

MEETING MINTUES OF THE BYRAM TOWNSHIP PLANNING BOARD: March 19 2026

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

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

Members Absent: Ms. Lewandowski, Mr. McElroy

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. 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 the online publication for the NJ Herald, the official newspaper of the Township.

FLAG SALUTE: led by Chairman Shivas.

MINUTES: February 19, 2026.

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

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

Abstaining: Messrs. Proctor and Walsh

Absent: Ms. Lewandowski

None opposed. Motion carried.

RESOLUTIONS

Z03-2023 Peter Smith, 9 Weasaug Trail, Block 187 Lot 1, R-5 Zone

Extension of approval for second-story addition, hot tub, and fence

Ms. Hubbard said by Byram's ordinance applicants are entitled to a one-year extension. This would take Mr. Smith to March of 2027 as the third year. Peter Smith came forward and said he was approved three years ago for a second-story addition. Things went well, and at the time of the approval, a Board member recommended to put up a fence, as he's having issues with his neighbor. He noted the community isn't really conducive to fences; the properties are tight and it blocks the openness of the area. He didn't put up the fence at the time, but is having problems with the neighbor, as there is garage on her property. He noted he has mentioned this to the Board and the Council. Ms. Hubbard noted they're here for the extension request. Mr. Smith said he'd like to put up the fence now. Mr. Stoner noted he got approval for the fence already, so he needs to build it per that approval. Mr. Smith noted with the addition on the house, the fence needed to wait. He wants to put up the fence so he doesn't need to look at the neighbor's garbage. Mayor Rubenstein said if there's an issue with the neighbor, he should come to a Council meeting. Ms. Hubbard asked for a timeframe. Mr. Smith said within the month, or when the contractor is available. Mayor Rubenstein asked why he needs the extension if the addition was done. Ms. Hubbard said he needs to start work on each of the pieces of work. Board member Mr. Smith asked why the fence needs a variance. Mr. Smith noted he's not going in the front

yard. Ms. Hubbard reviewed the resolution, and noted for the fence he could build it now since a variance was not needed. Mr. Stoner confirmed the other structure is a hot tub. Ms. Hubbard noted the extension would be needed for the hot tub and not the fence. Mayor Rubenstein noted they could say they're extending the approval, but be silent on which parts. Mr. Smith noted he'd like to put the hot tub in. Board member Mr. Smith confirmed the fence and hot tub are the only outstanding work. Motion of Mayor Rubenstein to approve the extension, good through March 22nd of 2027, second by Ms. Colligan.

Ayes: Ms. Raffay, DeMagistris, Colligan; Messrs. Mayor Rubenstein, Proctor, Morytko, Smith, Walsh and Chairman Shivas

Absent: Ms. Lewandowski, Mr. McElroy

None opposed. Motion carried.

Mr. Smith confirmed he can submit the zoning permit tomorrow.

OLD BUSINESS:

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

Application for new home construction

Chairman Shivas said they're requesting to be carried to 04/02. Mayor Rubenstein confirmed they don't need additional noticing. Ms. Phillips noted they don't have new plans, so as of now the variances haven't changed.

Motion of Mr. Proctor to carry the application, second by Mr. Morytko.

Ayes: Ms. Raffay, DeMagistris, Colligan; Messrs. Mayor Rubenstein, Proctor, Morytko, Smith, Walsh and Chairman Shivas

Absent: Ms. Lewandowski, Mr. McElroy

None opposed. Motion carried.

NEW BUSINESS

Z01-2026 Michael Marotte, 3 Lakeview Trail, Block 131 Lot 1, R5 Zone

Application for deck extension

Paul Ashworth, the architect for this application, asked that the other application go first, as his client has not arrived yet.

