

TOWNSHIP OF BYRAM
COUNCIL AGENDA, TUESDAY, OCTOBER 6, 2015
EXECUTIVE SESSION – 7:00 P.M.
REGULAR SESSION– 7:30 P.M.

1. **CALL MEETING TO ORDER**
2. **OPEN PUBLIC MEETING STATEMENT**

Adequate notice of this meeting has been made in accordance with the Open Public Meetings Act, NJSA 10:4-6 by forwarding the annual notice to the New Jersey Herald posting the agenda on the bulletin board located in the Council Meeting Room and the Township website and by filing same with the Township Clerk.
3. **ROLL CALL**
4. **RESOLUTION FOR EXECUTIVE SESSION**
 - a. Pending Litigation
 - Crown Atlantic
 - b. Attorney Client Privileged Communication
 - General
 - Jefferson Lakes Leasehold Interest
 - PSE&G
 - Seasonal Sales Permit
 - c. Contract Negotiations
 - PBA
 - BARKS
5. **RETURN TO OPEN SESSION**
6. **PLEDGE OF ALLEGIANCE AND MOMENT OF SILENT REFLECTION**
7. **APPROVAL OF AGENDA**
8. **PUBLIC PARTICIPATION I** – Meeting open to the public for comments on matters not on the agenda or items on the agenda for which no public discussion is provided.
9. **REPORTS**
 - Township Manager
 - Mayor and Council Members
 - Township Attorney
10. **APPROVAL OF MINUTES**
 - September 15, 2015 Regular Meeting Minutes
 - September 15, 2015 Closed Session Minutes
11. **CONSENT AGENDA:** These items are considered to be routine by the Members of the Township Council and will be enacted on by one motion. There will be no separate discussion of these items unless a citizen or Council member so requests in which event the item may be removed from the general order of business and considered in its normal sequence on the agenda.
 - A. Resolution No. 146-2015 – Resolution of Acceptance of Donations for the Celebration of Byram Day
 - B. Resolution No. 147-2015 – Resolution Authorizing the Execution of an Agreement Between Byram Township and Andover Township for Snow Removal Services on the Forest Lakes Section of Andover Township
 - C. Resolution No. 149-2015 – Chapter 159 – Hazard Mitigation Grant - \$25,000
 - D. Resolution No. 150-2015 – Chapter 159 – Amended Highlands Plan Conformance Grant - \$25,000
 - E. Resolution No. 151-2015 – Resolution Authorizing Execution of Change Order No. 1 for Bituminous Chip Sealing of Various Roads in Forest Lakes, Byram Township
 - F. Resolution No. 152-2015 – Resolution Authorizing the Execution of a Contract with New Jersey Housing and Mortgage Finance Agency (HAS) for the Administration of Affordable Units in Byram Township
12. **APPROVAL OF OCTOBER 6, 2015 BILL LIST**
13. **ORDINANCES – Introduction/First Reading**
 - An Ordinance of the Mayor and Council of the Township of Byram to Vacate, Release and Extinguish and Public Rights as to Portions of the Street Known as Raccoon Trail, Pursuant to N.J.S.A. 40:49-6 and N.J.S.A. 40:67-21
 - An Ordinance of the Mayor and Council of the Township of Byram to Vacate, Release and Extinguish and Public Rights as to Portions of the Street Known as Cove Drive Also Known as Cove Road, Pursuant to N.J.S.A. 40:49-6 and N.J.S.A. 40:67-21
 - An Ordinance to Amend Chapter 240 of the Byram Township Code Entitled “Zoning” to Modify the Village Business Mixed Use District (VB)
14. **DISCUSSION**
 - Brookwood Park Clean up
 - Resolution 148-2015 – Resolution Authorizing the Submittal of CY2015 Best Practices Inventory Certification Form
15. **PUBLIC PARTICIPATION II**
16. **EXECUTIVE SESSION – Session II (if necessary)**
17. **ANY OTHER BUSINESS THE COUNCIL DEEMS NECESSARY**
18. **ADJOURNMENT**

**TOWNSHIP OF BYRAM
RESOLUTION NO. 146 - 2015**

**RESOLUTION OF ACCEPTANCE OF DONATIONS FOR THE
CELEBRATION OF BYRAM DAY**

WHEREAS, Byram Township has established a dedicated trust by rider for donations of gifts and bequests for the celebration of "Byram Day" pursuant to N.J.S.A. 40A:50-29 through Resolution No. 87-2009; and

