

**BYRAM TOWNSHIP PLANNING BOARD AGENDA**  
**For Thursday, January 15 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.

**4. FLAG SALUTE**

**5. OATHS OF OFFICE**

➤ **Board Members:** Anneliese DeMagistris, Richard Proctor, George Shivas, Andrew McElroy, Karen Lewandowski

➤ **Professionals:** Cory Stoner, Daniel Bloch

**6. REORGANIZATION**

Nomination of Chair

Nomination of Vice-Chair

Nomination of Attorney

Nomination of Engineer

Nomination of Planner

Nomination of Secretary/Administrative Officer

Nomination of Newspaper

Resolution PB1-2026 Annual Notice of the Calendar Dates of the Scheduled Regular Meetings of the Byram Township Planning Board

Resolution PB2-2026 Authorizing Contract for Professional Legal Services

Resolution PB3-2026 Authorizing Contract for Professional Engineering Services

Resolution PB4-2026 Authorizing Contract for Professional Planning Services

Resolution PB5-2026 Appointing Secretary of the Board

Resolution PB6-2026 Designation of Newspaper for Notices

Resolution PB7-2026 Adopting Rules of Procedures of the Planning Board

**7. COMMITTEE APPOINTMENTS**

Site Plan Subcommittee

Master Plan Subcommittee

**8. MEETING MINUTES-** December 18, 2025

**9. RESOLUTIONS**

Z26-2023 Alex Rubenstein, 2 and 8 Carpenter Road, Block 237 Lots 519, 521, 522, R3 Zone

Extension of approval for 8 Carpenter Road; application for minor subdivision, site plan for a single-family dwelling, and site plan construction of a new single-family dwelling

**10. NEW BUSINESS**

Z11-2025 David and Cindy Lisk, 41 Meteor Trail, Block 162 Lot 46, R5 Zone  
Application for addition on single-family dwelling

Z13-2025 Matthew Malloy, 22 Mayne Avenue, Block 29 Lot 294.01, R4 Zone  
Application for addition on single-family dwelling

**11. BILLS:** Harold Pellow (4): \$957.50 / Colliers (1): \$477.50

**12. REPORTS FROM COMMITTEES**

Environmental Commission

Open Space

Township Council

**13. OPEN TO THE PUBLIC**

**14. 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: December 18 2025

CALL TO ORDER: Chairman Shivas called the meeting to order at 7:30 p.m.

ROLL CALL:

*Members Present:* Mss. Raffay, DeMagistris, Colligan, Lewandowski; Messrs. Mayor Rubenstein, Proctor, McElroy, Smith, Walsh, Chairman Shivas

*Members Absent:* Mr. Morytko

*Also Present:* Attorney Andrew Brewer, 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 2025 was forwarded to the Board's designated newspaper, and posted on the bulletin boards and main doors of the Municipal Building.

FLAG SALUTE: led by Chairman Shivas.

MINUTES: November 20, 2025

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

*Ayes:* Ms. Raffay, DeMagistris, Colligan, Lewandowski; Messrs. Mayor Rubenstein, McElroy, Morytko, Smith, Chairman Shivas

*Absent:* Messrs. Proctor, Morytko, Walsh

None opposed. Motion carried. Mr. Proctor entered the meeting at this time.

RESOLUTIONS

SD1-2025 Angela Prestia, 127 North Shore Road, Block 125 Lot 33, R5 Zone

Application for subdivision of lots

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

*Ayes:* Ms. Raffay, DeMagistris, Colligan, Lewandowski; Messrs. McElroy, Smith, Chairman Shivas

*Abstaining:* Messrs. Mayor Rubenstein, Proctor

*Absent:* Messrs. Morytko, Walsh

None opposed. Motion carried.

Z10-2025 Jeffrey Miller, 568 Waterloo Road, Block 384 Lot 8, R1 Zone

Application for interpretation of use, to rent out home for weddings

Motion of Mr. Smith to approve the resolution, second of Ms. Colligan.

