BYRAM TOWNSHIP PLANNING BOARD AGENDA
For Thursday, November 19 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- November 5, 2026
6. OLD BUSINESS
   Z04-2026 Maria Lacatena, 71 Brookwood Drive, Block 58 Lot 76, R3 Zone
   Application for a deck, pool, and shed
   REQUEST TO WITHDRAW APPLICATION
7. NEW BUSINESS
   Z11-2026 Thomas Mulligan, 61 Birch Parkway, Block 307 Lot 1864, R5 Zone
   Application for enclosing existing porch
   CARRIED TO 12/17

   Z08-2026 Alette and Kieron Boyle, 159 Forest Lake Drive, Block 275 Lot 737.02, R5 Zone
   Application for deck replacement with front yard setback variance

   Z09-2026 Emily and Evan Smith, 26 and 28 Hemlock, Block 286 Lots 111 and 112.01, R5 Zone
   Application for a minor subdivision
8. BILLS: Maraziti and Falcon (13): $3,204.00 / Harold Pellow (9): $3,528.50
9. REPORTS FROM COMMITTEES
   Environmental Commission
   Open Space
   Township Council
10. OPEN TO THE PUBLIC
11. 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: November 5 2026

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

ROLL CALL: Mss. Raffay, DeMagistris, Colligan, Lewandowski; Messrs. Mayor Rubenstein, McElroy, Morytko, Walsh, Chairman Shivas
Members Absent: Messrs. Proctor, Smith
Also Present: Engineer Cory Stoner, Attorney Andrew Brewer, Secretary Caitlin Phillips

OPENING STATEMENT: Adequate notice of this meeting of the Byram Township Planning Board was given as required by the Open Public Meeting Act. A resolution indicating the time, date, and location of regular Board meetings for the year 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: October 15, 2026.
Motion of Mr. McElroy to approve the minutes, second by Ms. Raffay.
Ayes: Mss. Raffay, Colligan, DeMagistris, Lewandowski; Messrs. Mayor Rubenstein, McElroy, Morytko, Walsh, and Chairman Shivas
Members Absent: Messrs. Proctor, Smith
None opposed. Motion carried.

RESOLUTIONS
Z10-2026 Rita Martino, 8 Newton Avenue, Block 36 Lot 50.01, R4 Zone
Application for shed in the front and side yard
Motion of Ms. Raffay to approve the resolution, second by Mr. Morytko.
Ayes: Mss. Raffay, DeMagistris, Colligan; Messrs. Mayor Rubenstein, McElroy, Morytko, Walsh, and Chairman Shivas
Members Abstaining: Ms. Lewandowski
Members Absent: Messrs. Proctor, Smith
None opposed. Motion carried.

Z12-2026 Lisa and Frank Maturi, 21 Tote Road, Block 137 Lot 29, R5 Zone
Application for addition to a single-family home
Motion of Mr. Morytko to approve the resolution, second by Ms. DeMagistris.
Ayes: Mss. Raffay, DeMagistris, Colligan, Lewandowski; Messrs. Mayor Rubenstein, McElroy, Morytko, Walsh, and Chairman Shivas
Members Abstaining: Ms. Lewandowski
Members Absent: Messrs. Proctor, Smith
None opposed. Motion carried.

SUBCOMMITTEE
SP4-2026 Jefferson Lake Day Camp, 38 Jefferson Lake Road, Block 366 Lot 3.01 and Block 370 Lot 7.01, CR Zone
Application for amended site plan

