

**TOWNSHIP OF BYRAM
COUNCIL MEETING AGENDA
TUESDAY, MAY 17, 2011
7:00 P.M. REGULAR MEETING**

- 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, the Township Journal, 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. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENT REFLECTION**
- 5. APPROVAL OF AGENDA**
- 6. PRESENTATION OF WASTE WATER MANAGEMENT PLAN**
- 7. REPORTS**

- Township Manager
- Mayor and Council Members

- 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. APPROVAL OF MINUTES**

- May 3, 2011 Regular Meeting Minutes
- May 3, 2011 Executive Session Minutes

- 10. 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. 52 – 2011 – Resolution Establishing Fees for the Parks and Recreation Department for the Year 2011
- B. Resolution No. 53 – 2011 – Resolution Authorizing the Byram Township Tax Collector to Place a Municipal Lien in the Amount of \$51,042.25 Against the Real Property Located at 34 Belton Street, Block 687, Lot 5, Relating to Costs to Remedy and Remove Unsafe and Unsanitary Conditions Thereon
- C. Resolution No. 54 – 2011 – Award of Bid – Roseville Road Phase II and Tomahawk Trail – Top Line Construction - \$425,842.00.

11. APPROVAL OF MAY 17, 2011 BILL LIST

12. ORDINANCES

Introduction/1st Reading

- **Bond Ordinance Appropriating \$465,000 and Authorizing the Issuance of \$352,350 Bonds or Notes of the Township, for Various Improvements or Purposes Authorized to be Undertaken by the Township of Byram, in the County of Sussex, State of New Jersey**
- **Ordinance of the Mayor and Council of the Township of Byram Amending Chapter 3 Entitled “Administration of Government” to decrease the membership of the Recreation Committee**

The purpose of this ordinance is to amend to Code to decrease the size of the Recreation Commission to seven regular members and two alternate members.

- **Ordinance of the Mayor and Township Council of the Township of Byram Amending Section 215-55 of the Township Ordinances to Permit the Planning Board to Waive Site Plan Approval where there is a Permitted Change in Use and Amend Section 287-2 of the Township Ordinances Governing Fees for Applications for Site Plan Waivers**

The purpose of this ordinance is to modify the current ordinances regarding site plan approval to permit the Planning Board to waive site plan approval where there is a permitted change in use of the subject property.

13. DISCUSSION ITEMS

14. PUBLIC PARTICIPATION II

15. RESOLUTION FOR EXECUTIVE SESSION

- Contract Negotiations – Shared Court
- Attorney Client Privilege Information – Sewer Allocation Requests
- PSE&G Easement

16. RETURN TO OPEN SESSION

17. ANY OTHER BUSINESS THE COUNCIL DEEMS NECESSARY

18. ADJOURNMENT

**TOWNSHIP OF BYRAM
RESOLUTION NO. 52 - 2011**

**RESOLUTION ESTABLISHING FEES FOR THE PARKS AND RECREATION
DEPARTMENT FOR THE YEAR 2011**

WHEREAS, the Township of Byram recognizes the need to be able to display information on the pricing of recreation programs and activities; and

WHEREAS, the Township Council feels it necessary to review said fees prior to having them charged.

NOW THEREFORE BE IT RESOLVED by the Township Council of Byram that this body formally endorses the following fees, and implements their use in their designated programs for the year 2011.

Parks and Recreation Fee Structure

All non-Byram residents pay \$10 non-resident fee per course for programs \$21 - \$75 and a \$20 non-resident fee for programs \$75 and over except trips (arrangements with Mt. Olive), basketball (arrangements with Stanhope & Netcong) and other programs that have specific arrangements made with specific townships.

Individuals, groups, organizations or other entities reserving township facilities may be required to provide a \$300 security deposit and compensate the township for any special services needed for the activity or event in order to reserve a facility. Individuals, groups, organizations or other entities using a township facility will be required to compensate the Township for any damage, or other than normal wear from proper use of the facility. Any damage resulting from abnormal use of the permitted facility will be the sole responsibility of the applicant. The applicant will bear all costs associated with cleanup, repair to and/or replacement of damaged property. Fines may be assessed for each incident that the applicant has unauthorized use of a facility.

