

MEETING MINTUES OF THE BYRAM TOWNSHIP PLANNING BOARD: July 17 2025

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

ROLL CALL:

Members Present: Mss. Raffay, Lewandowski, DeMagistris; Messrs. Mayor Rubenstein, Proctor, McElroy, Smith, Walsh, Chairman Shivas

Members Absent: Ms. Colligan, Mr. Morytko

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 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: July 3, 2025

Motion of Mr. Smith to approve the minutes, second of Ms. Proctor.

Ayes: Mss. Raffay, DeMagistris, Ms. Lewandowski; Messrs. Proctor, Mr. McElroy, Smith, Walsh, Chairman Shivas

Abstaining: Mayor Rubenstein, Mr. McElroy, Chairman Shivas

Absent: Ms. Colligan, Mr. MOR

None opposed. Motion carried.

RESOLUTIONS

Z08-2024 Diane and William Carkhuff, 82 South Shore Road, Block 189 Lot 1, R-5 Zone

Application for construction of a new single-family dwelling

Motion of Mr. Proctor to approve the application, second by Mr. Smith.

Ayes: Mss. DeMagistris, Ms. Lewandowski; Messrs. Proctor, McElroy, Smith, Walsh

Abstaining: Ms. Raffay, Mayor Rubenstein, Mr. McElroy, Chairman Shivas

Absent: Ms. Colligan, Mr. Morytko

None opposed. Motion carried.

Z09-2024, Daniel Scully, 33 Allamuchy Trail, Block 144 Lot 135 and 136, R-5 Zone

Amended application to construct a dwelling on a property with three front yards

Motion of Mr. Proctor to approve the application, second by Ms. DM.

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

Abstaining: Ms. Ms. Lewandowski

Absent: Ms. Colligan, Mr. Morytko

None opposed. Motion carried.

SUBCOMMITTEE

SP6-2023 Tomahawk Lake, 155 Tomahawk Trail, Block 343 Lots 1, 2, 3, CR Zone

Application for amended site plan and use variance approval to use Lot 3 for additional parking, reconfigure the overflow parking area and employee parking area, construct a slide and merry-go-round, and modify a ticket office for larger square footage

Mr. Walsh said when the Subcommittee met a year ago to discuss this application, it was deemed incomplete. The applicant was given a list of items to be able to deem the application complete; the majority are still incomplete or unsatisfied. They need DEP concurrence that they are in accordance with their treatment works approval for septs and portable toilets; their site plan needs to indicate environmental features including wetlands and flood hazard areas; the EIS has the incorrect number of parking spaces; dimensions and setbacks of all the structures on the property; and a circulation plan that has the dimensions of all the roadways. For some of the plans, the information has been submitted but it's in stand-alone plans, and they need it as one site plan package.

Motion of Mr. Walsh to deem the application incomplete, second by Ms. Raffay.

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

Absent: Ms. Colligan, Mr. Morytko

None opposed. Motion carried.

SP4-2025 Ionna EV (Wawa), 75 Route 206, Block 34 Lot 15, VB Zone

Application for EV charging stations in Wawa parking lot

Mr. Walsh said when Wawa was approved, their plan included two chargers. Those weren't constructed, and now they want to install eight charger stations in the rear of the building, which would lose one parking space overall. When they appear for a hearing, they want the applicant to discuss how the parking change is going to impact things. The charging station will include an equipment enclosure, and they'll want to hear about the location and landscaping proposed around it. Motion of Mr. Walsh to deem the application complete and schedule it for August 7th, second by Ms. Raffay. Mr. Proctor confirmed that's enough time for noticing.

Ayes: Mss. Raffay, DeMagistris, Ms. Lewandowski; Messrs. Mayor Rubenstein, Proctor, McElroy, Smith, Walsh, Chairman Shivas

Absent: Ms. Colligan, Mr. Morytko

None opposed. Motion carried.

EXTENSION REQUEST

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

John Gallina appeared on behalf of the applicant, Tony Reis. They're requesting an extension for the site plan approval and the time in which construction needs to begin on the parts with which variances were granted. They provided an updated package at the meeting. Their approval was granted in September of 2023, and the construction of the building may begin in spring of 2026. They're asking for an extension through September of 2026. Chairman Shivas asked why they're seeking the extension.

