

MEETING MINTUES OF THE BYRAM TOWNSHIP PLANNING BOARD: November 20 2025

CALL TO ORDER: Chairman Shivas called the meeting to order at 7:30 p.m.

ROLL CALL:

Members Present: Mss. Raffay, DeMagistris, Colligan, Lewandowski; Messrs. McElroy, Morytko, Smith, Walsh, Chairman Shivas

Members Absent: Messrs. Mayor Rubenstein, Proctor

Also Present: Attorney Alyse Hubbard, Planner Austin Bejin, 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 2025 was forwarded to the Board's designated newspaper, and posted on the bulletin boards and main doors of the Municipal Building.

FLAG SALUTE: led by Chairman Shivas.

MINUTES: November 6, 2025

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

Ayes: Ms. DeMagistris, Colligan, Lewandowski; Messrs. McElroy, Morytko, Smith, Walsh, Chairman Shivas

Absent: Messrs. Mayor Rubenstein, Proctor, Ms. Raffay

None opposed. Motion carried.

RESOLUTIONS

SD1-2025 Angela Prestia, 127 North Shore Road, Block 125 Lot 33, R5 Zone

Application for subdivision of lots

Ms. Phillips noted there was an earlier copy provided, and an updated one provided now, which has edits made from the applicant's attorney within the past few hours. Ms. Raffay entered the meeting at this time. Ms. Hubbard said the changes are not how she normally prepares resolutions. The variances and subdivisions are together, with the changes from the variances. She noted they may not have a meeting on 12/04 because there aren't any scheduled applications. The applicant is eager to move forward. She went through the approved minutes and her notes, and the changes to the variances were noted on the application, but she doesn't remember them being testified to, and they're not in the minutes or her notes. Ms. Colligan noted she'd like to make sure it's right. Ms. Hubbard said they should be able to read the resolution. Mr. Walsh asked if Ms. Hubbard had time to review the changes. Ms. Hubbard said she'd prefer to re-read it, but she's sensitive to the timing. They have 45 days, so the Board is within the timeframe. Mr. Walsh said the resolutions should be in a format she's used to, for consistency. Chairman Shivas doesn't like that two resolutions are being put into one.

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

Ayes: Ms. Raffay, DeMagistris, Colligan, Lewandowski; Messrs. McElroy, Morytko, Smith, Walsh, Chairman Shivas

Absent: Messrs. Mayor Rubenstein, Proctor

None opposed. Motion carried.

NEW BUSINESS

Z10-2025 Jeffrey Miller, 568 Waterloo Road, Block 384 Lot 8, R1 Zone

Application for interpretation of use, to rent out home for weddings

Ursula Leo from Laddey, Clark, and Ryan LLP represented the applicant. She noted they're first looking for an interpretation that the property has a similarity to an Airbnb. Byram doesn't have an ordinance prohibiting or permitting these. This is a unique property, across the street from Waterloo Village. The application is to seek permission to have the home be used for short-term rentals primarily related to weddings across the street. If the interpretation doesn't carry, they're seeking a use variance.

John McDonough was sworn in as the Planner at 101 Gibraltar Drive in Parsippany. Ms. Hubbard confirmed Mr. Valenti is the property owner and JAM (Jeffrey Miller) is the applicant. Ms. Leo confirmed Mr. McDonough holds a Planner's license in New Jersey. Ms. Hubbard noted he's been in front of the Board before. Chairman Shivas deemed him an expert. Ms. Hubbard confirmed his license is in good standing.

Ms. Leo submitted Exhibit A1, four photos from Mr. McDonough, who reviewed the exhibit. He noted the only neighbor is Waterloo Village. There is a particular suitability for this site, as there is a clear connection between Waterloo, physically and visually. The site is within walking distance, and guests would be shuttled back and forth via vehicle. The primary focus of the residential short-term occupancy is for weddings at the Village. There is a lack of negative criteria or impact on a neighborhood, as this is secluded. The house is five bedrooms, on a 30,000 square foot lot. This use would be a nice companion to the weddings, so that guests don't have to travel far, and can use this facility as part of their celebrations. They're asking for a use variance if the interpretation is found to not be appropriate. The test for a use variance is met, according to site suitability. The condition of the property and surrounding context speak to that. The building is already there and has the capacity to accommodate the use. The lot is isolated, away from lake communities. This promotes the general welfare as it promotes Waterloo as a destination in the community. This application is also adaptive re-use, keeping what is there, and uses an existing structure that's part of the landscape. It adds to its viability. The adaptive re-use is efficient, and they're not asking to expand the home or development. This will primarily be a sleeping quarters for guests of the wedding venue. There isn't an impact from noise, activity, no increase in runoff, or traffic. The people will already be there celebrating at the venue. This wouldn't be a re-zoning application.

