

**BYRAM TOWNSHIP PLANNING BOARD AGENDA**  
**For Thursday, June 18 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-** June 4, 2026
6. **RESOLUTIONS**  
SP2-2026 Patriots Path Council Inc., 750 Waterloo Road, Block 377 Lot 2; Block 378 Lot 1; Block 384 Lot 1, OS Zone  
Application for preliminary and final site plan to modify the campsite; including renovating existing structures and proposing pavilions
7. **OLD BUSINESS**  
Z12-2025 Marcelo Lopez, Jans Way, Block 360 Lot 6, R2 Zone  
Application for new home construction  
**\*\*CARRIED TO 09/17\*\***
8. **NEW BUSINESS**  
Z03-2026 Mike and Faith Pedersen, 30 South Shore Road, Block 383 Lot 2.05, OS Zone  
Application for a use variance, for an expansion of a nonconforming structure, for home alterations
9. **BILLS:** Maraziti and Falcon (10): \$2,865.15
10. **REPORTS FROM COMMITTEES**
  - Environmental Commission
  - Open Space
  - Township Council
11. **OPEN TO THE PUBLIC**
12. **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: June 4 2026

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

**ROLL CALL:** Mss. DeMagistris, Colligan, Lewandowski; Messrs. Proctor, McElroy, Smith, and Chairman Shivas  
*Members Absent:* Ms. Raffay; Messrs. Walsh, Morytko, Mayor Rubenstein

*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, 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:** May 21, 2026.

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

*Ayes:* Mss. Colligan, DeMagistris, Lewandowski; Messrs. McElroy, Smith, and Chairman Shivas

*Abstaining:* Mr. Proctor

*Members Absent:* Ms. Raffay; Messrs. Walsh, Morytko, Mayor Rubenstein

None opposed. Motion carried.

### RESOLUTIONS

SP1-2026 On Time Sign and Design LLC (Vito Lombardo), 10 Route 206, Block 42 Lot 112, VB Zone

Application for amended site plan

Ms. Hubbard noted there were changes to the resolution made today. Ms. Phillips said there was a copy sent of the resolution, along with a version with markups from the applicant's professionals' offices.

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

*Ayes:* Mss. Colligan, DeMagistris, Lewandowski; Messrs. McElroy, Smith, and Chairman Shivas

*Abstaining:* Mr. Proctor

*Members Absent:* Ms. Raffay; Messrs. Walsh, Morytko, Mayor Rubenstein

None opposed. Motion carried.

### SUBCOMMITTEE

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

Application for deck and stair replacement

Mr. Stoner said there was a waiver of site plan last year, granted for interior work. This is to modify the deck and stairs and for a pergola. The plans show this as being like-for-like, as well as interior renovations. He noted the plans don't show the proposed items on the existing plans, though they're marked as modifications of existing items. There are also no dimensions of what's existing, which they'd use to verify it's a replacement of something existing in the same shape and size. The stairs were started without permits. The code violation needs to be addressed. The Subcommittee's opinion is that there's not enough information to make a determination.

Motion of Mr. McElroy to request additional information to continue the review, second by Ms. Colligan.

*Ayes:* Mss. Colligan, DeMagistris, Lewandowski; Messrs. McElroy, Smith, and Chairman Shivas

*Abstaining:* Mr. Proctor

*Members Absent:* Ms. Raffay; Messrs. Walsh, Morytko, Mayor Rubenstein

None opposed. Motion carried.

### **OLD BUSINESS:**

Z04-2026 Maria Lacatena, 71 Brookwood Drive, Block 58 Lot 76, R3 Zone

Application for a deck, pool, and shed

Chairman Shivas noted they're requesting to carry the application to 10/15.

Motion of Mr. Proctor to carry the application 10/15, second by Ms. DeMagistris.

*Ayes:* Mss. Colligan, DeMagistris, Lewandowski; Messrs. Proctor, McElroy, Smith, and Chairman Shivas

*Members Absent:* Ms. Raffay; Messrs. Walsh, Morytko, Mayor Rubenstein

None opposed. Motion carried.

