

**TOWNSHIP OF BYRAM**  
**COUNCIL AGENDA, MONDAY, NOVEMBER 2, 2015**  
**ETHICS TRAINING – 6:00 P.M.**  
**REGULAR SESSION– 7:30 P.M.**

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

Adequate notice of this meeting has been made in accordance with the Open Public Meetings Act, NJSA 10:4-6 by forwarding the annual notice to the New Jersey Herald posting the agenda on the bulletin board located in the Council Meeting Room and the Township website and by filing same with the Township Clerk.
3. **ROLL CALL**
4. **RETURN TO OPEN SESSION**
5. **PLEDGE OF ALLEGIANCE AND MOMENT OF SILENT REFLECTION**
6. **APPROVAL OF AGENDA**
7. **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.
8. **REPORTS**
  - Township Manager
  - Mayor and Council Members
  - Township Attorney
9. **APPROVAL OF MINUTES**
  - October 20, 2015 Regular Meeting Minutes
  - October 20, 2015 Closed 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. 167-2015 – Chapter 159 – R1,678.72 – Body Armor Replacement
  - B. Resolution No. 168-2015 – Resolution to Transfer 2015 Budget Appropriations Current Fund
  - C. Resolution No. 169-2015 – Cancellation of Prior Year Grant Reserve
  - D. Resolution No. 170-2015 – Resolution Authorizing the Execution of Documents Associated with the Amended Real Estate Contract on Block 337 Lot 9.01
11. **APPROVAL OF NOVEMBER 2, 2015 BILL LIST**
12. **ORDINANCES – 2<sup>ND</sup> Reading/Public Hearing**
  - Ordinance No. 16-2015 - An Ordinance of the Mayor and Council of the Township of Byram to Vacate, Release and Extinguish and Public Rights as to Portions of the Street Known as Raccoon Trail, Pursuant to N.J.S.A. 40:49-6 and N.J.S.A. 40:67-21  
Purpose Statement: The purpose of this Ordinance is to vacate portions of street known as "Raccoon Trail", pursuant to N.J.S.A. 40:49-6 and N.J.S.A. 40:67-21.
  - Ordinance No. 17-2015 - An Ordinance of the Mayor and Council of the Township of Byram to Vacate, Release and Extinguish and Public Rights as to Portions of the Street Known as Cove Drive Also Known as Cove Road, Pursuant to N.J.S.A. 40:49-6 and N.J.S.A. 40:67-21  
Purpose Statement: The purpose of this Ordinance is to vacate portions of streets known as "Cove Drive" a/k/a "Cove Road", pursuant to N.J.S.A. 40:49-6 and N.J.S.A. 40:67-21.
  - Ordinance No. 18-2015 - An Ordinance to Amend Chapter 240 of the Byram Township Code Entitled "Zoning" to Modify the Village Business Mixed Use District (VB)  
Purpose Statement: The purpose of this Ordinance is to revise and amend sections of Articles IX and X of the Township Code, permitting apartments as a conditional use in the Village Business Mixed Use Zone and defining and enumerating the required conditions of said conditional use.
13. **DISCUSSION**
  - **Honorarium Policy**
14. **PUBLIC PARTICIPATION II**
15. **RESOLUTION FOR EXECUTIVE SESSION**

Attorney Client Privileged Communication

  - General
  - Cheyenne Corp.

Personnel

  - Vehicle Use Policy

Contract Negotiations

  - PBA
  - Verizon Services
16. **ANY OTHER BUSINESS THE COUNCIL DEEMS NECESSARY**
17. **ADJOURNMENT**

**TOWNSHIP OF BYRAM**  
**RESOLUTION NO. 167 - 2015**  
**CHAPTER 159**

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

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

WHEREAS, the Township of Byram has received \$1,678.72 from the New Jersey Division of Criminal Justice and wishes to amend the 2015 Municipal Budget to include this amount as revenue.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Township of Byram, County of Sussex, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$1,678.72 which is now available as a revenue from:

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

BE IT FURTHER RESOLVED, that the like sum of \$1,678.72 be and the same is hereby appropriated under the caption of:  
General Appropriations:

(a) Operations Excluded from CAPS  
Public and Private Programs Offset by Revenues:  
Body Armor Replacement

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

**BYRAM TOWNSHIP COUNCIL**

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion					
2 <sup>nd</sup>					
Yes					
No					
Abstain					
Absent					

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on November 2, 2015

\_\_\_\_\_  
Doris Flynn, Township Clerk

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 168 - 2015**

**RESOLUTION TO TRANSFER 2015 BUDGET APPROPRIATIONS  
CURRENT FUND**

**WHEREAS**, transfers between budget appropriations are permitted by N.J.S.A. 40A:4-58 during the last two months of the fiscal year; and