Chairman Shivas asked about making a decision on whether this is an interpretation or not. Ms. Hubbard asked Ms. Leo if she wants the Board to consider if this is a boarding house. She noted from the professionals reports, that this is not spoken to in the code. Mr. McElroy confirmed that if the Board makes an interpretation for the zone, that goes with the zone, rather than a variance which would be for an individual property. He added the government body is silent on this. Ms. Hubbard said if they make the interpretation that this is suitable for the R-1 use, it would be permitted for the R-1 zone. Mr. McElroy noted that's not the Board's role to legislate. It should be approached in a variance fashion so it's applicable to the property. Ms. Raffay agreed, noting she thought based on the interpretation that this would be for a use variance. Ms. Hubbard noted they applied for alternative relief, so if they don't get an interpretation, they'll ask for the use. Mr. Walsh noted the testimony they've heard is that this is suitable for the lot, not the zone. Mr. McDonough said this is so strong as a use variance; the interpretation could go many ways. He can

bolster the interpretation if needed. Ms. Leo said they can put the interpretation aside, so the Board doesn't need to make that determination. There is a legal argument to be made, but they can streamline this. Ms. Hubbard noted if the Board were to make an interpretation in the negative, that is now another decision the Board made without the Council acting. Whatever they decide will be how it's handled for the ordinance, and they're taking that away from the Council. This is a statewide discussion, so eventually the Council will need to make a decision. Ms. Leo said they can withdraw the interpretation and proceed with the use variance.

Ms. Raffay confirmed with Mr. McDonough that the use is mainly for people involved at Waterloo, but can be open to others if there's space available. Chairman Shivas noted it's single-family, so asked how many families will be using this home. Ms. Leo said it'll be the entire house that's rented, not broken up. Chairman Shivas noted this is a unique piece of property, and they want to make sure they know what they're opening themselves up to. Ms. Hubbard asked about listing it as one contract per weekend rather than bedrooms. Mr. McDonough said there is a durational limit. Ms. Hubbard noted for some places, the cost is related to staying there, not per bedroom. Mr. McElroy asked if someone has a party there with tents and catering, how is that regulated. There's still one family renting it, but they're inviting more guests. Ms. Leo noted the size of the lot restricts the amount of people. She has discussed with her client that if this becomes a commercial use, it's no longer allowed. Mr. Smith noted anyone who owns a home could invite people over. Mr. McDonough noted there is a party venue across the street. The purpose is to support that venue, not to have them on location. Ms. Hubbard confirmed no commercial food would be made on the premises.

Chairman Shivas asked about the road looping around the back off the property. Ms. Leo noted the Board has no authority over someone else's property. It has been there since the 1950s and is not utilized. They have no intention of using it as a driveway. Ms. Hubbard asked if there's sufficient parking without using this. Ms. Leo said they can do something to block off that access.

Austin Bejin was sworn in as a Planner for the Board. He spoke regarding parking calculations for the bedrooms. Ms. Leo said they have six parking spaces. They will park only on the gravel area. Mr. McElroy asked who manages the rental. Ms. Leo said the applicant will be purchasing the property and then managing it. Mr. Morytko asked if there's a duration for the rentals. Ms. Leo said some people would stay a night, some people like to stay a week. Mr. McElroy noted this would live with the property, so regardless of their vision, if this sells again, someone else would have the approval, so restrictions are needed. Mr. McDonough said Waterloo is booked every week for weddings, and they'd like to include this building as part of it, so he'd say a week maximum. Chairman Shivas noted there should be an easement for the road.

Thomas Valenti was sworn in at 568 Waterloo Road. He said the driveway was a concern when he bought the property 16 years ago. He's been maintaining the property. The lower one is not on the property. His concern was emergency vehicles. A ladder truck may be needed, so it helps with access. He suggested decorative boulders. Ms. Leo noted their use will be confined to their lot. She doesn't want to commit to the boulders, in case the state says after the Board approval that they need the access. Ms. Leo said they can add to the lease about the parking access. Ms. Raffay asked about a sign saying "Do Not Enter" on their own property. Ms. Hubbard asked what's back there. The Board noted there are trails. Mr. Walsh confirmed the gravel driveway doesn't tie into any

trails. He confirmed no one is using the gravel driveway to access the trails and no one is coming out of the woods through the property. Mr. McElroy noted his concern about having people using the place in a way they're not considering. Mr. Walsh suggested saying "use of the home and property is only for current overnight guests." Ms. Phillips asked if that includes having a maximum capacity for the property and/or house. Mr. Smith noted if this was a hotel, there'd be a maximum occupancy per bedroom. Ms. Leo said there's no room in the back for a tent, and the front area is small, so there's no room for catered events. Chairman Shivas confirmed they have a well. Ms. Phillips asked Mr. McDonough about guests being transported, and confirmed that would be through a shuttle. Mr. McDonough said he was concerned with people crossing the road. Ms. Phillips confirmed the shuttle is parked at Waterloo Village. Mr. Walsh noted his concern about people crossing the road at night. Ms. Raffay noted the parking lot should be able to accommodate the events. Ms. DeMagistris noted you're not having a hundred people walking back to the house. She added they can't restrict people crossing the street.