### **NEW BUSINESS:**

SP2-2026 Patriots Path Council Inc., 750 Waterloo Road, Block 377 Lot 2; Block 378 Lot 1; Block 384 Lot 1, OS Zone

Application for preliminary and final site plan to modify the campsite; including renovating existing structures and proposing pavilions

Michael Selvaggi from Lavery, Selvaggi & Cohen, P.C. represented the application. He said this proposal is to revitalize and renovate the site, to continue to provide services for the Scouts. A general development plan would be an appropriate use of the application. They'll ask for preliminary and final site plan approval, which will help the Scouts as they proceed with construction. The buildings won't be done all at the same time, but will be staged over the next several years. Having the site plan would help zoning and construction process the applications without coming back to the Board. For site plans, they'd be good for a total of five years. Under section 52 of the MLUL, for properties over 150 acres, the Board can grant the approval beyond the total of five years. Ideally, they'd like 20 years to get this done.

David Kopsa from Newton was sworn in as the Director of Camping and Properties for Patriot's Path Council, which he has done since 2023. Before this he worked as a director of camping in Bergen County. He has also worked with the Scouts with camping programs since 2006 in New Mexico, West Virginia, and California. He is not requesting to be an expert. Mr. Kopsa said in the summer they run two camping operations, which has about 1,000 kids. The rest of the year, they have campouts. There are plans for a lot of pavilions, which helps provide shaded teaching spaces and protection from inclement weather. They also want to show donors who they're pursuing funding from that they have a thought-out plan for the site. Mr. Selvaggi confirmed the list Mr. Stoner reviewed covered the scope of what they'd like to do. He asked Mr. Kopsa what the timeline of these projects would be. Mr. Kopsa said about 10 years. Mr. Selvaggi confirmed the camp has been operating there about 77 years, and that they believe these improvements will help them stay viable. He asked Mr. Kopsa when the last time improvements like this were done. Mr. Kopsa said they've done a few projects throughout the years, but never had this level of work involved in his and his coworkers time here. Chairman Shivas noted they mentioned a 20 year timeframe. He said that seems a long time—he's been on the Board 40 years. The world has changed in 20 years, but 10 seems more feasible. He noted they'd need an update from the Engineer every few years to make sure things are still as proposed. Mr. Selvaggi confirmed a written correspondence would be sufficient, and they're not expected to return to the Board. He

noted they'd know by year 9 if they'd need an extension on any parts of the work. Mr. Stoner noted they have received permits for things recently that were like-for-like, such as the pavilion and guard shack. Ms. Hubbard asked how big Patriot's Path Council is. Mr. Kopsa said they cover 5 counties, including Sussex, Bergen, Essex, Somerset, and Middlesex, and they have about 10,000 scouts, and they're trying to get more to join. Mr. McElroy said the Environmental Commission noted they wanted project plans as they evolve, but noted once they get a project plan, they're just going to zoning and construction, so won't be sent to the EC. Mr. Stoner noted they may need outside agency approvals. Chairman Shivas noted the EC also brought up trees, and asked how many are being removed. He doesn't know how they'd be able to tell how many. Mr. Kopsa said they handle tree from safety sense, making sure dead trees are taken down. They work closely with the tree contractor. Mr. Proctor asked if they plan to clear cut any trees. Mr. Stoner said they could make it a condition to not clear any trees in areas not designated on the plans. Mr. Stoner noted the acreage of the properties is large. Mr. Selvaggi noted this is in the Highlands Preservation area. Mr. McElroy noted the town ordinance also requires certain steps as well.