WHEREAS, Byram Township has received several donations for the benefit of Byram Day celebrations; and

WHEREAS, Byram Land Development has donated \$100 for the benefit of Byram Day celebrations; and

WHEREAS, Tomahawk Lake has made a donation to the winner of the 14 and Under Byram Run entitling free admission and wristbands to Tomahawk Lake Waterpark for four people on any weekday in 2016, valued at \$96.00; and

WHEREAS, David Gray and Alex Rubenstein each directly paid \$382.31 to Sussex County Rental Center for 2 inflatable rides, total value \$764.62, as a donation for Byram Day; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Byram, County of Sussex, State of New Jersey, that these donations are accepted and great appreciated.

BYRAM TOWNSHIP COUNCIL

COUNCIL MEMBER	<i>Councilwoman Raffav</i>	<i>Councilman Gray</i>	<i>Councilman Olson</i>	<i>Councilwoman Kash</i>	<i>Mayor Oscovitch</i>
Motion					
2nd					
Yes					
No					
Abstain					
Absent					

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on October 6, 2015.

Doris Flynn, Township Clerk

**TOWNSHIP OF BYRAM
SUSSEX COUNTY, NEW JERSEY
RESOLUTION NO. 147 – 2015**

**RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN BYRAM
TOWNSHIP AND ANDOVER TOWNSHIP FOR SNOW REMOVAL SERVICES ON THE FOREST
LAKES SECTION OF ROAD OF ANDOVER TOWNSHIP**

WHEREAS, the Township Council, Manager and Township Attorney have reviewed the agreement by and between Byram Township and Andover Township for snow removal services on the Forest Lakes Section of Road of Andover Township; and

WHEREAS, the Township Council would like to renew the existing shared services agreement for snow removal services for the 2015/2016 and 2016/2017 seasons.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Byram, County of Sussex, State of New Jersey that the Mayor and Clerk are hereby authorized to execute said agreement for snow removal services.

BYRAM TOWNSHIP COUNCIL

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion					
2nd					
Yes					
No					
Abstain					
Absent					

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on October 6, 2015

Doris Flynn, Township Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 148 – 2015**

**RESOLUTION AUTHORIZING SUBMITTAL OF CY2015 BEST PRACTICES
INVENTORY CERTIFICATION FORM**

WHEREAS, the State of New Jersey requires every municipality to complete a “Best Practices Inventory” each year; and

WHEREAS, the Chief Financial Officer in conjunction with the Township Manager has completed the CY2015 Best Practices Inventory and distributed it to the Mayor and Council for review.

WHEREAS, the Chief Financial Officer, Chief Administrative Officer and the Municipal Clerk have certified the Best Practices Inventory Form results; and

WHEREAS, Byram Township achieved a score of 98% and will receive 100% of the final municipal aid payment.

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Township of Byram has reviewed the CY2015 Best Practices Inventory at a public meeting held on October 6, 2015; and

BE IT FURTHER RESOLVED, that the governing body of the Township of Byram authorizes the Municipal Clerk to submit the certification form to the Division of Local Government Services.

BYRAM TOWNSHIP COUNCIL

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion					
2nd					
Yes					
No					
Abstain					
Absent					

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on October 6, 2015.

Doris J. Flynn
Township Clerk

TOWNSHIP OF BYRAM
RESOLUTION NO. 149 - 2015
CHAPTER 159

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Township of Byram, County of Sussex, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$25,000.00 which is now available as a revenue from:

Miscellaneous Revenues – Section F
 Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:
 Public and Private Revenues Offset with Appropriations:
 Hazard Mitigation Grant

BE IT FURTHER RESOLVED, that the like sum of \$25,000.00 be and the same is hereby appropriated under the caption of:
 General Appropriations:

(a) Operations Excluded from CAPS
 Public and Private Programs Offset by Revenues:
 Hazard Mitigation Grant

BE IT FURTHER RESOLVED, that the Township forward one copy of this resolution to the Director of the Division of Local Government Services.

BYRAM TOWNSHIP COUNCIL

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion					
2 nd					
Yes					
No					
Abstain					
Absent					

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on October 6, 2015.