Mr. Walsh noted there's not much change in impervious coverage. The requested waivers are appropriate.
Motion of Mr. Walsh to deem the application complete and schedule it for 12/03, second by Ms. DeMagistris.
Ayes: Mss. Raffay, DeMagistris, Colligan, Lewandowski; Messrs. Mayor Rubenstein, McElroy, Morytko, Walsh, and Chairman Shivas
Members Absent: Messrs. Proctor, Smith
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
Ms. Phillips said they requested to be carried to the second meeting of April in 2027, but the Board doesn't approve 2027 dates until the 01/07/2027 meeting. They said they'd consider withdrawing the application if that's easier, but if they can keep it open, they'd rather do that so they don't need to repay the fees. Ms. Raffay said she's concerned this gets carried to April, and then it gets carried again, and it keeps going. Mr. McElroy asked what the harm is to the Board to keep it on the agenda, rather than make the applicant pay the fees again. Ms. Raffay noted they're looking to change their application. Chairman Shivas said they could carry it to January, and have them come in at that time to give an idea what their plan is. Mr. Walsh asked if coming in January is instead of April. Chairman Shivas noted they need to come in to give a good reason to carry to April. Mr. Walsh said if they're not planning to allow them to carry to April anyway, he doesn't see a point carrying it to January. Ms. Phillips noted the applicant considered both options in carrying the application or withdrawing, and they'd like to carry it if it's not going to cost more. Mr. McElroy confirmed there's no additional work involved for professionals if they carry it, until revised plans are submitted.
Motion of Mr. McElroy to carry the application to 01/07/2027, second by Mr. Walsh.
Ayes: Mss. Raffay, DeMagistris, Colligan, Lewandowski; Messrs. Mayor Rubenstein, McElroy, Morytko, Walsh, and Chairman Shivas
Members Absent: Messrs. Proctor, Smith
None opposed. Motion carried.

NEW BUSINESS

Z11-2026 Thomas Mulligan, 61 Birch Parkway, Block 307 Lot 1864, R5 Zone
Application for enclosing existing porch
Chairman Shivas announced this application needs to be carried to 11/19. Ms. Phillips said the noticing wasn't sufficient.
Motion of Rubenstein to carry the application to 11/19, second by Mr. Morytko.
Ayes: Mss. Raffay, DeMagistris, Colligan, Lewandowski; Messrs. Mayor Rubenstein, McElroy, Morytko, Walsh, and Chairman Shivas
Members Absent: Messrs. Proctor, Smith
None opposed. Motion carried.

Z09-2026 Emily and Evan Smith, 26 and 28 Hemlock, Block 286 Lots 111 and 112.01, R5 Zone
Application for a minor subdivision
Chairman Shivas announced this application needs to be carried to 11/19. Ms. Phillips said the noticing wasn't complete.
Motion of Mr. Morytko to carry the application to 11/19, second by Ms. Lewandowski.
Ayes: Mss. Raffay, DeMagistris, Colligan, Lewandowski; Messrs. Mayor Rubenstein, McElroy, Morytko, Walsh, and Chairman Shivas
Members Absent: Messrs. Proctor, Smith

None opposed. Motion carried.

OLD BUSINESS

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

Application for new home construction on an unimproved roadway

Eugenio Genise represented the applicant. Chairman Shivas confirmed the professionals are still in good standing and are under oath. Mr. Genise said the issue is the property being on an unimproved road. He found that the road is owned by P. Lake Association. He tried to reach out to the registered agent, Arthur Bergen at an address in Somerset. He wrote a letter in April and it came back as an unknown address. The corporation itself isn't in good standing with the state. The private road accesses where they're proposing a home, and also is the access for other existing homes. A portion of the road is paved, and Mr. Genise's client is willing to pave the other portion for access to his property. His understanding is that the town maintains it to a certain point. Mr. Brewer said the Board can't give approval to do anything on a property where the owner hasn't agreed to it. They can make it a condition and direct them to pave that portion, but they can't give permission. Mr. McElroy noted his concern is that things are paved now, but there's no guarantee the maintenance will occur in the future. Mr. Genise said there are other houses already there that access the area. Mr. Brewer said they have to demonstrate the ability to access the property on the day the approval was granted, but any application could have the same risk in the future. Mr. Genise said they think they're lessening the risk because they're paving the portion of the road. The Board discussed the town's responsibility for maintenance. Chairman Shivas asked about putting this in the deed. Mr. Brewer said it wouldn't be a legitimate condition in a deed to make a buyer responsible for the road maintenance. He doesn't think anyone would insure that. The resolution is different because they'd be agreeing to the condition. Mr. Walsh noted it's not just maintenance but if a tree falls, who cleans it up? Mr. Genise acknowledge the condition to maintain that portion of the road.