Mayor Rubenstein asked if they reviewed the septic system. Chairman Shivas said they discussed it, and Ms. Hubbard said it's not necessary.

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

*Abstaining:* Messrs. Mayor Rubenstein, Proctor

*Absent:* Messrs. Morytko, Walsh

None opposed. Motion carried.

BILLS:

Harold Pellow (6): \$1,673.75. A motion to approve the bills was made by Ms. Colligan, seconded by Ms. DeMagistris. All were in favor. Motion carried.

Maraziti and Falcon: (4) \$2,052.00. A motion to approve the bills was made by Ms. Colligan, seconded by Ms. Lewandowski. All were in favor. Motion carried. Mr. Walsh entered the meeting at this time.

Colliers: (2): \$1,740.00. A motion to approve the bills was made by Ms. Colligan, seconded by Ms. Lewandowski. All were in favor. Motion carried.

#### REPORTS FROM COMMITTEES

Environmental Commission- Mayor Rubenstein said Mr. McElroy has been the Environmental Commission liaison for the last few years. The Board needs a class IV member to become the new liaison. Ms. Phillips noted the class IV members are Ms. Raffay, and Messrs. Morytko, Smith, Walsh, and Chairman Shivas. Mr. Smith said if no one else volunteers he will do it. Mr. McElroy noted it's not virtual, and on Thursdays. Mr. Smith said he will do it, and noted someone else can be ready for the next round. Mr. McElroy noted the EC is a great group.

Open Space- Mayor Rubenstein said they discussed initiatives for 2026, one of which is the Sussex County Trails grant. This coming year the amount will increase to \$25,000. They're looking to connect a trail between Tamarack Park and CO Johnson Park. They've spoken to CAD about making the loop, and the grant would help with legal fees, blazing, and mapping. They will need to work with CAD and Hudson Farms.

Township Council- Mr. Proctor said they postponed the holiday decorating contest winners. They appointed a new fire department member. They ratified the consent order between Byram and the Fair Share Housing Center. Mayor Rubenstein noted the Highlands has helped with this project.

#### OPEN TO THE PUBLIC

Chairman Shivas opened to the public and no one spoke so he closed to the public.

#### ADJOURNMENT

A motion to adjourn the meeting was made at 7:40 pm by Mr. McElroy, seconded by Mr. Proctor. All were in favor. Motion carried. The meeting was adjourned.

Submitted by Caitlin Phillips

# **Resolutions Approved at Previous Meeting**

In the matter of JAM Hospitality Group  
Case No. Z10-2025  
MF#5000.141

**BYRAM TOWNSHIP**

**PLANNING BOARD**

**RESOLUTION OF MEMORIALIZATION**

**RELIEF GRANTED:      Use Variance**

**WHEREAS**, JAM Hospitality Group has applied to the Planning Board of Township of Byram seeking an interpretation of the Township’s Zoning Ordinance, or, alternatively, Use Variance approval for premises located at 568 Waterloo Road, and known as Block 384, Lot 8 on the Tax Map of the Township of Byram which premises are in the “R-1” Residential Zone;

**WHEREAS**, by ordinance adopted by the Township Council of the Township of Byram under statutory authority, the Planning Board and Zoning Board of Adjustment were combined into one Board which Board possesses and may exercise all powers granted to the Planning Board and Zoning Board of Adjustment pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., said single Board being known as the Planning Board of the Township of Byram; and

**WHEREAS**, the Board, after carefully considering the evidence presented by the Applicant and having conducted a public hearing has made the following factual findings:

1. The Applicant was represented by Ursula Leo, Esquire, of Laddey, Clark and Ryan, Attorneys at Law.

2. The Applicant is the contract purchaser of the subject property. Thomas Valenti is the owner of the subject property and consents to the within application. The Applicant is proposing to utilize the existing structure on the property for short term rentals, primarily associated with a banquet hall located nearby in Waterloo Village. The original application requested an interpretation that the proposed use was permitted, by Ordinance, in the R-1 Zone. The application was amended to request alternatively, use variance relief, pursuant to N.J.S.A. 40:55D-70d(1) from Section 240-51 of the Township's Zoning Ordinance, Primary Intended Uses in the R-1 Zone.
3. The Applicant submitted the following documents, in addition to the Land Use Application:
  - a. Location Survey, prepared by Michael A. Catalano, LS, dated July 8, 2009.
  - b. Tax Map, prepared by Harold E. Pellow, PE, PS, dated June 2006, Sheet 2.
4. The Board received a memorandum from the following:
  - a. Alyse Landano Hubbard, Esq., of Maraziti Falcon, LLP, the Board's Attorney, dated October 9, 2025, revised November 12, 2025.
  - b. Daniel Bloch, P.P., AICP, of Colliers Engineering & Design, the Board's Planner, dated October 8, 2025.
5. A duly noticed public hearing was conducted on November 20, 2025, at which time John McDonough, P.P, who was accepted as an expert planner, and Jeffrey Miller, the principal of JAM Hospitality Group, presented sworn testimony in support of the application. Planning Exhibits for JAM Hospitality Group,

- prepared by John McDonough Associates, with pictures taken on October 31, 2025, consisting of four (4) sheets was marked as A-1 for identification.
6. The subject property is a rectangular lot, with 200 feet of frontage on Waterloo Road, 150 feet of depth, surrounded by open space of Lot 6 owned by the State of New Jersey. The property is developed with a two-story frame dwelling, a gravel driveway, slate patio and walkway with masonry walls. There are several encroachments on the adjacent state land, including a circular driveway in the rear of the property. However, the lot is isolated from surrounded development.
  7. This is a distinct piece of property, with unique physical characteristics, close to Waterloo Village and the banquet facilities. The home contains five (5) bedrooms and five (5) bathrooms, with common living areas, serviced by private well and septic system. The Applicant plans to offer the home as a short-term rental for family and friends related to events scheduled at the banquet facilities.
  8. The Applicant's Planner provided an analysis of the planning criteria, as set forth in *Medici v. BPR Co.*, 107 N.J. 1 (1987), and reviewed the site suitability of the property. The witness noted that based on the condition and location of the property, considering the surrounding land uses, this is an "isolated lot" that provides a unique opportunity for a boutique use of a beautiful home.
  9. Mr. McDonough considered the purposes of zoning and opined that the following purposes, as set forth in the Municipal Land Use Law, N.J.S.A. 40:55D-2, are advanced by this application:
    - a. Purpose A – To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote

the public health, safety, morals, and general welfare; Waterloo Village is a recognized community asset destination, which will be served by the accessory use providing a short-term rental opportunity associated with the banquet hall.

- b. Purpose I - To promote a desirable visual environment through creative development techniques and good civic design and arrangement; this is an adaptive reuse of the property that adds to the viability of both the existing home and the banquet hall.
  - c. Purpose M -To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land; this is an adaptive reuse of a unique property that does not require expansion of renovation of the existing structure.
10. With regard to the negative criteria analysis required for a use variance, the Planner opined that there would be no substantial detriment to the public good, as the proposal is primarily for sleeping quarters, which is a “small use” in a “small building.” The use will result in limited noise and activity on the property, with minimal impact to traffic and no change to the stormwater runoff on site.
11. Finally, the Applicant must establish that there would be no substantial impact to the zone plan or Master Plan. Once again, the witness noted that the subject lot is distinct piece of property in the R-1 Zone. The proposed use is a good use of the land use and the building.