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

Todd Bletcher from Mountainside New Jersey was sworn in as the Planner. Mr. Bletcher has degrees in city planning, and is licensed and certified. He is also a Scout leader, and most of the kids in his group go to the camp. He has appeared in front of other towns including Woodbridge, Edison, New Brunswick, and South River. He was deemed an expert. He said the camp operates year-round, and has been in continuous operation since at least the 1940s. It is a traditional summer camp, with a lake, trails, archery, shooting ranges, swimming pools, activities, cabins, and a caretaker. For safety, they only allow registered scouts and their parents on the property. This is not commercial; people can't rent a cabin from them, it's just a scout program. There are no RVs or campers. They operate differently than the other locations in the CR zone. With an 80 year old facility, there is maintenance involved, including the buildings and their systems. The town raised a concern that there is no site plan approval. They were asked to prepare something to present to the Board so they know the existing conditions and what's being proposed. The Scouts have laid out what they want to do and called it their Master Plan, which for the Board would be a site plan. Some items don't need Board approval, but they wanted to show everything on the plan. There are no architectural plans or engineering and grading plans because they haven't been designed. The applicant wants to get site approval, and then when they're ready for each building or part, they'll get the plans ready and present them to the departments. Mr. Bletcher submitted **Exhibit A1**, the facility master plan, which he reviewed. He noted the property was 800 acres, and in the last 18 months there was a sale to the DEP to enlarge Allamuchy State Park, so now it's down to 387 acres. Ms. Hubbard asked how a portion of the lot was sold. Mr. Bletcher said a subdivision was done, directly to the DEP; if it's the state, they can handle the subdivision. Mr. Stoner asked for a copy of the survey. Mr. Bletcher said they started out with the original blocks and lots; on page 11 of the facility document, it shows the 2024 changes. They also show the new block and lot numbers. Mr. Smith noted in the document they were provided it's page 14, and the chart is page 7. Ms. Hubbard confirmed they access the park like anyone else does.

Mr. Bletcher said the property is split-zoned with Open Space and the CR zone. They're not seeking bulk variances, and the building heights will comply. The plan has been designed to not trigger stormwater or Highlands issues. They will provide a Highlands application to the town. Any work near a lake can be addressed through a DEP permit-by-rule. Mr. Stoner noted these approvals should be submitted with the

permit applications to the town. Mr. Bletcher said the property is currently 99.999% forested, and if all elements are built, the property will still be this forested. He reviewed the plans. Some buildings are being repurposed. There's an addition proposed to the dining hall. They're proposing sand replacement at the waterfront. There are dock replacements. Some upgrades for showers, covered porches, concrete pads, and emergency generators to key buildings are proposed. One of the main issues is weather, so the plan is proposing pavilions across the site, to protect people during storms. There is at least one pavilion proposed per campsite and program area. They'll be open-air timber structures. The plan shows the general location for the pavilions, and will stick to the maximum size shown as proposed, and they'll be field-sited. They're proposed in places with as little tree removal as possible. In the center of the property, there's a gravel parking lot. They're looking to move this area to a different gravel lot that already exists near the entrance. This would help get cars away from pedestrian areas. The current gravel area will be converted to a grass field.

Mr. Bletcher discussed the CR zone. There are definitional requirements listed. In the Master Plan, they discuss the CR zone and the Scout camp specifically. The other camps listed include Panther Lake, Tomahawk Lake, Columbia Valley, Jefferson Lake, and the area along Lubbers Run associated with Hudson Farms. They're grouped with these other uses that are different than what they are. Panther Lake is a camping resort. Tomahawk Lake is a water park. Jefferson Lake is a for-profit summer camp. Columbia Valley is closed. Mr. Bletcher said he thinks the CR zone is trying to regulate those commercial uses to avoid golf courses or amusement parks, and to avoid impacting neighbors. They still need to comply with the ordinance, but there is a part that states camping sites are limited to seasonal operations. He noted they operate year-round, and have for a while. He suspects this is meant for more seasonal camping rentals, so that they don't turn into residential places. They have to seek relief from this, but he doesn't think this was intended for them. Mr. Proctor asked Ms. Hubbard if this is a use variance. Mr. Selvaggi said it's more a pre-existing non-conforming use. Ms. Hubbard noted it doesn't affect the site plan, but they either need a use variance or to seek a certification of pre-existing non-conforming use, saying they pre-date it. Mr. Selvaggi noted the camp has been operating the same way since the 40s. Mr. McElroy confirmed the applicant is okay amending their application to include this. Ms. Hubbard said they can submit the paperwork to document this change.

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

Motion of Mr. Smith to approve the application as submitted, including a monitoring report every 3 years, the addition of the certification of pre-existing non-conforming use, providing the updated survey, the 10 year time limit, and permits and outside agency approvals, second by Mr. Proctor.

