



**Byram Township Land Use Application**  
10 Mansfield Drive, Stanhope, NJ 07874  
973-347-2500

Property Address: \_\_\_\_\_ Block(s): \_\_\_\_\_ Lot(s): \_\_\_\_\_ Zone: \_\_\_\_\_

Applicant's Name: \_\_\_\_\_ Home address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

**Applicant's Professionals**

Name of Company: \_\_\_\_\_ Name of Professional: \_\_\_\_\_

Profession: \_\_\_\_\_ Business address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_



Name of Company: \_\_\_\_\_ Name of Professional: \_\_\_\_\_

Profession: \_\_\_\_\_ Business address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_



Name of Company: \_\_\_\_\_ Name of Professional: \_\_\_\_\_

Profession: \_\_\_\_\_ Business address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_



Name of Company: \_\_\_\_\_ Name of Professional: \_\_\_\_\_

Profession: \_\_\_\_\_ Business address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

Date Filed: \_\_\_\_\_  
Application Number: \_\_\_\_\_

**Type of Application (check all that apply):**

<input type="checkbox"/> Informal Concept Review	<input type="checkbox"/> NJSA 40:55D-70(d)(1): “D1” Variance: To permit a use or principal structure not otherwise permitted in the district	<input type="checkbox"/> Minor Subdivision total lots =__
<input type="checkbox"/> Conditional Use	<input type="checkbox"/> NJSA 40:55D-70(d)(2): “D2” Variance: To permit expansion of a non-conforming use	<input type="checkbox"/> Preliminary Major Subdivision total lots = _____
<input type="checkbox"/> NJSA 40:55D-70(a): Appeal of Zoning or Administrative Officer’s decision	<input type="checkbox"/> NJSA 40:55D-70(d)(3): “D3” Variance: To permit deviation from conditional use standards	<input type="checkbox"/> Final Major Subdivision total lots = _____
<input type="checkbox"/> NJSA 40:55D-70(b): Interpretation of zoning map or ordinance	<input type="checkbox"/> NJSA 40:55D-70(d)(4): “D4” Variance: To increase the floor-area-ratio (FAR) beyond permitted	
<input type="checkbox"/> NJSA 40:55D-70(c)(1): “C1” Variance: for a bulk requirement that cannot be met due to narrowness, shallowness, shape, topography, or specific situation that uniquely impacts the of lot	<input type="checkbox"/> NJSA 40:55D-70(d)(5): “D5” Variance: To increase the permitted density beyond permitted	
<input type="checkbox"/> NJSA 40:55D-70(c)(2): “C2” Variance*: for a bulk requirement that cannot be met when the purposes of zoning would be advanced by a deviation from the Zoning requirements and the benefits outweigh the detriments.	<input type="checkbox"/> NJSA 40:55D-70(d)(6): “D6” Variance: To increase the height of a principal structure 10’ or 10% beyond permitted	
<input type="checkbox"/> NJSA 40:55D-36: To permit a structure without frontage on an improved roadway	<input type="checkbox"/> Amended Preliminary Site Plan	
<input type="checkbox"/> NJSA 40:55D-68: Certification of Pre-Existing Non-Conforming Use	<input type="checkbox"/> Amended Final Site Plan	