12. After the planning testimony and a discussion regarding the implications of the Board making a determination as to whether or not the short-term rental use is permitted within the R-1 Zone, the Applicant withdrew the request for an interpretation and proceeded with the use variance application only.
13. During questioning from the Board, the Applicant testified that the rental and use of the property will be directed to individuals renting the banquet hall as an accessory use of Waterloo Village. If the property is not being used in that capacity, it would be available for use by others. The entire house will be rented as “one unit” to an individual, on behalf of a group. The individual bedrooms will not be rented independent of the rest of the home. There is a residential kitchen in the home, for use by the occupants, but there will not be commercial food services available for guests. The Applicant agreed to a one-week maximum rental agreement with its tenants. A shuttle service will be provided for transporting individuals from the home to Waterloo Village for special events.
14. There are several encroachments onto the adjacent State-owned property, Lot 6. The driveway is circular, with the main access on the eastern side of the home. A portion of the driveway, and a parking area extend onto Lot 6 on the eastern side. The driveway continues north, and loops back to the western side of the subject property, with a majority of the “loop” on Lot 6. The loop crosses the northwestern corner of Lot 8 and then continues back onto Lot 6 until it terminates onto Waterloo Road. The Applicant agreed to only permit parking on Lot 6, blocking access on Lot 8 into the adjoining lot. The Applicant will be managing the property to insure the use of the eastern driveway only.

15. Tom Valenti, the property owner, testified that he has owned and occupied the property for 16 years. He urged the Board not to require a permanent barrier to the driveway in the rear, explaining that although he never used it, the road provides emergency access for the State to its property. It was agreed that “Do Not Enter” signs would be installed on the northern side of the lot to direct occupants not to utilize the driveway for vehicles, but that walking from Lot 8 onto Lot 6 was permitted.

16. There was no one else from the public 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 relief can be granted pursuant to N.J.S.A. 40:55D-70d(1) from Section 240-51 of the municipal zoning ordinance to permit the use of the existing dwelling for short-term rentals in the R-1 Residential Zone.
2. The Applicant’s Planner provided the required analysis of the positive and negative criteria for the Board to grant a Use Variance. The subject property is an isolated lot, with an existing dwelling, located in close proximity to Waterloo Village. The site is particularly suited for the use, in that it is a unique piece of property, that will serve as an accessory use to the nearby banquet hall, providing convenient sleeping quarters for the attendants of events at Waterloo Village. The

site has sufficient parking, with five (5) bedrooms, (5) bathrooms and ample living space.

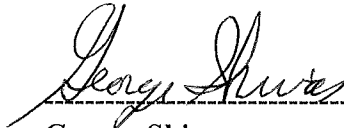
3. Additionally, the Applicant was able to establish a Special Reason, as the proposal advances several purposes of the Municipal Land Use Law. Specifically, it will promote the general welfare providing short-term rental opportunities to a destination location within the Township. Additionally, it will promote a desirable visual environment with an adaptive reuse of the existing, attractive property. Finally, the use of the existing home as a short-term rental location will provide for the efficient use of land, by utilizing the unique property without the need to expand or renovate of the existing structure.
4. The Board determined that permitting the use of this unique property for short-term rentals, primarily associated with Waterloo Village, would not result in a substantial detriment to the surrounding area, as the lot is isolated with sufficient parking, and will not generate significant traffic, noise or stormwater runoff. The use is not inconsistent with the Master Plan and the Zoning Scheme, although short-term rentals are distinct from single-family residences, the proposed use is a good use for the existing residential home.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Byram on the 20<sup>th</sup> day of November 2025 that the approval of the within application be granted subject, however, to the following conditions:

1. The Applicant shall comply with all the conditions and standards set forth in Section 240 of the Township's Ordinances. The Applicant shall be subject to all

other applicable rules, regulations, ordinances and statutes of the Township of Byram, County of Sussex, State of New Jersey, or any other jurisdiction.

2. The Applicant shall be bound to comply with the representations made before this Board by the Applicant, and its professionals, at the public hearing. The representations are incorporated herein and were relied upon by this Board in granting the approval set forth herein and shall be enforceable as if those representations were made conditions of this approval
3. The Applicant shall pay all fees, costs, escrows due or to become due. Any monies are to be paid within twenty (20) days of said request by the Board's Secretary.
4. The Applicant shall submit a Certificate that taxes are paid to date of approval to the Board Secretary.
5. The house must be rented as one unit, to a person, or group of people, for no more than one week.
6. There shall be no commercial kitchen that services the occupants of the dwelling.
7. All parking shall be accommodated on Lot 8, with access via the eastern driveway only.
8. The Applicant shall install "Do Not Enter" signs by the northern and western driveways, to prohibit vehicles from travelling onto Lot 6.
9. The Applicants shall provide shuttle service to occupants of the dwelling to the Waterloo Village Banquet Hall for special events.