Mr. McElroy asked that their anticipated number of people staying there would be. Mr. McDonough consulted with Mr. Miller, the applicant and buyer. He noted around 15, and Mr. McDonough suggested 30 to be safe. Mr. McElroy said 30 seems to be a lot, considering parking limitations. Ms. Phillips mentioned considering the septic as a basis. Ms. Leo said there's 5 bathrooms, and they're anticipating a maximum of 4 people per bedroom, which would get them to 20 maximum. Mr. Walsh asked about the size of the bedrooms. Mr. Valenti noted one bedroom has a king bed, another has two single beds, another could accommodate a queen, another could accommodate a king, and the last has a twin or a full. Mr. Walsh confirmed that means there's about beds for nine people. Ms. Leo noted that's as it exists now. Mr. Smith noted his concern about the septic, and said there has to be a number they assume is in each bedroom. He's thinking 10-12 seems accurate. Mr. McElroy said the county is the one who regulates it. Ms. Hubbard noted living there full time is a different usage on the septic than using it for a weekend. Mss. Colligan and Raffay said they're okay with it stating not to exceed 20. Mr. Walsh said he's okay with 15, and Mr. Smith agreed. Mr. McElroy asked for 20 people, where is everyone parking. Chairman Shivas noted they could use the shuttle from Waterloo. Mr. Morytko noted it wouldn't be 20 every time. Mr. Walsh noted they have to be comfortable with it being 20 people every time if that's the number. Ms. Leo noted it's a five bedroom home with five bathrooms, with a maximum of six cars. Four people would be in each room, times the number of cars which would be 24. She doesn't think 20 is unreasonable. Chairman Shivas asked about the Board of Health. Ms. Hubbard noted she doesn't think they have jurisdiction because the house is rated for 5 bedrooms. Ms. Colligan noted a family with twenty people could buy the house. Ms. DeMagistris noted they're also not preparing food.

Chairman Shivas opened to the public and no one spoke so he closed to the public.

Mr. Bejin said the conditions don't seem unreasonable. They reflect the Board's decision to allow the use without intensifying it. He thinks the conditions restrict the use. Mr. Walsh reviewed the conditions. Ms. DeMagistris confirmed the 20 maximum is for people staying overnight. Mr. Smith said in the property maintenance section of the code, under 286-24C, there is occupancy information. Mr. Valenti noted the bedrooms exceed those measurements. Ms. Hubbard noted they don't have the square footage. She doesn't think this can apply if it's not in the zoning ordinance. Ms. Raffay said the site is suitable for the use. It speaks to the Master Plan in making this a

destination, and enhancing the purposes of zoning. She doesn't think it's a detriment to the public. Motion of Ms. Raffay to approve the application, second of Ms. Colligan.

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

Absent: Messrs. Mayor Rubenstein, Proctor

None opposed. Motion carried.

BILLS: Maraziti and Falcon (6): \$3,871.71. A motion to approve the bills was made by Mr. Walsh, seconded by Ms. Colligan. All were in favor. Motion carried.

Harold Pellow (2): \$577.50 A motion to approve the bills was made by Mr. Walsh, seconded by Ms. Colligan. All were in favor. Motion carried.

REPORTS FROM COMMITTEES

Environmental Commission- Mr. McElroy said they met last week but didn't have Board applications to review. He reminded the Board they'll need a new representative in January. Ms. Phillips noted they need someone, to be in compliance. Mr. McElroy said they do a good job and they're passionate about what they do.

Open Space- Mr. Morytko said they talked about the county trails grant. They're considering a connector trail related to the Kellogg property. They increased the grant amount, now up to \$25,000.

Township Council- No one was there to represent this.

OPEN TO THE PUBLIC

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ADJOURNMENT

Mr. McElroy asked when the annual report is submitted. Chairman Shivas said it's due by April. Mr. McElroy noted they need to include AirBnBs. Ms. Hubbard noted she appreciates the Board asking all the questions for this application. A motion to adjourn the meeting was made at 8:55 pm by Mr. McElroy, seconded by Mr. Morytko. All were in favor. Motion carried. The meeting was adjourned.

Submitted by Caitlin Phillips