

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 3rd through the 9th 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