

**TOWNSHIP OF BYRAM
COUNCIL MEETING AGENDA
TUESDAY, JUNE 21, 2011 - 7:00 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, N.J.S.A. 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. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENT REFLECTION

5. APPROVAL OF AGENDA

6. REPORTS

- Township Manager
- Mayor and Council Members

7. 2010 AUDIT – Presentation by Township Auditor Raymond Sarinelli

8. RESOLUTION NO. 67 – 2011 - CERTIFICATION OF ANNUAL AUDIT

9. RESOLUTION NO. 68 – 2011 - CORRECTIVE ACTION PLAN

10. 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.

11. APPROVAL OF MINUTES

- June 6, 2011 Regular Meeting Minutes
- June 6, 2011 Executive Session Minutes

12. 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. 66 -2011 –Resolution Approving and Ratifying an Extraordinary Unspecifiable Services Contract with Navitend for Setting up and Providing Google APPS Email Services to Byram Township

B. Resolution No. 69–2011 – Support of Click It or Ticket It – May 23 – June 5, 2011

C. Resolution No. 70–2011 – Renewal of Jacton Liquor License – 7/1/11 – 6/30/12

D. Resolution No. 71–2011 – Renewal of Adam Todd Liquor License – 7/1/11 – 6/30/12

13. APPROVAL OF JUNE 21, 2011 BILL LIST

14. ORDINANCES – 2nd reading/public hearing

- **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, State of New Jersey**

- **ORDINANCE NO. 6 - 2011 - 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.

- **ORDINANCE 7 – 2011 - Ordinance to Petition the Highlands Council for Plan Conformance for the Planning Area**

This Ordinance is enacted pursuant to Section 15.a. of the Highlands Water Protection and Planning Act (Highlands Act, N.J.S.A. 13:20-1 et seq.), which provides that a municipality may choose to conform its master plan, development regulations, and other regulations to the provisions of the Highlands Regional Master Plan, with respect to lands located within the Planning Area, and by Ordinance, petition the Highlands Council for Plan Conformance approval of such planning and regulatory documents.

- **ORDINANCE NO. 8 – 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**

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 NO. 9 – 2011 - Ordinance of the Mayor and Council of the Township of Byram Amending, Updated and Replacing in its Entirety Chapter 136 Entitled “The Flood Damage Prevention Ordinance” of the Township Code**

The purpose of this ordinance is to amend, update and replace the Flood Damage Prevention Ordinance of the Township to update it to the 2011 requirements of the Federal Emergency Management Agency (FEMA).

15. DISCUSSION ITEM - Amendment to Chapter 240-29 – Commercial Vehicles

16. PUBLIC PARTICIPATION II

17. RESOLUTION FOR EXECUTIVE SESSION

- **Attorney Client Privilege Information**

1. **County Sheriff’s Department/Shared Services**

2. **Correspondence from Dolan and Dolan**

- **Contract Negotiations**

1. **PSE&G**

2. **Open Space - Byram Land Development**

3. **Delta Dental Plan**

4. **Shared Services – Fire Marshall**

18. RETURN TO OPEN SESSION

19. ANY OTHER BUSINESS THE COUNCIL DEEMS NECESSARY

20. ADJOURNMENT

**TOWNSHIP OF BYRAM
SUSSEX COUNTY, NEW JERSEY
RESOLUTION NO. 67- 2011**

CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2010 has been filed by the Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Byram Township Mayor and Council of the Township of Byram, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED
AT THE MEETING HELD ON _____.

Clerk

**CERTIFICATION OF TOWNSHIP OF BYRAM
ANNUAL AUDIT
GROUP AFFIDAVIT FORM**

STATE OF NEW JERSEY
COUNTY OF SUSSEX

We, members of the governing body of the Township of Byram, in the County of Sussex, being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the Byram Township Council of the Township of Byram in the county of Sussex;
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2010;
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations."

James Oscovitch, Mayor

Scott Olson, Councilman

Marie Raffay, Councilwoman

Daniel Rafferty, Councilman

Brian Thompson, Councilman

Sworn to and subscribed before me this
_____ day of _____

Notary Public of New Jersey

Clerk

The Municipal Clerk shall set forth the reason for the absence of signature of any members of the governing body.