  
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**George Shivas**

**On motion of:** Mr. Smith

**Seconded by:** Ms. Colligan

**The vote on the Resolution was as follows:**

**AYES:** Seven (7): Mr. McElroy, Ms. Raffay, Mr. Smith, Ms. Colligan, Ms. DeMagistris, Ms. Lewandowski, Chairman Shivas

**NAYS:** Zero (0)

**ABSTAINING:** Two (2): Mayor Rubenstein, Mr. Proctor

**ABSENT:** Two (2): Mr. Morytko, Mr. Walsh

I certify that the above Resolution is a true copy of a Resolution adopted by the Planning Board on December 18, 2025.

Caitlin Phillips

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**Caitlin Phillips, Planning Board  
Secretary**

**Dated:** 12/19/2025

**Prepared by:** Alyse Landano Hubbard, Esq.

In the matter of Angela R. Prestia  
Case No. SD1-2025  
MF#5000.058

**BYRAM TOWNSHIP  
PLANNING BOARD  
RESOLUTION OF MEMORIALIZATION**

**RELIEF GRANTED:**        **Minor Subdivision**  
                                 **Extension of Variance Approval**  
                                 **Minimum Lot Area**  
                                 **Minimum Front Yard Setback**  
                                 **Minimum Lot Width**  
                                 **Minimum Setback from the Lake**

**WHEREAS**, Angela R. Prestia has applied to the Planning Board of Township of Byram seeking approval for a minor subdivision/lot line adjustment for premises located at 127 North Shore Road, and known as Block 125, Lot 33 and Block 124, Lot 37, as well as Block 331, Lot 6 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 was represented by Robert B. McBriar, Esq. and Michael K. Mullen, Esq. of Schenck, Price, Smith and King, LLP.
2. The Applicant is the owner and occupant of the Block 125, Lot 33 and Block 124, Lot 37 (“Subject Property”) and the Township of Byram (“Township”) is the owner of Block 331,

Lot 6 (“Township’s Property”). The Applicant is seeking minor subdivision/lot line adjustment approval to transfer 1,765 square feet of property from the Township’s Property to the Subject Property.

3. As part of the prior approval, the variances were granted from the following Sections of the Township’s Land Use Ordinance:

- a. Section 240-55(C)2 and 240-14 – Minimum Front Yard Setback: 38.5 feet required, 24.42 feet previously approved.
- b. Section 240-55(C)3 – Minimum Side Yard Setbacks: 15 feet required, 9’6” and 11’8” previously approved.
- c. Section 240-55(C)7 – Maximum Building Height: 2 1/2 stories permitted, 3 stories approved.
- d. Section 240-55(C)9 – Minimum Setback from Lake, Ponds, Streams, or Wetlands: 50-foot setback required, 26.25 feet previously approved
- e. Section 240-55(C)9 – Minimum Setback of building from existing lakes, ponds, streams, or wetlands: 50 feet required, 26.25 feet previously approved.
- f. Section 240-55(C)9 – Vegetative Buffer along 80% of Water’s Edge: ten-foot-wide vegetative buffer along 80% of the water’s edge is required: Variance was granted, as the Applicants could not comply with vegetative buffer requirements.