8 week Parent and Child, Preschool, Youth and Adult Programs run in conjunction with Sparta Parks and Recreation including but not limited to: Mom & Bay Yoga, Mom & Me Yoga Adventures, Hands on Art Fun factory, Mom & Me Gigggle Time, Preschool Yoga, Animal Adventures, Fun Food Creations, Youth Yoga, and Project Place, Ballroom Dance \$60 per child (parents are free)

8 week Preschool and Youth Programs run in partnership with Sparta Lanes including but not limited to: Biddie Bumper Bowling, Youth Bowling Buddies
\$60 per child

8 week Youth classes run in partnership with Isshimryu Karate including but not limited to: Youth Karate
\$60 per child

8 session Parent and Child, Preschool, Youth and Adult programs directly run by Byram Recreation including but not limited to: Toddler's Gymnastics, Youth Tennis, Adult Tennis, Summer Youth and Adult Tennis
\$60 per participant

8 week Preschool, Youth and Teen programs run in partnership with Grand Jete' Dance Academie including but not limited to: Ballet, Tap and Tumbling, Ballet and Tap, Ballet, Hip Hop, Lyrical and Jazz
\$80 per participant

Preschool and Youth programs run in partnership with US Sports Institutes including but not limited to: Sports Squirts, T-Ball Squirts, Soccer Squirts
Vary based on program and number of weeks range from: \$80 - \$120

Up to 24 lessons per season (usually 8 week period) Youth and Teen Golf Lessons run in partnership with To the Tee:
\$40 registration & evaluation fee for the year, then \$160 per season

8 week Adult Fitness Classes run in partnership with RDA Fitness including but not limited to: Pilates, Zumba, Yoga
\$60 per participant

5 week Adult Golf Lessons run in partnership with To the Tee Golf
\$134 per participant

Single session Rutgers's SAFETY Class for Volunteer Coaches
\$35 per participant

Men's Basketball and Coed Volleyball
\$5 per month

Adult Quilting
\$5 per year

Adult Bike Ride Biking
\$5 per season

Camping in the Park
\$ 8 – 10 per person

Single session Pitch Hit and Run
Free

Single session Preschool and Youth Bike Ride Learn to Ride
Free

1 week (5 sessions, no rain dates) Preschool and Youth Summer Swim Lessons
\$25

10 – 14 week Youth Recreation Basketball
\$115

10 – 14 week Youth Travel Basketball
\$200

1 week Summer Camp
TBA

1 week Summer Enrichment classes or Sports Camps
Vary by class, camp and company running the program, and number of hours

Movies in the Park – free

Concerts in the Park – free

Halloween and Christmas celebrations – Free

Byram Day – Free to residents. Vendor fees apply (free to \$100)

BYRAM TOWNSHIP MAYOR AND COUNCIL

Attest:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on May 17, 2011.

Doris J. Flynn, RMC
Township Clerk

**TOWNSHIP OF BYRAM
SUSSEX COUNTY, NEW JERSEY
RESOLUTION NO. 53-2011**

**A RESOLUTION AUTHORIZING THE BYRAM
TOWNSHIP TAX COLLECTOR TO PLACE A
MUNICIPAL LIEN IN THE AMOUNT OF \$ 51,042.25
AGAINST THE REAL PROPERTY LOCATED AT 34
BELTON STREET, BLOCK 687, LOT 5, RELATING
TO COSTS TO REMEDY AND REMOVE UNSAFE
AND UNSANITARY CONDITIONS THEREON**

WHEREAS Elizabeth Meehan is the title owner of record (“Owner”) of property located at 34 Belton Street, Block 687, Lot 5 (the “Premises”) in the Township of Byram (the “Township”); and

