

**BYRAM TOWNSHIP PLANNING BOARD AGENDA**  
**For Thursday, May 21 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-** May 7, 2026
6. **RESOLUTIONS**  
Z05-2026 Robert and Ewelina Wroblewski, 159 Lackawanna Drive, Block 268 Lot 756, R5 Zone  
Application for garage expansion
7. **SUBCOMMITTEE**  
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
8. **NEW BUSINESS**  
Z15-2025 Karma and Joseph Van Fleet, 2 Bank Street, Block 228 Lot 313.02, R5 Zone  
Application for use variance for business on a residential lot and 6-foot fence in the front yard  
  
SP1-2026 On Time Sign and Design LLC (Vito Lombardo), 10 Route 206, Block 42 Lot 112, VB Zone  
Application for site plan amendment for various site improvements and interior renovations
9. **BILLS:** Harold Pellow (8): \$4,237.00
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: May 7 2026**

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

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

*Members Absent:* Ms. Colligan, Mr. Proctor

*Also Present:* Engineer Cory Stoner, Attorney Alyse Hubbard, Secretary Caitlin Phillips

**OPENING STATEMENT:** Adequate notice of this meeting of the Byram Township Planning Board was given as required by the Open Public Meeting Act. A resolution indicating the time, date, and location of regular Board meetings for the year 2026 was forwarded to the Board's designated newspaper, posted on the bulletin boards and main doors of the Municipal Building. 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.

**RESOLUTIONS**

Z13-2024 Shawn Steffens, 99 Lake Drive, Block 249 Lot 89.02, R5 Zone

Application for new home construction of a single-family dwelling

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

*Ayes:* Mss. Raffay, DeMagistris, Lewandowski, Messrs. Morytko, Smith, Chairman Shivas

*Abstaining:* Messrs. Mayor Rubenstein, McElroy

*Members Absent:* Ms. Colligan, Messrs. Proctor and Walsh

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

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

Application for deck extension

Ms. Hubbard noted this is an amended resolution, with updated comments on the windows and doors.

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

*Ayes:* Mss. Raffay, DeMagistris, Messrs. Mayor Rubenstein, Morytko, Smith, Chairman Shivas

*Abstaining:* Ms. Lewandowski, Messrs. McElroy, Walsh

*Members Absent:* Ms. Colligan, Mr. Proctor

None opposed. Motion carried.

**MINUTES:** April 16, 2026.

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

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

*Abstaining:* Mr. Walsh

*Members Absent:* Ms. Colligan, Mr. Proctor

None opposed. Motion carried.

**OLD BUSINESS:**

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

Application for new home construction

Motion of Mr. McElroy to carry the application to 06/18, second by Mr. Smith.

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

*Members Absent:* Ms. Colligan, Mr. Proctor

None opposed. Motion carried.

**NEW BUSINESS:**

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

Application for a deck, pool, and shed

Maria and Dominic Lacatena were sworn in at 71 Brookwood Drive. Mr. Lacatena said they want to put an 18x12 deck attached to the house, as well as a 16x32 above-ground pool, and a 10x16 shed. He reviewed the variances, including the side setback and setback from the water. Chairman Shivas asked for the justification. Mr. Lacatena said there is a retaining wall proposed on the property with a drop-off. There are boulders there currently, but they want it to look nicer. It's a bit under 6 ft for the height. Chairman Shivas said they'll need engineered drawings for anything over 4 feet in height. Mr. Stoner said if they stagger the wall, part of the wall would be buried, so it may be over 4 feet. Chairman Shivas noted the concern for the pool if the wall is lower than needed. He asked about the side distance for the shed. Mr. Lacatena said the placement could be changed. Mayor Rubenstein asked about the setback measurements. Mr. Stoner said it's based on the flood line.

