

**SPECIAL MEETING OF  
THE BYRAM TOWNSHIP PLANNING BOARD  
MEETING MINTUES  
AUGUST 9, 2017**

**CALL TO ORDER**

Chairman Shivas called the meeting to order at 8:00 p.m.

**ROLL CALL**

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
HERE		H	H				H	H	H	H
ABSENT										
EXCUSED	EA			EA	EA	EA				
LATE										

Also present: Attorney Sean Monaghan *substitute for* Kurt Senesky  
 Engineer Dave Simmons *substitute for* Cory Stoner  
 Secretary Cheryl White

**STATEMENT BY CLERK**

Adequate notice of this meeting has been published specifying the time and place in compliance with the provisions of the Open Public Meetings Act.

**FLAG SALUTE** led by Chairman Shivas

**NEW BUSINESS**

SP1-2017, Aqua NJ Inc., Block 337.01 Lot 82, Lynn Drive, R-3 Zone

Conditional use variance for a 242 sq. ft. addition to an existing well house, to update related equipment, the construction of a 4,000 gallon equalization tank, the reconstruction of the access drive, and associated landscaping, lighting, and other improvements.

Mr. Mark Peck, Esq. from Florio, Perrucci, Steinhardt and Fader, representing Aqua NJ said they are seeking preliminary and final site plan approval that requires a conditional use variance and bulk variances. Mr. Peck provided the Board with a brief overview of the 3.60 acre site, and the proposed site improvements. He said Aqua NJ is proposing to modernize the existing well site which will consist of approximately 2,500 sq. ft of construction that will encompass the expansion of the well house, replace the existing fence, widening of the existing driveway, along with some ancillary improvements.

Mr. Peck introduced Kaitlyn Vitt, State Engineer for Aqua NJ, and she was sworn in. Ms. Vitt said that Aqua purchased the water system in late 2016 which serves 154 homes in Byram, and prior to the purchase it was discovered that well #1, which is currently not in use, had levels of uranium which were above the EPA allowable limit for safe drinking water. She said the enlargement of the existing well house will accommodate a new filtration system to remedy the high levels of uranium.

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

Mr. Peck introduced Mr. Andrew Holt, a professional engineer and planner, and he was sworn in. Mr. Holt provided the Board with his education and experience, and the Board accepted him as an expert in his field. Mr. Holt reviewed the variance relief needed for this project;

- Minimum Lot width
- Insufficient distance of an accessory structure to a primary structure
- Expansion of a Condition Use

Mr. Holt reviewed Sheet 2 of the submitted plan, *Existing Conditions*, saying that the facility is situated on a flag lot accessed from Lynn Drive via a fifteen foot wide access easement, adding that there is a two acre access easement on this 3.60 acre parcel. He said currently there is an existing 9 ft. X 15 ft. well house which will be modified and expanded to accommodate the new treatment equipment, and the construction of a 4,000 gallon equalization tank is also proposed. Mr. Holt said currently the well pumps water through the well house and then it is distributed as drinking water. The new system will pump the raw well water through a uranium treatment filtration system and using ion exchange it will extract the uranium, and once the uranium is filtered from the water, it is pumped to the 4,000 gallon equalization tank for water distribution. He added that they were able to accommodate an enhanced groundwater disinfectant which is recommended for ground water treatment.

Mr. Holt said they plan to resurface the access drive, and there will be minor grading for the expanded foundation of the building and the construction of the tank. He said they are proposing a 14 ft. X 17 ft. single story block building, beige in color, with a wood framed, asphalt shingled roof. He said they propose lighting to three sides of the building for security, which will be over each door and lighting between the building and the tank in the event personnel have to visit the site at night, but added that generally operations are handled during the day. He said there are no detectable light levels beyond the fence line and said the lighting is manual switch only, not motion sensed. He said since it is a heavily wooded site they do not want wildlife to trigger the lights. The Board agreed. He said this will all be contained in a 32 ft. X 40 ft. compound surrounded by a 6 ft. black fence with vinyl clad fabric so it is less visible, with a double leaf security gate. Mr. Holt reviewed the minor landscaping that is proposed.

Mr. Holt provided planning testimony saying that the relief sought for the distant for an accessory structure to a primary structure is necessary so that the tank is in close proximity to the well house. He said that will also limit the amount of disturbance. Mr. Holt cited Section 240-13 of the Byram Code which says *Public utilities and public or institutional uses* may be located in a residential area as a conditional use. He added that this well house existed on this property since 1979, and said that this project will have a low level impact to the community, low light levels, adding that the only negative impact would be during construction. He said a soil erosion plan is not required, the building façade will be beige, and the tank color is often painted green to match the vegetation. He said there is no negative impact to zone, it is an improvement to what exists today, and the facility will be fenced for safety and screening. He said this improvement will benefit the community because it will provide clean, safe drinking water.

Chairman Shivas opened to the public.  
 Dan Becerra, 94 Lynn Drive had concerns about the collection and removal of the uranium. Mr. Holt said it is done through an ion exchange process whereas 12 vessels that contain a proprietary media that water passes thru and collects and stores the uranium. He said sensors will indicate when the media has been exhausted. At that time the vendor, who is secured by contract, will remove the vessels via proper handling and disposal by a process that is currently used to treat and collect uranium today. Mr. Chozick asked how often this happens. Mr. Holt said it could be years. Chairman Shivas had concerns about the collection and transport of the material. Mr. Holt said the construction of the vessels holding the uranium is so safe that the people collecting the vessels are not required to wear protective clothing. He said the vessels are removed from the site and disposed of in accordance with EPA requirements. Mr. Becerra asked if lighting will be used at night. Mr. Holt said no.

No one else from the public came forward. Chairman Shivas closed to the public.

Mr. David Simmons, substitute for the Planning Board Engineer said he was recently involved with a similar project in Stillwater with the same company. He said he visited this site, and believes the site accommodates the use and it will be an improvement to the site. Chairman Shivas asked if monitoring is required. Mr. Holt said yes, the DEP

requires mandatory monitoring, the frequency of testing, and a contract is provided to DEP, which is a mandatory requirement.

A motion was made by Mr. Walsh, the motion was seconded by Mr. Morytko to approve this application. The following vote was taken.

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
Motion							√			
Seconded		√								
Aye		√	√				√	√	√	√
Nay										
Abstain						√				
Absent	√			√	√					

Motion carried.

**OPEN TO THE PUBLIC**

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

ADJOURNMENT

A motion to adjourn the meeting was made at 8:35 p.m. by Ms. Shimamoto, and seconded by Mr. Morytko. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: *Cheryl White*