

TOWNSHIP OF BYRAM
COUNCIL AGENDA, TUESDAY, JANUARY 19, 2016
BUDGET WORKSHOP SESSION – 6:00 P.M.
EXECUTIVE SESSION – 7:00 P.M.
REGULAR SESSION – 7:30 P.M.

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

Adequate notice of this meeting has been made in accordance with the Open Public Meetings Act, NJSA 10:4-6 by forwarding the annual notice to the New Jersey Herald posting the agenda on the bulletin board located in the Council Meeting Room and the Township website and by filing same with the Township Clerk.
3. **ROLL CALL**
4. **BUDGET WORK SESSION**
5. **ADJOURN**
6. **CALL MEETING BACK TO ORDER**
7. **RESOLUTION FOR EXECUTIVE SESSION**
 - a. Attorney Client Privilege Communication – General
 - Sewer Issues
 - LMRPB
 - b. Personnel – Staffing
 - Compensation for witnesses
 - Health Benefits – PBA Retirees
 - Emergency Management Coordinator and Deputy
8. **RETURN TO OPEN SESSION**
9. **PLEDGE OF ALLEGIANCE AND MOMENT OF SILENT REFLECTION**
10. **APPROVAL OF AGENDA**
11. **APPROVAL OF FIREFIGHTER MEMBERSHIP**
 - David Blakely
 - Adam Varian
12. **REPORTS**
 - Township Manager
 - Mayor and Council Members
 - Township Attorney
13. **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.
14. **APPROVAL OF MINUTES**
 - January 5, 2016 Regular Meeting Minutes
 - January 5, 2016 Closed Session Minutes
15. **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. Approval of Raffle – 50/50 and Tricky Tray – Byram Twp. Education Foundation on March 12, 2016 at Byram Intermediate School
 - B. Resolution No. 38-2016 – Authorize Refund of Redemption Monies to Outside Lien Holder
16. **APPROVAL OF JANUARY 19, 2016 BILL LIST**
17. **ORDINANCE – 2nd Reading/Public Hearing**
 - 1-2016 – Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A 40A:4-45.14)

Purpose Statement: The purpose of this ordinance is to increase the COLA percentage up to 3.5% and to bank the difference between the Township's final appropriation subject to the cap and 3.5%.
 - 2-2016 – Amend Ordinance for Administration & Hourly Positions Salary and Wagers for the years 2013-2016
 - 3-2016 – Amend Ordinance for Police Salary and Wages for the years 2016-2017
18. **ORDINANCE – Introduction / First Reading**
 - Ordinance of the Mayor and Council of the Township of Byram authorizing “Bring Your Own Bottle” (“BYOB”) Wine and Beer Consumption at Table-Service Restaurants

Purpose Statement: The purpose of this ordinance is to repeal the existing ordinance code section 82-9B, which prohibits “Bring Your Own Bottle” (“BYOB”) wine and beer consumption at unlicensed premises in the Township of Byram and to authorize “Bring Your Own Bottle” (“BYOB”) wine and beer consumption at table-service restaurants.
 - An Ordinance of the Township of Byram, County of Sussex, State of New Jersey amending Chapter 164 entitled “Licensing” to Establish a No Solicitation List and Modify Hours of Operation and Fees

Purpose Statement: The purpose of this ordinance is to establish a “No Solicitation List” and modify hours of operations for peddlers, hawkers and vendors.
 - An Ordinance Amending Chapter 240 Zoning of the Township of Byram Code

Purpose Statement: The purpose of this ordinance is to clarify various sections in the Byram Land Use Code and the Residential Schedule of Space Requirements.
 - An Ordinance to Amend the Appendix A; Fee Schedule, to the Code of Byram Township

Purpose Statement: The purpose of this Ordinance is to amend the Fee Schedule to update changes in Chapter 287-4 Miscellaneous Fees, Licensing.
19. **ITEMS FOR DISCUSSION**
20. **PUBLIC PARTICIPATION II**
21. **EXECUTIVE SESSION – Session II (if necessary)**
22. **ANY OTHER BUSINESS THE COUNCIL DEEMS NECESSARY**
23. **ADJOURNMENT**

**TOWNSHIP OF BYRAM
RESOLUTION # 38-2016
"Authorize Refund of Redemption Monies to Outside Lien Holder"**

WHEREAS, at the Municipal Tax Sale held on December 1, 2010 a lien was sold on Block 42 Lot 109.01 also known as 14 RT 206., for 2009 delinquent real estate taxes; and

WHEREAS, this lien which is known as Tax Sale Certificate #2010-004, was sold to Virgo Municipal Finance Fund LP Series 2 at 0% interest and a premium \$6,300.00; and

WHEREAS, Michael B. Meltzer the attorney representing the owner of said property has affected the redemption of certificate #2010-004 in the amount of \$133,454.77 as well as the legal fees of \$1,257.00;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Byram that this Governing Body acknowledges that Virgo Municipal Finance Fund LP Series 2 is entitled to the redemption in the amount of \$133,454.77; legal fees \$1,257.00 and the premium \$6,300.00.