Mr. Walsh noted that to request a variance, they need to demonstrate why it's needed. What are the conditions of the property, and what prevents them from placing structures in conforming locations. Mr. McElroy asked about the distance for the pool as well. He noted he'd be more comfortable granting variances for the water setback rather than closer to the property lines. Ms. Raffay said they could rotate the pool or it could be a different shape, and then it wouldn't need a variance. Mr. Lacatena said there's no reason things couldn't be moved. Ms. Raffay confirmed the septic field is behind the house, to the side of where the deck is proposed. She asked if they're planning to remove the boulders for the retaining wall. Mr. Lacatena submitted **Exhibit A1**, a rendering of the retaining wall. Ms. Raffay confirmed no company has confirmed this type of wall could be constructed in this location. She noted she's not sure this type of wall can be built here. Mr. Walsh noted they need exact numbers for distances, setbacks, and placement in order to move forward with the application. Ms. Raffay noted if they need an engineer for a retaining wall anyway, they may consider the configuration of the pool. The location of the pool is what's driving the variance. Mr. McElroy noted if they did approve this as is, and then they need to hire an engineer for the wall and find it can't be built this way, they'll need to come back to the Board anyway. Chairman Shivas asked about a box on the plans. Mr. Lacatena said it was a garden. Mr. Stoner suggested integrating the pool into the retaining wall. They could have the wall go to a deck around the pool. Mr. Smith said if they had an engineer, they could come up with options for them. Chairman Shivas noted they need a fence around the pool.

Mr. Lacatena submitted **Exhibit A2**, a rendering of the proposed shed. Mr. Stoner noted any approval should be subject to a County health approval, because of the locations of the proposed structures. The

Board and applicant discussed the next hearing date, and having prepared plans. Mr. Stoner said they should have a design for the wall, as well as for the pool, shed, and deck. Mr. Walsh noted they should consider how the wall will impact other parts of the project. Ms. Raffay noted the goal would be to minimize the variances, since the Board hasn't heard reasons for the variance relief request.

Motion of Mr. McElroy to carry the application to 06/04, second by Ms. DeMagistris.

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

*Members Absent:* Ms. Colligan, Mr. Proctor

None opposed. Motion carried.

Z05-2026 Robert and Ewelina Wroblewski, 159 Lackawanna Drive, Block 268 Lot 756, R5 Zone

Application for garage expansion

Robert Wroblewski sworn in as the applicant, as well as Olivia Wroblewska. Mr. Wroblewski said they want to add a second floor to their existing garage. They plan to move in here in the future, so will need more space. Another reason is a water problem, wherein there is a big rock in the back, and when there is heavy rain, a lot of waters flows down, and their items get damaged. Mayor Rubenstein reviewed the variances. Mr. Wroblewski noted the roof in the back touches the rock. Mayor Rubenstein asked if having the footprint change, then changes the square footage. Mr. Stoner noted the square footage doesn't count, as this is only for what is on the ground. Chairman Shivas confirmed there won't be any plumbing. He asked how they get to the second floor. Mr. Wroblewski said he can get there from the back, since there would be a door there. He noted the roof was redone a few years ago. Mr. Stoner reviewed variances, including the intensification of an accessory structure. The footprint isn't changing but the non-conforming structure is being enlarged. Mr. Wroblewski noted there is an old platform like a concrete slab in the back. Mr. Stoner asked about the size of the door. Mr. Wroblewski isn't sure, but the maximum would 60 inches wide. Ms. Hubbard confirmed the height of the garage will be similar to the house height. Chairman Shivas noted there's a shed behind the garage. Mr. Wroblewski said that's not a shed, it's a smoker. Mr. Smith confirmed they have power in the garage. Mr. Wroblewski said he doesn't need it on the second floor. Chairman Shivas noted they may want to put electric for the second floor. Ms. Hubbard noted the only concern from the Board would be if it makes it habitable. Mr. Stoner noted they should make it a condition that the second floor is for attic space only, not to be used for bedrooms, and no plumbing. Mr. McElroy asked the distance from the garage to the house. Mr. Wroblewski said it's likely more than 10 feet away.

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

Ms. Hubbard asked about roof liters. Mayor Rubenstein asked how the water is coming in. Mr. Wroblewski said he's not sure. It's only a couple times a year when it rains, maybe from the back wall. Mayor Rubenstein noted there's a lot of water that comes off the mountain. Mr. Wroblewski noted it's a couple times a year but it's enough to damage things.