Mr. Gallina said because of the amount of work needed; the restaurant is undergoing renovations, and considering financing, the construction of the new building is projected for 2026. They submitted other documentation including cross-access agreements, and there will be two affordable housing units in the new building. Mayor Rubenstein confirmed there was an original approval in 2012. Mr. Reis said there's an empty spot in the current building. He's planning to open the restaurant this year and work on the financing. Mayor Rubenstein noted they receive a lot of questions about when the lot is going to be developed. Mr. Reis said he tries to do things every year like paving and new sidewalks.

Motion of Mr. Smith to approve the extension request, second by Ms. Walsh.

Ayes: Mss. Raffay, DeMagistris, Ms. Lewandowski; Messrs. Mayor Rubenstein, Proctor, McElroy, Smith, Walsh, Chairman Shivas

Absent: Ms. Colligan, Mr. Morytko

None opposed. Motion carried.

NEW BUSINESS

Zo7-2025, Anthony Castelluccio, 4 Sandys Road, Block 403 Lot 77, R4

Application for gable roof cover and house generator

Antony Castelluccio was sworn in as the applicant. He has a 20-foot bass boat that he wants to protect from the weather. He asked his closest neighbor, and they don't have an issue. Chairman Shivas confirmed the structure is mainly a roof with no sides. Mr. Castelluccio said they're six by six posts with beams and a gable roof. Ms. Hubbard confirmed he needs variances for the side and rear yards. Mr. Stoner said he needs one for the size as well. Mayor Rubenstein confirmed he took the treehouse down. The Board discussed the height. Mr. Castelluccio confirmed it will be no more than 13 feet. Ms. Raffay asked about the topography. Mr. Castelluccio said the driveway is sloped down, and after the driveway is flat. Ms. Raffay asked for other potential locations for this structure. Mr. Castelluccio said there's really nowhere else; he can't back the boat around the house. There's no access from the road to the left side of the house. Ms. Raffay confirmed it'll be two feet off the property line, measured from the farthest overhang. Mr. Castelluccio wasn't thinking of putting gutters, but if so, they would be on the side with his yard. He's not extending the driveway, and the inside of the structure will have gravel. Mr. Walsh asked if this is where he currently keeps his boat. Mr. Castelluccio said in the winter he stores it in a warehouse. Mr. Walsh confirmed where he's proposing this is somewhere he can already access. Mr. McElroy confirmed he can stay on his property to bring the boat in. Mr. Castelluccio noted he built an addition. Chairman Shivas asked about water runoff. Mr. Castelluccio said the neighbor's property slopes down. The water from the structure will run into the back yard. Ms. Raffay asked about storage; Mr. Castelluccio said he may hang some things, but no storage. Ms. Raffay confirmed there are no sides or doors. Mr. Castelluccio said the photo rendering in the packet is what it'll look like.

Ms. Raffay asked about the generator. Mr. Castelluccio said he has natural gas, so he wants a gas-run generator. Ms. Raffay confirmed he doesn't need any variances for this. Mayor Rubenstein confirmed he completed his gas conversion, and noted he has two open Construction permits, one of which is the conversion and the other is for a fire chimney liner in 2003. Mr. Castelluccio said the chimney is gone. Chairman Shivas confirmed there is a variance needed for the distance between the accessory structure and the house. Ms. Raffay confirmed the septic field is in the front of the house. She asked about moving the structure away from the house. The Board discussed neighbors' house locations in relation to the structure. Chairman Shivas noted it'll be a variance either way if the structure stays where proposed or if it's moved. Ms. Raffay wants more space between the house and structure. Mr. Walsh would rather that it's closer to the house so it's impacting the applicant more than a neighbor. Ms. Raffay noted access to the back yard. Mr. Castelluccio said there used to be a fence, which is shown on the survey. Near the fence is where a wooded area starts. He removed ash trees, and doesn't have any other trees that would impact him. Mr. Walsh asked about bringing equipment to the back yard. Mr. Castelluccio said he could get a backhoe there. He tries not to, because his leech field is in the front. He could go through the structure if he needed to bring something through. Mr. McElroy said the resolution should say it's conforming and won't be any closer than 6 feet.

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

Ms. Hubbard confirmed Mr. Castelluccio will amend his application to include the additional variances. Motion of Mayor Rubenstein to approve the application subject to the conditions, second by Mr. Walsh. Mayor Rubenstein noted one of the conditions is making sure the construction permits are closed.