BE IT FURTHER RESOLVED, that the Certified Finance Officer be authorized to issue a check in the total amount of \$141,011.77 for the redemption of certificate #2010-004 payable to Virgo Municipal Finance Fund LP Series 2, 380 Lexington Avenue, 17th Floor, New York, NY 10168.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Township Council of the Township of Byram at a regular meeting of said Governing Body conducted on Tuesday, January 19, 2016.

BYRAM TOWNSHIP COUNCIL

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

ATTEST:

I, certify that the forgoing resolution was adopted by the Byram Township Council at a meeting held on January 19, 2016.

Doris Flynn, Township Clerk

**TOWNSHIP OF BYRAM
ORDINANCE NO. 1 - 2016**

**CALENDAR YEAR 2016
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

Purpose Statement: The purpose of this ordinance is to increase the COLA percentage up to 3.5% and to bank the difference between the Township's final appropriation subject to the cap and 3.5%.

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Township of Byram in the County of Sussex finds it advisable and necessary to increase its CY 2016 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$309,921.40 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of Township of Byram, in the County of Sussex a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the Township of Byram shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$309,921.40 and that the CY 2016 municipal budget for the Township of Byram be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that this ordinance takes effect immediately upon adoption; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Attest:

BYRAM TOWNSHIP COUNCIL

Doris J. Flynn, Township Clerk

James Oscovitch, Mayor

Introduced: 1/5/16

Adopted: 1/19/16

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

NOTICE OF ADOPTION

NOTICE is hereby given that Ordinance 1-2016 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 5th day of January, 2016. 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 19th day of January 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

**TOWNSHIP OF BYRAM
ORDINANCE NO. 2 - 2016**

**AMENDED ORDINANCE FOR ADMINISTRATION & HOURLY POSITIONS
SALARY AND WAGES
FOR THE YEARS 2013-2016**

BE IT ORDAINED by the Mayor and Township Council, Township of Byram, County of Sussex, State of New Jersey as follows:

SECTION 1: The salary for each elected and appointed official and employee of the Township of Byram who is engaged on an annual salary basis shall be hereby fixed as follows:

<u>POSITION</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
Mayor and Council Member	3,500	3,500
Municipal Manager	85,000	116,000
Deputy Municipal Manager	10,000	65,000
Executive Assistant	15,000	65,000
Chief of Police	115,000	160,000
Township Clerk/Registrar	50,000	80,000
Deputy Clerk	10,000	51,000
Chief Financial Officer/Municipal Treasurer	55,000	92,000
Assistant Municipal Treasurer	15,000	45,000
Municipal Tax Collector	15,000	70,000
Assistant Municipal Tax Collector	10,000	40,000
Tax Assessor	30,000	60,000
Public Works Superintendent	60,000	103,000
Director of Planning	50,000	75,000
Recreation Director	30,000	72,000
Municipal Court Administrator	30,000	57,000
Judge Municipal Court	15,000	50,000
Construction Code Official	30,000	75,000
Plumbing Inspector	10,000	20,000
Electrical Inspector	10,000	20,000
Fire Inspector	2,000	2,500
Fire Official	2,000	2,500
Zoning Officer	15,000	38,000
Assistant Zoning Officer	2,500	20,000
Deputy Registrar Vital Statistics Stipend	1,000	1,000
Planning Board Secretary Stipend	1,000	1,000
Sanitary Sewer License Operator Stipend	5,500	5,500

SECTION 2: The maximum hourly rate of pay for each appointed hourly employee shall be hereby fixed as follows:

<u>POSITION HOURLY</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
Senior Transportation Driver	10.00	19.00
Recycling Aide	8.50	13.00
Animal Attendant	10.00	12.00
Seasonal DPW Workers	10.00	15.00

SECTION 3: The authorized number of positions shall be established by the Annual Budget adopted by the Township Council or as otherwise provided by statute or official action of the Township Council.

SECTION 4: The Manager of the Township of Byram may establish rates of compensation for all employees and may hire any new employee at an hourly or annual rate which does not exceed the maximum salary provided for such office or position without specific authorization of the Township Council.

SECTION 5: Personnel covered by the existing labor contracts or an individual contract with the Township shall be entitled to benefits as per contract, if applicable. Full time annual salaried employees not covered by contracts shall be entitled to the benefits but not including longevity, educational, or overtime payments, which

are provided to the bargaining unit of their department, or to the clerical bargaining unit if not otherwise covered.

SECTION 6: All existing ordinances or parts of existing ordinances which are inconsistent with the terms of this ordinance are to the extent of such inconsistency repealed.

SECTION 7: This Ordinance shall take effect after publication and passage according to law and shall be effective until revised.