**BYRAM TOWNSHIP  
VARIANCE CHECKLIST**

Applicant's Name: \_\_\_\_\_

**THE FOLLOWING ITEMS ARE REQUIRED TO PROVIDE A COMPLETE VARIANCE APPLICATION:**

- Application filled out completely.
- Application Fee and Escrow.
  - Completed W9 (no P.O box addresses allowed) / Tax Certification
- JCP&L utilities letter acknowledgement: \_\_\_\_\_
- Accurate Property Survey or Septic Plan. Must include a legible depiction of existing and proposed conditions, drawn to scale, including:
  - Existing and proposed structures, driveways, wells and septic locations, and setback dimensions of all structures.
  - Distance of dwellings / structures on adjoining lots from subject property line.
  - Road locations, width of right-of-way, curbs, sidewalks, catch basins, parking/loading areas, easements, swales, berms, guide rails, and existing/proposed grading.
  - Fences and walls.
  - Topography for proposed work affecting slopes.
  - Significant landscape features.
- Survey Affidavit of No Change for any survey more than 10 years old.
- Architectural plans and Floor Plans of existing and proposed construction (plans must be folded, not rolled)    OR     Not Applicable
- Tax Map of the property (found under “Government” tab of Town website, under “Maps”).
- Photographs of the property, depicting the topography, area where the work will/has taken place, visual representation of the property setbacks, and materials being used.
- Signed acknowledgement of agency approvals.
- One original and two hard copies of application materials (additional copies will be requested closer to hearing once plan information is finalized).
- A copy of any Notices of Violation related to the variance application.
- A copy of any prior approvals or permits for the property related to the proposed work.
- A digital copy of all documents, emailed to the Secretary.

**BYRAM TOWNSHIP**  
**FINAL PRELIMINARY SITE PLAN CHECKLIST**

Applicant's Name: \_\_\_\_\_

THE FOLLOWING ITEMS ARE REQUIRED TO PROVIDE A COMPLETE APPLICATION FOR A PRELIMINARY MAJOR SITE PLAN:

Item No.	Description	Provided	Waiver	N/A
1.	The site plan shall be prepared by a professional architect, engineer, land surveyor, landscape architect, or planner licensed to practice their respective professions in the State of New Jersey			
2.	All required copies of the site plan will be legibly signed and sealed with the professional's seal			
3.	The site plan may be based on the latest Tax Map information available from the Township.			
4.	The site plan shall be drawn on a sheet size measuring 24 inches by 36 inches or 30 inches by 42 inches.			
5.	The site plan shall be drawn to a scale not smaller than one inch equals 50 feet.			
6.	The site plan shall show the following information: <ul style="list-style-type: none"> <li>- North arrow</li> <li>- Scale not less than 1 inch = 50 feet</li> <li>- Date of preparation and each subsequent revision</li> <li>- Title Block including name of development, names, addresses, and certifications of: <ul style="list-style-type: none"> <li>• Licensed preparers (P.E, P.P, L.S, A.IA)</li> <li>• Owner</li> <li>• Applicant</li> <li>• Site block and lot numbers</li> <li>• Tax sheet number</li> </ul> </li> </ul>			
7.	Key Map including: <ul style="list-style-type: none"> <li>- North arrow</li> <li>- Scale not less than 1 inch = 2000 feet</li> <li>- Entire site, its area, and its relationship to surrounding areas</li> <li>- Zone districts and boundaries within 500 feet</li> <li>- Adjoining properties</li> </ul>			
8.	Area of entire site			
9.	Metes and bound of lot(s)			
10.	Area and frontage of lot(s)			

Item No.	Description	Provided	Waiver	N/A
11.	Existing and proposed contours at 5' intervals for slopes 10% or greater, 2' intervals for lesser slopes			
12.	Property lines to the nearest hundredth			
13.	Lot acreage to the nearest tenth			
14.	Front, side and rear setback dimensions.			
15.	All existing physical features, including streams, watercourses, existing wooded areas and significant soil conditions such as swamp or rock.			
16.	Existing and proposed contours, curb return and spot elevations, location of proposed drainage structures, curbs, swales, berms, guide rails, edge of pavement, sidewalks, parking and loading areas, fences, grading, and handicap accommodations			
17.	The principal buildings and all accessory buildings, with dimensions including the height, number of stories and square feet of floor area. Building floor plan, elevation views and first floor elevations to be provided for each building.			
18.	Plan & profile, road locations, type, size, width of R.O.W., paving materials, curbs, sidewalks, catch basins, numbered parking spaces and loading areas, buildings, structures, all utilities, drainage, R.O.W.'s, and easements. Profile shall be at a scale 1 foot = 5 feet vertical and 1 inch= 50 feet horizontal.			
19.	Cut and fill limits			
20.	Earthwork summary			
21.	Soil erosion and sediment control plan			
22.	Landscaping Plan that includes the location, size and type of all proposed landscaping, including shade trees, both on the lot and along the public right-of-way.			
23.	Lighting Plan and details indicating the type of standards, locations, radius of light and intensity measured in footcandles.			
24.	The location, dimensions and details of all signs.			
25.	Construction details for drainage structures, curb, guide rail, lighting, pavement design, sidewalks, septic system			