Ayes: Mss. Raffay, DeMagistris, Ms. Lewandowski; Messrs. Mayor Rubenstein, Proctor, McElroy, Smith, Walsh, Chairman Shivas

Absent: Ms. Colligan, Mr. Morytko

None opposed. Motion carried. Ms. Hubbard explained the appeal period.

SP3-2025 Aqua New Jersey, Inc., Lynn Drive, Block 337.04 Lot 25.45, R3 Zone

Application for utility enclosure for PFAS water treatment equipment

Richard Wells from Archer and Greiner represented the application. They're seeking approval for the installation of a utility enclosure to help with PFAS treatment equipment. This is for Well 2 on Lynn Drive. The focus of this application is the well and pump house area of the lot. The original site was approved as part of the Forest West development between 1982 and 1983. The approval included the parcels in the subdivision, the streets and access roads, and easements for utilities and water distribution, and bulk variances including the water tower height. The approval hasn't been touched since the original development. The Byram homeowners association and the HOA water company were formed, which owned and operated the distribution equipment. Aqua, the applicant, purchased the equipment and distribution system around 2016, and no site improvements other than maintenance and equipment upgrades have occurred. These improvements may be considered a site plan waiver, but the public utility uses in Byram are treated as conditionally permitted, which requires them to come to the Board for approval.

Mr. Wells submitted Exhibit A1, a packet of pre-marked exhibits including maps and photos. Mayor Rubenstein asked who the owner of the property is. Mr. Wells said it's the homeowners' association, and Aqua owns the easement and equipment. Mayor Rubenstein noted they need the owner's consent. Mr. Wells said they didn't obtain a separate authorization. Mr. Proctor asked if they can hear the application and make it a condition of approval that they get authorization from the property owner. Ms. Hubbard noted that the application was marked off as completed. It's a checklist item, so it's up to the Board if they want to waive it and make it "subject to."

Motion of Mr. Mr. McElroy to allow the applicant to continue, subject to any condition of approval having the authorization by the Forest West homeowners' association, stating that they permit the application, second by Mr. Proctor.

Ayes: Mss. Raffay, DeMagistris, Ms. Lewandowski; Messrs. Mayor Rubenstein, Proctor, McElroy, Smith, Walsh, Chairman Shivas

Absent: Ms. Colligan, Mr. Morytko

None opposed. Motion carried.

Chairman Shivas noted he was on the Board when the approval was received. At the time it was built, there was also a Forest South, and then Forest South and West joined. Down Lynn Drive, the piping was going to go down Amity and then back up Lee Hill, so there would be a complete loop. Elias Bakhash was sworn in as the Engineering Manager for Aqua in Hamilton. Richard Schommer was sworn in as an Engineer with H2M Associates in Parsippany. Mr. Wells noted Mr. Bakhash

isn't an expert, he is representing Aqua. Mr. Wells showed Exhibit A2 in the packet. Mr. Bakhsh said the system is looped so they don't lose the pressure in the distribution system. Chairman Shivas confirmed it has been looped. Mr. Wells said Aqua isn't proposing any changes to the distribution system.

Mr. Bakhsh said Well 2 serves residents connected to the distribution system. Mr. Wells confirmed there is no business activity, so there's no offices or restrooms. Mr. Bakhsh said it's monitored, and an operator visits about once a day for testing equipment. They're proposing to add additional treatment for PFAS, which is a chemical contaminant. They were asked by the DEP to treat for PFAS for all of the wells in which PFAS is found. They're a regulated public utility, and they comply with the regulations set by local, state, and federal government. Mr. Wells confirmed this is also coming from the EPA, and this isn't just for Byram and not just Aqua— it's all public water utilities throughout the country which have the same obligation. The obligation begins in 2029, which is when they're required to test the machine and contaminant levels associated with the new regulations. If they don't comply they will need to shut down. Mr. Bakhsh said what they're proposing is a filtration system that has media in it. There's no chemical addition or noise vibration. Mr. Wells confirmed there's no pumps being added, just the filters, and the filter media needs to be changed once a year. Mr. Bakhsh said for this, a truck takes the media in an enclosure and into the truck, and new media is put in. It is a fully sealed and regulated process. Mr. Wells confirmed there's no danger of the media being sprayed in the air, dumped in the ground, or released in general. He confirmed from the outside there's no discernable change. Mr. Bakhsh said the flow is the same. Mr. Wells said they're proposing to put this in an utility enclosure. He confirmed the enclosure is industry standard. Mr. Bakhsh said they use this across other locations. Mr. Wells confirmed the equipment is sized for the flow of each well. Mr. Bakhsh said the enclosure will be locked. Currently they are compliant with water quality. Mr. Wells confirmed they will continue to be compliant when the 2029 industry standards are in place.