 Doris Flynn, Township Clerk

TOWNSHIP OF BYRAM
RESOLUTION NO. 150 - 2015
CHAPTER 159

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Township of Byram, County of Sussex, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$25,000.00 which is now available as a revenue from:

Miscellaneous Revenues – Section F
 Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:
 Public and Private Revenues Offset with Appropriations:
 State of New Jersey, Highlands Water Protection & Planning Council
 Highlands Plan Conformance Grant

BE IT FURTHER RESOLVED, that the like sum of \$25,000.00 be and the same is hereby appropriated under the caption of:
 General Appropriations:

(a) Operations Excluded from CAPS
 Public and Private Programs Offset by Revenues:
 State of New Jersey, Highlands Water Protection & Planning Council
 Highlands Plan Conformance Grant

BE IT FURTHER RESOLVED, that the Township forward one copy of this resolution to the Director of the Division of Local Government Services.

BYRAM TOWNSHIP COUNCIL

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion					
2 nd					
Yes					
No					
Abstain					
Absent					

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on October 6, 2015.

 Doris Flynn, Township Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 151 - 2015**

**AUTHORIZATION TO EXECUTE CHANGE ORDER NO. 1
TOWNSHIP OF BYRAM FOR BITUMINOUS CHIP SEALING OF
VARIOUS ROADS IN FOREST LAKES**

WHEREAS, the Township of Byram (Owner) and Dosch-King Co., Inc. (Contractor) entered into an Agreement for the bituminous chip sealing of various roads in Forest Lakes; and

WHEREAS, in the process of completing the work, certain changes were authorized by the Owner as detailed in Change Order No. 1; and

WHEREAS, the revised work was negotiated between the engineer Harold Pellow & Associates and the Contractor and was found to require a net increase of \$24,199.60 in the total of the contract.

NOW, THEREFORE, BE IT RESOLVED by the Township of Byram in the County of Sussex, State of New Jersey to authorize the Mayor to execute Change Order No. 1 for a net increase of the contract price in the amount of \$24,199.60 per the attached Change Order No. 1 for a total contract price of \$145,999.60.

BYRAM TOWNSHIP COUNCIL

COUNCIL MEMBER	<i>Councilwoman Raffav</i>	<i>Councilman Gray</i>	<i>Councilman Olson</i>	<i>Councilwoman Kash</i>	<i>Mayor Oscovitch</i>
Motion					
2nd					
Yes					
No					
Abstain					
Absent					

ATTEST:

I certify that the foregoing Resolution was adopted by the Byram Township Council at a meeting held on October 6, 2015.

Doris Flynn, RMC
Township Clerk

**TOWNSHIP OF BYRAM
SUSSEX COUNTY, NEW JERSEY
RESOLUTION NO. 152 – 2015**

**RESOLUTION AUTHORIZING ENTERING INTO A CONTRACT WITH AN
ADMINISTRATIVE AGENT FOR THE ADMINISTRATION OF AFFORDABLE
UNITS**

WHEREAS, the Governing Body of Byram Township petitioned the Council on Affordable Housing (COAH) for substantive certification of its Housing Element and Fair Share Plan on May 17, 2010; and

WHEREAS, Byram Township's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and COAH's Third Round Substantive Rules (N.J.A.C. 5:94-1, et. seq.); and

WHEREAS, the Mayor and Council of the Township of Byram wish to enter into an agreement with New Jersey Housing and Mortgage Finance Agency (HAS) for the purpose of administering and enforcing the affordability controls and the Affirmative Marketing Plan of Byram Township, adopted by Resolution Number 152-2015 on October 6, 2015, in accordance with the regulations of the Council on Affordable Housing pursuant to N.J.A.C. 5:94 et.seq. and the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26 et.seq.; and

WHEREAS, the agreement designates HAS as the Administrative Agent for all the units in Byram Township's affordable housing program.

NOW THEREFORE BE IT RESOLVED, that subject to COAH's approval of this agreement, the Mayor and Municipal Clerk are hereby authorized to sign this agreement dated October 6, 2015; and

BE IT FURTHER RESOLVED, Byram Township hereby designates the Municipal Housing Liaison as the liaison to HAS; and

BE IT FURTHER RESOLVED, this agreement is hereby attached to the original of this resolution.