Motion of Mayor Rubenstein to approve the application, second by Mr. Smith.

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

*Members Absent:* Ms. Colligan, Mr. Proctor

None opposed. Motion carried. Ms. Hubbard explained the appeal period.

**BILLS:**

Maraziti and Falcon (10): \$2,988.00. A motion to approve the bills was made by Mr. Walsh, seconded by Mr. Morytko. All were in favor. Motion carried.

**REPORTS FROM COMMITTEES**

*Environmental Commission-* Mr. Smith said their Earth Day had a good turnout, more than expected. They had a nature photography class. National Trails Day is 06/06, and there will be an event for this. There is a group talk with the Seniors group about invasive species. This is on 06/05 and anyone can attend. They're planning a native plant sale and talk. Mr. Smith has been allowed to speak on behalf of the Environmental Commission, to get information from the Dark Skies organization, to see what they'd want to do in Byram.

*Open Space-* Mr. Morytko said there's a meeting on Monday.

*Township Council-* Mayor Rubenstein said they had the annual police awards. May 3<sup>rd</sup> through the 9<sup>th</sup> is public service recognition week. They awarded the paving contract, which includes a lot of streets, for \$1.4 million. Ms. Raffay confirmed some of this was covered by the gas companies.

**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 8:33 pm by Mr. McElroy, seconded by Ms. Raffay. All were in favor. Motion carried. The meeting was adjourned.

Submitted by Caitlin Phillips

# **Resolutions Approved at Previous Meeting**

In the matter of Jill & Shawn Steffens  
Case No. Z13-2024  
MF#5000.116

**BYRAM TOWNSHIP**

**PLANNING BOARD**

**RESOLUTION OF MEMORIALIZATION**

**RELIEF GRANTED:**        **Minimum Front Yard Setback**  
                                  **Minimum Side Yard Setback**  
                                  **Maximum Building Coverage**  
                                  **Minimum Setback from a Lake**

**WHEREAS**, Jill and Shawn Steffens have applied to the Planning Board of Township of Byram seeking amended approval to reconstruct a single-family home located at 99 Lake Drive, and known as Block 249, Lot 89.02 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 is the owner and occupant of the subject property. The Applicant received approval to construct an addition on an existing single-family home on September 19, 2024, which was memorialized in a resolution on October 3, 2024.

Upon inspection, during construction, the Applicant determined that the foundation was compromised and demolished the existing home. In order to construct a new, substantially similar, dwelling, the Applicant returned to the Board for amended variance approval. The proposed new structure will require the following relief from the Township's Zoning Ordinance:

- a. Section 240-14 - Minimum Front Yard Setback: 38.5 feet required, 26 feet approved and proposed.
  - b. Section 240-55C(3) – Minimum Side Yard Setback: 15 feet required, 0 feet and 10.58 feet approved, 1 foot and 10.58 feet proposed.
  - c. Section 240-55C(9) – Minimum Setback from the Lake: 50 feet required, 35.42 feet approved and proposed.
  - d. Section 240-50.1A(9) – Maximum Building Coverage: 1,246 square feet permitted, 2,333 square feet approved, 2,396 square feet proposed.
2. The Applicant submitted the following documents along with the Application for a Variance:
- a. Proposed Alterations Plans, prepared by PVA Architecture, LLC, dated December 10, 2024, revised through March 26, 2026, consisting of eleven (11) sheets.
  - b. The Pictures of the Interior of Home during Renovations, ten (10) total.
  - c. Resolution from prior approval, Z13-2024, dated September 19, 2024, memorialized on October 3, 2024.