IMPORTANT: This certificate must be sent to the Bureau of Financial Regulation and Assistance, Division of Local Government Services, P.O. Box 803, Trenton, New Jersey 08625.

TOWNSHIP OF BYRAM, COUNTY OF SUSSEX, STATE OF NEW JERSEY

RESOLUTION NO. 68 - 2011

CORRECTIVE ACTION PLAN FOR THE 2010 AUDIT

WHEREAS, Local Finance Notice 97-16 requires the Chief Financial Officer, with assistance from other officials affected by the audit recommendations, to prepare and submit a Corrective Action Plan for approval by the governing body within 60 days from the date the audit is received by the governing body; and the 2010 Audit was received on May 23, 2011.

BE IT RESOLVED, by the Township Council of the Township of Byram, County of Sussex and State of New Jersey, that the attached Corrective Action Plan, dated June 21, 2011 be approved, placed on file in the Clerk's Office, and submitted by the Clerk to the Division of Local Government Services. Copies of this Resolution will be forwarded to the Township Auditor and Chief Financial Officer for their records.

BYRAM MAYOR AND COUNCIL

| COUNCIL MEMBER | Councilman Olson | Councilwoman Rafferty | Councilman Rafferty | Councilman Thompson | Mayor Oscovitch |
|----------------|------------------|-----------------------|---------------------|---------------------|-----------------|
| Motion | | | | | |
| 2nd | | | | | |
| Yes | | | | | |
| No | | | | | |
| Abstain | | | | | |
| Absent | | | | | |

CERTIFICATION

I, Doris Flynn, Clerk of the Township of Byram, in the County of Sussex in the State of New Jersey, do hereby certify that the foregoing Resolution is a true copy of the Original Resolution duly passed and adopted by a majority of the full membership of the Byram Township Mayor and Council at its meeting on June 21, 2011.

Doris Flynn, R.M.C.
Clerk

Township of Byram

Corrective Action Plan

For Audit as of December, 2010

Finding #1

- Description: An adequate segregation of duties be maintained with respect to the recording and treasury functions.
- Corrective Action: Due to the number of staff, an adequate segregation of duties cannot be accomplished. However, every effort is made to ensure that the proper checks and balances are followed.
- Implementation Date: Immediately.

Finding #2

- Description: Records of the township liens be reviewed to ensure the accuracy of the records and that measures be taken to collect or foreclose on the large number of liens.
- Corrective Action: Management will review open township liens and develop a plan to commence foreclosure proceedings. We are working with an outside agency to assist us with the foreclosure procedures.
- Implementation Date: Immediately.

Finding #3

- Description: Deposits be made within 48 hours by the Finance Office.
- Corrective Action: Due to work schedules of staff during the year, deposits were not made on a timely basis. Efforts have been made by all personnel in the Finance Department to make deposits within 48 hours.
- Implementation Date: Immediately.

Finding #4


- Description: Deposits be made within 48 hours by the Municipal Court.
- Corrective Action: Past-year's comments have been rectified satisfactorily. However with the reduction of staff in the Municipal Court, all deposits were not made within 48-hours. Management has advised the current staff of the importance of this requirement, and every effort will be made to comply.
- Implementation Date: Immediately.

Finding #5

- Description: The process for the collection of funds by the Recreation Department be revised to implement stronger internal controls and to ensure that deposits are made within 48 hours of receipt as required by statute.
- Corrective Action: Management has met with the Recreation Department and reviewed the 48-hour statute and other financial procedures. Management is exploring alternatives for the collection and

deposit of Recreation funds, e.g. acceptance of on-line registrations and payments, to limit the number of personal transactions within the Recreation Department.

- Implementation Date: Immediately.

Respectfully submitted,

Theresa A. Vervaeet
Chief Financial Officer
June 21, 2011



**TOWNSHIP OF BYRAM
RESOLUTION NO. 66 – 2011**

**RESOLUTION APPROVING AND RATIFYING AN
EXTRAORDINARY UNSPECIFIABLE SERVICES CONTRACT
WITH NAVITEND FOR SETTING UP AND PROVIDING GOOGLE
APPS EMAIL SERVICES TO BYRAM TOWNSHIP**

WHEREAS, the Township of Byram will require Extraordinary Unspecifiable Services in connection with providing email setup for Byram Township; and

WHEREAS, the above mentioned services can be performed adequately and effectively by Navitend; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law (NJSA 40A:11-5 et seq) requires that the resolution authorizing the award for Extraordinary Unspecifiable Services without competitive bid and the contract itself must be available for public inspection.