Adopted: October 6, 2015

ATTEST:

Doris J. Flynn, Municipal Clerk

APPROVED:

James Oscovitch, Mayor

TOWNSHIP OF BYRAM
Sussex County, New Jersey

ORDINANCE NO: _____ - 2015

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE
TOWNSHIP OF BYRAM TO VACATE, RELEASE AND EXTINGUISH
ANY PUBLIC RIGHTS AS TO PORTIONS OF THE STREET
KNOWN AS COVE DRIVE ALSO KNOWN AS COVE ROAD,
PURSUANT TO N.J.S.A. 40:49-6 AND N.J.S.A. 40:67-21**

Purpose Statement: The purpose of this Ordinance is to vacate portions of streets known as "Cove Drive" a/k/a "Cove Road", pursuant to N.J.S.A. 40:49-6 and N.J.S.A. 40:67-21.

WHEREAS, Brian and Tracy Church (collectively "the Churches") are the title owners of record of the property known as 4 Raccoon Trail, Andover, New Jersey 07821, Block 317, Lot 20.01 in the Township of Byram; and

WHEREAS, the Churches have rights to property adjacent to a portion of the road known as "Cove Drive," a/k/a "Cove Road," ("the subject road"), as depicted and described in the metes and bounds description for the subject road, attached hereto as Schedule A; and

WHEREAS, the Churches have requested that Byram Township vacate all interest in the subject road, except for except for all rights and privileges presently possessed by Public Utilities, as defined in R.S. 48:2-13, and any Cable Television Company as defined in the Cable Television Act, P.L. 1972, c. 186 (c.48:5A-1, et seq.), to maintain, repair and replace their existing facilities in, adjacent to, over or under the said area to be vacated; and

WHEREAS, it was found and determined by the Township Council of the Township of Byram that the subject road is not depicted on the Byram Township Tax Map, is not maintained by Byram Township, and is not needed for public use.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Byram as follows:

SECTION 1. Vacation. Any public rights as to the right-of-way of the subject road as depicted and described on the attached Schedule A are hereby vacated, except for all rights and privileges presently possessed by Public Utilities, as defined in R.S. 48:2-13, and any Cable Television Company as defined in the Cable Television Act, P.L. 1972, c. 186 (c.48:5A-1, et seq.), to maintain, repair and replace their existing facilities in, adjacent to, over or under the said area to be vacated.

See attached Schedule A for the description of the subject road to be vacated.

SECTION 2. **Introduction and Final Passage.** After being introduced and having passed a first reading, this Ordinance shall be published at least once not less than ten (10) days prior to the time fixed for further consideration for final passage.

At least one (1) week prior to the time fixed for further consideration of this ordinance for final passage, a copy thereof, together with notice of its introduction and the time and place when and where the ordinance will be further considered for final passage, shall be mailed to every person whose lands may be affected hereby so far as may be ascertained. The Township Clerk shall mail said notice in accordance with N.J.S.A. 40:49-6.

Within sixty days (60) days of the effective date of this Ordinance the Township Clerk shall file a copy, certified by her under seal of the Township to be a true copy, together with proof of publication thereof, in the Office of the Sussex County Clerk in accordance with N.J.S.A. 40:67-21.

SECTION 3. **Severability.** If any part of this Ordinance is for any reason held to be invalid such decision shall not affect the validity of the remaining portion of the Ordinance. Any ordinance or portion thereof that may be inconsistent with the ordinance is hereby repealed to the extent of the inconsistency.

SECTION 4. **Effective date.** This Ordinance shall take effect in the time and manner prescribed by law.

INTRODUCED: October 6, 2015

ADOPTED:

Township of Byram

JAMES OSCOVITCH, MAYOR

ATTESTED:

DORIS FLYNN, TWP. CLERK

NOTICE

TAKE NOTICE that the above entitled ordinance was introduced at a regular meeting of the Mayor and Township Council of the Township of Byram, County of Sussex, New Jersey held on October 6, 2015 and will be considered for final passage after public hearing at a regular meeting of the Mayor and the Township Council to be held on November 2, 2015 at 7:30 p.m. in the Municipal Building, 10 Mansfield Drive, Stanhope, New Jersey. During the preceding week, copies of the ordinance will be made available at the Clerk's office in the municipal Building to members of the general public.