NEW BUSINESS

Z02-2026 Rosita DesJardins, 56 Fieldstone Trail, Block 337.04 Lot 10.09, R3 Zone

Application for reconstruction of single-family home, addition of ramp, and replacement of decks

Todd Hooker of Askin and Hooker represented the applicant. Carol Chen was sworn in as the Engineer for the project, at 70 River Road in Clifton. Rosita DesJardins was sworn in as the applicant and homeowner. Mr. Hooker said there was a fire in the home last year, so the applicant is proposing to fix the home and make it more livable. Ms. DesJardins confirmed she bought the house in 2015. She noted the roof was replaced just before the fire, around March. She is proposing the same type of roof, and is not planning to change the colors dramatically. Mr. Hooker noted she's not sure if it'll be vinyl or aluminum siding because she doesn't have all the details from the insurance company yet. He reviewed the variances, including for the deck. Ms. DesJardins said the proposed increase in size for the deck is to fit the needs of her family. Mr. Hooker said they're not increasing the overall height of the house; there are multiple roofs, and they're proposing to raise the roof to have attic storage.

Chairman Shivas opened to the public. James Conrad of 19 Sandra Lane was sworn in. He lives directly behind the subject house. He said the fire was on June 3rd and the roof was put on in May. He said he reviewed the plans, and agrees with the deck changes. He isn't bothered by any changes inside the house. He said he's been here 30 years, and if the roofline gets larger, he will lose the sun in the winter when it sets. He doesn't believe this needs to be done, as there's plenty of attic space over the second floor bedroom area. He reviewed the notice and questioned the height and stories represented. Mr. Stoner said if this was a 2.5 story house and the height was 29 feet, it wouldn't need a variance, but this is a three-story house. He noted a lot of lake community houses have three stories because of the walk-out basements. They had three stories before, but the height is changing from 25 to 27 feet, so they're modifying an existing nonconformity. Mr. Conrad said his issue is the height because of the view obstruction. He said a house years ago burned down, and the owner needed to rebuild it exactly the same way. Ms. Hubbard said the applicant is here because they want relief; this person he's referring to may not have come to the Board. Mr. Conrad said the way the neighborhood is structured, all the houses look the same, with two stories and the same kind of roofs. When he bought his lot, he liked the way it was because of the southern exposure, and he picked it based on the house that's there now.

Debbie DeBoer was sworn in at 54 Fieldstone. She noted she received the letter, and asked why they only get a week and a half of notice. Ms. Hubbard said right now they're questioning the witness, so just the testimony of Ms. DesJardins. The letter is another issue; per the Municipal Land Use Law, ten days prior is the notice they're entitled to. The date an applicant mails it can be ten days prior. Ms. DeBoer said that only gives her a week to review things. She noted she has a question about the chimney. Ms. Hubbard said she hasn't testified about the chimney. Mr. Stoner said they should get through all the testimony. Ms. Hubbard said she'll have another chance to come back up. Ms. DeBoer asked when that will be. Chairman Shivas said tonight.

Mr. Hooker asked Ms. Chen to describe the deck. She said it'll be an open slab structure with crushed stone underneath. There would be no impact in terms of runoff to adjacent properties. The proposed size is roughly 565 square feet. Mr. Hooker qualified Ms. Chen. Ms. Chen said she is a license engineer in New Jersey, and holds an MA and BA in architectural engineering. She works as a design professional. She has worked with fire restoration projects. She has worked in Belleville, Harrison, and Garfield, and her NJ license is in good standing. Mr. Proctor confirmed regarding the restoration plan, that the existing and proposed follow the same pattern throughout the plans. Mr. Hooker reviewed the third page, of the second floor layout. He confirmed there is no attic space above where it is proposed currently. He confirmed the overall height and highest point of the house won't change; it'll be just one roofline going from 25 to 27 feet. Ms. Chen confirmed the current highest peak is 29 feet, and that isn't changing. Mr. Hooker said the only part changing is over the garage, going from 25 to 27'3" at the highest point. He noted that allows the steep slope that's currently on the back side of the roof to have a different angle, to provide attic space. Ms. Chen said she spoke with the contractor, and it was determined based on the damage to the house that the roof needs to be replaced, and it wouldn't be efficient time-wise to rebuild the old roof as it is with the dormers. They also felt the new design would be more modernized. Mr. Hooker confirmed removing the dormers makes the roof more flat. Chairman Shivas said regarding the current page being reviewed, it has dotted lines, and one says existing roof to be removed. He asked what the other line is above that area. Ms. Chen said it is a misprint.