WHEREAS, by this resolution the Township of Byram hereby authorizes and ratifies effective June 21, 2011 the execution of the attached Extraordinary Unspecifiable Services Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council, County of Sussex, State of New Jersey that:

1. The Township of Byram hereby authorizes the execution of the attached contract with Navitend.
2. A notice of this resolution shall be printed once in the official newspaper of the Township of Byram.

BYRAM TOWNSHIP COUNCIL

| COUNCIL MEMBER | Councilman Olson | Councilwoman Rafferty | Councilman Rafferty | Councilman Thompson | Mayor Oscovitch |
|----------------|------------------|-----------------------|---------------------|---------------------|-----------------|
| Motion | | | | | |
| 2nd | | | | | |
| Yes | | | | | |
| No | | | | | |
| Abstain | | | | | |
| Absent | | | | | |

ATTEST:

I certify that the Byram Township Council at a meeting held on June 21, 2011 adopted the foregoing resolution.

Doris Flynn, Municipal Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 69 – 2011**

**RESOLUTION SUPPORTING THE CLICK IT OR TICKET
MOBILIZATION OF MAY 23 – JUNE 5, 2011**

WHEREAS, there were 554 motor vehicle fatalities in New Jersey in 2010; and

WHEREAS, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a safety belt; and

WHEREAS, use of the safety belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

WHEREAS, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975-2000; and

WHEREAS, the State of New Jersey will participate in the nationwide **Click It or Ticket** safety belt mobilization from May 23 – June 5, 2011 in an effort to raise awareness and increase safety belt usage through a combination of enforcement and education; and

WHEREAS, the Division of Highway Traffic Safety has set a goal of increasing the safety belt usage rate in the state from the current level of 93.73% to 100%; and

WHEREAS, a further increase in safety belt usage in New Jersey will save lives on our roadways.

THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Byram declares its support of the **Click It or Ticket** safety belt mobilization both locally and nationally from May 23 – June 5, 2011 and pledges to increase awareness of the mobilization and the benefits of safety belt use.

BYRAM TOWNSHIP COUNCIL

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on June 21, 2011.

Doris J. Flynn, RMC
Township Clerk

**TOWNSHIP OF BYRAM
SUSSEX COUNTY, NEW JERSEY**

RESOLUTION NO. 70 – 2011

**RESOLUTION AUTHORIZING THE RENEWAL OF LIQUOR LICENSE
TO JACTON, LLC VALID FROM 7/1/2011 THROUGH 6/30/12**

BE IT RESOLVED by the Mayor and Township Council, Township of Byram, Sussex County New Jersey, that a renewal of a Plenary Retail Consumption License be issued to Jacton, LLC, trading as Timbers Your Family Place, located at 239 Route 206, Andover, New Jersey 07821. The same license being No. 1904-33-005-007. Said license shall be valid from July 1, 2011 through June 30, 2012.

BYRAM TOWNSHIP COUNCIL

| | | | | | | |
|-----------------------|------------------|----------------------|--------------------|--------------------|---------------------|-----------------|
| COUNCIL MEMBER | Councilman Olson | Councilwoman Raftery | Councilman Raftery | Councilman Faftery | Councilman Thompson | 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 June 21, 2011.

Doris Flynn, RMC
Township Clerk

TOWNSHIP OF BYRAM

RESOLUTION NO. 71 – 2011

RESOLUTION AUTHORIZING THE RENEWAL OF LIQUOR LICENSE TO ADAM TODD INN VALID FROM 7/1/2011 THROUGH 6/30/12

BE IT RESOLVED by the Mayor and Township Council, Township of Byram, Sussex County New Jersey, that the renewal of a Plenary Retail Consumption License be issued to Adam Todd Inc., trading as Adam Todd Inn, located at 263 Route 206, Andover New Jersey 07821. The same license being No. 1904-33-001-002. Said license shall be valid from July 1, 2011 through June 30, 2012.