WHEREAS on February 13, 2009, Byram Township’s Construction Official inspected the Premises and issued a UCC New Jersey Notice of Unsafe Structure (the “Notice”); and

WHEREAS the Notice identified the Premises as being in an unsafe condition pursuant to N.J.S.A. 52:27D-132 and N.J.A.C. 5:23-2.32; and

WHEREAS Owner was directed to remedy or remove the unsafe conditions at the Premises within thirty (30) days of Owner’s receipt of the Notice, yet Owner neither challenged nor appealed the Notice, nor did Owner remedy or remove the unsafe conditions at the Premises; and

WHEREAS the Township initiated litigation to enforce the Notice in the Superior Court of New Jersey in the action styled Township of Byram v. Elizabeth Meehan, Docket No. SSX-L-649-10 (the “Litigation”), which Litigation was brought, *inter alia*, pursuant to the State Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq. for the purposes of compelling the remedy or removal of the unsafe conditions at the Premises; and

WHEREAS Owner appeared in Court in response to the Litigation and represented that she was not challenging or otherwise contesting the Township’s actions, nor was she financially capable of undertaking efforts to remedy or remove the unsafe conditions at the Premises, and she further represented that she understood the Township was amenable to using public funds to itself remove the unsafe structure, provided the Township could seek to recoup its costs, including its attorneys’ fees and prior pest/rat control costs, by filing a municipal lien against the Premises; and

WHEREAS the Honorable B. Theodore Bozonelis, A.J.S.C., entered an Order on October 21, 2010 (the "Order") authorizing the Township to remove any unsafe conditions from the Premises and further authorizing the Township's recording of a municipal lien against the Premises for all costs incurred to undertake and complete the demolition of the unsafe structure (the "Work"), including: (a) attorneys' fees and legal costs relating to this matter, and (b) prior pest/rat extermination and control costs actually incurred by the Township relating to the Premises; and

WHEREAS the Township's Department of Public Works ("DPW") thereafter entered upon the Premises to undertake the Work, and in doing so discovered the presence of former underground oil storage tank(s), the proper removal of which required the retention of outside contractors; and

WHEREAS the Township, per Resolution 168-2010, authorized the agreement with Able Environmental Services, Inc. to remove the former underground storage tanks and the removal of any residual oil contaminated soils from the Premises, for a cost not to exceed \$51,042.25; and;

WHEREAS the Township has incurred the following costs as authorized by the Order and which are permitted to be placed as a municipal lien against the Premises:

<u>Vendor</u>	<u>Amount</u>
Accurate Pest Control, Inc	\$206.00
Accurate Pest Control, Inc	\$ 55.64
Accurate Pest Control, Inc	\$ 52.00
Accurate Pest Control, Inc	\$ 52.00
Accurate Pest Control, Inc	\$ 52.00
Accurate Pest Control, Inc	\$ 52.00
Accurate Pest Control, Inc	\$ 52.00
Accurate Pest Control, Inc	\$ 52.00
Accurate Pest Control, Inc	\$ 52.00
Accurate Pest Control, Inc	\$ 52.00
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Accurate Pest Control, Inc	\$ 52.00
Accurate Pest Control, Inc	\$ 52.00
Accurate Pest Control, Inc	\$ 52.00
Accurate Pest Control, Inc	\$ 52.00

Vogel, Chait, Collins, esq. (June)	\$1,680.00
Vogel, Chait, Collins, esq. (July)	\$4,089.50
Vogel, Chait, Collins, esq. (Aug)	\$ 777.71
Vogel, Chait, Collins, esq. (Sept)	\$ 1,162.45
Vogel, Chait, Collins, esq. (Oct)	\$1,358.41
Vogel, Chait, Collins, esq. (Dec)	\$ 434.00
Vogel, Chait, Collins, esq. (Feb)	\$ 155.00
Able Sanitary & Environmental	\$1,104.25
Able Sanitary & Environmental	\$7,113.40
Able Sanitary & Environmental	\$10,048.64
Able Sanitary & Environmental	\$5,672.00
SCUMA	\$5,812.97
Grinnell	\$ 102.85
Grinnell	\$ 417.00
SCUMA	\$ 988.63
SCUMA	\$ 918.87
Weidon Quarry	\$2,466.82
Bryam Twp DPW (Payroll costs)	\$5,646.11