Item No.	Description	Provided	Waiver	N/A
26.	Fire protection details including building occupancy, total structure size by volume, height of structure from basement to attic, available water supply, water main size, flow, hydrant location, distance proposed fire protection plan, fire lanes, type of occupancy and process, type of construction, fire zones, location of the two nearest fire hydrants, and any and all other provisions for fire protection			
27.	Environmental Impact Statement (EIS)			
28.	Drainage plan including runoff calculations and map showing drainage areas			
29.	In the event that the project is a "major development" as defined by Chapter 211, Stormwater Control, a site development plan must be submitted that meets the standards set forth in Chapter 211, Stormwater Control.			
30.	Copies of NJDEP Flood Hazard Area or Freshwater Wetlands permit applications, if applicable.			
31.	Highlands Council Consistency Determination unless the project is exempt, excluded, or eligible for a waiver, each as provided pursuant to § 240 - 11.1 of the Township Code			
32.	The location of sanitary disposal systems, water mains or wells.			
33.	One (1) soil log and one (1) perc test for each lot			
34.	Copies of protection covenants, deed restrictions, or homeowner association documents, existing and proposed			
35.	List of variances, if required			
36.	The rights-of-way, easements and all other interests in lands any of which are required to be deeded in the Township or to any other governmental or public body.			
37.	Certification as to whether or not the property sought to be developed is located within a one-hundred-year floodplain.			
38.	Certification as to whether or not the property sought to be developed contains critical or moderately restricted areas as defined in this chapter. Such areas shall be indicated on the plat			
39.	A place for the signature of the Chair, Secretary of the Planning Board, and Township Engineer			

**BYRAM TOWNSHIP**  
**FINAL MAJOR SITE PLAN CHECKLIST**

Applicant's Name: \_\_\_\_\_

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7.	Key Map including: <ul style="list-style-type: none"> <li>- North arrow</li> <li>- Scale not less than 1 inch = 2000 feet</li> <li>- Entire site, its area, and its relationship to surrounding areas</li> <li>- Zone districts and boundaries within 500 feet</li> <li>- Adjoining properties</li> </ul>			
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32.	The location of sanitary disposal systems, water mains or wells.			
33.	One (1) soil log and one (1) perc test for each lot			
34.	Copies of protection covenants, deed restrictions, or homeowner association documents, existing and proposed			
35.	List of variances, if required			
36.	The rights-of-way, easements and all other interests in lands any of which are required to be deeded in the Township or to any other governmental or public body.			
37.	Certification as to whether or not the property sought to be developed is located within a one-hundred-year floodplain.			
38.	Certification as to whether or not the property sought to be developed contains critical or moderately restricted areas as defined in this chapter. Such areas shall be indicated on the plat			
39.	A place for the signature of the Chair, Secretary of the Planning Board, and Township Engineer			

*Property Information*

- Does the property have a well or public water? \_\_\_\_\_
- Does the property have a septic system or public sewers? \_\_\_\_\_
- Does the property have frontage on a lake, pond, or stream? \_\_\_\_\_
- Can Board Members and/or staff visit the property? \_\_\_\_\_
  - Is there a dog on the property? \_\_\_\_\_
- Has there been any previous appeal or application to this or any other Board, Court, Zoning Official, or Construction Official involving these premises? If yes, state the nature, date and disposition of said matter:  
  
\_\_\_\_\_  
  
\_\_\_\_\_
- Has an application been made for this property previously? If yes, when? \_ \_\_\_\_\_

