private road.

Usually there's a written agreement that has responsibilities and costs. Mr. Stoner noted it may be a verbal agreement with the property owners there. Mayor Rubenstein noted sometimes it's in a developer's agreement or a homeowner's agreement. Mr. Walsh asked if this is a private road or an unimproved Township road. Mr. Stoner said it's a town right-of-way. At the paved section, there is a k-turn area that's the end of the paved area. There are two other private driveways, which have a shared common driveway. Mr. McElroy asked if there are responsibilities for the Town if they put houses there. Mr. Stoner said not unless they upgrade the road to the Town's standards and dedicate it over to the Town. The Town could adopt an ordinance to accept those improvements, and they would take over responsibilities for plowing. Mr. Cardenas said if the house can be built, the owner is willing to pave the road to the house. He's not sure about current agreements for the plowing, but the applicants are willing to work with this because it's for everyone's benefit. Chairman Shivas said once they're moved in, somehow they have to get to the paved road. Someone will have to take the responsibility to plow from the driveway to get access. Mr. Stoner said just because they're suggesting this route doesn't mean the Town is willing to take this on. This is more of a common driveway for three properties, and they need to prove there's a maintenance agreement. Ms. Hubbard noted it's not a common driveway, it's a right-of-way. Mr. Stoner noted they should consider if the road needs to be widened, or have a pull-over area. Chairman Shivas said he's seen the Board handle it where the applicant needs to pave to the accessible area. They need to make sure there is access for safety. Ms. Hubbard asked if they've spoken to the town. Mayor Rubenstein noted he doesn't mind a house being built on the property, but this needs to be resolved. Mr. McElroy said he should also talk to the neighbors. He would also like to see something from the Fire Department and EMS or the police, that they feel like what's proposed is accessible. Ms. Hubbard said they also need to see if the town is willing to work on this. Mayor Rubenstein said if they treat this like a common driveway, they should vacate it. Chairman Shivas noted if there are other lots, maybe they should be involved. Mayor Rubenstein said he should talk to the Township Administrator. Chairman Shivas noted other applicants have done similar work through an easement. Mr. Walsh noted they're trying to resolve this for the applicant, but the applicant should look at these options and then decide how they want to proceed.

Chairman Shivas opened to the public. Joseph Baatz was sworn in at Block 360 Lot 6.02, on the south of the property, facing where the driveway is proposed. His concern is the cul-de-sac. He has lived here 40 years. When he moved in and built his house, the cul-de-sac was a paper road. The purpose was so emergency vehicles could turn around. That road is so narrow, there's no way for any emergency vehicles to turn around. The Township only plows up to his house, because he can't turn around if he plows the rest of the road. Mayor Rubenstein confirmed he plows just past his driveway. Mr. Baatz would like to see the cul-de-sac put in place if there's more development. He doesn't mind anyone building a house, as long as they follow the rules of the Highlands Preservation zone. He noted the previous owner transgressed those rules, and destroyed the lot. He cut down trees, brough in fill, and built two driveways. Ms. Hubbard confirmed there are two driveways there now from the previous owner, who tried to build without permits. He wants to make sure it's safe for everyone. The part of the road past his house has a lot of potholes. They all have to pay for fixing that part. Chairman Shivas confirmed this is the unpaved portion of the road. Mr. Baatz said the paved part ends right where the northern part of the cul-de-sac begins. The plow only goes to where the southern part of the cul-de-sac begins. He'd like to see the cul-de-sac built for safety purposes. If the house is approved, the applicant will have construction vehicles going up there and destroying the road.

Brian O'Connell was sworn in at Block 360 Lot 5. He's at the end of Jans Way, and his driveway is private. He said the previous owner put two illegal driveways there, and they got in trouble with the Town. The Highlands, Soil Conservation, and Board of Health people came in. They used excavators and pounded the ledge. The two driveways put a watershed on his property, which is a pond. By Mr. Baatz's house, he gets water from the other driveway. All the water is coming down Mr. O'Connell's driveway.

Mr. Stoner confirmed with Mr. Lopez that he was not the owner when these issues occurred on the property. He said there was a clearing that occurred years ago, that was over an acre of total disturbance. The Highlands was notified, but he's not sure what happened. At that time, they had illegal structures on the property. As far as he's aware, all the structures were removed. They had another house proposed off a second driveway, and this is a different layout. The proposal right now is not outside the Highland rules. Chairman Shivas confirmed the two driveways were on one lot. Mr. Baatz asked about the Highlands' involvement. Mayor Rubenstein confirmed Mr. O'Connell talked the Town about these issues numerous times. Mr. Stoner said maybe they should improve the cul-de-sac. He wants to make sure the driveway area is suitable for more than two houses. Mr. Smith noted they need to propose something with the roadway. Mr. Walsh said emergency services needs to take a look at the application. Mr. Smith said he'd like a photo of the road to see what it looks like. Mayor Rubenstein noted there are a lot of questions about accessibility, and they're not sure who handles the roads. Mr. McElroy noted the Environmental Commission's memo notes a concern about potential slopes. There were questions about the constraints for steep slopes and if variances would be needed. Mayor Rubenstein noted they need to demonstrate that they're not disturbing that, or they need a variance. Mr. Smith said at the Environmental meeting, they discussed this, and found there's insufficient information to determine if there are steep slopes and if they're being disturbed. Mayor Rubenstein said the applicant should speak with their engineer. Ms. Phillips asked if these plans are being updated, should they wait to share the plans with the various departments, or let them start looking at them. Mayor Rubenstein said they can look at them now so they can see what needs to be fixed. They should know that these are not the final designs. Ms. Phillips confirmed for the options for the roadway, they need to talk to Township administration. Mayor Rubenstein said it would be a Council act if there are any changes there. They may need to improve it, and the Town would need to accept it. He suggested they talk to the neighbors. Chairman Shivas said there's need to be a clear map of what's happening. Mr. O'Connell noted there is water where the proposed cul-de-sac would be, and it's like an existing swamp. Mayor Rubenstein noted when they propose their work, their engineer will need to take all of this into consideration. Mr. Stoner noted they can do a Highlands Exemption for the house itself, but any improvements outside of the minor items on the driveway may trigger more Highlands approvals. It'd be more than an Exemption because Highlands doesn't like roadways being extended. If they need to get Highlands Area approval, it's more complicated. Chairman Shivas closed to the public.