TOTAL: \$51,042.25

WHEREAS a municipal lien against the Premises has been authorized by the Order, in accordance with the Township's Property Maintenance Code, §186-1 *et seq.*, as well as N.J.S.A. 52:27D-131.1.a; N.J.S.A. 40:48-2.5(f)(2), N.J.S.A. 40:48-2.12(f), N.J.S.A. 52:27D-131.1.b and N.J.S.A. 40:48-2.12(f).

NOW, THEREFORE BE IT RESOLVED, that the Byram Township Council hereby authorizes the Township Tax Collector to record a municipal lien in the amount of \$ 51,042.25 against the Premises.

ATTEST:

BYRAM TOWNSHIP COUNCIL

BY: _____ BY: _____
Township Clerk Mayor

I HEREBY CERTIFY that the foregoing to be a true copy of a resolution adopted by the Township Council of Byram Township, in the County of Sussex, at its meeting held on May 17, 2011.

Township Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 54 - 2011**

**RESOLUTION TO AWARD THE
BID FOR PROPOSED IMPROVEMENTS TO TOMAHAWK TRAIL AND
ROSEVILLE ROAD - PHASE II**

WHEREAS, the Township of Byram opened bids for road improvements to Tomahawk Trail and Roseville Road - Phase II, on May 13, 2011 at 10:00 a.m.; and

WHEREAS, two (2) bids were received from:

1. Top Line Construction Corp. with a price of \$200,842.00 for Tomahawk Trail and \$248,561.44 for Roseville Road Phase II, and a total combined amount of \$449,403.44.
2. Intercounty Paving Associates, Inc. with a price of \$220,043.70 for Tomahawk Trail and \$256,920.50 for Roseville Road Phase II, and a total combined amount of \$476,964.20.

WHEREAS, the low apparent bid for the combined project of Tomahawk Trail and Roseville Road – Phase II was submitted by Top Line Construction Corp for \$449,403.44. This bid was reviewed by the Township Engineer Cory Stoner and was found to contain all required bid submission items; and

WHEREAS, the funding established by ordinance for the construction of improvements to Tomahawk Trail was \$210,000.00 and the funding established by ordinance for the construction for improvements to Roseville Road – Phase II was \$225,000.00; and

WHEREAS, the bid specifications for the proposed improvements to Tomahawk Trail and Roseville Road – Phase II stated that the Township reserved the right to reduce or lengthen the Roseville Road – Phase II project to stay within funds budgeted for that project; and

WHEREAS, per the recommendation of the Township Engineer Cory Stoner, the length of the Roseville Road – Phase II project can be reduced to stay within the \$225,000.00 established for that project.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Township Council, County of Sussex, State of New Jersey to award a contract to Top Line Construction Corp for Tomahawk Trail in the amount of \$200,842.00 and for Roseville Road – Phase II in an amount not to exceed \$225,000.00. The combined contract amount of the award is \$425,842.00.

BYRAM TOWNSHIP COUNCIL

COUNCIL MEMBER	Councilman Olson	Councilwoman Rafferty	Councilman Rafferty	Councilman Thompson	Mayor Oscoitch
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 May 17, 2011.

Doris Flynn, RMC
Township Clerk

TOWNSHIP OF BYRAM

ORDINANCE NO. 5 - 2011

BOND ORDINANCE APPROPRIATING \$465,000, AND AUTHORIZING THE ISSUANCE OF \$352,350 BONDS OR NOTES OF THE TOWNSHIP, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE TOWNSHIP OF BYRAM, IN THE COUNTY OF SUSSEX, NEW JERSEY.