BYRAM TOWNSHIP COUNCIL

Doris J. Flynn, Township Clerk

James Oscovitch, Mayor

Introduced: 1/5/16
Adopted: 1/19/16

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

NOTICE OF ADOPTION

NOTICE is hereby given that Ordinance 2-2016 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 5th day of January, 2016. 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 19th day of January 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

**TOWNSHIP OF BYRAM
ORDINANCE NO. 3 - 2016**

**AMENDED ORDINANCE FOR POLICE
SALARY AND WAGES FOR THE YEARS 2016-2017**

BE IT ORDAINED by the Mayor and Township Council, Township of Byram, County of Sussex, State of New Jersey as follows:

SECTION: 1. The salary for each appointed official and employee of the Township of Byram who is engaged on an annual salary basis shall be hereby fixed as follows:

For new employees hired after March 11, 2013:

Position	Minimum	Maximum
Police Officer		
a) Police Academy	46,243.74	47,168.61
b) Balance of 1 st year of employment	50,784.78	51,800.48
c) After 1 st Year of Service	55,324.80	56,431.30
d) After 2 nd Year of Service	64,222.26	65,506.71
e) After 3 rd Year of Service	73,118.70	74,581.07
f) After 4 th Year of Service	82,016.16	83,656.48
g) After 5 th Year of Service	90,912.60	92,730.85
h) After 6 th Year of Service	99,809.04	101,805.22
i) After 7 th Year of Service	108,730.98	110,905.60

For employees hired before March 11, 2013

Police Officer		
a) Top Pay (After 5 th Year)	109,000.26	111,180.27
Sergeant	116,756.34	119,091.47
Lieutenant	124,893.90	127,391.78
Detective increment	1,500 per annum	

SECTION: 2. The hourly rate of pay for each appointed hourly employee shall be fixed as follows:

Position	Minimum	Maximum
Special Law Enforcement		
Officer – Class I	8.00	10.00
Special Law Enforcement Officer		
Officer – Class II	9.00	13.50

SECTION: 3. The authorized number of positions shall be established by the Annual Budget adopted by the Township Council or as otherwise provided by statute or official action of the Township Council.

SECTION: 4. The Manager of the Township of Byram may establish rates of compensation for all employees, and may hire any new employee at an annual or hourly rate which does not exceed the maximum salary provided for such office or position.

SECTION: 5. Personnel covered by the existing labor contracts shall be entitled to longevity and other benefits as per contract, if applicable. Full-time annual salaried employees not covered by contracts shall be entitled to the benefits but not including longevity, educational, or overtime payments, which are provided to the bargaining unit of their department or to the clerical bargaining unit if not otherwise covered.

SECTION: 6. All existing ordinances or parts of existing ordinances which are inconsistent with the terms of this ordinance are to the extent of such inconsistency repealed.

SECTION: 7. This Ordinance shall take effect after publication and passage according to law and shall be effective from January 1, 2016 and until revised.

BY ORDER OF THE MAYOR AND COUNCIL OF BYRAM TOWNSHIP

Attest:

BYRAM TOWNSHIP COUNCIL

Doris J. Flynn, Township Clerk

James Oscovitch, Mayor

Introduced: 1/5/16

Adopted: 1/19/16

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

NOTICE OF ADOPTION

NOTICE is hereby given that Ordinance 3-2016 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 5th day of January, 2016. 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 19th day of January 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

TOWNSHIP OF BYRAM
ORDINANCE NO. -2016
ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF
BYRAM AUTHORIZING “BRING YOUR OWN BOTTLE” (“BYOB”) WINE
AND BEER CONSUMPTION AT TABLE-SERVICE RESTAURANTS

Purpose Statement: The purpose of this ordinance is to repeal the existing ordinance code section 82-9B, which prohibits “Bring Your Own Bottle” (“BYOB”) wine and beer consumption at unlicensed premises in the Township of Byram and to authorize “Bring Your Own Bottle” (“BYOB”) wine and beer consumption at table-service restaurants.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Council of the Township of Byram that Section 82-9B in the Byram Township Code is hereby deleted and hereby replaced with the following:

Section 1. Section 82-9B of the Code of the Township of Byram is hereby amended to delete the existing Section in its entirety and to replaced it with the following new Section entitled “Consumption in unlicensed public premises prohibited”; “Bring Your Own Bottle (BYOB) beer and wine consumption exception”

§82-9B. Consumption in unlicensed public premises prohibited; Bring Your Own Bottle (BYOB) beer and wine consumption exception.

1. No person shall drink or otherwise consume, or offer to another person for the purpose of consumption, in any public place or any commercial establishment where persons congregate for any purposes whatsoever, any alcoholic beverage; provided, however, that the provisions of this subsection shall not apply to any place or establishment for which a valid alcoholic beverage consumption license has been issued by the Township or by the New Jersey Division of Alcoholic Beverage control. No person owning or operating any commercial establishment, whether or not food or beverages are sold or served on the premises, shall permit or allow the consumption of alcoholic beverages on the premises whether or not said alcoholic beverages are brought on to the premises by the owner or operator of the establishment or by any member of the general public.
2. Notwithstanding the prohibition set forth in §82-9B(1), Consumption of malt liquor (beer) and wine is permitted at table-service restaurants as follows:
 - a. No person who owns or operates a table-service restaurant, table-service dining room or other table-service public place where food or liquid refreshments are sold or served to the general public, and for which premises a license or permit authorizing the sale of alcoholic beverages for on-premises consumption has not been issued:

- i. Shall allow the consumption of alcoholic beverages, other than wine or a malt alcoholic beverage, in a portion of the premises which is open to the public; or
 - ii. Shall charge any admission fee or cover, corkage or service charge or advertise inside or outside of such premises that patrons may bring and consume their own wine or malt alcoholic beverages in a portion of the premises which is open to the public.
 - iii. Shall allow the consumption of wine or malt alcoholic beverages at times or by persons to whom the service or consumption of alcoholic beverages on licensed premises is prohibited by State or municipal law or regulation.
- b. Nothing in this section shall restrict the right of the municipality or an owner or operator of a restaurant, dining room or other public place where food or liquid refreshments are sold or served to the general public from prohibiting the consumption of alcoholic beverages on those premises.
 - c. A person who violates any provision of this ordinance is a disorderly person, and the court, in addition to the sentence imposed for the disorderly person violation, may by its judgment bar the owner or operator from allowing consumption of wine or malt alcoholic beverages in his premises as authorized by this ordinance.