Mr. Schommer said he's a licensed engineer and planner. He's appeared at various Boards, serves as Board engineer in Jefferson, and has done so in other municipalities. He created the plans being shown for this application, and his licenses are current. He has worked in Morristown and Chatham. Mr. Schommer said there's an access driveway from Lynn Drive, a one-story shed, and a fence. There is a lot of vegetation and the site is wooded. They're not proposing to change any of this. Mr. Wells confirmed the site is in a wetlands transition area. Mr. Schommer said they delineated wetlands areas, they're not doing anything in them, and they don't need DEP permits because all of the work is taking place on existing pavement or disturbed areas. They confirmed with DEP they don't need permits, because the nature of the work is minor. The enclosure is 7.5 feet by 11.5 feet, and 9.5 feet high, and they're placing it on existing pavement. They have underground utilities. Mr. Wells confirmed this doesn't trigger any variances, and there's no change in runoff. He showed Exhibit A6, an existing site photo. Mr. Schommer said there is an existing light at the back of the shed, which they aren't changing, and they're not adding new lighting. They showed Exhibit A7, for what the enclosure will look like and where the treatment vessels will be located. Mr. Schommer said it can be either green or brown. The new enclosure will be at the back of the driveway. Mr. Wells showed a photo looking down the driveway. Mr. Schommer said looking right up the driveway is the only way to see anything. Someone driving past isn't going to see anything. Chairman Shivas said he drove past the site before the meeting

and he can't see the shed. Mr. Smith confirmed the new structure is next to the shed. Mr. McElroy confirmed the new structure is 13.6 feet from the existing shed. He asked why it's at the end of the driveway, and not closer to the shed. Mr. Schommer said accessibility, to change the filters. It also minimizes the impervious coverage. They have exemptions from the Soil Conservation District, the Sussex County Planning Board, and a Highlands exemption. Mayor Rubenstein noted he wants the color to be green. Ms. Hubbard asked why it doesn't match the other building. Chairman Shivas confirmed they change the materials through the top of this type of structure. Mayor Rubenstein noted this looks to be prefabricated. Mr. McElroy said if you're not looking for this, you won't see it. Mr. Proctor asked if they're doing anything at other wells. Mr. Bakhash said this is a combined system, so they're treating only the wells that have PFAS. The other well has lower levels in compliance. Mr. Wells said by 2027 they need to have the testing complete. Chairman Shivas noted if Well 2 shuts down, they'll use Well 1. Mr. McElroy confirmed if they do their testing on the other well and the levels are higher, they'll need to come back before the Board for the same process. Mr. Smith confirmed that Well 2 is above the PFAS levels for the 2029 standards. The other well is not above those levels, so doesn't require this work. Mr. Bakhash noted there are construction and fabrication times to consider, so they're being conscious of the time needed to get this done, and get the testing. They anticipate this running in a year. Mr. Smith said they've had a lot of PFAS treatment systems come to the Board, and some are larger than this. He asked why the size is the way it is. Mr. Bakhash said it's designed based on flow. Each well has a flow and system hydraulics. There are two types of PFAS treatment, the GAC (granular activated carbon), and ionic exchange. For this well, it's ionic exchange, which tends to be smaller and doesn't produce backwash. Both technologies are approved by the DEP. Mr. McElroy asked if they go over the 2029 standard once, what do they do? Does the number fluctuate a lot? Mr. Bakhash said they've been testing for about the past two years, and getting consistent results, since it doesn't go anywhere. They can't destroy PFAS, but can treat it. Aqua or other water companies didn't put the chemical in; it comes from manufacturing, paint, and other applications. They stay in compliance with regulations and laws.