Chairman Shivas noted the memo from the Fire Department, about their concern for the width of the driveway entrance. Adnan Khan from AWZ Engineering remains under oath from the previous hearing. He reviewed the engineering plans, including the driveway and the steep slope analysis. Ms. Raffay noted the calculations are not on the submitted plans. Mr. Stoner noted the hard copy plans submitted don't match the updated digital copy provided today. He reviewed the calculations. Mr. Brewer marked this as **Exhibit A1**. Ms. Raffay asked about lot disturbance. Mr. Khan said they are two square feet below the limit. Ms. Raffay said the grading feels forced to meet those requirements, and asked what they're proposing to not exceed the 40,000 square feet of disturbance. Mr. Khan said a soil erosion permit is required, and they'll need silt fencing. They can also put snow fencing so the contractor knows the limit. If they exceed the disturbance, the Highland Exemption goes away. Ms. Raffay said the west side near the driveway has the most concern in terms of making the grading work so they don't go two feet over. Mr. Khan noted if they exceed the limits they'd need to come to the Board again. Ms. Raffay asked how they'll prevent runoff and erosion from the driveway. Mr. Khan said they'll sod it, and they need to have the soil erosion measures 80% in place before a C.O can be issued. Ms. Raffay confirmed the drywells haven't changed. Mr. Khan said they're capturing roof runoff and anything sloping toward the driveway. Mr. Stoner discussed the previous disturbance on the property. He noted that for this application, they should allow anything that was disturbed to re-grow, and that the disturbance should be limited to what's on the plan. He noted years ago, there was a violation issue for disturbance.

Chairman Shivas opened to the public. Brian O'Connell was sworn in at 12 Jans Way. He's concerned about the disturbance for this project. He brought pictures of the ponding occurring on his property and the corporation's property. He said the area where they said the driveway is going to run off to isn't their property. He submitted **Exhibits OC 1-5**, photos of the water in the area. The previous owner did this to the property, and the new disturbance will fill up the ponds. **Exhibit OC 1** is the pond on Mr. O'Connell's

property. **Exhibits OC 3, 4, and 5** are the water collecting near the road. He noted he's been a resident at that address for 22 years, and has been a Byram resident for 60 years. He and his neighbor share a driveway. He noted there's been a lot of involvement with the Highlands on this property, and they were told they can't disturb ledge. The previous owner picked up the property 20 feet with dirt from Newark that was red and orange, and never got tested or got permits for it. The Highlands said Mr. O'Connell would need to go to the DEP for this issue, and he doesn't feel that's his responsibility. He's worried about the value for his property. Mr. Walsh confirmed his property is downhill from the subject property. He confirmed the existing conditions result in water pooling on his property, and that Mr. O'Connell feels this project will make that worse. Mr. O'Connell said that at the last meeting, the applicant stated they tried to contact him, but they haven't. Mr. Walsh asked what he'd like to see done. Mr. O'Connell said basins and curbing. Mayor Rubenstein confirmed the seepage pit on the plan collects the roof runoff. Mr. Stoner asked what they can do to make sure they're not adding more water to the low spots. Mr. Khan said they can add a French drain and another drywell. He noted they'd be taking care of all the other impervious surface on the property, so this will make things better than they are now. Mr. Stoner noted a portion of this property has a bit of a saddle-like topography, where water collects into a lower spot. Mr. Khan said he doesn't know that they can do much because of the DEP and Highlands regulations. They can't change the natural slope of the area, because that would change the hydrology. Mr. Stoner said they could reduce the size of the project or add a rain garden. Mr. O'Connell said they don't have any natural drainage. Mr. Stoner noted they have rights to develop their property, and it was subdivided to make this lot. Mr. O'Connell noted he has a right to be heard about these issues. New applicants have to follow rules and regulations. Chairman Shivas said the main thing they need to do is make sure they're not increasing the flow with the house. Mr. Walsh said they've seen engineered plans and heard testimony about capturing the water. That water today isn't captured. There are stormwater controls proposed that don't exist today. Mr. McElroy said if they can't do it, they'll need to come back to the Board. Mr. Brewer noted to Mr. O'Connell that what the applicant's engineering is proposing will need to be verified by the Board Engineer. Mr. Stoner noted that if they have issues with the rock, they may need to do a flood test. Mayor Rubenstein asked about the soil stockpile on the plans. He noted if they did a berm or swale that may help. Mr. O'Connell said he doesn't need any more water, and he already has issues with mosquitos. Mayor Rubenstein noted when applicants come to the Board, the Board can impose some items to make the development less intrusive to neighbors, and the applicant seems willing to put measures in place to keep water on the property. With some of the proposed items, the water goes into drywells, which should decrease water onto other properties. Chairman Shivas closed to the public.

Ms. Raffay summarized what the applicant's stormwater controls are proposed to be in the revised plans. Mayor Rubenstein noted they should comply with 240:11 in the code, and they have to show how they're satisfying that section of the code.