Section 2. Severability. If any section, subsection, clause or phrase of this Ordinance is for any reason held to 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 provisions 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, Township Clerk
 Introduced: 1/19/16
 Adopted:

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

NOTICE is hereby given that the above titled 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 19th day of January, 2016. The said ordinance will be further considered for final adoption at a meeting of the Township Council of the Township of Byram, held at the Byram Municipal Building, Mansfield Drive, Byram Township, New Jersey, on the 2nd day of February 2016 at 7:30 p.m. at which time all persons will be given the opportunity to be heard concerning said ordinance. Copies are available to the public at the Clerk's office between the hours of 8:30 a.m. and 4:30 p.m.

Doris J. Flynn
Byram Township Clerk

**TOWNSHIP OF BYRAM
SUSSEX COUNTY, NEW JERSEY
ORDINANCE NO. - 2016**

**AN ORDINANCE OF THE TOWNSHIP OF BYRAM, COUNTY OF
SUSSEX, STATE OF NEW JERSEY AMENDING CHAPTER 164
ENTITLED "LICENSING" TO ESTABLISH A NO SOLICITATION
LIST AND MODIFY HOURS OF OPERATION AND FEES**

Purpose Statement: The purpose of this ordinance is to establish a "No Solicitation List" and modify hours of operations for peddlers, hawkers and vendors.

BE IT ORDAINED by the Township of Byram, in the County of Sussex, and State of New Jersey that Chapter 164 entitled "Licensing" of the Code of the Township of Byram is hereby amended as follows:

SECTION I. Chapter 164 entitled "Licensing" is hereby amended, supplemented, and revised by adding 164-27 No Solicitation List, and renumbering all sections that follow.

Article III. Solicitors and Canvassers

§164-27. No Solicitation List; Regulations.

A. No Solicitation List.

1. The Township of Byram shall establish a list of residents who request that solicitors do not solicit on their property. The "No Solicitation List" shall be maintained by the Township Clerk and updated annually.
2. Residents of the Township of Byram may request in writing to the Township Clerk to be added to the No Solicitation List.
3. Upon receipt of a written request, the Township Clerk shall add the name and address of the resident to the No Solicitation List.
4. The Township Clerk shall distribute a copy of the No Solicitation List to all applicants seeking a license to solicit pursuant to the provisions of this Chapter.
5. The Township Clerk shall distribute a copy of the No Solicitation List to the Chief of Police annually for distribution where applicable.

B. Regulations.

1. No person or organization may engage in the activities described in §164-20 on the properties or to the persons set forth in the No Solicitation List. Violation of this provision shall be immediate cause for revocation or suspension of license pursuant §164-9.

SECTION II. Chapter 164-15 entitled "Hours of Operation" is hereby amended, supplemented, and revised as follows:

§164-15. Hours of Operation.

No person shall sell, offer for sale, hawk or peddle in the Township any of the items listed in 164-11 before 9:00 a.m. or after 5:00 p.m.

SECTION III. Chapter 164-24 entitled "Fees" is hereby amended, supplement, and revised as follows:

§164-24. Fees.

The fee for a solicitor's or canvasser's license shall be as set forth in Chapter A287, Fees. No portion of the fee shall be prorated for any part of the year. Nonprofit or eleemosynary organizations are exempt from the payment of this fee.

SECTION IV. If any article, section, subsection, sentence, 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 and they shall remain in full force and effect.

SECTION V. All existing ordinances or parts of existing ordinances which are inconsistent with the terms of this ordinance are to the extent of such inconsistency repealed.

SECTION VI. This Ordinance shall take effect twenty (20) days after final adoption and publication as required by law.

BYRAM TOWNSHIP COUNCIL

Attest:

Doris J. Flynn, Township Clerk

Introduced: 1/19/16

Adopted:

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

NOTICE is hereby given that the above titled 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 19th day of January, 2016. The said ordinance will be further considered for final adoption at a meeting of the Township Council of the Township of Byram, held at the Byram Municipal Building, Mansfield Drive, Byram Township, New Jersey, on the 2nd day of February 2016 at 7:30 p.m. at which time all persons will be given the opportunity to be heard concerning said ordinance. Copies are available to the public at the Clerk's office between the hours of 8:30 a.m. and 4:30 p.m.