BYRAM TOWNSHIP COUNCIL

| COUNCIL MEMBER | Councilman Olson | Councilwoman Raftery | Councilman Raftery | Councilman Raftery | Councilman Thompson | 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 June 21, 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: 6/6/11

Adopted: 6/21/11

Attest: _____
Doris J. Flynn, Clerk

_____ James Oscovitch, Mayor

**TOWNSHIP OF BYRAM
SUSSEX COUNTY, NEW JERSEY
ORDINANCE NO. 6 - 2011**

**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 AMENDING 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 _____
Total Parking Spaces Available _____
9. 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 change:

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.

INTRODUCED: MAY 17, 2011

ADOPTED: JUNE 21, 2011

TOWNSHIP OF BYRAM

JAMES OSCOVITCH, MAYOR

ATTESTED:

DORIS FLYNN, TOWNSHIP CLERK

**TOWNSHIP OF BYRAM
SUSSEX COUNTY, NEW JERSEY
ORDINANCE NO. 7 - 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: 6/6/2011
Adopted: 6/21/2011

136-13 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Construction Official is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

136-14 PERMIT REVIEW

The Administrator shall:

- A. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- B. Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- C. Review all development permits to determine if the proposed development is located in the floodway, assure that the encroachment provisions of 136-31A are met.

136-15 USE OF OTHER BASE FLOOD AND FLOODWAY DATA

The Administrator shall:

When base flood elevation and floodway data has not been provided in accordance with 136-7, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Construction Official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer 136-28, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and 136-29, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

136-16 INFORMATION TO BE OBTAINED AND MAINTAINED

The Administrator shall:

- A. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- B. For all new or substantially improved floodproofed structures:
 - [1] verify and record the actual elevation (in relation to mean sea level); and
 - [2] maintain the floodproofing certifications required in 136-12C .
- C. Maintain for public inspection all records pertaining to the provisions of this ordinance.

136-17 ALTERATION OF WATERCOURSES

The Administrator shall:

- A. Notify adjacent communities and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- B. Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

136-18 INTERPRETATION OF FIRM BOUNDARIES

The Administrator shall:

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in 136-19 .

136-19 APPEAL BOARD

- A. The Township of Byram Planning Board as established by Mayor and Township Council shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- B. The Township of Byram Planning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Construction Official in the enforcement or administration of this ordinance.
- C. Those aggrieved by the decision of the Planning Board, or any taxpayer, may appeal such decision to the Superior Court, as provided in N.J.S.A. 40:55D-1 et seq.
- D. In passing upon such applications, the Planning Board , shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
 - (1) the danger that materials may be swept onto other lands to the injury of others;
 - (2) the danger to life and property due to flooding or erosion damage;
 - (3) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (4) the importance of the services provided by the proposed facility to the community;
 - (5) the necessity to the facility of a waterfront location, where applicable;
 - (6) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (7) the compatibility of the proposed use with existing and anticipated development;
 - (8) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - (9) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (10) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - (11) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- E. Upon consideration of the factors of 136-19D and the purposes of this ordinance, the Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- F. The Construction Official shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

136-20 CONDITIONS FOR VARIANCES

- A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots

with existing structures constructed below the base flood level, providing items (1-11) in 136-19D have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

- B. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- C. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- E. Variances shall only be issued upon:
 - (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in 136-19D, or conflict with existing local laws or ordinances.
- F. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

ARTICLE V, PROVISIONS FOR FLOOD HAZARD REDUCTION

136-21 GENERAL STANDARDS

In all areas of special flood hazards the following standards are required

- A. The Planning Board shall also determine, with the advice and assistance of the Township Engineer, Construction Official and other competent authorities, that:
 - (1) The proposed utilities and facilities, such as water, sewer and electrical systems, are located, elevated and constructed to minimize or eliminate flood damage. These shall include watertight manholes with vents, raised vents, flap valves, etc. Such facilities shall be constructed with overflow elevations two feet above flood level.
 - (2) Drainage is provided to reduce exposure to flood hazards.
 - (3) Watertight doors will be installed.
 - (4) The construction makes use of paints, membranes or mortars to reduce seepage of water through walls.
 - (5) Backfill should be of soils with natural low permeability.

- (6) Eight inches of compacted granular fill is used beneath the ground floor; said fill materials shall act as a french drain.
- (7) No buried fuel oil tanks shall be permitted unless properly anchored and vented, with the vent two feet above the flood level.