BYRAM TOWNSHIP

DORIS FLYNN, TOWNSHIP CLERK

TOWNSHIP OF BYRAM
Sussex County, New Jersey

ORDINANCE NO: _____ - 2015

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE
TOWNSHIP OF BYRAM TO VACATE, RELEASE AND EXTINGUISH
ANY PUBLIC RIGHTS AS TO PORTIONS OF THE STREET
KNOWN AS RACCOON TRAIL,
PURSUANT TO N.J.S.A. 40:49-6 AND N.J.S.A. 40:67-21**

Purpose Statement: The purpose of this Ordinance is to vacate portions of street known as "Raccoon Trail", pursuant to N.J.S.A. 40:49-6 and N.J.S.A. 40:67-21.

WHEREAS, Brian and Tracy Church (collectively "the Churches") are the title owners of record of the property known as 4 Raccoon Trail, Andover, New Jersey 07821, Block 317, Lot 20.01 ("the Church residence") in the Township of Byram; and

WHEREAS, the Churches have asserted rights to the real property adjacent to the Church residence known as a portion of the subject road Raccoon Trail, ("the portion of the subject road"), as depicted and described in the metes and bounds description for the portion of the subject road, attached hereto as Schedule A; and

WHEREAS, the Churches have requested that Byram Township vacate all interest in the portion of the subject road, except for all rights and privileges presently possessed by Public Utilities, as defined in R.S. 48:2-13, and any Cable Television Company as defined in the Cable Television Act, P.L. 1972, c. 186 (c.48:5A-1, et seq.), to maintain, repair and replace their existing facilities in, adjacent to, over or under the said area to be vacated; and

WHEREAS, it was found and determined by the Township Council of the Township of Byram that the portion of the subject road is not maintained by Byram Township, and is not needed for public use.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Byram as follows:

SECTION 1. Vacation. Any public rights as to the right-of-way of the portion of the subject road as depicted and described on the attached Schedule A are hereby vacated, except for all rights and privileges presently possessed by Public Utilities, as defined in R.S. 48:2-13, and any Cable Television Company as defined in the Cable Television Act, P.L. 1972, c. 186 (c.48:5A-1, et seq.), to maintain, repair and replace their existing facilities in, adjacent to, over or under the said area to be vacated.

See attached Schedule A for the description of the portion of the subject road to be vacated.

SECTION 2. Introduction and Final Passage. After being introduced and having passed a first reading, this Ordinance shall be published at least once not less than ten (10) days prior to the time fixed for further consideration for final passage.

At least one (1) week prior to the time fixed for further consideration of this ordinance for final passage, a copy thereof, together with notice of its introduction and the time and place when and where the ordinance will be further considered for final passage, shall be mailed to every person whose lands may be affected hereby so far as may be ascertained. The Township Clerk shall mail said notice in accordance with N.J.S.A. 40:49-6.

Within sixty days (60) days of the effective date of this Ordinance the Township Clerk shall file a copy, certified by her under seal of the Township to be a true copy, together with proof of publication thereof, in the Office of the Sussex County Clerk in accordance with N.J.S.A. 40:67-21.

SECTION 3. Severability. If any part of this Ordinance is for any reason held to be invalid such decision shall not affect the validity of the remaining portion of the Ordinance. Any ordinance or portion thereof that may be inconsistent with the ordinance is hereby repealed to the extent of the inconsistency.

SECTION 4. Effective date. This Ordinance shall take effect in the time and manner prescribed by law.

INTRODUCED: October 6, 2015

ADOPTED:

Township of Byram

JAMES OSCOVITCH, MAYOR

ATTESTED:

DORIS FLYNN, TWP. CLERK

NOTICE

TAKE NOTICE that the above entitled ordinance was introduced at a regular meeting of the Mayor and Township Council of the Township of Byram, County of Sussex, New Jersey held on October 6, 2015 and will be considered for final passage after public hearing at a regular meeting of the Mayor and the Township Council to be held on November 2, 2015 at 7:30 p.m. in the Municipal Building, 10 Mansfield Drive, Stanhope, New Jersey. During the preceding week, copies of the ordinance will be made available at the Clerk's office in the municipal Building to members of the general public.