**BYRAM TOWNSHIP
SUSSEX COUNTY, NEW JERSEY
ORDINANCE NO. X – 2016**

**AN ORDINANCE AMENDING CHAPTER 240 ZONING OF THE TOWNSHIP OF
BYRAM CODE**

Purpose Statement: The purpose of this ordinance is to clarify various sections in the Byram Land Use Code and the Residential Schedule of Space Requirements.

WHEREAS, the Township of Byram's Planning Board ("the Board") has recommended various amendments to the Byram Land Use Code; and

WHEREAS, the Board has advised the Township Council on the need for said Ordinance amendments; and

WHEREAS, the Planning Board, in consultation with the Township Planner and Township Engineer, has proposed amendments to the Land Development Ordinance that will clarify the Ordinance; and

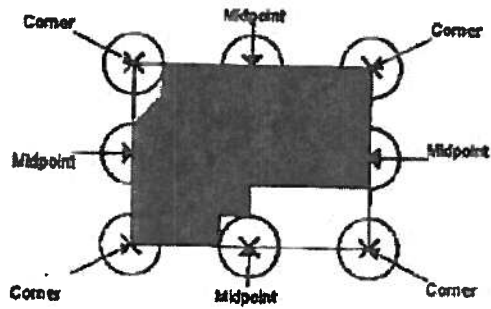
WHEREAS, the Mayor and Council of the Township of Byram hereby accept the recommendation of the Board to adopt amendments to the Land Development Ordinance in accordance with the requirements of the within Ordinance

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

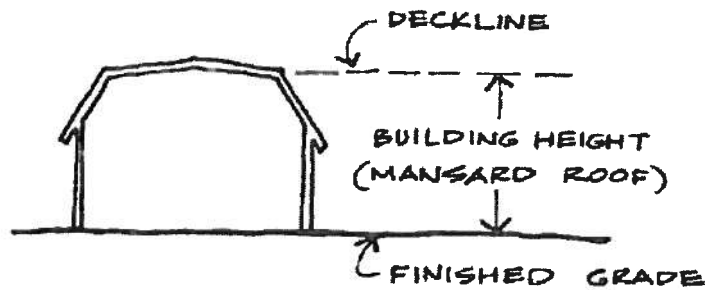
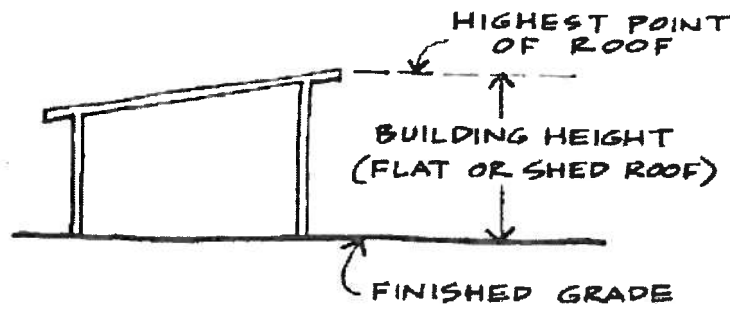
SECTION 1. Chapter 240 – ARTICLE III DEFINITIONS shall be revised as follows.

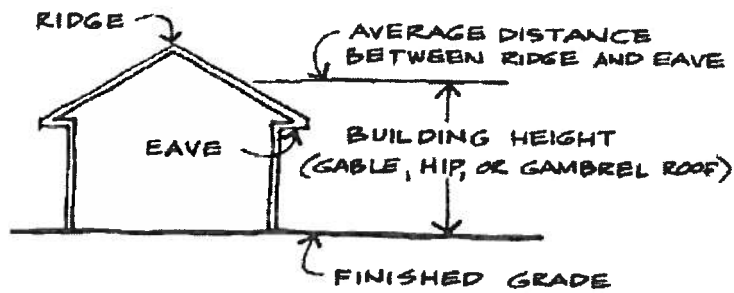
240-7 Terms Defined. Revise and amended as follows.

Average Grade Elevation – The average of the elevations of the lowest points around a structure taken at the four (4) corners and the four (4) mid-points of the smallest rectangle that encompasses the entire building footprint.

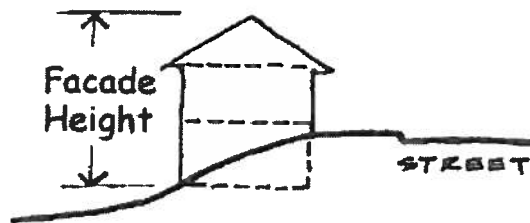


Height of Building – The vertical distance from the average grade elevation to the top of the highest roof surface on a flat or shed roof, to the highest deck level of a mansard roof, and the average distance between the eaves and the ridge level for the highest gable, hip or gambrel roof of a structure.





Height of Facade – The vertical distance from the average finish grade along each side of a structure to the top of a structure or to the top of the highest point of the roof surface of a building.



Parking Space – An off-street space for the parking of one (1) motor vehicle, which space shall have an area as required by this Code.

SECTION 2. Chapter 240 - ARTICLE IV GENERAL REGULATIONS shall be revised as follows.

240-25 Proximity of Structures to Waterways. Delete existing section and replace with the following:

240-25 Proximity of structures & construction activities to waterways.

