

MEETING MINTUES OF THE BYRAM TOWNSHIP PLANNING BOARD: September 17 2026

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

ROLL CALL: Mss. Raffay, DeMagistris, Colligan, Lewandowski; Messrs. Mayor Rubenstein, McElroy, Walsh, Chairman Shivas

Members Absent: Messrs. Proctor, Morytko, Smith

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: August 20, 2026.

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

Ayes: Mss. Raffay, DeMagistris; Messrs. Mayor Rubenstein, McElroy, Walsh, and Chairman Shivas

Abstaining: Mss. Colligan, Lewandowski

Members Absent: Messrs. Proctor, Morytko, Smith

None opposed. Motion carried.

RESOLUTIONS

SP2-2023 Venture Two LLC, 11 and 13 State Route 206, Block 27 Lots 383, 384, 381.02, VB Zone

Extension of approval for site changes with apartments and retail space

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

Ayes: Mss. Raffay, DeMagistris; Messrs. Mayor Rubenstein, McElroy, and Chairman Shivas

Abstaining: Mss. Colligan, Lewandowski, Mr. Walsh

Members Absent: Messrs. Proctor, Morytko, Smith

None opposed. Motion carried.

Zo7-2025 Avi and Ita Barak, 11 Lake Drive, Block 242 Lot 23.01, R5 Zone

Application for demo and construction of a single-family home

Motion of Ms. DeMagistris to approve the application with these conditions, second by Ms. Raffay.

Ayes: Mss. Raffay, DeMagistris; Messrs. Mayor Rubenstein, McElroy, Walsh, and Chairman Shivas

Abstaining: Mss. Colligan, Lewandowski

Members Absent: Messrs. Proctor, Morytko, Smith

None opposed. Motion carried.

OLD BUSINESS

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

Application for new home construction

Chairman Shivas confirmed with Marcelo Lopez that his attorney will not be present, so he will be representing himself. Mr. Lopez said his attorney was unable to make it to the meeting. They had to change the access point to the driveway, because of the easement complications. They moved the driveway closer to the improved portion of Jans Way, and are willing to stabilize that area so vehicles can have access. Chairman Shivas confirmed he was sworn in at the last meeting. Ms. Hubbard reminded the Board that the applicant is seeking relief for a planning variance, because it's construction of a home on an unimproved road. The Board should consider emergency access to the property. Adnan Khan from AWZ Engineering remains under oath from the previous hearing. He presented the revised plans. There were questions about the easement, and they did research on the ownership, but did not find much, so they changed the orientation of the house. The driveway is now longer, and goes to the gravel area of Jans Way, which the applicant is willing to pave. They wanted to make sure there was room for guest parking on the property. They can reduce the driveway width to comply. The Board asked who owns Jans Way. Mr. McElroy asked about a maintenance plan. Is there an agreement for paving and plowing? Does the agreement get recorded? Mayor Rubenstein said the subdivision maps say the property owners need to make an organization, but they're not sure that happened. Mr. Stoner said the town plows up to the edge of pavement. Mr. McElroy noted if the Board approves this, it doesn't bind the Council to continue to pave this area. Ms. Hubbard noted there are other houses in this area. Mr. Stoner noted the town has been plowing and paving that area for decades, so it'd be hard for them to walk away from that. Mayor Rubenstein asked if this is applicable to the variance request. Mr. Walsh asked if the concern is access once on the property, since they can't ensure it across the gravel shared driveway. Ms. Hubbard said the concern is to get to the house for emergency purposes. The applicant can only control what's on the property, but the burden is to provide access. Mr. Stoner noted the gravel driveway goes back to two houses currently. He asked that the resolution state that they'll handle the maintenance in the subject area if the neighbors don't. Ms. Raffay noted they have a lot of area for parking. Mr. Khan said they can cut that down. Ms. Raffay noted that it looks like they'll need retaining walls. She asked why they cut the slopes off, and why it's so close to the driveway. Mr. Khan noted they're seeking a Highlands Exemption. Ms. Raffay said it looks like they're at a steep angle, and this doesn't look feasible. Chairman Shivas noted any wall over 4 feet needs to be engineered and certified. Mr. Khan added that they're proposing a septic system. Ms. Raffay asked if the Fire Department provided a review letter. Ms. Phillips noted it was sent to them but they didn't provide a response, and the Police Department said they had no comments. Mr. Stoner confirmed the layout is similar. Mr. Khan said the design is mirrored to accommodate the driveway. Chairman Shivas said he wants to see the proposed plans.