Mr. Cardenas of Palermo Edwards Architecture reminded the Board that he is the project manager, and isn't a licensed architect. He noted the house is basically the same, but they coordinated with the engineer to go with the grading. They are proposing a two-story home. In the back of the house there is a basement. They also have a first and second floor. The bathroom in the basement has an egress window. There are two laundry rooms. Ms. Phillips asked if they have hard copies to share, because none were provided ahead of the meeting. Ms. Raffay confirmed the revision date is 10/20/2026. Mayor Rubenstein confirmed it's a five-bedroom house. Chairman Shivas confirmed they haven't received County approval yet. Mr. Cardenas said the septic has been designed for five bedrooms, and they haven't done a perc test yet. Ms. Raffay confirmed there's no kitchen in the basement, and the basement will not be used as a bedroom. Chairman Shivas noted there's a lot of rock involved, so is surprised there's a basement. Mr. Cardenas said it's important to the owner to have a basement. He noted if the basement can't be built, they need to come back. Ms. Raffay

reiterated that they need to come back if the grading needs to be changed, or the plans needs revisions. She asked how they are handling rocks. Mr. Cardenas so they're not blasting, they'll use machinery.

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

Mr. McElroy said he has an issue with the road. Since there's time to research this, they have a defunct corporation that owns the road, and they're asking the applicant to pave a portion of a road they don't own. He's concerned about future access to the road. He'd like the Board attorney to research case law about the road access in the future. Mayor Rubenstein asked Mr. Genise to send the documents he discussed to Ms. Phillips. Mr. Khan said they may be able to get soil testing done this month. Chairman Shivas said they can carry them to January 7th, and then at that meeting they approve the dates for 2027.

Motion of Mr. Walsh to carry the application to 01/07/2027, second by Mr. McElroy.
Ayes: Mss. Raffay, DeMagistris, Colligan, Lewandowski; Messrs. Mayor Rubenstein, McElroy, Morytko, Walsh, and Chairman Shivas
Members Absent: Messrs. Proctor, Smith
None opposed. Motion carried.

REPORTS FROM COMMITTEES
Environmental Commission- Mr. Smith wasn't present.
Open Space- Mr. Morytko said there's no meeting; the next one is December.
Township Council- Mayor Rubenstein said they adopted an ordinance to buy a new air compressor and fill station for the Fire Department. They modified Chapter 182, because it omitted riding motorcycles on Township trails. The DOT discussed the Andover tunnel project, which won't begin before 2031. Preliminary engineering just started. It seems that they have listened to Byram and will look at the nine options to see if there's a way the tunnel doesn't need to close for so long. Peter Dlugos asked for modifications to three trails. Whippoorwill is a driveway, not a street, so the trail is now a lollipop loop. On Lee Hill the trailhead was modified so it's not on private property, and they're abandoning a small piece of the trail the goes off of Mansfield to the TLC property because it's overrun with ATV and motorcycle use. Chairman Shivas noted the reassessment is occurring next year.

OPEN TO THE PUBLIC
Chairman Shivas opened to the public. No one was present, so he closed to the public.

ADJOURNMENT
A motion to adjourn the meeting was made at 9:22 pm by Mr. McElroy, second by Ms. Lewandowski. All were in favor. Motion carried. The meeting was adjourned.

Submitted by Caitlin Phillips

Resolutions Approved at Previous Meeting

In the matter of Rita Martino
Case No. Z10-2026
MF#5000.156

BYRAM TOWNSHIP

PLANNING BOARD

RESOLUTION OF MEMORIALIZATION

RELIEF GRANTED: **Accessory Structure in the Front Yard**
Minimum Side Yard Setback of Accessory Structure

WHEREAS, Rita Martino has applied to the Planning Board of Township of Byram seeking approval to construct an accessory structure in the front yard for premises located at 8 Newton Avenue, and known as Block 36, Lot 50A on the Tax Map of the Township of Byram which premises are in the "R-4" 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 shed in the front yard, requiring variance relief,

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

a. Section 240-16B(2) – No accessory structure shall be located in the front yard.

b. Section 240-16B(4) – An accessory structure less than 200 square feet shall not be closer than 10 feet from the side lot line; 3.5 feet is proposed.