136-22 ANCHORING

- A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- B. All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
 - (a) Over-the-top ties shall be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile homes less than 50 feet long requiring one additional tie per side.
 - (b) Frame ties shall be provided at each corner of the home, with five additional ties at intermediate points, with mobile homes less than 50 feet long requiring four additional ties per side.
 - (c) All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
 - (d) Any additions to the mobile home shall be similarly anchored.

136-23 CONSTRUCTION MATERIALS AND METHODS

- A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

136-24 UTILITIES

- A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
- C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
- D. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

136-25 SUBDIVISION PROPOSALS

- A. All subdivision proposals shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
- D. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).

136-26 ENCLOSURE OPENINGS

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

136-27 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data have been provided as set forth in 136-7, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in 136-15 USE OF OTHER BASE FLOOD DATA, the following standards below are required.

136-28 RESIDENTIAL CONSTRUCTION

- A. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated to or above base flood elevation;
- B. Within any AO zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

136-29 NONRESIDENTIAL CONSTRUCTION

In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities:

- either
 - A. Elevated to the level of the base flood elevation; and
 - B. Within any AO zone on the municipality's DFIRM that all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at

least two feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

or

- C. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- D. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- E. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in 136-12C .

136-30 MANUFACTURED HOMES

- A. Manufactured homes shall be anchored in accordance with 136-22B.
- B. All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation.
- C. No mobile homes shall be placed in a floodway.

136-31 FLOODWAYS

Located within areas of special flood hazard established in 136-7 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. If 136-31A is satisfied, all new construction and substantial improvements must comply with **ARTICLE V PROVISIONS FOR FLOOD HAZARD REDUCTION**.
- C. In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

SECTION 2 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 3 Repealer

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

SECTION 4 This ordinance shall take effect within twenty (20) days of the date of adoption hereof.

INTRODUCED: June 6, 2011

ADOPTED: June 21, 2011

TOWNSHIP OF BYRAM

By: _____
James Oscovitch, Mayor

By: _____
Doris, Flynn, Township Clerk

**ORDINANCE NO. 9 - 2011
TOWNSHIP OF BYRAM
COUNTY OF SUSSEX, STATE OF NEW JERSEY**

**ORDINANCE TO PETITION THE HIGHLANDS COUNCIL FOR PLAN
CONFORMANCE FOR THE PLANNING AREA**

Section 1 Purpose

The Township of Byram is located partially within that portion of the New Jersey Highlands Region defined by the Highlands Act, as the "Planning Area" (see definitions, below). This Ordinance is enacted pursuant to Section 15.a. of the Highlands Water Protection and Planning Act (Highlands Act, N.J.S.A. 13:20-1 et seq.), which provides that a municipality may choose to conform its master plan, development regulations, and other regulations to the provisions of the Highlands Regional Master Plan, with respect to lands located within the Planning Area, and by Ordinance, petition the New Jersey Highlands Water Protection and Planning Council (Highlands Council) for Plan Conformance approval of such planning and regulatory documents.

By adoption of this Ordinance, the Governing Body of the Township of Byram establishes that the municipality shall conform its master plan, development regulations, and all other regulations applicable to the use and development of land within the Planning Area of the municipality, to achieve consistency with the goals, requirements, and provisions of the Highlands Regional Master Plan. Said conformance shall be in accordance with the provisions of Highlands Council approval of the municipality's Petition for Plan Conformance, which was previously submitted to the Highlands Council by Resolution adopted by the Governing Body on November 23, 2009, and which the Highlands Council approved with certain conditions by Highlands Council Resolution No. 2010-6, adopted on September 23, 2010. Further, this Ordinance specifically reserves the rights of the municipality as specified by the Highlands Act, with respect to the voluntary nature of Plan Conformance for the Planning Area.

Section 2 Basis and Background

The Highlands Act finds and declares that protection of the Highlands Region is an issue of State level importance because of its vital link to the future of the State's drinking water supplies and other significant natural resources. The Highlands Act creates a coordinated land use planning system requiring the Highlands Council to prepare and adopt a Regional Master Plan that serves to protect, restore and enhance the significant resources the Highlands Region. The Highlands Act sets forth a bifurcated system for municipal conformance with the goals, requirements and provisions of the Regional Master Plan. Pursuant to Section 14.a. of the Highlands Act, a municipality located wholly or partially in the Preservation Area was required to submit by December 8, 2009 a revised municipal master plan, development regulations and other regulations, as applicable to the development and use of land in the Preservation Area, to conform them with the Regional Master Plan.