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

Jose Cardenas noted he was here last time. His head architect is not here today; he is the project manager and knows all the details. Ms. Hubbard noted the Board can take testimony from him but Mr. Cardenas can't be deemed an expert. He was sworn in at Palermo Edwards Architecture as the project manager. They changed the house layout to accommodate the driveway. The grading drops down in the back. Chairman Shivas asked if this is 2.5 or 3 stories. Mr. Stoner said it can't be exposed more than 5 feet. Mr. Cardenas said they'll have windows. In the basement is a recreation area, and laundry and mechanical rooms. There will be a guest bedroom and a bathroom. The first floor will have a garage and a porch on the front. The second floor will have 4 bedrooms. Chairman Shivas asked about the septic system. Mr. Cardenas said it's meant for 5. Mayor Rubenstein noted there's an expired approval, so nothing is currently

approved. Ms. Hubbard confirmed there will be an egress window in the basement since there's a bedroom. Ms. Raffay confirmed the plans being shown have not been updated. Mr. Cardenas said it will be these plans, but flipped. He noted internally the house hasn't changed. Mr. Stoner noted the variances don't have to do with the house. Chairman Shivas noted he can't approve plans he hasn't seen. Mr. McElroy asked if any changes affect disturbance. Messrs. Stoner and Khan reviewed the calculations. Mr. McElroy noted if the numbers are over they need to come back. Mr. Walsh noted there have been a lot of changes, and he needs to see these rather than have a conditional approval. Mr. McElroy asked the question from the Environmental Commission about slope disturbance. The Board reviewed the definition of disturbance. Ms. Raffay said she wants to hear from the Fire Department. Mayor Rubenstein noted they're looking for updated civil drawings that show the change to the driveway, a steep slope analysis, and updated architectural plans. Mr. McElroy added the retaining wall details. Mr. McElroy asked if they can require that something be added to the deed for the maintenance. Ms. Hubbard said they could record a deed that references the resolution. She confirmed with Mr. Lopez that his attorney is retained, and she can speak with him. She asked if he will take action on the driveways encroaching on his property.

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

Mr. Khan noted he isn't available on 10/15. Motion of Mr. Walsh to carry the application with no additional notice, to 11/05, second by Mr. McElroy.

Ayes: Mss. Raffay, DeMagistris, Colligan, Lewandowski; Messrs. Mayor Rubenstein, McElroy, Walsh, and Chairman Shivas

Members Absent: Messrs. Proctor, Morytko, Smith

None opposed. Motion carried. Ms. Phillips noted they need the plans at least 10 days ahead of the hearing.

REPORTS FROM COMMITTEES

Environmental Commission- Mr. Smith was not present.

Open Space- Ms. Phillips said the meeting was cancelled.

Township Council- Mayor Rubenstein said they will be reassessing the town next year. They've tried to avoid it and filed extensions, but they need to get this done. They don't need an outside company, which would be expensive. The new Assessor has a side-business where he does this, so it will save money. The process will start in January, where homes will be inspected, and will be done by September 1st.

OPEN TO THE PUBLIC

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ADJOURNMENT

A motion to adjourn the meeting was made at 8:50 pm by Mr. McElroy, seconded by Ms. Lewandowski. All were in favor. Motion carried. The meeting was adjourned.

Submitted by Caitlin Phillips