Please describe decision made: \_\_\_\_\_

Please describe in detail the proposed improvements and why a variance is needed. Describe the current condition of the property and any features that affect the property (e.g. septic/well location, rock outcrop or boulders, wetlands, mature trees, lake, steep slopes, flood plains, etc.) and reasons why the proposed improvement cannot comply with the Township code. The applicant must provide the board with the legal justification for the requested relief (i.e.: hardship affecting the property). Use additional sheets if needed:

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Indicate if appropriate applications have been made to any of the following:

- Sussex County Planning Board
- Highlands Council for a Consistency Determination
- Sussex County Health Department
- Upper Delaware Soil Conservation District
- New Jersey Department of Transportation (DOT)
- New Jersey Department of Environmental Protection (DEP)
- Lake Community Committee
- Adjoining Municipalities: \_\_\_\_\_
- Other \_\_\_\_\_

**Zoning Table** (use schedule of dimension regulations for guidance, included in this packet)

\*When measuring structures and distances, you must measure from the closest point of the structure, including roofs, eaves, gutters, etc.

Standard	Zoning Requirement (dimension regulations)	Existing Measurement	Proposed Measurement
Lot Area			
Front Setback			
Side Yard Setback			
Side Yard Setback			
Rear Setback			
Additional Setback:			
Additional Setback:			
Maximum % of Principle Building Coverage			
Maximum % of Lot Disturbance			
Height of Structure in Feet			
Height of Structure in Stories			
Setback to Body of Water			

Additional Variances Needed: \_\_\_\_\_  
 \_\_\_\_\_

FOR SUBDIVISION AND SITE PLAN USE:

A. **Subdivision:** Number of New Lots (including remainder): \_\_\_\_\_

Sizes: \_\_\_\_\_

**Setbacks for new lots:**

Proposed Lot Number: \_\_\_\_\_ Front: \_\_\_\_\_ Side: \_\_\_\_\_ Side: \_\_\_\_\_ Rear: \_\_\_\_\_

Proposed Lot Number: \_\_\_\_\_ Front: \_\_\_\_\_ Side: \_\_\_\_\_ Side: \_\_\_\_\_ Rear: \_\_\_\_\_

Proposed Lot Number: \_\_\_\_\_ Front: \_\_\_\_\_ Side: \_\_\_\_\_ Side: \_\_\_\_\_ Rear: \_\_\_\_\_

Proposed Lot Number: \_\_\_\_\_ Front: \_\_\_\_\_ Side: \_\_\_\_\_ Side: \_\_\_\_\_ Rear: \_\_\_\_\_

B. **Site Plan:**

Proposed Use: \_\_\_\_\_

( ) New Construction ( ) Addition ( ) Parking Area ( ) Other

Description:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SURVEY AFFIDAVIT OF NO CHANGE CERTIFICATION**

As of the date of this application, I hereby certify that the survey submitted with this application, under the date of \_\_\_\_\_, 20\_\_\_\_ shows and discloses the premises in its entirety, described as Block(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_; and I further certify that no buildings, fences, or other facilities have been constructed, installed, or otherwise located on the premises after the date of the survey with the exception of the structures shown.

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Sworn & subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ (year)

\_\_\_\_\_( notary)



**CERTIFICATION TO FILE APPLICATION**

STATE OF NEW JERSEY, COUNTY OF \_\_\_\_\_: \_\_\_\_\_ being of full age and being duly sworn according to law on oath deposes and says, that the deponent resides at \_\_\_\_\_ in the Municipality of \_\_\_\_\_ in the County of \_\_\_\_\_ and the State of New Jersey; that \_\_\_\_\_ is the owner in fee of all that certain lot, piece, or parcel of land situated, lying and being in the Township of Byram, I am the applicant named in, and who signed the annexed application for variance to the Township of Byram, in the County of Sussex, State of New Jersey.

