MEETING MINTUES OF THE BYRAM TOWNSHIP PLANNING BOARD: October 15 2026

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

ROLL CALL: Mss. Raffay, DeMagistris, Colligan; Messrs. Mayor Rubenstein, McElroy, Morytko, Smith, Walsh, Chairman Shivas
Members Absent: Ms. Lewandowski, 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, 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 1, 2026.
Motion of Mr. McElroy to approve the minutes, second by Ms. DeMagistris.
Ayes: Mss. Raffay, DeMagistris; Messrs. Mayor Rubenstein, McElroy, Morytko, Smith, Walsh, and Chairman Shivas
Members Abstaining: Ms. Colligan
Members Absent: Ms. Lewandowski, Mr. Proctor
None opposed. Motion carried.

RESOLUTIONS
SP3-2026 Mountainside Country Store, 198 Route 206, Block 226 Lot 3, NC Zone
Application for amended site plan and signage
Mr. Stoner said they talked about signs during their meeting. He confirmed that at the meeting they were told if they want additional signs they need another approval to do so. He noted since this meeting they've added new signs. He said it's a temporary sign, but looks permanent. Ms. DeMagistris noted she thinks they take the sign in at night. Mr. Stoner confirmed the resolution doesn't talk about temporary signs.
Motion of Ms. DeMagistris to approve the resolution, second by Mr. Smith.
Ayes: Mss. Raffay, DeMagistris; Messrs. Mayor Rubenstein, Smith, Walsh, and Chairman Shivas
Members Abstaining: Ms. Colligan, Messrs. McElroy, Morytko
Members Absent: Ms. Lewandowski, Mr. Proctor
None opposed. Motion carried.

SP1-2024 Byram Waterloo LLC (Starbucks of Byram), 33 Route 206, Block 36 Lot 40, VB Zone
Extension request for application for preliminary and final site plan for development of Starbucks coffeehouse with drive-through
Chairman Shivas noted the extension is for the land, and that it will likely not be a Starbucks. Motion of Mr. Walsh to approve the resolution, second by Ms. DeMagistris.
Ayes: Mss. Raffay, DeMagistris; Messrs. Mayor Rubenstein, McElroy, Morytko, Smith, Walsh, and Chairman Shivas
Members Abstaining: Ms. Colligan

Members Absent: Ms. Lewandowski, Mr. Proctor
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 noted they have requested to withdraw this application. They will need more time to put plans together, and would resubmit when ready. Ms. Hubbard noted they need something from the applicant confirming they're withdrawing the application.

NEW BUSINESS

Z10-2026 Rita Martino, 8 Newton Avenue, Block 36 Lot 50.01, R4 Zone
Application for shed in the front and side yard
Rita Martino was sworn in as the applicant. She said back in May she had a shed, and she's requesting to put it back in the same spot because of her disability. In 2007 her husband had heart surgery, and their backyard slants downhill towards Lubbers Run. They had a shed back there, and in 2009 they had a builder put a shed closer to the garage because of his disability. They've been in Byram for 56 years, and love this town. They decided to take the existing trailer down and add a home, which was finished in 1989. She said anything they ever did, they always followed the laws and didn't break them or do something without a permit. When they got the builder to put the shed in, he told them if it was built as a temporary structure and could be moved, they didn't need a permit. When the shed burned down, they found they need a permit.

Mr. Stoner confirmed she's here to ask to rebuild the shed in the same location. He confirmed her neighbor had a fire that burned her shed down. Mrs. Martino said they had three explosions behind the shed. Seven trees needed to be removed because of this. Mr. Stoner confirmed the explosion came across the property line and caught the shed on fire. Mrs. Martino said instead of 10x12 the new shed will be 9x12. Mr. Stoner confirmed it'll be in the same location and will match the house. Mrs. Martino said she's been disabled since 2008, and wants to stay in the house. Mr. Stoner noted because it's in the front yard, it's non-conforming. There is also a side yard setback. He noted she's here to get the proper approval for the location. Mrs. Martino said they listened to the contractor and it sounded legitimate. She needs the storage in the shed. She noted they keep their snowblower in the shed or garage, and from the fire the items in the shed including the snowblower are gone. Mayor Rubenstein confirmed the shed was originally there around 2009. Mrs. Martino said the Zoning Officer, Mr. Sabatini, said he saw pictures where the shed wasn't there. It was sometime in 2009, because the hill in the back is steep. The shed was stick-built and matched the house.

Mr. Walsh asked if there were any problems with the neighbors since it was put there. Mrs. Martino said there were no problems. It enhanced the property. Mr. Walsh confirmed this is the ideal spot because other spots are too steep. Mrs. Martino explained her disabilities, and she's doing everything her husband used to do. Mr. Stoner explained that for a variance it requires a hardship for the property, and noted this lot is narrow. Mrs. Martino reiterated that the trees are gone now because of the fire. Mayor Rubenstein confirmed this occurred in May of this year. He confirmed the shed has been removed. Mrs. Martino said the siding on that side of the house needed to be removed. She added that she loves Byram because she feels like she lives in the country and everything is right around the corner. She noted she remembers when the Shoprite was built, which took about 25 years to complete, and at the opening of the store they had a huge cake that said "happy 25th."
Chairman Shivas opened to the public. No one came forward, so he closed to the public.

Motion of Mayor Rubenstein to approve application as presented, second by Ms. DeMagistris.
Ayes: Mss. Raffay, DeMagistris, Colligan; Messrs. Mayor Rubenstein, McElroy, Morytko, Smith, Walsh, and Chairman Shivas
Members Absent: Ms. Lewandowski, Mr. Proctor
None opposed. Motion carried. Mrs. Martino thanked the Board. Ms. Hubbard explained the appeal period. Ms. Phillips said she'll speak with Mr. Sabatini tomorrow about her submitting the zoning permit. The Board took a brief recess.