2. The Applicant submitted the following documents, along with the Land Use Application:

a. Location Survey, prepared by Morris Engineers, Inc., dated August 4, 1989, revised through October 3, 1989.

b. Survey of Part of Lot No. 50, prepared by Frances J. Schunelelar (sp) dated November 23, 1970.

c. Tax Map, prepared by Harold E. Pellow, PE, LS, dated June 2006, revised through December 2014.

d. Portions of Septic Plans, prepared by Morris Engineers, Inc, dated August 31, 1988, revised through April 5, 1989, comprised of five (5) sheets, with shed sketched on sheet one (1).

e. Letter from Applicant, dated August 4, 2026.

f. Letter from Dr. Joseph Purcell, DO, of Consensus Health, dated August 5, 2026.

g. Notice of Award from Social Security Administration, dated April 13, 2008.

h. Picture of Previous Shed from Mobile Phone, undated.

3. The Board received the following memorandum:

    a. Cory L. Stoner, P.E., P.P., the Planning Board Engineer, dated September 8, 2026.

    b. Environmental Commission, dated October 2, 2026.

4. A duly noticed public hearing was conducted on October 15, 2026, at which time Rita Martino, the Applicant, presented sworn testimony in support of the application. The subject property is a 0.51-acre lot, with 73.53 feet of frontage on Newton Avenue and an average depth of 315 feet. The bi-level, wood frame dwelling is situated approximately 53 feet from front lot line, with a driveway and wood decks in the front and back of the home. The property slopes from the roadway toward the rear and is in close proximity to Lubber's Run.

5. The Applicant constructed a shed in the front of the home between the driveway and the southern side yard in 2009. In May of 2026, the shed was destroyed in a fire that resulted from explosion on the adjacent property and damaged the siding of the home and the trees on the subject property as well. The Applicant is proposing to construct a new 12' x 9' shed in the same location, 3.5 feet from the side lot line, where 10 feet is required. The proposed shed is smaller than the prior shed, but will have a similar appearance, which matched the exterior of the home.

6. The Applicant is a long-time resident of Byram. She and her late husband constructed the home on the property, making improvements through the years. The previous shed was not constructed with proper approval and therefore, not entitled to protection under Section 240-34.B(3) of the Township's Zoning

Ordinance, which allows for the construction of a conforming structure that has been totally destroyed.

7. There is a shed in the rear yard, but due to the slope of the property and the Applicant's health conditions, the shed is not accessible for storage. The previous shed was constructed in the front yard, for better accessibility, to keep the snowblower and outdoor equipment, all of which was lost in the fire.
8. 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 shed.
9. No one from the public in attendance spoke 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 240-16B(2) – To permit an accessory structure in the front yard.
    b. Section 240-16B(4) – An accessory structure less than 200 square feet shall not be closer than 10 feet from the side lot line; 3.5 feet is 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 a narrow, deep lot, with steep slopes, that creates a hardship for the Applicant to construct a conforming shed. There is an existing shed in the rear yard, but due to the slope of the property and the homeowner's current health conditions, the shed is not accessible for the storage of equipment. The proposed location allows for easy access for the Applicant to store outdoor equipment to maintain the property.
4. The Board determined that granting the requested variances would not result in a substantial detriment to the surrounding area, as the shed existed for many years without an issue. The shed is not inconsistent with the Master Plan and the Zoning Scheme, as sheds are common amenities in residential homes. The location of the shed will allow the Applicant to maintain the property and the shed is visually appealing.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the 5th day of November 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 at the public hearing. The representations are incorporated herein and were relied upon by this Board in granting the approval set forth herein and shall be enforceable as if those representations were made conditions of this approval
3. The Applicant shall pay all fees, costs, escrows due or to become due. Any monies are to be paid within twenty (20) days of said request by the Board's Secretary.
4. The Applicant shall submit a Certificate that taxes are paid to date of approval to the Board Secretary.
5. The Applicant shall obtain permits and approvals from the Township's Construction and Zoning Department prior to the commencement of work.
6. An inspection of all improvements shall be subject to the review of the Board Engineer prior to the issuance of a Certificate of Occupancy and/or the closure of zoning or construction permits.