- A. No building or structure (except for docks, piers, boathouses, or similar structures related to watercourses) shall be constructed, placed, erected or extended within the setback from existing lakes, ponds, streams or wetlands, as required for each zone, (75 feet if no requirement is stated) unless approved by the Planning Board.

B. None of the following construction activities can be undertaken within a floodway, flood hazard area or riparian buffer until an approval is obtained from the State of New Jersey Department of Environmental Protection or is authorized per the current State of New Jersey Department of Environmental Protection Flood Hazard Area Control Act Rules (N.J.A.C. 7:13):

1. The alteration of topography through excavation, grading and/or placement of fill;
2. The clearing, cutting and/or removal of vegetation in a riparian zone;
3. The creation of impervious surface;
4. The storage of unsecured material;
5. The construction, reconstruction and/or enlargement of a structure; and
6. The conversion of a building into a private resident or a public building.

240-40 “General Requirements; driveways.” To be renamed “Off Street Parking Area Requirements” and Revise Section B (5) (b).

(b) An off-street parking area shall be marked off into individual car parking stalls, and each shall have a usable area of not less than 180 square feet, exclusive of access drives or aisles, and shall measure not less than 9 feet in width and 18 feet in length.

SECTION 3. Chapter 240 - ARTICLE VIII SIGNS shall be revised as follows.

240-47.2 Permitted Signs in Non-Residential Districts

A. Any sign permitted in Residential District per 240-47.1, with the proviso that Temporary Real Estate Signs in Non-Residential Districts may exceed six (6) square feet and shall not exceed twenty-four (24) square feet.

SECTION 4. Chapter 240 - ARTICLE IX DISTRICT REGULATIONS shall be revised as follows.

240-51 R-1 Residential District. Switch Sections C and D per the following language.

C. Required conditions. The following requirements must be complied with in the R-1 Residence District.

- (1) Minimum Lot Area: 10 acres
 - (2) Front yard: a minimum of 100 feet.
-

- (3) Side yard: a minimum of 50 feet each.
- (4) Rear yard: a minimum of 100 feet.
- (5) Lot width (frontage): a minimum of 200 feet.
- (6) Lot disturbance: a maximum of 50%. In no instance shall lot disturbance exceed 40,000 square feet.
- (7) Building height: a maximum of 2 1/2 stories or 30 feet, with a forty-foot maximum height of any facade.
- (8) Setback of building from existing lakes, ponds, streams or wetlands shall be a minimum of 100 feet, measured from one-hundred-year flood line. This setback shall include a ten-foot-wide vegetated buffer along at least 80% of water's edge.
- (9) Accessory uses shall be regulated as in § 240-16.

D. Cluster Option - Development of more than one lot may be achieved through clustering, lot size averaging or other similar density based development techniques that maintains overall density while creating preserved open space through fee simple lots or conservation easements. The following requirements must be complied with for a cluster option:

(1) Bulk requirements – Clustering Option – R-1

- (a) Area: 1 unit per 10 acres, with a minimum building lot of 40,000 square feet
- (b) Front yard: a minimum of 50 feet, 75 feet for lots in excess of 1.5 acres
- (c) Side yard: a minimum of 20 feet
- (d) Rear yard: a minimum of 50 feet
- (e) Lot width: a minimum of 150 feet
- (f) Lot disturbance: a maximum of 50%. In no instance shall lot disturbance exceed 40,000 square feet.
- (g) Building height: a maximum of 2 1/2 stories or 30 feet, with a forty-foot maximum height of any facade.
- (h) Setback of building from existing lakes, ponds, streams or wetlands shall be a minimum of 50 feet, measured from one-hundred-year flood line. This setback shall include a ten-foot-wide vegetated buffer along at least 80% of water's edge.
- (i) Accessory uses shall be regulated as in § 240-16.

(2) Either there shall be deeded to the Township of Byram for one or more of the following public purposes: undeveloped open land, recreational facilities, municipal administration buildings, public schools and school grounds, firehouses, police stations, libraries or post offices, or there shall be devoted to open space or recreational use in private ownership an area or areas shown on a plan approved by the Planning Board.

(3) Where portions of a tract of land are to be reserved for open space or recreational use in private ownership under the cluster development provisions of this chapter, the subdivider shall file with the Planning Board covenants, agreements and other instruments deemed necessary and appropriate by the Board and its legal counsel to effectively guarantee that:

(a) The lands reserved for open space in private ownership shall remain perpetually in open space, recreational use or public use.

(b) There shall be established by the developer or the subdivider some legally responsible organization approved by the Planning Board and its legal counsel as to form and adequacy, which organization shall assume all obligations of ownership, including development and maintenance, as well as payment of taxes and other normal incidents of ownership.

(4) In the processing of a major subdivision employing the use of open space development, as defined herein, the Planning Board's approval of the open space technique shall be subject to specific findings as to whether the technique is expected to promote one or more of the following desired objectives:

(a) The provisions for playground or recreation areas in such a fashion as to be an integral part of the subdivision, with the emphasis being on pedestrian access to such areas.

(b) The creation of undeveloped open spaces to avoid the monotony of development and to act as a unifying theme for the development in the manner of a greenbelt or like approach.

(c) Protection against undue soil, vegetation and wildlife habitat disturbance.