*Ayes:* Mss. Colligan, DeMagistris, Lewandowski; Messrs. Proctor, McElroy, Smith, and Chairman Shivas

*Members Absent:* Ms. Raffay; Messrs. Walsh, Morytko, Mayor Rubenstein

None opposed. Motion carried.

#### **BILLS:**

Maraziti and Falcon (8): \$2,185.50. A motion to approve the bills was made by Mr. McElroy, seconded by Mr. Proctor. All were in favor. Motion carried.

Colliers (1): \$266.25. A motion to approve the bills was made by Mr. Smith, seconded by Mr. Proctor. All were in favor. Motion carried.

Harold Pellow (7): \$3,826.25. A motion to approve the bills was made by Ms. Lewandowski, seconded by Mr. Proctor. All were in favor. Motion carried.

## **REPORTS FROM COMMITTEES**

*Environmental Commission-* Mr. Smith said they're doing a native plant sale in September, currently scheduled for the 12<sup>th</sup>. The EC is giving away a certain number, and the vendor is selling additional plants. This will likely be at the Fire House. They're collaborating with Sparta's Environmental Commission.

Mr. Selvaggi re-entered the meeting and said the Scouts have a meeting with the Construction Office next week, hoping to get permits. Ms. Hubbard confirmed they're requesting to waive receipt of the resolution. Ms. Phillips noted they'll need to submit a zoning permit prior to coming to the construction office, and Mr. Stoner does a memo to confirm they're okay to proceed. Ms. Hubbard noted she'll likely have the resolution ready for their 06/18. Mr. Stoner said they need to submit architectural drawings with the map they have.

Mr. Smith said the Byram EC is missing one alternate member. Sparta reached out to them saying they have events coming up, and don't have enough members and asked for help. They talked about asking the Council to help with coming up with an Environmental Stewardship award, that they want to give to members of the community who have shown involvement. They don't want it to be periodic, where they feel the need to give it to someone because of a timeframe; they want to give it when there is someone to be recognized.

*Open Space-* Ms. Phillips said there's a meeting on Monday.

*Township Council-* Mr. Proctor said they haven't had a meeting, so there's nothing to report.

## **OPEN TO THE PUBLIC**

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

Chairman Shivas said July 6<sup>th</sup>, there is a meeting in Stanhope about combining the Boards of Education. They're presenting a study. Mr. Stoner said there is paving starting Monday for the next month. Ms. Phillips noted the town garage sale is this weekend. Ms. DeMagistris said she doesn't remember the Trading Post having two businesses there, one of which being a stone company.

## **ADJOURNMENT**

A motion to adjourn the meeting was made at 9:00 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 Vito Lombardo  
Case No. SP1-2026  
MF#5000.056

**BYRAM TOWNSHIP**

**PLANNING BOARD**

**RESOLUTION OF MEMORIALIZATION**

**RELIEF GRANTED:**        **Minimum Number of Parking Stalls**  
                                 **Minimum Side Yard Buffer**  
                                 **Minimum Sidewalk Width**  
                                 **Two Rows of Parking in Front Yard**

**WHEREAS**, Vito Lombardo, d/b/a On Time Sign, has applied to the Planning Board of Township of Byram seeking amended site plan approval, with bulk variances, for the premises located at 10 Route 206, and known as Block 42, Lot 112 on the Tax Map of the Township of Byram which premises are in the “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. 40:55D-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 Wade T. Baldwin, Esquire, of Lavery, Selvaggi & Cohen, PC.