4. As part of the proposed subdivision/lot line adjustment, pursuant to N.J.S.A. 40:55D-70c, new or revised variance relief is required from the following Section of the Township’s Land Use Ordinances:

- a. Section 240-55(C) - Minimum Lot Area: 10,000 square feet required: 4,998 square feet existing, 6,763 square feet proposed.
  - b. Section 240-55(C) - Minimum Lot Width: 100 feet required: 65 previously approved, 77.64 feet proposed.
  - c. Section 240-55(C)2 and 240-14 – Minimum Front Yard Setback: 38.5 feet required: 24.42 feet previously approved, 24.4 feet proposed.
  - d. Section 240-55(C)9 – Minimum Setback from Lake, Ponds, Streams, or Wetlands: 50-foot setback required, 26.25 feet previously approved, 21.5 feet proposed.
5. The Applicant submitted the following documents, along with the Application for a variance:
- a. Map of Property, prepared by Stewart Surveying and Engineering, LLC, dated March 9, 2023, revised through May 5, 2025.
  - b. Township of Byram Ordinance No. 12-2025, Authorizing the Sale of a Portion of Block 331, Lot 6, Owned by the Township and Not Required for Public Purposes, by Private Sale, to the Contiguous Property Owner, Introduced on July 25, 2025 and Adopted August 12, 2024.
  - c. Sussex County Planning Board Subdivision Review Application and related Check Lists, dated August 29, 2025.
  - d. Minor Subdivision Approval from County of Sussex, dated September 29, 2025.
  - e. Report prepared by Richard Vander Ploeg, Senior Inspector, Road Openings, Sussex County Department of Engineering and Planning, dated September 19, 2025.

- f. Completeness Determination, Sussex County Department of Engineering and Planning, dated September 18, 2025.
  - g. Description of Lot 33, Block 125, Township of Byram, Sussex County, New Jersey, prepared by Stewart Surveying & Engineering, LLC, dated November 28, 2023, Revised May 5, 2025.
  - h. Description of a Portion of Lot 33, Block 125, Township of Byram, Sussex County, New Jersey, prepared by Stewart Surveying & Engineering, LLC, dated November 28, 2023, Revised May 5, 2025.
  - i. Contract for Sale of Real Estate, between Byram Township and Angelia R. Prestia, dated August 12, 2025.
  - j. Resolution of Memorialization, ZO-2023, as approved on March 2, 2023, and adopted on April 6, 2025.
6. The Board received a memorandum from Cory L. Stoner, P.E., P.P., the Planning Board Engineer, dated September 30, 2025.
7. A duly noticed public hearing was conducted on November 6, 2025, at which time Alfred A. Stewart, Jr., of Stewart Surveying and Engineering, LLC, who was accepted as a professional engineer and surveyor, presented sworn testimony in support of the application. The Subject Property consists of two lots, the first is a 4998 square foot lot, located on the northern side of North Shore Road (Block 125, Lot 33), which contains a 1 1/2 story dwelling, a detached garage and related improvements. The second lot is on the southern side of North Shore Road (Block 124, Lot 37), which contains the septic system that serves the dwelling on Lot 33 and a gravel driveway.

The total new lot area will be 6,763 square feet, which is still nonconforming, as 10,000 square feet is required. Similarly, the lot width will be increased from 65 feet to 77.64 feet, which is still nonconforming, as 100 feet is required. There is a 20 x 20-foot-wide septic easement on North Shore Road that connects Block 125, Lot 33 and Block 124, Lot 27.

8. The Applicant received approval to construct an addition on the existing home on March 2, 2023, via application Z02-2023, which was memorialized on April 6, 2023 (“Prior Approval”). A portion of the improvements related to the existing home were located on Block 331, Lot 6, which is adjacent to the property on the western side and includes the water frontage on the canal, and Cranberry Lake. As set forth in Condition 7 of the Resolution for the Prior Approval, the Applicant was required to “seek approval, and/or enter into an easement agreement, or perfect a lot line adjustment with the Governing Body for the portions of the patio, grass area, and concrete wall, along the canal that encroach onto municipally owned property.” Mr. Stewart highlighted the area of the property that was the subject of the subdivision/lot line adjustment on the Map of Property, which was marked as A-1 for identification.
9. Following the Prior Approval, the Applicant and the Township negotiated and entered into an agreement for the transfer of the portion of Lot 6 from the Subject Property to the lake front concrete wall. As set forth in Township Ordinance 012-2025, this area is not needed for public use and has been in the possession and use exclusively, openly, notoriously, visibly, continuously, and uninterrupted by the Applicant since September 27, 1968, and no one has questioned the Applicant’s use or occupancy of the property.