- d. Deed of Easement, between Lovallo and Steffens, dated February 28, 2026, recorded on March 13, 2025, in the Sussex County Clerk's Office, Deed Book 10368, Page 1041.
3. The Board received a memorandum from Cory L. Stoner, P.E., P.P., the Planning Board Engineer, dated April 10, 2026.
4. The following documents were marked for identification during the hearing:
  - a. A-1 – Picture board with 10 pictures of the interior of home, submitted individually with the application.
  - b. A-2 – Proposed Alterations Plans, prepared by PVA Architecture, LLC, dated December 10, 2024, Sheet C-1, revised through April 15, 2026,
5. A duly noticed public hearing was conducted on April 16, 2026, at which time Shawn Steffens, the Applicant, John Herman, the general contractor, and Paul Ashworth, AIA, NCARB, of PVA Architecture, LLC, who was accepted as an expert in the of architecture, presented sworn testimony in support of the application.
6. Mr. Ashworth testified that once construction began on the approved addition, it was discovered that the existing foundation of the home was worse than expected. It was not properly constructed and could not support the weight of the proposed addition. The Township's Construction Officials were regularly involved in the inspections and the several attempts to redesign the addition, but ultimately, it was determined that the foundation could not be salvaged.
7. The Architect designed plans for a new house, that included relocating the southern wall of the home, which was approved with an encroachment on the

neighbor's property with an easement. The wall will be located with a 6-inch side yard setback, as depicted on A-2. The wall is slightly eschewed due to the irregular shape of the lot, so the setback will be 4" to the eave and 1-foot to the wall. As a result, the home is slightly smaller, and less than a foot lower, but there are no other changes to the home.

8. The Applicant testified that the easement was executed and will remain in effect to provide access to the southern wall of the home for maintenance purposes.
9. 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 240-14 - Minimum Front Yard Setback: 38.5 feet required, 26 feet approved.
  - b. Section 240-55C(3) – Minimum Side Yard Setback: 15 feet required, 1 foot to the wall and 4" to the eave, on the southern side, and 10.58 feet approved.
  - c. Section 240-55C(9) – Minimum Setback from the Lake: 50 feet required, 35.42 feet approved.

- d. Section 240-50.1A(9) – Maximum Building Coverage: 1,246 square feet permitted, 2,396 square feet 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.
3. As stated in the prior approval, the Board finds and determines that the irregular shape of the lot and the location of the existing structure straddling the property line created a hardship and are the reasons for the variance and satisfy the criteria of N.J.S.A. 40:55D-70c(1). The Board further determined that the reconstructed home is an improvement from the approved addition, as the home will be located entirely on the Applicant’s property and the easement will only be needed for maintenance.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Byram on the 16<sup>th</sup> day of April, 2026 that the approval of the within application be granted subject, however, to the following conditions:

1. The Applicants shall comply with all the conditions and standards set forth in Section 240 of the Township’s Ordinances. The Applicants 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 Applicants shall be bound to comply with the representations made before this Board by the Applicants, 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. The Applicants shall submit a revised foundation plan that accurately depicts the proposed construction.
7. The Applicants shall submit revised plans with an 80% vegetative buffer along Lake Lackawanna, in compliance with the Township's Ordinances, subject to review and approval of the Board Engineer.
8. An inspection of all improvements shall be subject to the review and approval of the Board Engineer prior to the issuance of a Certificate of Occupancy and/or the closure of zoning or construction permits.
9. The Applicants 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. Outside agency approvals include, but are not limited to:
  - a. Sussex County Health Department
  - b. Upper Delaware Soil Conservation District

10. Applicants shall provide documentation that the existing well is in compliance with applicable regulations, subject to review and approval of the Board Engineer.
11. Applicants shall submit an As-Built survey, subject to the approval of the Board Engineer, prior to the issuance of a Certificate of Occupancy.
12. All conditions of the prior approval, not inconsistent with the within amended approval, shall remain in full force and effect.

  
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**George Shivas**

**On motion of:** Mr. Morytko

**Seconded by:** Ms. Raffay

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

**AYES:** Six (6): Mss. Raffay, DeMagistris, Lewandowski, Messrs. Morytko, Smith, Chairman Shivas

**NAYS:** Zero (0)

**ABSTAINING:** Three (3): Messrs. Mayor Rubenstein, McElroy, Walsh

**ABSENT:** Two (2): Ms. Colligan, Mr. Proctor

I certify that the above Resolution is a true copy of a Resolution adopted by the Planning Board on May 7, 2026.