BE IT ORDAINED BY THE MAYOR AND TOWNSHIP COUNCIL OF THE TOWNSHIP OF BYRAM, IN THE COUNTY OF SUSSEX, NEW JERSEY (not less

than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by The Township of Byram, in the County of Sussex, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums, except as described below, being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to \$465,000 including the aggregate sum of \$17,650 as the several down payments for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes and including also, in the case of the improvement or purpose described in paragraph (b) of said Section 3, the sum of \$70,000 from the 2011 operating budget of the Township and the sum of \$25,000 from the Capital Improvement Fund of the Township.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$465,000 appropriations not provided for by application hereunder of said down payments and funds on hand, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$352,350 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$352,350 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. The improvements hereby authorized and the several purposes for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of each such purpose, and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

<u>IMPROVEMENT OR PURPOSE</u>	<u>APPROPRIATION AND ESTIMATED COST</u>	<u>ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES</u>
(a) Improvement of municipally-owned buildings and locations in and by the Township, including the Municipal Complex including the rehabilitation of the roof thereof and the upgrade of the heating, ventilation and conditioning system therein and the installation of fencing and security gates at the recycling complex, together with all architectural designs, studies, surveys, structures, equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	\$260,000	\$247,600

(b) Improvement of various streets and locations in and by the Township by the surfacing or resurfacing thereof to provide a roadway surface of Class B construction (as such term is used or referred to in Section 40A:2-22 of said Local Bond Law), including without limitation, roads in the West Brookwood area, including Roseville Road, together with all drainage improvements, structures, equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and

specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved, the \$205,000 estimated cost thereof being inclusive of the sum of \$70,000 appropriated therefor by the 2011 budget of the Township and the sum of \$25,000 hereby appropriated therefor from the Capital Improvement Fund of the Township

<u>205,000</u>	<u>104,750</u>
Totals	\$352,350

Except as otherwise stated in paragraph (b) above with respect to the said \$95,000 funds on hand for financing the purpose described in said paragraph, the excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the said down payment for said purpose.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and each is a property or improvement which the Township may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 13.51 years.

(c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows

that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$352,350, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) Amounts not exceeding \$75,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimate thereof.

Section 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 6. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 7. The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

Section 8. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

BYRAM TOWNSHIP MAYOR AND COUNCIL

Introduced: 5/17/11

Adopted:

Attest:

Doris J. Flynn, Clerk

James Oscovitch, Mayor

**TOWNSHIP OF BYRAM
SUSSEX COUNTY, NEW JERSEY
ORDINANCE NO. - 2011**

**ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF
BYRAM AMENDING CHAPTER 3 ENTITLED “ADMINISTRATION OF
GOVERNMENT” TO DECREASE THE MEMBERSHIP OF THE RECREATION
COMMITTEE**

Statement of Purpose: The purpose of this ordinance is to amend to Code to decrease the size of the Recreation Commission to seven regular members and two alternate members.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Council of the Township of Byram that Chapter 3 in the Byram Township Code entitled “Administration of Government” be hereby revised as follows:

SECTION 1. Section 3-50 entitled “Recreation Committee” is hereby amended as follows:

“§3-50. Recreation Committee.

A. A Recreation Committee, advisory to the manager and Council, is hereby created. It shall have seven members and two alternate members appointed by the Council for staggered three-year terms.

SECTION 2. 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; which shall continue in full force and effect; and to this end the provision of this Ordinance are hereby declared severable.

SECTION 3. This ordinance shall take effect in the time and manner as prescribed by law.