George Shivas

On motion of: Ms. Raffay

Seconded by: Mr. Morytko

The vote on the Resolution was as follows:

AYES: Eight (8): Mss. Raffay, DeMagistris, Colligan; Messrs. Mayor Rubenstein, McElroy, Morytko, Walsh, and Chairman Shivas

NAYS: Zero (0)

ABSTAINING: One (1): Ms. Lewandowski

ABSENT: Two (2): Messrs. Proctor, Smith

I certify that the above Resolution is a true copy of a Resolution adopted by the Planning Board on November 5, 2026.

Caitlin Phillips

_____

Caitlin Phillips, Planning Board Secretary

Dated: 11/06/2026

Prepared by: Alyse Landano Hubbard, Esq.

In the matter of Frank and Lisa Maturi
Case No. Z12-26
MF#5000.157

BYRAM TOWNSHIP

PLANNING BOARD

RESOLUTION OF MEMORIALIZATION

RELIEF GRANTED: **Minimum Front Yard Setback**
Minimum Rear Yard Setback
Maximum Driveway Width

WHEREAS, Frank and Lisa Maturi have applied to the Planning Board of Township of Byram seeking approval to construct an addition on the existing dwelling located at 21 Tote Road, and known as Block 137, Lot 29 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 Applicants are the owners of the subject property. The Applicants are proposing to renovate the first floor and construct a second story addition on the

existing dwelling, requiring the variance relief from the following sections of the Township's Zoning Ordinance:

a. Section 240-55C(2) – Minimum Front Yard Setback: 35 feet required, 17.16 feet proposed

b. Section 240-55C(3) – Minimum Rear Yard Setback: 15 feet required, 14.58 feet proposed.

2. The Applicant submitted Architectural Plans, prepared by Fox Architectural Design, PC, dated August 24, 2026, consisting of five (5) sheets.

3. The Board received the following memorandum:

   a. Cory L. Stoner, P.E., P.P., the Planning Board Engineer, dated September 18, 2026.

   b. Environmental Commission, dated October 2, 2026.

4. Sheet Z-2 with a gravel driveway added was marked at A-1 for identification.

5. A duly noticed public hearing was conducted on October 15, 2026, at which time Frank and Lisa Maturi, the Applicants, and Kenneth J. Fox, AIA, PP, who was accepted as an expert in the fields of architecture and planning, presented sworn testimony in support of the application. The subject property is an irregularly shaped lot, which is oversized as to lot area, but the house has a nonconforming front yard setback. The lot fronts on both Tote Road and Division Lane. The dwelling is tucked into the southwest corner of the property on the Tote Road frontage. There is a detached deck behind the home that will be removed. The house is serviced by a private well that is north of the home within the front yard setback and propane tanks in the rear of the home.

6. Mr. Maturi is the third-generation owner of the property that he inherited from his father. Originally used as a summer home, the home became the family's year-round residence in 1982. The home was constructed with additions, and has a nontraditional second floor layout, with access from one bedroom into the next, irregular spaces, and pitched ceilings.
7. The Applicants are proposing to construct a second-floor addition and dormers above the existing dwelling. The second floor will have a traditional layout, with hallway access to two (2) bedrooms, two (2) bathrooms, a laundry room and a mechanical room. The first floor will be renovated with redefined rooms, a powder room and a screened in porch to replace the existing deck and an enlarged covered front porch.
8. The second story addition to the dwelling is an exacerbation of the nonconforming front yard setback, where 35 feet is required and 17.16 feet is proposed. The rear yard setback measured to the proposed covered deck addition is 14.58 feet, where 15 feet is required.
9. There is a second driveway on the property, but the distance between the two (2) driveways is conforming. However, it was noted that the primary driveway is 24 feet wide, where 13 feet is permitted. The Applicants amended the application to see relief from Section 240-40b.
10. Septic approval for a two (2) bedroom home was granted in 2014. The proposal includes converting one of the bedrooms into the laundry room, and bathroom and walk in closet for the master suite. A review by the Sussex County Health Department is required for the septic system.

11. The Applicants have already added 32 shrubs to the property and are proposing additional landscaping. There are no changes to the stormwater system, with a drywall behind the garage collecting runoff from the leaders. The pipes will be reconfigured to collect runoff from the new leaders.
12. 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 additions and decks.
13. Jeffrey Siegel, 7 La-Bo-Ga Trail, testified in support of the application, noting that the proposal will be a better home for the family.