Caitlin Phillips

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**Caitlin Phillips, Planning Board  
Secretary**

**Dated:** 05/08/2026

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

In the matter of Michael Marotte (Amended)  
Case No. Z01-2026  
MF#5000.147

**BYRAM TOWNSHIP**

**PLANNING BOARD**

**RESOLUTION OF MEMORIALIZATION**

**AMENDED**

**RELIEF GRANTED:      Setback to the Lake**

**WHEREAS**, Michael Marotte has applied to the Planning Board of Township of Byram seeking approval to construct a new deck and a roof structure over the existing deck for premises located at 3 Lakeview Trail, and known as Block 131, Lot 1 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 is the owner and occupant of the subject property. The Applicant is proposing to construct a new deck and a covered roof structure over the existing

deck, requiring the variance relief, pursuant to N.J.S.A. 40:55D-70c, from the following Sections of the Township's Zoning Ordinance:

- a. Section 240-55C(9) – Minimum setback from existing lake: 50 feet required, 29.3 feet proposed to the new deck.
  - b. Section 240-55C(9) – Minimum setback from existing lake: 50 feet required, 37.6 feet proposed to the covered porch.
2. The Applicant submitted the following documents, along with the Land Use Application:
- a. Architectural Plans, prepared by PVA Architecture, LLC, date February 12, 2026, consisting of seven (7) sheets.
  - b. Tax Map, prepared by Harold E. Pellow, PE, LS, dated June, 2026, revised through August, 2024, Sheet 3.02.
  - c. Resolution Z06-12, for Michael Marotte to construct the existing deck. dated August 16, 2012, memorialized August 16, 2012.
3. The Board received memorandum from:
- a. Cory L. Stoner, P.E., P.P., of Harold E. Pellow, & Associates, the Planning Board Engineer, dated March 13, 2026.
  - b. Environmental Commission, dated March 16, 2026.
4. The following documents were marked for identification at the public hearing:
- a. A-1 - Picture of the rear view of the residence
  - b. A-2 - Portion of the Deck Floor Plan marked up by the Applicant during the hearing

- c. A-3 – Pictures of the supporting structure of the existing deck, four (4) total (marked A-3.1-3.4)
  - d. A-4 – Pictures of the views from the deck, three (3) total (marked A-4.1-4.3)
5. A duly noticed public hearing was conducted on March 19, 2026, at which time Michael Marotte, the Applicant and Paul Ashworth, AIA, NCARB, who was accepted as an expert in the field in architecture, presented sworn testimony in support of the application.
  6. The subject property is an odd-shaped lot, with an irregular frontage on Lakeview Trail and frontage on Cranberry Lake, with a portion of the lake located within the subject lot. The property is developed with an existing two-story dwelling, a deck, a garage, a boathouse and a dock. The property is conforming to all bulk requirements in the R-5 Zone, but for required setback to the lake. The Applicant constructed a deck, with the prior approval, that has four (4) stairs from the upper level, to the lower level, that expand the width of the deck.
  7. The Applicant is proposing to reconstruct the existing roof over the sunroom to cover both the sunroom and the deck. Additionally, the existing stairs will be removed to create a traditional staircase and the deck will be enlarged to absorb the area of the stairs. Finally, the existing portion of the deck will be squared off. The deck renovations will require relief from the setback to the lake, which is measure to the water's edge, although the water's edge is within the subject property.