BYRAM TOWNSHIP COUNCIL

Attest:

Doris J. Flynn, RMC
Township Clerk

James Oscovitch, Mayor

Introduced: Adopted:

**TOWNSHIP OF BYRAM
SUSSEX COUNTY, NEW JERSEY
ORDINANCE NO. _____**

**AN ORDINANCE OF THE MAYOR AND TOWNSHIP COUNCIL
OF THE TOWNSHIP OF BYRAM AMENDING SECTION 215-55 OF THE TOWNSHIP
ORDINANCES TO PERMIT THE PLANNING BOARD TO WAIVE SITE PLAN APPROVAL
WHERE THERE IS A PERMITTED CHANGE IN USE AND SECTION 287-2 OF THE TOWNSHIP
ORDINANCES GOVERNING FEES FOR APPLICATIONS FOR SITE PLAN WAIVERS**

STATEMENT OF PURPOSE: The purpose of this ordinance is to modify the current ordinances regarding site plan approval to permit the Planning Board to waive site plan approval where there is a permitted change in use of the subject property.

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Byram, County of Sussex and State of New Jersey, that Section 215-55B of the Ordinances of the Township of Byram shall be and hereby is amended as follows:

SECTION 1. Section 215-55, entitled "Waiver and exception" is hereby amended in its entirety as follows:

"B. The Planning Board may waive the requirement for site plan approval where there is a permitted change in use, provided that such change would not involve any one or more the following:

- (1) Any structural alteration to the exterior of the building.
- (2) Any anticipated increase in the number of parking spaces required by the use which cannot be accommodated by existing parking on site.
- (3) Any storm drainage installation or need for the same as may be determined by the Board Engineer.
- (4) Any increase in storm water runoff which the Board Engineer determines cannot be dealt with by existing storm water drainage facilities.
- (5) Any redirection of storm water runoff.
- (6) Any change in vehicular traffic circulation patterns within the site.
- (7) Any elimination or change in landscaping, buffering or lighting.

An applicant seeking waiver of site plan approval shall complete and file with the Township Zoning Officer an application for same on a form prescribed by the Planning Board. The Site Plan Subcommittee of the Planning Board shall review the application and shall thereupon recommend to the Planning Board that a site plan waiver be either approved or denied. The Planning Board, at the next regular meeting following its receipt of the recommendation of the Site Plan Subcommittee, shall act on such application, and if approved, shall adopt a resolution finding that the use will not affect existing drainage, circulation, relationship of buildings to each other, landscaping, buffering, lighting, septic and water supply and other considerations of site plan approval, and that the existing

facilities do not require upgraded or additional site improvements. The application for waiver of site plan shall include recitation of the prior use of the site, the proposed use and its impact.

In the event of a change in occupancy or tenant but no change in use, the Zoning Officer shall have the authority to issue a site plan waiver if he is satisfied that the application meets the requirements set forth in Sections 1 through 7 above, in which event no Resolution of the Planning Board shall be required.

SECTION 2. Application. The Application form for Site Plan Waiver shall be as follows:

**APPLICATION FOR SITE PLAN WAIVER
BYRAM TOWNSHIP PLANNING BOARD**

Site plan waiver may be granted in the event of (1) a change in occupancy or tenant, but no change in use; or (2) a change in use that is permissible in the zone in which the property is located and such change does not involve a change in one or more of the items set forth in §215-55B of the Byram Township Site Plan Review ordinance. To request a site plan waiver, an applicant must complete this form.

Application No. _____ Date Filed: _____

To the Applicant: The following must be submitted to the Board Secretary at least 10 days prior to the hearing:

Application Fee: \$125 if change in use is proposed *
 \$ 50 if change in use is not proposed

*Initial Escrow Deposit: \$250 (Additional costs may be assessed if Planning Board consultants are required to review the application)

Please fill out 2 separate checks for each. Payable to: The Township of Byram

6 Copies of the Following must be submitted to the Secretary

- Complete Application
- Official Tax Map — Depicting the location of said property
- Site Plan if a change in use is proposed. This shall include parking layout, shall be latest revision and include the name and address of the preparer.
- Floor Plan — Supply both the current and proposed plans. You must include the name and address of the preparer of said plans. Self drawn/ hand drawn plans are acceptable
- Details of provisions of refuse disposal and recycling in connection with the proposed tenant

1 Copy of the Following must be submitted to the Board Secretary

- Certification from Tax Collector indicating all taxes are paid to date
- If the property owner is other than the applicant, the owner must submit a letter stating the Applicant has authority to submit the application.