Pursuant to Section 15.a. of the Highlands Act, for a municipality located wholly in the Planning Area or for any portion of a municipality lying within the Planning Area, the municipality may submit at any time a revised master plan, development regulations and other regulations, as

applicable to the development and use of land in the Planning Area, that conforms with the Regional Master Plan. Plan Conformance by a municipality is strictly voluntary for lands in the Planning Area.

Consequently, the Township of Byram, having lands in the Planning Area of the Highlands Region, did submit as part of a Petition for Plan Conformance to the Highlands Council on December 2, 2009, proposed revisions to the master plan, development regulations and other regulations that relate to the development and use of land in the Planning Area. On September 23, 2010 the Highlands Council adopted Resolution No. 2010-6 approving the Township of Byram's Petition for Plan Conformance. The approval was conditioned upon the Township of Byram's adoption of an ordinance pursuant to Section 15a of the Highlands Act, formally petitioning the Highlands Council for Plan Conformance for lands within the Planning Area.

Section 3 Applicability

This Ordinance applies to the development and use of land located in the Planning Area of Township of Byram, as defined by Section 7 of the Highlands Act.

Section 4 Definitions

For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Ordinance clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Highlands Council – means the New Jersey Highlands Water Protection and Planning Council.
Highlands Act – means the Highlands Water Protection and Planning Act, P.L. 2004, c.120, as amended, codified in part at N.J.S.A. 13:20-1 et seq.

Highlands Region means all that area within the boundaries of the municipalities listed in subsection a. of section 7 of the Highlands Act.

Planning Area - means lands within the Highlands Region not within the Preservation Area (N.J.S.A. 13:20-7).

Plan Conformance – means the process by which a municipality revises the master plan, development regulations and other regulations related to the development and use of land to conform them with the goals, requirements, and provisions of the Regional Master Plan in accordance with the Highlands Plan Conformance Guidelines.

Preservation Area – means that portion of the Highlands Region so designated by subsection b. of section 7 of the Highlands Act.

Regional Master Plan– means the Highlands regional master plan or any revision thereof adopted by the Highlands Council pursuant to N.J.S.A. 13:20-8.

Section 5 Petition for Plan Conformance

Township of Byram hereby formalizes its Petition for Plan Conformance to the Highlands Council, declaring it fully effective for lands in the Planning Area of the municipality, said Petition having been approved by the Highlands Council subject to the conditions as set forth in Highlands Council

Resolution No. 2010-6, adopted on September 23, 2010.

Section 6 Reserved Right of Withdrawal for Planning Area

At any time, the Township of Byram may withdraw [that portion of] its Petition for Plan Conformance for the Planning Area. In such event, any approvals, rejections or conditions of the revised municipal master plan, development regulations or other regulations that pertain to the Planning Area, as set forth by the Highlands Council in approving Resolution No. 2010-6, will not be binding upon the Township of Byram. Any such withdrawal, should it occur, shall require repeal of this Ordinance, and shall be followed by formal notification to the Highlands Council, sent within ten (10) days of adoption by certified mail and including a certified copy of such repealing ordinance.

Section 6 Planning Grants and Technical Assistance

Upon application of Township of Byram, the Highlands Council has made, or will make, grant funding and other financial and technical assistance available to Township of Byram for the reasonable costs associated with the revision of the master plan, development regulations or other regulations, which revisions are designed to bring those plans and regulations into conformance with the Regional Master Plan. The Highlands Council shall provide grant funds for all mandatory aspects of Plan Conformance in accordance with the Plan Conformance Grant Program, and may also provide grant funds for the discretionary aspects of Plan Conformance as determined by the Highlands Council. As Plan Conformance for lands in the Planning Area is strictly voluntary, Township of Byram retains the right to withdraw [that portion of] the Petition relating to lands lying in the Planning Area from the Plan Conformance process at any time.

Section 7 Effective Date

This ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

BY ORDER OF THE MAYOR AND COUNCIL

Introduced: 6/6/2011

Adopted: 6/21/2011

Attest: _____

Doris J. Flynn, Clerk

James Oscovitch, Mayor