The Ordinance and the agreement are conditioned on the Applicant receiving the within minor subdivision/lot line adjustment approval.

10. North Shore Drive crosses the canal that is adjacent to the Subject Property. North Shore Drive is a County Road and there is a bridge on the portion of the roadway over the canal. As part of the Sussex County review of the proposed subdivision, the County is requesting to expand its existing Bridge Maintenance Easement Area to permit the County to utilize a portion of the Applicant's property for future maintenance of the North Shore Drive Bridge. The Applicant shall work with the County to reach an agreement with regard to a revised Easement Area.
11. The Memorializing Resolution from the Prior Approval was adopted on April 6, 2023 and published on April 13, 2023. Following Prior Approval, the Applicant entered lengthy discussions and negotiations with the Township. On August 12, 2025, the Township Council Adopted Ordinance 012-2025 authorizing the sale of the area sought to be subdivided/lot line adjusted. On August 12, 2025, the Applicant and the Township entered into a contract of sale conditioned on receiving subdivision/lot line adjustment approval. Pursuant to Section 45-23 of the Township's Ordinances, any variance granted by the Planning Board permitting an alteration of a structure shall expire unless such alteration shall have been actually commenced within one year of the date of publication of the notice. Due to aforementioned negotiations with the Township, the Applicant was unable to start construction and therefore, amended the application to request an extension of the variances and approvals granted by the Board to provide sufficient time to complete the approved addition. After some deliberation by the

Board, there was a determination to formally extend the 2023 approval which expired on April 13, 2024 for three (3) years, until April 13, 2027 together with the proposed amendments to permit the Applicant to commence construction on the proposed addition.

12. 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 pursuant to the Municipal Land Use Law, the Zone Plan and Zoning Ordinance of the Township of Byram for the following reasons:

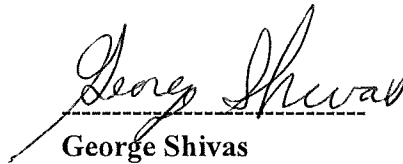
1. The Board found the witness testimony to be competent and credible. The Board determined that the Applicants met the minimum requirements of the Municipal Land Use Law and Township's Ordinance to a sufficient degree to enable the Board to grant the minor subdivision/lot line adjustment being requested together with the extension of Prior Approval and proposed amendments. The plan prepared by Mr. Stewart details the existing and proposed lot lines and the existing encroachments into the Township's Property that will be resolved via the approved subdivision/lot line adjustment.
2. As set forth in Ordinance 012-2025, the Applicant has utilized the property opening, notoriously and continuously since 1968, justifying the Township's consent to the lot line adjustment. There is no public use for the portion of Block 331, Lot 6 that is being transferred from the Township to the Applicant. The proposed subdivision will make the Subject Property whole, as the area in question has been utilized by the Applicant as part of the use and occupancy of the property for many years without question.

3. The Board found the witness testimony to be competent and credible. The Board determined that the relief can be granted pursuant to N.J.S.A. 40:55D-70c from the following Sections of the municipal zoning ordinance:
  - a. Section 240-55(C) - Minimum Lot Area: 10,000 square feet required: 4,998 square feet existing, 6,763 square feet approved.
  - b. Section 240-55(C) - Minimum Lot Width: 100 feet required: 65 previously approved, 77.64 feet approved.
  - c. Section 240-55(C)2 and 240-14 – Minimum Front Yard Setback: 38.5 feet required: 24.42 feet previously approved, 24.4 feet approved.
  - d. Section 240-55(C)9 – Minimum Setback from Lake, Ponds, Streams, or Wetlands: 50-foot setback required, 26.25 feet previously approved, 21.5 feet approved.
4. Pursuant to N.J.S.A. 40:55D-70c(2), 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. The Board previously determined that the requested relief advances the purposes of zoning, by providing light, air and open space (Purpose C), provided appropriate location for a variety of residential uses (Purpose G) and promoted a desirable visual environment through creative development techniques. The proposed changes to the previously granted variances are the result of a subdivision/lot line adjustment, which is a better plan for the property, as all the improvements will be on the subject lot, without encroaching on municipal property.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Byram on the 6th day of November 2025 that the approval of the within application be granted subject, however, to the following conditions:

1. The Applicant shall comply with all the conditions and standards set forth in Section 240 of the Township's Ordinances. The Applicant shall be subject to all other applicable rules, regulations, ordinances and statutes of the Township of Byram, County of Sussex, State of New Jersey, or any other jurisdiction.
2. The Applicant shall be bound to comply with the representations made before this Board by the Applicant's professionals, at the public hearing. The representations are incorporated herein and were relied upon by this Board in granting the approval set forth herein and shall be enforceable as if those representations were made conditions of this approval
3. The Applicant shall pay all fees, costs, escrows due or to become due. Any monies are to be paid within twenty (20) days of said request by the Board's Secretary.
4. The Applicant shall submit a Certificate that taxes are paid to date of approval to the Board Secretary.
5. The Applicant shall obtain permits and approvals from the Township's Construction and Zoning 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 or such other time determined by such agency or body. Outside agency approvals include but are not limited to Sussex County Department of Engineering and Planning.
8. The Applicant shall submit the Subdivision/Lot Line Adjustment and Merger Deeds to the Board, for review and approval by the Board's Engineer and Attorney, prior to recording same in the Office of the Sussex County Clerk.
9. The Applicant shall confirm the Block and Lot numbers for the subdivided lots with the Byram Township Tax Assessor prior to recording the necessary deeds to effectuate the subdivision/lot line adjustment.
10. The Applicant shall submit a copy of the recorded Septic Line Easement for the Subject Property to the Board prior to the issuance of a Certificate of Occupancy.
11. All conditions from the Prior Approval, as set forth in Resolution Z02-2023, shall remain in full force and effect, unless determined to be inconsistent with the within approval.

  
George Shivas

**On Motion of:** Mr. Smith

**Seconded by:** Ms. Raffay

**The vote on the Resolution was as follows:**

**AYES:** Seven (7): Mr. McElroy, Ms. Raffay, Mr. Smith, Ms. Colligan, Ms. DeMagistris, Ms. Lewandowski,  
Chairman Shivas

**NAYS:** Zero (0)

**ABSTAINING:** Two (2): Mayor Rubenstein, Mr. Proctor

**ABSENT:** Two (2): Mr. Morytko, Mr. Walsh

I certify that the above Resolution is a true copy of a Resolution adopted by the Planning Board on December 18, 2025.

Caitlin Phillips

**Caitlin Phillips, Planning Board Secretary**

**Dated:** 12/19/2025

**Prepared by:** Alyse Landano Hubbard, Esq.

**Byram Township Planning Board Bills****January 15 2026**

<b>Harold Pellow</b>	<b>Date</b>	<b>Amount</b>
Inv. 84922 Molloy: review	12.19.2025	\$ 370.00
Inv. 84920 Lisk: review	12.19.2025	\$ 112.50
Inv. 84919 Prestia: meeting attendance, review	12.19.2025	\$ 217.50
Inv. 84918 Shrensel: meeting attendance, review	12.19.2025	\$ 257.50
Harold Pellow Total		<b>\$957.50</b>
<b>Maraziti and Falcon</b>	<b>Date</b>	<b>Amount</b>
Maraziti and Falcon Total		<b>\$0.00</b>
<b>Colliers</b>	<b>Date</b>	<b>Amount</b>
Inv. 0001125520 JAM: meeting attendance, review	12.17.2025	\$ 477.50
Colliers Total		<b>\$ 477.50</b>
<b>Grant Total</b>		<b>\$1,435.00</b>