If you are incorporated, you must be represented by an Attorney. MLUL 27.2-b

Application is hereby made for review of the Site Plan hereinafter more particularly described.

1. Applicant's Name: _____ *
Address: _____
Phone Number: _____ Fax No. _____
E-mail address _____

2. Name and address of present owner (if other than #1 above)
Name: _____
Address: _____
Phone Number: _____ Fax No. _____
E-mail address _____

3. Interest of Applicant if other than owner _____

4. Location of site: _____

5. Tax Map Block: _____ Lot Number(s) _____

6. Area of entire tract: _____

7. Deed restrictions that apply or are contemplated. (If no restrictions, state "none", if "Yes" Attach copy) _____

8. Information concerning the proposed use as follows:
Name of proposed tenant: _____
What is the proposed use for the space? _____
Hours of Operation _____
Parking requirements as per §240-38 of ordinance _____
Previous Tenant /Occupant _____
Parking requirements of previous tenant/occupant as per §240-38 of ordinance _____
Square Footage of Space _____

9. Total Parking Spaces Available _____
Is tenant assigned parking? No _____ Yes _____

If parking is assigned, please indicate number and/or location of parking spaces by its lease, and the details of any such requirements. _____

10. If there are other uses at this site, please indicate the following: How many? _____
Square footage _____, Hours of Operation _____

Number of parking spaces required of each tenant / occupant calculated as per §240-38 of Ordinance (Attach separate sheet).

Total number of spaces available _____

A list of tenants at this location and the above information may be submitted on a separate sheet of paper. This information can be obtained from the landlord/owner of site.

10. Signage change? Yes _____ No _____ (if yes, give details) _____

(Signage plan is to be included with the application)

11. Are any changes proposed to the exterior of the building? No _____ Yes _____. If yes, describe the proposed changes and annex hereto elevations drawings depicting such changes:

12. Will there be any additional mechanical systems installed at the proposed site? No _____ Yes _____, if yes, indicate how and where such mechanicals will be located (to be shown on site plan or architectural drawings)

13. Will there be deliveries to the propose site? No _____ Yes _____, if yes, indicate size of truck utilized, frequency and time of deliveries.

14. Will there be any additional storm drainage installations as a result of the proposed use? No _____ Yes _____. If yes, describe such installations.

15. Will there be any increase in storm water runoff as a result of the proposed use? No _____ Yes _____. If yes, provide calculations as to same. _____

16. Will there be any redirection of storm water runoff as a result of the proposed use?
No ____ Yes ____ If yes, describe same. _____

17. Will there be any change in vehicular traffic circulation patterns within the site as a result of the proposed use? No ____ Yes ____ If yes, describe the change(s) and provide a diagram with respect to same. _____

18. Will there be any changes in landscaping, buffering or lighting as a result of the proposed use? No ____ Yes ____ If yes, describe the change(s) and provide a diagram with respect to same. _____

19. List of maps (tax map and site plan which will include parking) and other materials, including floor plan, accompanying application.

	Title	Prepared By	Number of Pages
1.			
2.			
3.			
4.			
5.			

Signature of Applicant:

Date:



SECTION 3. Section 287-2, entitled "Planning Board Fees," is hereby amended to include the following Site Plan Waiver Application fees:

"Site Plan Waiver with Change of Use: \$125.00"

"Site Plan Waiver, no Change of Use: \$50.00"

SECTION 4. Severability.

If any section, paragraph, subdivision, clause or provision of this ordinance shall be judged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision, and the remainder of this ordinance shall be deemed valid and effective.

SECTION 5. Repealer.

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. This ordinance shall take effect within twenty (20) days of the date of adoption hereof.

DATED: MAY , 2011

ADOPTED:

TOWNSHIP OF BYRAM

ATTESTED:

JAMES OSCOVITCH, MAYOR

DORIS FLYNN, TOWNSHIP CLERK