Mayor Rubenstein confirmed the cone part of the roof and nothing to the right of it is changing. Chairman Shivas confirmed the peak of the roof is staying the same. Ms. Chen said they are replacing the roof, as this is required as part of the fire restoration project. But they will keep it the same in terms of the height, except on the left side. Ms. Hubbard asked about Mr. Stoner's report, about the stories. Mr. Stoner noted it's a different three stories than before. Mr. Hooker submitted **Exhibit A1**, an aerial photo of the property. Mayor Rubenstein confirmed the peak behind the two dormers is changing by two feet, but that is not the highest point of the roof. He asked if the dormers go to the attic right now. Mr. Hooker said there's no attic now, it goes to the "bonus room" area. Mr. Smith confirmed the part above the garage has two windows above it now on the first floor, and one window on the second floor. Then, the new roof will have a second window on the second floor, and a window in the attic space, on the side. Mayor Rubenstein noted it would be helpful to have an existing and proposed left elevation.

Mr. Stoner noted the peak of the roof is increasing by five and a half feet. Calculations for average height only show going up two feet, but the design also shows the ridgeline. Ms. Chen said the 29.9 is the maximum of any façade height. The 29.11 is mainly for the left side. Mr. Stoner noted they'd be using the same grade. The proposed is 35.5, so the difference between peaks is 5.5 feet. He noted Ms. Chen was measuring right to the peak. They're talking about average roof lines, but it gets complicated because of the different types of roofs, but the top ridgeline is 5.5 feet higher in the proposed than the existing on the left side. Mr. Hooker noted it's still not higher than the highest peak. Mayor Rubenstein asked what the variance is. Mr. Stoner said it's still for stories. Mr. Walsh said they don't need a height or façade variance, but the third story has been intensified. Mayor Rubenstein noted it's the fact that there is a third story. He confirmed the changes are: the back deck is getting bigger; it will protrude from the back of the house more, and will run the entire length of the house rather than two individual decks. The left side rooflines are going to change upward. Mr. Smith noted it changes the front view, because to the left you'll see a story rather than two dormers. He doesn't think this changes the rear view. Mayor Rubenstein said if you're looking at this from the rear, the right side will be higher. Mr. Stoner noted because of the concern from Mr. Conrad, he discussed the total height difference. This would be a different type of roof. Ms. Raffay said the ridgeline of the proposed roof is pushed further toward the front of the house. Mr. Walsh asked how long the ridgeline is that's getting higher, he noted it looks like the length of the garage. Mr. Proctor asked the height of the attic in the proposed. Mayor Rubenstein noted it's about 8 feet. Mr. Proctor asked them to explain the need for 8 feet of clearance in the attic. Ms. Chen said the client expressed the need to walk around. Mayor Rubenstein confirmed this will be an unfinished space. Ms. Raffay asked if they lowered the ridgeline, would that make the roof look awkward, since the rooflines won't match anymore. Ms. Chen said it would; ideally they'd keep the rooflines the same to leave less potential for leakage. That's also why they decided not to put dormers; the more complex geometry, the more they'd need to safeguard against leakage. It is possible if they want it lowered. Ms. Raffay said she knows it's possible, but is asking if it's architecturally pleasing. She's looking at the left elevation, and if that was a different roofline, how would that change? Ms. Chen said it would be less pleasing, and impact the second floor. It would reintroduce the same problems as in the existing. She said before, the roof was two different sections, but they can make it one ridgeline. Mayor Rubenstein noted the front section will be a continuous surface. Mr. Morytko said he doesn't see how lowering it would be an issue, since currently it's at a lower height. Ms. Chen said where the original roofline meets, the proposed is better for construction. It is lower, but if designed the same way there's more potential for roof leakage.