2. The Applicant is the owner of the subject property and On Time Sign and Design, which operates a sign making business on the subject property. The Applicant is seeking amended site plan approval and variance relief, pursuant to N.J.S.A. 40:55D-70c, from the following sections of the Township's Zoning Ordinance:
  - a. Section 240-38A-22 - Minimum number of parking stalls: 30 stalls required, 24 stalls proposed.
  - b. Section 240-56E(4) - Minimum side yard buffer: 4 feet with plants required, 5 feet without plantings proposed.
  - c. Section 240-56E(4) - Minimum width of sidewalk in side yard, 6 feet required, 4.6 feet proposed.
  - d. Section 240-56E(11)(c) – Only one row of parking permitted in the front yard: two rows proposed.
3. Additionally, the Applicant is seeking waivers from the following Sections of the Township's Municipal Code:
  - a. Section 215-30.2.C(5)(b) - minimum parking stall size: 180 feet required (9'x20') and 162 feet proposed (9'x18').
  - b. Section 215-30.2A(1) - minimum setback for driveways and parking stalls: 5-foot building setback required, 0.6 feet proposed.
4. The Applicant submitted the following documents, along with the Land Use Application:
  - a. Amended Site Plans, prepared by Civil Engineering Inc., dated February 7, 2020, revised through March 13, 2026, consisting of ten (10) sheets.

- b. Architectural Plans, prepared by Sergio Chavarria, Architect, dated June 13, 2022, Sheet A-1 revised through June 6, 2025, Sheet A-3 revised through April 27, 2026.
  - c. Upper Delaware Soil Conservation District Approval for Soil Erosion and Sediment Control Plan, dated March 11, 2026
  - d. Upper Delaware Soil Conservation District Application for Soil Erosion and Sediment Control Plan Certification, dated March 5, 2026
  - e. Highlands Exemption Determination Application, undated.
  - f. Resolution SP4-2020, for Preliminary and Final Site Plan Approval, dated November 19, 2020.
5. The Board received a memorandum from the following:
  - a. Cory L. Stoner, P.E., P.P., of Harold E. Pellow & Associates, Inc., the Planning Board Engineer, dated April 16, 2026 and revised April 17, 2026.
  - b. Daniel N. Bloch, PP, AICP, EADA, of Colliers Engineering and Design, the Planning Board Planner, dated May 14, 2026
6. The following plans were marked for identification during the hearing, as follow:
  - a. A-1 – Existing Conditions – Lot 112, Block 42 Plan, prepared by Civil Engineering, Inc., dated May 15, 2026, revised May 21, 2026.
  - b. A-2 – Proposed Site Layout Plan – Lot 112, Block 42 Plan, prepared by Civil Engineering, Inc., dated May 15, 2026, revised May 21, 2026.
7. A duly noticed public hearing was conducted on May 22, 2026, at which time Vito Lombardo, the Applicant, and James G. Glasson, PE of Civil Engineering,

Inc, who was accepted as an expert engineer, presented sworn testimony in support of the application.

8. The Applicant (On Time Sign and Design) received Preliminary and Final Site Plan Approval in 2020 for the rehabilitation of an existing commercial building on Route 206, requiring the following variances:

- a. Section 240-56.E.8 - Principal Structure shall have a minimum height of 2 stories, 1 story is approved
- b. Section 240-56.E.4 – Side Yard Landscape Buffer shall be 4 feet from the building to the sidewalk/parking, less than 4 feet is approved
- c. Section 240-56.E.6 – Rear Yard Landscape Buffer shall be 4 feet from the building to the sidewalk/parking, less than 4 feet is approved
- d. Section 240-56.E.12 – Rear access for the public is required and none is provided
- e. Section 240-38A – 22 parking spaces required, 15 provided

9. The following waivers were also granted:

- a. Section 215-29 – Landscape buffer shall be a minimum of 5 feet to adjacent commercial properties and 10 feet to adjacent residential properties, 0 buffer existing, 0 buffer granted
- b. Section 215-30.1 - Loading Space shall be 12' by 50', none existing, 18' by 32' granted
- c. Section 215-30.2 - Parking Surface in the rear shall be asphalt bituminous or cement binder pavement, gravel approved