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 240-40b(5) – Maximum Driveway Width: 13 feet permitted, 24 feet approved.
    b. Section 240-55C(2) – Minimum Front Yard Setback: 35 feet required, 17.16 feet approved.
    c. Section 240-55C(3) – Minimum Rear Yard Setback: 15 feet required, 14.58 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. 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 irregularly shaped, with the dwelling constructed in an odd corner of the property, with a nonconforming from yard setback. The existing conditions create a hardship for the Applicants to construct conforming additions to the property. Additionally, the proposed additions will modernize the home and install additional landscaping to create a more desirable visual environment by improving the aesthetic appearance of the property.
4. The Board determined that permitting the proposed additions would not result in a substantial detriment to the surrounding area. The lot is extremely irregular in same and largely undeveloped. The Applicants are proposing renovating to the home without significantly increasing the footprint or the height of the home. The proposal is not inconsistent with the Master Plan and the Zoning Scheme, as this property is unique due configuration of the lot. The Applicants will improve the appearance of the home and add landscaping to beautify the property. The renovated home will improve the housing stock of the Township.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the 5h day of November 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 their 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. 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 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 Sussex County Health Department for adequacy of existing septic system.
8. The Applicants shall submit revised plans to include the second driveway and details regarding how the roof leaders will tie into the drywell.
9. Per the Environmental Commission, the stormwater management system shall maximize the amount of stormwater that remains on the property, subject to review and approval of the Board Engineer.
10. The Applicants shall amend the application to request relief from Section 240-40b(5) for the maximum driveway width.

George Shivas

On motion of: Mr. Morytko

Seconded by: Ms. DeMagistris

The vote on the Resolution was as follows:

AYES: Seven (7): Mss. Raffay, DeMagistris, Colligan; Messrs. Mayor Rubenstein, McElroy, Morytko, and Chairman Shivas

NAYS: Zero (0)

ABSTAINING: Two (2): Ms. Lewandowski, Mr. Walsh

ABSENT: Two (2): Messrs. Proctor, Smith

I certify that the above Resolution is a true copy of a Resolution adopted by the Planning Board on November 5, 2026.

Caitlin Phillips

Caitlin Phillips, Planning Board Secretary

Dated: 11/06/2026
Prepared by: Alyse Landano Hubbard, Esq.

Byram Township Planning Board Bills		
November 19 2026		
Harold Pellow	**Date**	**Amount**
Inv. 87635 Jefferson Lake: reports, review	11/2/2026	$ 304.00
Inv. 87618 Maturi: inspection, reports, review	11/2/2026	$ 570.00
Inv. 87617 Mulligan: memos, review	11/2/2026	$ 588.00
Inv. 87614 Lenker: review	11/2/2026	$ 312.50
Inv. 87613 Lopez: meeting attendance, memo, review	11/2/2026	$ 412.50
Inv. 87609 Venture II: review	11/2/2026	$ 437.50
Inv. 87604 Schuffenhauer: field check, memos	11/2/2026	$ 301.00
Inv. 87603 Landscapes By Lou: meeting attendance	11/2/2026	$ 225.00
Inv. 87865 Martino: memos, review	11/2/2026	$ 378.00
Harold Pellow Total		**$ 3,528.50**
Maraziti and Falcon	**Date**	**Amount**
Inv. 62684 General: attendance, communications, review agenda	10/7/2026	$ 72.00
Inv. 62689 Starbucks: review extension request, communications	10/7/2026	$ 36.00
Inv. 62690 Mountainside: review application	10/7/2026	$ 72.00
Inv. 62691 Lopez: review plans and engineer letter, attendance	10/7/2026	$ 450.00
Inv. 63022 General: review, communications, attendance	11/5/2026	$ 522.00
Inv. 63023 Starbucks: attendance, communications	11/5/2026	$ 342.00
Inv. 63024 Mountainside: attendance, review	11/5/2026	$ 360.00
Inv. 63025 Tedesco: review, communications	11/5/2026	$ 198.00
Inv. 63026 Lacatena: communications	11/5/2026	$ 36.00
Inv. 63027 Smith: review	11/5/2026	$ 72.00
Inv. 63028 Martino: review, attendance	11/5/2026	$ 360.00
Inv. 36029 Maturi: review, attendance	11/5/2026	$ 450.00
Inv. 63030 Mulligan: review	11/5/2026	$ 234.00
Maraziti and Falcon Total		**$3,204.00**
Colliers	**Date**	**Amount**
Colliers Total		**$ -**
Grant Total		**$6,732.50**