Mayor Rubenstein noted the proposed is increasing the storage, and asked why it's needed. Ms. DesJardins said they're a big family, so they need space to put things. Mayor Rubenstein asked about access to the attic, and how often they'd access that space. Ms. DesJardins said it'll have a pull-down ladder. Mayor Rubenstein asked about the chimney. Ms. Chen said there are no proposed changes to the chimney. Mayor Rubenstein said the plans show the furnace and the hot water heater are being removed, but he's assuming the chimney goes to the basement. Ms. Chen said there's an existing fireplace, but it's electronic. The fireplace is primarily used for requirements for the water heater and furnace. This is a natural gas furnace. Mayor Rubenstein confirmed the chimney stays but it's not changing.

Ms. Hubbard asked about what variances they're requesting, and the justification. Ms. Chen said the variance is needed because of the technical complexity of the fire-damaged roof. Reconstructing the roof with dormers to maintain a half-story is structurally inefficient. This is a more cohesive architectural design, and better structural integrity without significantly changing the footprint. Mayor Rubenstein noted it can't really be about the construction of the home since it was built once before. Ms. Hubbard noted a hardship is related to the lot. Ms. Chen noted they'd like to move back in, so they're trying to simplify things and move forward. Ms. Hubbard asked about the hardship for the deck. Ms. Chen said the layout of the property causes issues, and the size would help because they can't use the front yard as much. Mr. Hooker confirmed the pool and existing deck are being removed. Removing the pool offsets the impact. There's also trees for a buffering.

Chairman Shivas opened to the public, to ask about engineering. Mr. Conrad noted he has an artificially rendered photo, taken from his back deck, with an artificially-rendered roof put on the proposed house. Ms. Hubbard asked what his qualifications are to be doing this to someone else's property. If this is intended to be submitted into evidence, they need to know. Mr. Conrad said he's a software engineer, but has restored houses. Ms. Raffay noted that Chairman Shivas said they're taking questions, so he needs to ask a question of the engineer. He asked about the ridgeline, and noted it shouldn't matter where it gets moved to. Ms. Raffay reminded him again that these need to be questions. Mr. Conrad asked does it matter where it gets moved to and why. Mayor Rubenstein said that's part of his consideration. Mr. Conrad asked why they think it needs to be placed there. Ms. Chen said she's trying to ensure the slope of the roof stays at 7:12, and that the ceiling of the bedroom stays flat. She said 7:12 is the recommended slope with an agency, which was inaudible due to interruption. Ms. Chen noted the entire room is not full-height currently. Mr. Conrad confirmed this is to make it evenly eight feet across. Ms. Chen said it will be a gable-style roof. Mr. Conrad said on the front section would be a slope-style. Mayor Rubenstein told Mr. Conrad to look at the plans and it shows the roof.

Ms. DeBoer asked about the roof and the peak. Ms. Chen said it's 27 for the new roof on the left side. Mr. Hooker noted the plans say the apex of lower roof. The other side is not changing. Chairman Shivas closed to the public.

Mayor Rubenstein asked about the hardships. Ms. Hubbard noted there is also a C2. Mayor Rubenstein asked them to speak about the benefits versus detriments, as it relates to the roof. Mr. Stoner noted C2 isn't related to hardships, and is tied to the Master Plan. Mr. Hooker said it's currently a three-story and they're proposing to keep it that way. Overall it's consistent with how it was. Ms. Chen testified it'd be a more modern design. It doesn't require any other variances other than that it's a third story, which is pre-existing. They're not increasing the footprint. The roof will be raised on one side, and it'll be more uniform. It'll be consistent with modern standards. There isn't an impact from the Master Plan, because it's preexisting and there are other