2. The Applicant is proposing several site modifications, including approval for a 325 square foot addition in the rear of the building to provide storage for On Time Sign, which is the only current occupant. The original approval was for One Time Sign and Design, You Name It, embroidery company, and Lombardo's Deli and included 15 parking stalls, which limited the permitted users that the Applicant could lease the units to. The original approval included a single row of seven (7) parking stalls in the front of the building, with a courtyard area, and eight (8) diagonal gravel parking stalls in the rear. The new proposal includes two rows of parking in the front, totally 14 stalls and a single row of perpendicular parking in the rear of 10 stalls. The entire parking area and driveways will be paved. The courtyard area will be reduced to landscaping and vegetation.
3. During the first application, it was believed that the property was located within the Highlands Preservation Area and the proposed improvements can be accomplished under Highlands Exemption #4. It has since been determined that the property is in the Village Center/Bryam Highlands Center Zone and not subject to Highlands Jurisdiction, which permits the Applicant to pave the entire parking area and driveway.
4. The Applicant proposes to reconfigure the interior layout of the building to create three units: 1269 square feet, 2383 square feet and 2367 square feet. The parking calculation is based on 5 spaces for 1000 square feet of unit space, requiring 30 parking spaces for the permitted uses. An in-depth discussion took place regarding the required number of parking stalls by ordinance and what is required

by the permitted uses. The Applicant agreed to the 5/1000 parking calculation and the following uses, as noted on the site plan:

- a. Retail
  - b. Retail Services
  - c. Office (Business/General)
  - d. Office (Medical)
  - e. Discount Store
  - f. Hardware/Paint/Home Improvement Store
  - g. Convenience Market
  - h. Furniture/Carpet Store
  - i. Bank
  - j. Sports Club
5. The additional parking will result in an decrease in impervious coverage from 48.40% to 46.67%. The additional runoff will be addressed by an infiltration trench constructed along the front of the parking area, and the south side of the lot.
6. The site circulation is clockwise around the building, with the entrance on the northern side of the lot and the exit on the southern side. There is a van accessible, parking stall that is compliant with the Americans with Disabilities Act located in front of the building. There is a 12-foot by 50-foot loading space in the rear, along the back of the building. A waiver is required for the size of the parking stalls, as 9 feet by 18 feet is proposed and 10 feet by 20 feet is required. But the waiver granted for gravel parking area in the rear has been eliminated.

7. The Applicant began installing the landscape buffer and hedgerow in the rear of the property, which is approximately 20 feet in height. There is still additional landscaping required pursuant to the original approval and additional plantings are proposed in the front of the property, behind the infiltration trench, which is wrapped in fabric and filled with decorative stone.
8. There will be 2 building mounted light fixture, one on each site, mounted 15 feet high. There will be 4 pole mounted light fixtures, two in the front at 15 feet in height, and two in the back of the building at 13 feet in height. The security lighting around the building is 9 feet in height, with 5 wall mounted sconces above the doors. It was noted that there were some inaccuracies in the lighting plan, which the Applicant will update. The sign will remain in the same location.
9. The building is serviced by well, public sewer, underground gas and electric.
10. 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 relief can be granted pursuant to N.J.S.A. 40:55D-70c from the following Sections of the municipal zoning ordinance:
  - a. Section 240-38A-22 - Minimum number of parking stalls: 30 stalls required, 24 stalls approved.

- b. Section 240-56E(4) - Minimum side yard buffer: 4 feet with plants required, 5 feet without plantings approved.
  - c. Section 240-56E(4) - Minimum width of sidewalk in side yard, 6 feet required, 4.6 feet approved.
  - d. Section 240-56E(11) – Only one row of parking permitted in the front yard: two rows approved.
2. 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.
  3. The subject property is developed with an existing structure and the Applicant received Preliminary and Final Site Plan Approval in 2020. The market conditions have changed and the Applicant is proposing to make site changes to attract tenants. The necessary variances relate to the width of the property and limited side yards that exist, along with the Applicants desire to create additional parking on site for prospective tenants.
  4. The Board determined that permitting requested variance would not result in a substantial detriment to the surrounding area, as the Applicant maintained the

landscape buffers, specifically in the rear, which is adjacent to residential uses. The revised site plan will accommodate additional parking, proposed landscaping and site lighting. The project is not inconsistent with the Master Plan and the Zoning Scheme, as the Applicant is limiting the uses to permitted uses, for which there is sufficient parking. The two rows of parking are typical of commercial uses and will attract tenants to occupy the space and promote economic development along the commercial corridor.