Mr. Stoner asked about the purpose of the new water line, from the well house to the street. Mr. Bakhash said it's to provide enough contact time for the chlorine residual in the water. They inject chlorine in the water, and there's a set time the chlorine needs to stay in contact with the water before it gets to the residents. If they have larger storage, that provides contact time, and sometimes it's a large pipe. Mr. Stoner noted the driveway is beat-up, and they're trenching to the road. He asked if they're leaving the trench there or re-paving. Mr. Bakhash said they can pave the driveway. Mr. Stoner said they'll need a street opening permit. Mr. Bakhash explained the water filling and pumping process. This is an addition to the existing treatment. Mayor Rubenstein noted they couldn't find the original resolution. He asked if they should approve all features of the site plan, even pre-existing items, to memorialize it. Mr. Wells said the only resolution they could reference was from 1983. Mayor Rubenstein confirmed those features are on the plan. Ms. Hubbard asked if they could submit the resolution as Exhibit A9. Mayor Rubenstein asked about the site survey document, which has a fence over the property line. Ms. Hubbard said they can note it but can't approve an encroachment. Mayor Rubenstein said they have an open construction permit from 2017 for an electrical alteration for the pump house. He said as water companies come in, they're trying to discuss fire flows and hydrants. The Fire Department asks about that status of the hydrants on this system—are they usable, do they do flow testing, and are there results? Mr.

Bakhash said they have flow testing results. They test on a regular basis to make sure they're functional. He can work with the Fire Department and share the information. Chairman Shivas noted he'd like someone to confirm if the two systems have been hooked together. They don't look like they connect. Mr. Bakhash will talk to the distribution manager. They like to make their distribution systems looped.

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

Chairman Shivas noted one of the conditions should be the consent of the property owner. Mayor Rubenstein confirmed they decided the color of the structure should be green. He noted one of the conditions is closing the construction permit. Mr. Wells noted another condition is paving the driveway in lieu of trenching. Ms. Hubbard noted the street opening permit and complying with the professionals' reports. Motion of Mr. Proctor to approve the application subject to the conditions discussed, second by Ms. DeMagistris.

Ayes: Mss. Raffay, DeMagistris, Ms. Lewandowski; Messrs. Mayor Rubenstein, Proctor, McElroy, Smith, Walsh, Chairman Shivas

Absent: Ms. Colligan, Mr. Morytko

None opposed. Motion carried.

REPORTS FROM COMMITTEES

Environmental Commission- Mr. McElroy said they have a meeting next week.

Open Space- Ms. Phillip said their July meeting was cancelled, and their next meeting is in August.

Township Council- Mayor Rubenstein said there's a resolution for paving on Route 206 from 80 to Andover Borough. The resolution calls on the DOT to resolve the Forest Lakes Drive North intersection issue, where they don't believe that road exists. Mr. Proctor said there is a program called Arrive, in which all calls that the police department receives that involve mental or behavioral health, they will now file a form with Atlantic Health, and Atlantic Health will send it to mental health professionals, who will follow up with the caller. He said the other item is a sidebar agreement between the Township and the DPW collective bargaining union for conditions for the designation of a backup operator for the sewer collection system. Mayor Rubenstein said they introduced an ordinance, in which there is a property that has a septic system across the street, and part of their yard is on Township property. The ordinance is to sell them that strip of land for \$2,500. He said they'll be applying for a Clean Energy Plan grant with Sustainable New Jersey. There was an application for a Congressionally Directed spending grant, for CO Johnson field house improvements, and they're on the short list. Mr. Stoner said they're paving Roseville around August or September. Mayor Rubenstein said there will be improvements to the DPW break building, and will be bidding out the leaf shed.

Zoning Report- Everyone had a copy.

BILLS:

Harold Pellow (5): \$1,622.50. A motion to approve the bills was made by Mr. Walsh, seconded by Mr. Proctor. All were in favor. Motion carried.

Maraziti Falcon (7): \$2,345.00. A motion to approve the bills was made by Mr. Walsh, seconded by Mr. Proctor. All were in favor. Motion carried.

OPEN TO THE PUBLIC

Chairman Shivas opened to the public. Patricia Moschella asked if there are any updates on Mountainside General Store. Mayor Rubenstein said they came in a few months ago for a building in the back. Mr. Stoner said there are a few items outstanding but they're close to being done. Chairman Shivas closed to the public.

ADJOURNMENT

A motion to adjourn the meeting was made at 9:25 pm by Mr. McElroy, seconded by Mr. Walsh. All were in favor. Motion carried. The meeting was adjourned.

Submitted by Caitlin Phillips