similar homes in the area. There's no impact to the neighborhood. They're trying to make the floor space more usable. Other than the one resident's concern about viewing the last bit of the setting sun, it won't completely block out the sun forever, but maybe the last few minutes. Ms. Phillips asked about the ramp that was mentioned as part of their application. Mr. Hooker said that won't be done. Mayor Rubenstein noted the house is a three-bedroom septic, and confirmed the applicant knows it can only be three bedrooms. Mr. Proctor confirmed not all members of the family are living in the house currently. Ms. DesJardins said some are at the university, but when they are on break they are home. Mr. Proctor asked about the dimensions of the bedrooms, and noted there are required measurements in New Jersey, and isn't sure if this is enough to fit this many people. Mayor Rubenstein noted the study has a closet. Mr. Hooker said it's an existing bedroom. He noted they have approval from the County Board of Health, included in the application. Mayor Rubenstein asked where it states about the state requirements. Ms. Hubbard noted it's the building code. Mr. Walsh noted they're reviewing this based on the house on the lot, not based on who lives there. Ms. Hubbard noted her concern is the septic. Mr. Walsh said that's a County issue. Chairman Shivas added it's not based on the number of people. Mr. Walsh said if the County is okay with the plans, he doesn't see a lot of discussion on this. Mr. Stoner noted the County attachment has the same plans the Board is reviewing.

Chairman Shivas opened to the public, noting they can make any comments regarding the application, and then there will be a vote. Chairman Shivas noted no one came forward, so he closed to the public.

Mr. Walsh said he's comfortable with the plans, but noted an 8+ feet attic over the garage is more than what's needed. He realizes there's no height or façade height variances, and the additional footage in the attic is not triggering the variance. However, it's intensifying the three stories. He acknowledges that to have a full height in the second story with bedrooms, there needs to be a height increase. He'd like to see a proposal from the applicant wherein rather than a 5.5 foot increase, perhaps it's 3 or 4, and there's a compromise for having the full-height bedroom, they have attic storage, but the roof height is lower. Ms. Raffay said that's why she was asking about the left elevation, and wondered why it needs to be so tall. The only way to keep the full height in the second level and match the rooflines in the rest of the house, there'd be a different slope and it'd be disjointed. It matches the other portion of the house. Mr. Walsh said he would have liked to have been convinced of that. Mr. Proctor confirmed there's not currently attic space over the garage. Mayor Rubenstein asked about a gable roof on the other side. Ms. Hubbard noted redesigning their house is not the Board's job. They can either revisit the design or let the Board take a vote. Mr. Smith noted they could also separate the deck and roof into two proposals. Mr. Hooker requested a brief recess, to allow the applicant to discuss with her professionals.

Mr. Hooker said in speaking with Ms. Chen, it doesn't look like even with a hip roof, it will change the overall height. They'd like to move forward with the vote, although they're requesting separate votes on the deck and roof. Ms. Hubbard confirmed they're requesting to bifurcate the vote. They can do an all in favor for this.

Motion of Mayor Rubenstein to bifurcate the deck from the rest of the application, second by Mr. Proctor. All were in favor.

Motion of Mayor Rubenstein to approve the deck, second by Mr. Proctor.

Ayes: Ms. Raffay, Colligan, DeMagistris; Messrs. Mayor Rubenstein, Proctor, Morytko, Smith, Walsh and Chairman Shivas

Absent: Ms. Lewandowski, Mr. McElroy

None opposed. Motion carried.

Chairman Shivas noted the next vote is on the roof. Ms. Hubbard said to Ms. Phillips to call alternates last.

Motion of Ms. Raffay to approve the roof and all other parts of the application as presented, second by Ms. DeMagistris.

Ayes: Ms. Raffay, DeMagistris; Messrs. Mayor Rubenstein, Walsh, and Chairman Shivas

Nays: Messrs. Proctor, Morytko, Smith

Abstaining: Ms. Colligan

Absent: Ms. Lewandowski, Mr. McElroy

Motion carried.

Mr. Hooker thanked the Board for their time. He asked if they can waive the reading of the resolution. Ms. Hubbard said that's at their own risk, but the resolutions are typically ready in two weeks. Mayor Rubenstein and Ms. Hubbard recommended they wait, based on the objectors and testimony. Ms. Hubbard noted the appeal period.