5. The following waivers were granted, as the waivers are reasonable based on the conditions on the site, as the literal enforcement of the ordinance is impracticable and will exact undue hardship on the Applicant:

- a. Section 215-30.2.C(5)(b) - minimum parking stall size: 180 feet required (9'x20') and 162 feet approved (9'x18').
- b. Section 215-30.2A(1) - minimum setback for driveways and parking stalls: 5-foot building setback required, 0.6 feet approved.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Byram on the 20<sup>th</sup> day of May 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 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 Applicants 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 Applicants shall submit a Certificate that taxes are paid to date of approval to the Board Secretary.
  5. The Applicants 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.
    - a. Byram Township Fire Subcode Official
    - b. Byram Township Construction Department
    - c. Sussex County Planning Board or Letter of No Interest
    - d. Musconetcong Sewer Authority, if needed
  8. Stormwater runoff shall be maintained on the property, continuing the current drainage pattern, and not direct onto an adjacent lot.

9. The Applicant shall clean the property and remove all debris, including scrap metal and signage, from the site.
10. The Applicant shall complete the approved landscaping plan, subject to review and approval of the Board's Engineer.
11. The Applicant shall lease the commercial units to tenants with the following approved uses on the site plan:
  - a. Retail
  - b. Retail Services
  - c. Office (Business/General)
  - d. Office (Medical)
  - e. Discount Store
  - f. Hardware/Paint/Home Improvement Store
  - g. Convenience Market
  - h. Furniture/Carpet Store
  - i. Bank
  - j. Sports Club
12. The Applicant shall submit an updated, accurate lighting plan for review and approval by the Board's Engineer.
13. Any proposed signage shall comply with Article VIII of Chapter 240 and an application for a permit shall be submitted for review prior to construction.
14. Any proposed tenant or change of use shall be consistent with the EDU's that have been calculated for the property.

15. All site work, including construction of sidewalks, completion of landscaping, cleaning the property and removal of all debris, shall be completed prior to the issuance of a Certificate of Occupancy.

  
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George Shivas

**On motion of:** Mr. McElroy

**Seconded by:** Ms. Colligan

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

**AYES:** Six (6): Mss. Colligan, DeMagistris, Lewandowski; Messrs. McElroy, Smith, Chairman Shivas

**NAYS:** Zero (0)

**ABSTAINING:** One (1): Mr. Proctor

**ABSENT:** Four (4): Ms. Raffay, Messrs. Walsh, Morytko, Mayor Rubenstein

I certify that the above Resolution is a true copy of a Resolution adopted by the Planning Board on June 4, 2026.

Caitlin Phillips

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**Caitlin Phillips, Planning Board  
Secretary**

**Dated:** 06/05/2026

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

**Byram Township Planning Board Bills****June 18 2026**

<b>Harold Pellow</b>	<b>Date</b>	<b>Amount</b>
Harold Pellow Total		\$ -
<b>Maraziti and Falcon</b>	<b>Date</b>	<b>Amount</b>
Inv. 61917 General: review, communications, meeting attendance	6/8/2026	\$ 252.00
Inv. 61921 On Time Sign: review, meeting attendance	6/8/2026	\$ 936.00
Inv. 61924 Salt: review plans and communications	6/8/2026	\$ 90.00
Inv. 61925 Patriot's Path: review, communications, meeting attendance	6/8/2026	\$ 216.00
Inv. 61926 Lopez: communications, review	6/8/2026	\$ 180.00
Inv. 61928 Lacatena: review, meeting attendance	6/8/2026	\$ 219.15
Inv. 61929 Wroblewski: review, meeting attendance	6/8/2026	\$ 468.00
Inv. 61931 Federsen: review	6/8/2026	\$ 162.00
Inv. 61927 Marotte: communications, resolution	6/8/2026	\$ 72.00
Inv. 61930 Van Fleet: review, communications	6/8/2026	\$ 270.00
Maraziti and Falcon Total		<b>\$2,865.15</b>
<b>Colliers</b>	<b>Date</b>	<b>Amount</b>
Colliers Total		\$ -
<b>Grant Total</b>		<b>\$2,865.15</b>