8. The Applicant testified that the sunroom will remain the same, although the roofline will change and some of the windows will be replaced. The stairs will be infilled to create additional deck area, with standard stairs. The existing deck will be covered, but the sides will remain open. The foundations of the deck are pinned into the granite, as depicted in Exhibit A-3.
9. As noted by the Environmental Commission, the Township's Ordinance calls for a 10-foot-wide vegetated buffer along 80% of the lake front. The Applicant testified that there is a natural vegetative buffer along the lake, and that he has tried to grow grass unsuccessfully. There is a small portion of the lake front, where a sidewalk exists, that is not vegetated. The existing vegetation collects the runoff before it flows into the lake.
10. There is a garage on the plans, that has been constructed, and the shed on the plans has been removed.
11. As noted in the Engineer's Report, the deck extension is located in the riparian zone of Cranberry Lake. The deck can be constructed under New Jersey Department of Environmental Protection, Permit-by-Rule #10, which permits construction within the riparian zone, outside of the flood hazard area.
12. Additionally, the property is located within the Highlands Preservation Area and the proposed improvements can be accomplished under Highlands Exemption #5, which permits the construction of various improvements to a single-family dwelling, including a deck.
13. 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 Section 240-55C(9) of the Township's Zoning Ordinance, to permit the setback to the lake of the deck at 29.3 feet and the setback to the porch of 37.6 feet, where the minimum setback required from existing lake is 50 feet required.
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 an oddly shaped lot, with a portion of the lot consisting of Cranberry Lake. The lot is conforming to all bulk requirements, but for the setback to the lake. The lakefront is irregular, and the house is situated on the property in an area close to the lake front with a front yard setback of more than three-times the required distance, creating a hardship for the Applicant. The

proposed extension of the deck is in a logical location and is backfilling the existing stairs to create a more functional area for passive recreation.

4. The Board determined that permitting the renovations to the deck would not result in a substantial detriment to the surrounding area, as the setbacks are similar to the existing setbacks. The renovations will be a de minimis increase in the mass of the deck but the proposal creates usable space, which is a better plan for the property, instead of construction a new, expanded deck. The proposal is not inconsistent with the Master Plan and the Zoning Scheme, as decks are common residential amenities, especially on lake front properties, that provide passive recreation for the homeowners.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Byram on the 19<sup>th</sup> day of March, 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 his professional, 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. 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. Applicants 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. The Applicant shall close out the open permits on the property prior to the issuance of zoning or construction permits.
7. 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.
8. 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.
9. The plans shall be revised to reflect which windows will be replaced and which will be reused.

  
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George Shivas

**On motion of:** Ms. Raffay

**Seconded by:** Ms. DeMagistris

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

**AYES:** Six (6): Mss. Raffay, DeMagistris, Messrs. Mayor Rubenstein, Morytko, Smith, Chairman Shivas

**NAYS:** Zero (0)

**ABSTAINING:** Three (3): Ms. Lewandowski, Messrs. McElroy, Walsh

**ABSENT:** Two (2): Ms. Colligan, Mr. Proctor

I certify that the above Resolution is a true copy of a Resolution adopted by the Planning Board on May 7, 2026.

Caitlin Phillips

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**Caitlin Phillips, Planning Board  
Secretary**

**Dated:** 05/08/2026

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

**Byram Township Planning Board Bills****May 21 2026**

<b>Harold Pellow</b>	<b>Date</b>	<b>Amount</b>
Inv. 85875 Lopez: review	04.30.2026	\$ 300.00
Inv. 85874 Tomahawk Lake: review	04.30.2026	\$ 75.00
Inv. 85880 Wroblewski: review	04.30.2026	\$ 597.75
Inv. 85879 Lacatena: review	04.30.2026	\$ 597.75
Inv. 85878 DesJardins: inspect, meeting, review	04.30.2026	\$ 905.50
Inv. 85877 Marotte: inspect, meeting, review	04.30.2026	\$ 780.50
Inv. 85876 Pedersen: inspect, review	04.30.2026	\$ 862.00
Inv. 85870 Lombardo: inspect	04.30.2026	\$ 118.50
<b>Harold Pellow Total</b>		<b>\$ 4,237.00</b>
<b>Maraziti and Falcon</b>	<b>Date</b>	<b>Amount</b>
<b>Maraziti and Falcon Total</b>		<b>\$0.00</b>
<b>Colliers</b>	<b>Date</b>	<b>Amount</b>
<b>Colliers Total</b>		<b>\$ -</b>
<b>Grant Total</b>		<b>\$4,237.00</b>