Z12-2026 Lisa and Frank Maturi, 21 Tote Road, Block 137 Lot 29, R5 Zone
Application for addition to a single-family home
Lisa and Frank Maturi were sworn in at 10 Mills Avenue in Port Monmouth as the applicants. Ken Fox from Fox Architectural Design was sworn in as the architect and planner for the applicants. He has testified before this Board and others, and his licenses are in good standing. He disclosed that he has a relationship with the Township of Byram, retained through a professional services agreement to work on the municipal building. He discussed this with the Board attorney and Mayor Rubenstein, and they feel he can proceed as an expert. Chairman Shivas asked for some towns where he has worked. Mr. Fox said he testified in Carney recently and that was his 101st town in New Jersey. He's also testified in Rockaway, Roxbury, and Jefferson. Chairman Shivas deemed him an expert. Ms. Hubbard confirmed no Board members have any questions or issues with the disclosure.

Mr. Maturi said he inherited his father's house, and he read some of its history. They're the third generation at the location, and he found that on August 1st, 1950, his grandparents made a $25 deposit for the summer bungalow. When his grandmother passed away, his mother wanted to live at the home full time. They tried to make it a year-round home. Mr. Maturi said the home has many flaws, and needs some renovations. He and his wife have spent the last year enjoying the property and lake, and have started landscaping. They hope to pass down the home in their family. He noted the ceilings were an issue, and the layout doesn't work well.

Mr. Fox reviewed his plans, and noted they're building completely within the existing footprint. They're adding covered porches. Chairman Shivas confirmed there is a crawlspace. Mr. Fox submitted **Exhibit A1**, a markup of page Z2 that shows the gravel driveway brought up in Mr. Stoner's report. He noted the lot is large but an irregular shape. The existing location is within the front yard. He reviewed the variances. Chairman Shivas confirmed the porch won't be screened in. Mayor Rubenstein confirmed it will be a two-bedroom house. Mr. Stoner noted he wants a condition of any approval to include approval from the County Health Department. Mr. Maturi noted they had the septic pumped last week. Mr. Fox noted the deck in the rear will be removed. The property is in the Highlands. There is a dry well behind the garage, and the roof liters go to that. They're not changing rain flow, and they'll re-pipe the liters to the existing drainage. There's no negative impact to the neighbors or zone plan. Mr. Stoner noted the gravel driveway likely existed, and grass grew over it. Mr. Maturi said when the property was surveyed there was snow on the ground so they didn't see it. Mr. Stoner noted it wasn't on the plan, and when inspected it looked new. Chairman Shivas confirmed it's stone. Mr. Stoner asked that the plan be updated to show the driveway and roof liter flow. The Board discussed the fence.

Chairman Shivas opened to the public. Jeffrey Siegel was sworn in, noting he owns a property in the area. He said he isn't against this at all. The community will enjoy having a new house and it's better for their family. He wishes them luck with this. Chairman Shivas closed to the public.

Motion of Mr. McElroy to approve the application with the conditions of the septic and the revised plans, second by Mr. Morytko. Mr. Stoner asked that the resolution speak about the existing second driveway. Ms. Hubbard confirmed they're requesting the variance for the driveway.
Ayes: Mss. Raffay, DeMagistris, Colligan; Messrs. Mayor Rubenstein, McElroy, Morytko, Smith, and Chairman Shivas
Members Abstaining: Mr. Walsh
Members Absent: Ms. Lewandowski, Mr. Proctor
None opposed. Motion carried. Mr. Maturi thanked the Board. Ms. Hubbard explained the appeal period.

BILLS: Maraziti and Falcon (1): $36.00. A motion to approve the bills was made by Mayor Rubenstein, seconded by Mr. Morytko. All were in favor. Motion carried.

Harold Pellow (3): $1,369.50. A motion to approve the bills was made by Mayor Rubenstein, seconded by Mr. Morytko. All were in favor. Motion carried.

Colliers (1): $561.25. A motion to approve the bills was made by Mayor Rubenstein, seconded by Mr. Morytko. All were in favor. Motion carried.

REPORTS FROM COMMITTEES
Environmental Commission- Mr. Smith said there is a meeting next week.
Open Space- Mr. Morytko said they met this week. Trail work is continuing for the trails grant, as is signage for trails.
Township Council- Mayor Rubenstein said they met last week and introduced an ordinance to charge more for construction permits, where the minimum fee will now be $100. There was an ordinance for the reassessment of the town. They will proceed will replacing the Fire Department's air fill station because the current one is old and failing.

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

Mayor Rubenstein noted he sees a lot of applications coming up, and confirmed it will be busy soon. Ms. Phillips noted most are residential, and one is for Jefferson Lake Day Camp. Mayor Rubenstein noted he heard the Adam Todd site will be coming in soon, and that they sold their liquor license to the golf course. Mayor Rubenstein asked who is up for re-appointments. Ms. Phillips noted it is Mr. Walsh, Ms. DeMagistris, Mr. Smith, Mr. Proctor, and Ms. Colligan. Mayor Rubenstein confirmed they are all planning to be re-appointed.

ADJOURNMENT
A motion to adjourn the meeting was made at 8:37 pm by Mr. McElroy, second by Mr. Morytko. All were in favor. Motion carried. The meeting was adjourned.

Submitted by Caitlin Phillips