BYRAM TOWNSHIP

DORIS FLYNN, TOWNSHIP CLERK

TOWNSHIP OF BYRAM
Sussex County, New Jersey

ORDINANCE NO. – 2015

**AN ORDINANCE TO AMEND CHAPTER 240 OF THE BYRAM
TOWNSHIP CODE ENTITLED “ZONING” TO MODIFY THE
VILLAGE BUSINESS MIXED USE DISTRICT (VB)**

Purpose Statement: The purpose of this Ordinance is to revise and amend sections of Articles IX and X of the Township Code, permitting apartments as a conditional use in the Village Business Mixed Use Zone and defining and enumerating the required conditions of said conditional use.

WHEREAS, the Township of Byram’s *Master Plan Strategic Plan Element 2002* recommended zone changes for a number of areas throughout the Township; and

WHEREAS, the Township of Byram’s *Master Plan for 2004* recommends zone changes for a number of areas throughout the Township; and

WHEREAS, various applications have been reviewed and approved by the Byram Township Land Use Board under the Village Business Mixed-Use District (VB), last amended in 2005; and

WHEREAS, revisions and amendments to the Village Business Mixed-Use District (VB) are necessary to efficiently and effectively administer the land use approval process; and

WHEREAS, the Planning Board, in consultation with the Township Planner, has proposed revisions and amendments to the Land Development Ordinance that will further refine the Village Business Mixed-Use District (VB), which are set forth in this Ordinance; and

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Township Council of the Township of Byram as follows:

Section 1. District Regulations.

ARTICLE IX – District regulations be and it is hereby amended to read as follows:

§240-56. VB –VILLAGE BUSINESS MIXED-USE DISTRICT

C. Conditional Uses

1. Apartments above permitted commercial uses may be permitted as second principal use, see conditions.

Section 2. Conditional Uses

ARTICLE X – Conditional Uses be and it is hereby amended to read as follows:

§240-62. Conditional Uses

- A. **Apartments** - Apartments above permitted commercial uses may be permitted as a second principal use provided that all of the following requirements are complied with:
 - a. Conditional use approval is obtained pursuant to Article X.
 - b. The following requirements apply in addition to those contained in Article X and the site plan and other data submitted in support of the conditional use application shall include:
 - (1) Floor Plans for each Apartment including square footage.

- (2) The location and use of the principal building and all accessory buildings on the applicant's property.
 - (3) The number of bedrooms.
 - (4) Location and layout of off-street parking in compliance with the requirements of Article VI of this chapter.
 - (5) Lighting in accordance with the standards of Chapter 215, Subdivision and Site Plan Review (Article V) of the Code of the Township of Byram.
 - (6) All of the details required pursuant to Chapter 215, Site Plan Review
- c. The following minimum standards apply:
- (1) Minimum Lot size of (3) three acres.
 - (2) Apartments are only to be on a second floor, no apartment shall be built on a first floor or in a one-story building.
 - (3) Minimum of 800 square feet of living area for each apartment
 - (4) No more than four apartments per principle lot. Any number of apartments in excess of two will require one apartment as per Chapter 77 of this ordinance for the purpose of providing additional opportunities for low- and moderate-income housing in the Township of Byram and per the Byram Township Housing Element and Fair Share Plan.
- d. The Planning Board may, after a hearing, order the issuance of a conditional use permit, which permit shall specify the maximum number of apartments that can be accommodated on the premises by virtue of the facilities available thereon. Such permit shall be valid so long as the permittee maintains all required facilities and complies with all of the requirements of this section and of the terms and conditions of the conditional use permit.

Section 3. Severability. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 4. Effective Date. This Ordinance shall take effect in the time and manner prescribed by law.

ATTEST:

TOWNSHIP OF BYRAM

Doris Flynn, Clerk

James Oscovitch, Mayor

NOTICE

TAKE NOTICE that the above entitled ordinance was introduced at a regular meeting of the Mayor and Township Council of the Township of Byram, County of Sussex, New Jersey held on October 6, 2015 and will be considered for final passage after public hearing at a regular meeting of the Mayor and the Township Council to be held on November 2, 2015 at 7:30 p.m. in the Municipal Building, 10 Mansfield Drive, Stanhope, New Jersey. During the preceding week, copies of the ordinance will be made available at the Clerk's office in the municipal Building to members of the general public.

BYRAM TOWNSHIP

DORIS FLYNN, TOWNSHIP CLERK