Z01-2026 Michael Marotte, 3 Lakeview Trail, Block 131 Lot 1, R5 Zone

Application for deck extension

Michael Marotte was sworn in as the applicant. Paul Ashworth of PVA Architecture was sworn in at 49 Old Creamery Road in Newton. He has appeared before this Board 6-7 times. He testified in Rahway, Blairstown, and Frelinghuysen. He is licensed in 42 states and all are in good standing. Chairman Shivas deemed him an expert. Mr. Marotte showed the existing decks. The upper deck is too narrow and the stairs take up a lot of room. Mr. Ashworth said the drawings are the same, but he put in a picture. He submitted the photo as **Exhibit A1**. Mr. Marotte noted the corner is squared off and they're removing the corner. They'll have an upper deck that's wide enough.

Mr. Ashworth reviewed the plans. The deck is being extended. They're proposing that the sunroom gets a new roof that extends over the deck. He submitted **Exhibit A2**, a markup of the plans. The roof will have a gable pitch. Mayor Rubenstein confirmed they're not losing the sunroom. Mr. Proctor confirmed they're not putting walls to extend the sunroom. Mr. Ashworth said they're changing out the doors and windows. Mr. Marotte said the windows open out into the deck, so they're putting gliding windows. Mr. Ashworth noted they're adding a gliding door. Mayor Rubenstein asked about where the existing steps are today. Mr. Ashworth said they'll be infilled flat. Mr. Marotte said there will be a standard set of stairs at the grade of the deck. Mayor Rubenstein asked if there's another way to get off the deck. Mr. Marotte said there's another set of stairs not shown, which are not changing. Mr. Ashworth said there's a small set of stairs. They're eliminating a wide set of stairs. Mr. Stoner noted with the roof over this it goes towards building coverage. Mr. Marotte noted the lot is 1.4 acres. Ms. Hubbard noted part of his property is a lake, and he has an island. Ms. Raffay asked about roof drainage. Mr. Ashworth said they're letting the water run off the side down below. He discussed the Environmental Commission memo. He submitted **Exhibits A3** and **A4**, property photos. Ms. Phillips confirmed they were shared with Mr. Ashworth a few days ago. Ms. Hubbard confirmed Mr. Marotte took the photos. Mr. Ashworth noted the foundation is built on granite rock, and pinned in. There is also a photo of the set of stairs.

There's existing natural vegetation. Chairman Shivas asked if it covers 80% of the lakefront. Mr. Ashworth said he can't answer that definitively, but it's close, looking at the pictures and being on site, there's only the dock space. Mr. Marotte said it's more than 80%. There's a boathouse and concrete, and the vegetation continues in a big loop, including past the island. Some are wild bushes, some are blueberry bushes. There is grass that he tries to seed. The vegetation goes around the property. Chairman Shivas noted the Environmental Commission memo asks to keep the water clean. Mr. Marotte noted he never uses fertilizer. He was on the Environmental Commission decades ago; the only thing that goes down there is grass seed. He believes in those buffers and that's why they're there. There are little rock ledges. The town put in storm drains around the edges of the property, but he can't control that. Even there, there is a natural barrier because weeds and bushes have grown, and he planted hostas around the loop. The buffer from the deck ranges from about 6-7 feet to 15-20 feet as it loops around the side. Mr. Smith asked if he could provide a marked-up survey showing the existing buffer area. Mr. Marotte said he can draw them in and take more photos. There is a sidewalk where there isn't a buffer, which has been there since his father was 14 years old. Mr. Proctor asked about a square between the house and the lake. Mr. Marotte said it's the floating dock that goes into the water. Mr. Walsh asked about a bulkhead. Mr. Marotte said just by the boathouse. Mr. Walsh noted they're talking about preventing runoff, and the bulkhead area is relatively flat. Mr. Marotte said it's the opposite: there's a sidewalk with a concrete wall and there's grass. There's a tree there as well. He noted years ago, due to an arsonist, a few houses, boathouses, and this tree burned, but this tree regenerated.