(d) Conservation of natural features such as streambeds, lakes, ponds, wooded areas, rock formations, significant views, etc.

(e) Protection of floodplain and other sensitive views, etc.

(5) In processing a major subdivision employing the use of cluster development zoning, as defined herein, the Planning Board's approval shall also be contingent upon the reasonable accessibility of the open spaces to all residents of the development if the open space technique is being employed in whole or in part to provide public or private playground or recreational facilities; in which event, the Planning Board shall afford the Recreation Commission reasonable opportunity to offer nonbinding comment on the use of the proposed open spaces for recreational purposes before the Planning Board completes its action on the use of the open spaces technique, provided that such nonbinding comment is submitted within 35 days following referral to the Recreation Commission.

240-52 R-2 Residential District. Switch Sections C and D per the following language.

C. Required conditions. The following requirements must be complied with in the R-2 Residence District.

- (1) Minimum Lot Area: 5 acres
- (2) Front yard: a minimum of 100 feet.
- (3) Side yard: a minimum of 50 feet each.
- (4) Rear yard: a minimum of 75 feet.
- (5) Lot width (frontage): a minimum of 200 feet.
- (6) Lot disturbance: a maximum of 50%. In no instance shall lot disturbance exceed 40,000 square feet.
- (7) Building height: a maximum of 2 1/2 stories or 30 feet, with a forty-foot maximum height of any facade.
- (8) Setback of building from existing lakes, ponds, streams or wetlands shall be a minimum of 75 feet, measured from one-hundred-year flood line. This setback shall include a ten-foot-wide vegetated buffer along at least 80% of water's edge.
- (9) Accessory uses shall be regulated as in § 240-16.

D. Cluster Option - Development of more than one lot may be achieved through clustering, lot size averaging or other similar density based development techniques that maintains overall density while creating preserved open space through fee simple lots or

conservation easements. The following requirements must be complied with for a cluster option:

(1) Bulk requirements – Clustering Option – R-2

- (a) Area: one unit per five acres, with a minimum building lot of 40,000 square feet.
- (b) Front yard: a maximum of 50 feet, 75 feet for lots in excess of 1.5 acres.
- (c) Side yard: a minimum of 20 feet
- (d) Rear yard: a minimum of 50 feet
- (e) Lot width: a minimum of 150 feet
- (f) Lot disturbance: a maximum of 50% In no instance shall lot disturbance exceed 40,000 square feet.
- (g) Setback of building from existing lakes, ponds, streams or wetlands shall be a minimum of 50 feet, measured from one-hundred-year flood line. This setback shall include a ten-foot-wide vegetated buffer along at least 80% of water's edge.
- (h) Building height: a maximum of 2 1/2 stories or 30 feet, with a forty-foot maximum height of any facade.
- (i) Accessory uses shall be regulated as in § 240-16.

(2) Either there shall be deeded to the Township of Byram for one or more of the following public purposes: undeveloped open land, recreational facilities, municipal administration buildings, public schools and school grounds, firehouses, police stations, libraries or post offices, or there shall be devoted to open space or recreational use in private ownership an area or areas shown on a plan approved by the Planning Board.

(3) Where portions of a tract of land are to be reserved for open space or recreational use in private ownership under the cluster development provisions of this chapter, the subdivider shall file with the Planning Board covenants, agreements and other instruments deemed necessary and appropriate by the Board and its legal counsel to effectively guarantee that:

- (a) The lands reserved for open space in private ownership shall remain perpetually in open space, recreational use or public use.
- (b) There shall be established by the developer or the subdivider some legally responsible organization approved by the Planning Board and its legal counsel as

to form and adequacy, which organization shall assume all obligations of ownership, including development and maintenance, as well as payment of taxes and other normal incidents of ownership.

(4) In the processing of a major subdivision employing the use of open space development, as defined herein, the Planning Board's approval of the open space technique shall be subject to specific findings as to whether the technique is expected to promote one or more of the following desired objectives:

(a) The provisions for playground or recreation areas in such a fashion as to be an integral part of the subdivision, with the emphasis being on pedestrian access to such areas.

(b) The creation of undeveloped open spaces to avoid the monotony of development and to act as a unifying theme for the development in the manner of a greenbelt or like approach.

(c) Protection against undue soil, vegetation and wildlife habitat disturbance.

(d) Conservation of natural features such as streambeds, lakes, ponds, wooded areas, rock formations, significant views, etc.

(e) Protection of floodplain and other sensitive views, etc.

(5) In processing a major subdivision employing the use of cluster development zoning, as defined herein, the Planning Board's approval shall also be contingent upon the reasonable accessibility of the open spaces to all residents of the development if the open space technique is being employed in whole or in part to provide public or private playground or recreational facilities; in which event, the Planning Board shall afford the Recreation Commission reasonable opportunity to offer nonbinding comment on the use of the proposed open spaces for recreational purposes before the Planning Board completes its action on the use of the open spaces technique, provided that such nonbinding comment is submitted within 35 days following referral to the Recreation Commission.

SECTION 5. Chapter 240 - ARTICLE IX DISTRICT REGULATIONS shall be revised as follows.