**WHEREAS**, certain 2015 Township Budget Appropriations are expected to be insufficient to meet the expenditure requirements through the end of the fiscal year, and certain 2015 budget appropriations are expected to have funds available to offset these expenditure requirements;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Byram, County of Sussex, State of New Jersey, (not less than two-thirds thereof affirmatively concurring) that the transfers as listed between 2015 Township Budget Appropriations be made in the Current Fund:

<u>Department</u>	<u>Account Number</u>	<u>Amount – From:</u>	<u>Amount – To:</u>
Rd Repair & Maint OE – Grits	01-201-26-290-249	\$ 4,000.00	
Social Security	01-201-36-472-020	\$ 1,000.00	
Rd Repair & Maint SW – Seas	01-201-26-290-015		\$ 4,000.00
DCRP	01-201-36-477-020		\$ 1,000.00

**BYRAM TOWNSHIP COUNCIL**

<b>COUNCIL MEMBER</b>	<b>Councilwoman Raffav</b>	<b>Councilman Gray</b>	<b>Councilman Olson</b>	<b>Councilwoman Kash</b>	<b>Mayor Oscovitch</b>
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 November 2, 2015.

\_\_\_\_\_  
Doris Flynn, Township Clerk

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 169 - 2015  
CANCELLATION OF PRIOR YEAR GRANT RESERVE**

**WHEREAS**, there is a Prior Year Grant Reserve balance that is open and in need of cancellation; and

**WHEREAS**, said grant is for RMP Compliance Aid in the amount of \$7,500.00 and all payments in relation to this grant have been previously made in prior years;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Byram, County of Sussex, State of New Jersey, that the Chief Financial Officer cancel the above stated Grant Reserve.

**BYRAM TOWNSHIP COUNCIL**

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

**ATTEST:**

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on November 2, 2015.

\_\_\_\_\_  
Doris Flynn, Township Clerk

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 170 – 2015**

**RESOLUTION AUTHORIZING THE EXECUTION OF DOCUMENTS  
ASSOCIATED WITH THE AMENDED REAL ESTATE CONTRACT FOR  
BLOCK 337 LOT 9.01 TOTALING 11.552 ACRES BY AND BETWEEN THE  
TOWNSHIP OF BYRAM AND GREGORY J. GAMSKI**

WHEREAS, the Township Council and Township Attorney have reviewed the Real Estate Contract and Deed for Block 337 Lot 9.01 consisting of 11.552 acres by and between the Township of Byram and Gregory J. Gamski.

NOW THEREFORE BE IT RESOLVED by the Council of the Township of Byram, County of Sussex, State of New Jersey that the Mayor, Township Manager and Clerk are hereby authorized to execute any and all documents pertaining to the amended Real Estate Contract for said parcel.

**BYRAM TOWNSHIP COUNCIL**

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

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on November 2, 2015.

\_\_\_\_\_  
Doris Flynn, Municipal Clerk

**TOWNSHIP OF BYRAM  
Sussex County, New Jersey**

**ORDINANCE NO: 16 - 2015**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**INTRODUCED:**      October 6, 2015

**ADOPTED:**

Township of Byram

\_\_\_\_\_  
JAMES OSCOVITCH, MAYOR

**ATTESTED:**

\_\_\_\_\_  
DORIS FLYNN, TWP. CLERK

**TOWNSHIP OF BYRAM  
Sussex County, New Jersey**

**ORDINANCE NO: 17 - 2015**

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

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

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

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

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

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

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

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



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

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

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

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

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

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

**INTRODUCED:** October 6, 2015

**ADOPTED:** November 2, 2015

Township of Byram

\_\_\_\_\_  
JAMES OSCOVITCH, MAYOR

ATTESTED:

\_\_\_\_\_  
DORIS FLYNN, TWP. CLERK

**TOWNSHIP OF BYRAM**  
**Sussex County, New Jersey**

**ORDINANCE NO. 18 – 2015**

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

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

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

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

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

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

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

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

**Section 1. District Regulations.**

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

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

**C. Conditional Uses**

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

**Section 2. Conditional Uses**

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

**§240-62. Conditional Uses**

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

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

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

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

ATTEST:

**TOWNSHIP OF BYRAM**

\_\_\_\_\_  
DORIS FLYNN, CLERK

\_\_\_\_\_  
JAMES OSCOVITCH, MAYOR

**NOTICE OF ADOPTION**

**NOTICE** is hereby given that the above-entitled Ordinance was introduced and passed first reading at a meeting of the Township Council of the Township of Byram, held at the Byram Township Municipal Building, Mansfield Drive, Byram Township, New Jersey, on the 6th day of October 2015. The said ordinance was further considered for final adoption at a meeting of the Township Council of The Township of Byram, held at the Byram Municipal Building, 10 Mansfield Drive, Byram Township, New Jersey, on the 2nd day of November at 7:30 p.m. at which time all persons were given the opportunity to be heard. It was finally passed and adopted and will be in full force in the Township according to law.

\_\_\_\_\_  
DORIS FLYNN, TOWNSHIP CLERK