Mr. Proctor said the biggest area of concern is between the bulkhead and the dock. With the new slope of the roof, it seems that's where it's going. Mr. Marotte said there's a planter in there that's raised with a stone border. Mr. Proctor confirmed they'll catch the water there. Mr. Stoner talked about the distance to the water, and noted they qualify for permit-by-rule. Ms. Hubbard confirmed the garage is already there. Mr. Stoner confirmed the shed is removed. Ms. Hubbard asked if their setbacks should be to the lot line rather than the waterline.

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

Motion of Mr. Smith to approve the application as presented, second by Mr. Proctor.

Ayes: Ms. Raffay, DeMagistris, Colligan; Messrs. Mayor Rubenstein, Proctor, Morytko, Smith, Walsh and Chairman Shivas

Absent: Ms. Lewandowski, Mr. McElroy

None opposed. Motion carried. Mayor Rubenstein noted there is an open permit that needs to be closed out.

DISCUSSION ITEM: Application Amendments to Signature Pages

Ms. Hubbard noted the signature pages need to be revised, and noticing requirements have changed. She redlined changes to the application in sections related to the noticing instructions. The town designates a newspaper, but the applicants can't rely on the designated newspaper. They have to contact the newspaper and get a certification that that publication meets the requirements of the statute. She has contacted a couple newspapers, and they have a certification they can send applicants. However, the Board has no protection statutorily to give information on what newspaper to rely on. They'll take the Herald out of the open public meeting statement. It is up to the applicants to reach out to the newspaper to determine this. Ms. Colligan confirmed the certification should be

included in the affidavit from the newspaper. Ms. Hubbard noted Gannett has those certifications now. Ms. Phillips noted when she schedules applicants for meetings, she tells them the contact information for the Herald. What should she be directing them with now? Ms. Hubbard said she can give them newspapers' web pages to look into, but you can't tell them that publishing in these will meet the requirements. Ms. Raffay asked how they prove this to the Board. Ms. Hubbard said it should be in their affidavit of publication from the newspaper. There are complexities with the updates to the law, as it doesn't have special guidance for the MLUL.

Motion of Mayor Rubenstein to accept the changes to the application, second by Mr. Walsh. All were in favor.

BILLS:

Harold Pellow (3): \$487.50. A motion to approve the bills was made by Mr. Walsh, seconded by Ms. Colligan. All were in favor. Motion carried.

Maraziti and Falcon (7): \$2,143.50. A motion to approve the bills was made by Mr. Walsh, seconded by Mr. Proctor. All were in favor. Motion carried.

REPORTS FROM COMMITTEES

Environmental Commission- Mr. Smith said they had a short meeting. They discussed upcoming events. Ms. Phillips noted she heard from Mr. Dlugos that the EC has bat and owl houses for people. Mr. Smith said there is more to come on this.

Open Space- Mr. Morytko said they discussed a grant application for a new trail to connect a Hudson Farms trail with Cranberry Overlook. They have a pre-application meeting next week.

Township Council- Mayor Rubenstein said they authorized the purchase of a police car. Green Township is now part of Andover Municipal Court. It is MS awareness week. They discussed copperhead snakes. He reviewed the DEP findings, where there was a report of a copperhead snake. To build the park, there needs to be a solid, tall fence, and signage advising on snake presence. Ms. Hubbard asked about the radius. Mayor Rubenstein said once you enter the park, disturbed areas have less chances of them. So they're not as concerned about other work. They appointed Lou Esposito as a new councilperson.

Chairman Shivas said he completed the annual report to the Council. Ms. Phillips will distribute it to the Board. He showed the previous year's recommendations. If anyone has any suggestions, they need to be in before the report is submitted by 04/01.

OPEN TO THE PUBLIC

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

ADJOURNMENT

A motion to adjourn the meeting was made at 10:00 pm by Mr. Morytko, seconded by Mr. Proctor. All were in favor. Motion carried. The meeting was adjourned.

Submitted by Caitlin Phillips