Mr. Cardenas requested that the application be extended to March 5th. Motion of Mr. Walsh to extend the application to March 5th with no further notice, second by Mayor Rubenstein.

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

Absent: Ms. Raffay, Mr. Proctor

None opposed. Motion carried. Ms. Hubbard noted the meeting won't necessarily need to be re-noticed unless they make changes that trigger variances. Mayor Rubenstein noted to the members of the public that they should keep an eye on the agendas to follow this application.

BILLS:

Harold Pellow (4): \$957.50. A motion to approve the bills was made by Mr. Walsh, seconded by Mr. Morytko. All were in favor. Motion carried.

Maraziti and Falcon (3): \$1,155.00. A motion to approve the bills was made by Mr. Walsh, seconded by Mr. Morytko. All were in favor. Motion carried.

Colliers (1): \$477.50. A motion to approve the bills was made by Mr. Walsh, seconded by Mr. Morytko. All were in favor. Motion carried.

REPORTS FROM COMMITTEES

Environmental Commission- Mr. Smith said the Recreation Department was there, and they'll be collaborating going forward. Environmental Commission events will be advertised through Recreation systems, and they can work together on events. There will be a Trail Keeper's club; they looked at a draft of the bylaws. First Energy wants to give free trees to plant. They're planning upcoming events for the year, and first up is Arbor Day and Earth Day. If anyone has ideas, they can be shared with Mr. Smith and the Environmental Commission.

Open Space- Mr. Morytko said there is a meeting on Monday.

Township Council- Mayor Rubenstein said a council member, Harvey Roseff, passed away recently. It was unexpected and very sad. The Town is receiving over one million dollars from the Federal Government, to convert this meeting space and building into a renovated or new police department. There's still a lot of work to get there, but this is a big piece of it. There are questions on where people will meet. They passed ordinances, and this is one of the largest capital projects they'll do for streets and roads in the Town's history. There were some issues not being able to pave because natural gas is being installed. They have another year extension on their reassessment order from the County, but they may need to do one next year. He noted that there is now a vacancy on the Council. The Council is accepting letters of interest, in serving for the remainder of the calendar year. There will be an election on November 3rd. That will be a normal process of getting petitions. When that person is elected, they will then be sworn in in the new year. That person will serve the three-year term. If anyone is interested, they're accepting letters until 02/13. Ms. Phillips confirmed Board members can't be on the Council as well as the Board, unless they are the Council appointee, which is currently Mr. Proctor.

OPEN TO THE PUBLIC

Chairman Shivas opened to the public. Ms. Phillips noted she was asked to make a change to the minutes. In the "Open to the Public" section, it says no one was present, but should say something like "no one spoke," as there were people present, but they didn't say anything. Mayor Rubenstein said it can say "no one came forward." No one was present, so Chairman Shivas closed to the public. Ms. Phillips confirmed they don't need to re-vote on the minutes.

Mayor Rubenstein noted the opening statement is brief compared to the Council's. He will share it with Ms. Hubbard. Ms. Hubbard said she shared information with Mr. Collins, but hasn't heard back. Mayor Rubenstein said Cindy Church did their notice. Ms. Phillips asked what needs to happen with the new noticing. Ms. Hubbard said they'll need to send the link to the State, and they'll upload that to the Secretary of State website. Noticing will be posted on the Township website, and the appointed publication, which is the NJ Herald. Mayor Rubenstein said the Council isn't sending it to the newspaper electronically; it is on the town website and the state website. Ms. Phillips confirmed applicants do online publications to the newspaper. Chairman Shivas asked about people who don't have email. This doesn't seem like a fair thing for everyone. Some people in their Senior Club don't have email or use it. How do they get information? Ms. Hubbard said they can contact the municipality and be sent letters. The Town should have a list of people who want to receive notice of upcoming meetings, and that's the alternative. It's no longer required by the State legislature. The information on how to handle this is lacking. The League of Municipalities, the New Jersey Planning Officials, and the New Jersey State Bar Association Land Use Committee are all asking the State for information or to change things. This is less than a month away. Ms. Phillips noted that they want to make sure this is done correctly because you don't want an application to need to be redone or get appealed. She confirmed for applicants it's the same procedure, but the difference is that the Town publishes their noticing on the website.

ADJOURNMENT

A motion to adjourn the meeting was made at 8:45 pm by Mr. McElroy, seconded by Ms. Lewandowski. All were in favor. Motion carried. The meeting was adjourned.

Submitted by Caitlin Phillips