240-53 R-3 Residential District. Revise Items C. (6), (7), (8) & (9) with the following language.

(6) Lot disturbance: a maximum of 50% of lot. In no instance shall lot disturbance exceed 40,000 square feet.

(7) Building height: a maximum of 2 1/2 stories or 30 feet, with a forty-foot maximum height of any facade.

(8) Accessory uses shall be regulated as in § 240-16

(9) Setback of building from existing lakes, ponds, streams or wetlands shall be a minimum of 50 feet, measured from one-hundred-year flood line. This setback shall include a ten-foot-wide vegetated buffer along at least 80% of water's edge.

240-54 R-4 Residential District. Revise Items C. (6), (7), (8) & (9) with the following language.

(6) Lot disturbance: a maximum of 50% of lot. In no instance shall lot disturbance exceed 20,000 square feet.

(7) Building height: a maximum of 2 1/2 stories or 25 feet, with a thirty-five-foot maximum height of any facade.

(8) Accessory uses shall be regulated as in § 240-16

(9) Setback of building from existing lakes, ponds, streams or wetlands shall be a minimum of 50 feet, measured from one-hundred-year flood line. This setback shall include a ten-foot-wide vegetated buffer along at least 80% of water's edge

240-55 R-5 Residential District. Revise Items C. (6), (7), (8) & (9) with the following language.

(6) Lot disturbance: a maximum of 50% of lot. In no instance shall lot disturbance exceed 10,000 square feet.

(7) Building height: a maximum of 2 1/2 stories or 25 feet, with a thirty-five-foot maximum height of any facade.

(8) Accessory uses shall be regulated as in § 240-16

(9) Setback of building from existing lakes, ponds, streams or wetlands shall be a minimum of 50 feet, measured from one-hundred-year flood line. This setback shall include a ten-foot-wide vegetated buffer along at least 80% of water's edge

SECTION 6. Chapter 240 - Residential Schedule of Space Requirements shall be revised as is indicated in the attached revised schedule.

SECTION 7. Chapter 240 – Variance Checklist shall be revised as is indicated in the attached revised checklist.

SECTION 8. SEVERABILITY.

If any provision of this Ordinance, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

SECTION 9. REPEALER.

All Ordinances or parts of Ordinances which are inconsistent with any provisions of this Ordinance are hereby repealed as to the extent of such inconsistencies.

SECTION 10. EFFECTIVE DATE.

This Ordinance shall take effect twenty (20) days after final adoption and publication as required by law.

INTRODUCED: January 19, 2016

ADOPTED:

ATTEST:

TOWNSHIP OF BYRAM

Doris Flynn, Clerk

James Oscovitch, Mayor

NOTICE OF INTRODUCTION

Notice is hereby given that the foregoing Ordinance was submitted in writing at a meeting of the Mayor and Council of the Township of Byram, in the County of Sussex, New Jersey, held on January 19, 2016 introduced and read by title and passed on the first reading and that said Township Mayor and Council will further consider the Ordinance for second reading and final passage thereof at a meeting to be held on February 16, 2016 at 7:30 p.m., at the Township of Byram Municipal Building, 10 Mansfield Drive, Stanhope, New Jersey, at which time and place a public hearing will be held thereon by the Township Council and all persons and citizens in interest shall have an opportunity to be heard concerning same.

**TOWNSHIP OF BYRAM
COUNTY OF SUSSEX**

ORDINANCE NO. ___ - 2016

AN ORDINANCE TO AMEND THE APPENDIX A; FEE SCHEDULE, TO THE CODE OF BYRAM TOWNSHIP

Purpose Statement: The purpose of this Ordinance is to amend the Fee Schedule to update changes in Chapter 287-4 Miscellaneous Fees, Licensing.

NOW, THEREFORE, BE IT ORDAINED by the Byram Township Council that Appendix A; Fee Schedule, is hereby amended as follows to the code of the Township of Byram:

§ 1. Appendix A, Chapter A287, Fees, is amended to the Code of the Township of Byram as follows:

Appendix A, Chapter A287, in Section A287-4, Licensing, shall be deleted and replaced as amended with the following:

§ A287-4. Miscellaneous fees.

Licensing:

Transfer license from one place to another (upon approval by resolution of the Township Council)	\$25	164-7
Peddlers, hawkers and vendors	\$50/year	164-13
Solicitors and Canvassers	\$500/year	164-24

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 portions thereof that may be inconsistent with the ordinance is hereby repealed to the extent of the inconsistency.

Effective date.

This Ordinance shall take effect in the time and manner prescribed by law.

BYRAM TOWNSHIP COUNCIL

Introduced: January 19, 2016

Adopted:

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

DORIS FLYNN, TOWNSHIP CLERK

JAMES OSCOVITCH, MAYOR

NOTICE is hereby given that the above titled Ordinance was introduced and passed on 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 19th day of January 2016. The said ordinance will be further considered for final adoption at a meeting of the Township Council of the Township of Byram, held at the Byram Municipal Building, Mansfield Drive, Byram Township, New Jersey, on the 2nd day of February 2016 at 7:30 p.m. at which time all persons will be given the opportunity to be heard concerning said ordinance

BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BYRAM