I have completely familiarized myself with the requirements of this application and the Zoning Ordinance of the Township of Byram. The foregoing application and each statement made therein, or by marginal checkmark, and all the information supplied in supporting data furnished in the sheets thereto, is true except as to data compiled for the applicant by licensed engineers, land surveyors, architects, and attorneys, which is true to the best of my knowledge and belief. I certify that the information that I presented in this application is true and accurate. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to penalty. I understand that my application fees will not be refundable, under any circumstances, including withdrawal of this application.

I hereby consent to the making of this application, the submission of the enclosed plans, and the payment of all fees in accordance with the Ordinances of the Township of Byram and the Rules of the Planning Board.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

Notarization: Sworn and Subscribed before me:

This \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
(Notary Public)

**CORPORATE INFORMATION:**

If the applicant is a corporation or partnership, list of names and addresses of all corporate shareholders and / or partnerships interests of 10% or more:

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**ESCROW AGREEMENT**

As the Owner and/or Applicant, I understand that the sum of \$\_\_\_\_\_ has been deposited in an escrow account, and that the escrow is set up in accordance with the Township Code (§ A287-2 and § 45-37). I further understand that the escrow account is established to cover the cost of professional services including engineering, planning, legal and other expenses associated with the submitted materials, including communications with the Professionals. Sums not utilized in the review process shall be returned within three (3) months of the completion of the project. If additional sums are deemed necessary, I understand that I will be notified of the additional amount and shall add that sum to the escrow account within thirty (30) days. Additionally, until such funds are fully replenished, no further review or inspection shall be permitted. Unless otherwise shown, receipt shall be presumed to have occurred three (3) days after mailing. The failure to pay the funds may also result in a lien being placed on the property.

Applicant agrees and understands that responsibility to pay all escrow charges is the applicant's even if applicant sells or conveys said property cited above to another party.

\_\_\_\_\_  
Applicant's Name (Printed)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Administrative Officer

\_\_\_\_\_  
Date



# Certification of Taxes and Sewer

This form is to be signed by the Tax Collectors Office.

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Block: \_\_\_\_\_ Lot: \_\_\_\_\_

Taxes are Paid in full through the \_\_\_\_\_ quarter for the year \_\_\_\_\_.

(If applicable) Sewer paid in full through the \_\_\_\_\_ quarter for the year \_\_\_\_\_.

\_\_\_\_\_  
(Collector's Office)

To Whom It May Concern:

With the respect to the above-referenced subject matter, be advised if there are any existing overhead or underground electric facilities within proximity of the project, the property owners must contact 1-800-662-3115. Please advise the Contact Center Representative of the project plan and request a notification/work order for a field representative to visit the proposed site.

Please note, with any construction project, adequate clearance must be maintained to adhere to the established safety regulations. Construction can in no way interfere, impede, encroach or inhibit the use, maintenance, operation of or access to any JCP&L facilities, equipment or easement. Please be advised relocation of our facilities is billable.

The applicable NESC guidelines adhere to.

Sincerely,

Jersey Central Power & Light



## Noticing Instructions

When your application is deemed complete, you will be notified of the hearing date. Per the Municipal Land Use Law, Board hearings are open to the public for comments and questions and notice for each application must be posted/published on an online newspaper and sent to property owners within 200 feet of subject property. The Board cannot hear applications unless completed and correct notice has been provided to all required parties. Below are the noticing instructions:

1. The applicant is responsible for providing official written notice of their hearing. The Applicant shall rely on the 200' list provided by an administrative officer and the accompanying utilities list to notify all property owners. These lists are most often provided when the Board Secretary notifies you of your hearing date. The list you use for noticing must be no more than 90 days old at the time you send your notice. Notify the Board Secretary if your list needs to be renewed—this is most typical when an application needs to be carried from one hearing to a later date.
2. Noticing property owners on the list can be done via hand delivery with signature and date and/or via certified mail, **at least ten days in advance of the hearing**. Notice can be served with a combination of both signatures and certified mail. If you choose to serve notice personally, you must physically hand the notice to the **property owner** and have them sign and date the signature page provided in this packet. It is not sufficient to leave the legal notice in their mailbox. Notice is provided via the Legal Notice Template provided by the Secretary, in which the applicant fills in the property information, variances, and hearing date. **Notice should not be given until the application is deemed complete and a hearing date is assigned.**
  - a. The first step is to fill out the Legal Notice provided in this packet. If you are having trouble providing the details of the variances and nature of the application in the notice, it is recommended that you consult a Land Use Attorney, who can guide you through the process.
  - b. Once the notice is completed and you are certain it completely and accurately represents your application, it should be sent to the an online newspaper publication to be published at least 10 days prior to the hearing. Please contact the newspaper for conformation that it meets the statutory requirements of N.J.S.A. 35:3-3 and for the publication deadlines, especially around federal holidays. The Board Secretary will provide you with the contact information for the newspaper. Make sure you confirm that the online publication meets the statutory requirements. Completing the legal notice and sending it to the online publication well before the statutory 10-day mark is highly recommended, to make sure the publication deadlines are met. **Please be sure to plan ahead for proper online newspaper publication.**
  - c. You can utilize the same legal notice for the online publication to be mailed to property owners on the 200' list and list of utilities. **Notices must match exactly what it shows on the list provided** (e.g., “attention to,” “care of,” full name of business, etc.). Due to privacy laws, residents will most typically be marked as “Current Owner.”

- i. NOTE: Even if you know a neighbor or would write a different town than the one represented on the 200' list (e.g. Byram Township rather than Andover), write EXACTLY what it shows on the 200' list. This is generated from the Tax Assessor's database, so you as the applicant should rely on this list.
- d. For signature pages, write out the names and the address that match on the 200' list, and confirm the person signing is the property owner.
- e. NOTE: Noticing utilities is only required for site plans and subdivision applications. If your property abuts a County Road or State Highway, or is located in Cranberry Lake or Lake Mohawk, additional notice, listed on the utilities list, **is required**. If your property is situated in more than one municipality, you are required to obtain a 200' list from that municipality and serve notice upon residents in that municipality, along with the municipal clerk of the neighboring Municipality. If your property abuts another municipality, you must notify that municipality's Clerk.
- f. Once the noticing is complete, you will need to prepare and sign the affidavit of service included in this packet. Once you receive the certified mail receipts or a copy of the signature page, please submit it to the Secretary for review. If you want the Board Secretary to check the completeness/correctness of the noticing ahead of the deadline, you should provide the certified receipts and/or signature page in advance of the deadline, in the order they appear on the provided 200' list. This provides the Secretary time to review the noticing and provide feedback, and will give you more time to correct any noticing that needs to be updated.

**Contact Information for the New Jersey Herald:**

Phone: 833-790-0905 / Email: [legals@njherald.com](mailto:legals@njherald.com)

Self-Publish Option: [Adportal Self Service Advertising \(gannettclassifieds.com\)](http://Adportal Self Service Advertising (gannettclassifieds.com))

EXAMPLE OF CERTIFIED RECEIPT:

**U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)™.

**OFFICIAL USE**

Certified Mail Fee	\$	
Extra Services & Fees (check box, add fee as appropriate)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$	
<input type="checkbox"/> Return Receipt (electronic)	\$	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	
<input type="checkbox"/> Adult Signature Required	\$	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	
Postage	\$	
Total Postage and Fees	\$	

Sent to: **John Smith, Sterling Capital**  
 Street and Apt. No., or PO Box No. **250 Park Avenue**  
 City, State, ZIP+4® **New York, NY 10177**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



***Request for Certified List of Property Owners***

Date: \_\_\_\_\_

Property Owner: \_\_\_\_\_

Property Address: \_\_\_\_\_

Block(s): \_\_\_\_\_ Lot(s): \_\_\_\_\_

Please furnish the list of property owners within 200 feet of the above parcel, needed to meet requirements for an appearance before the Planning Board.

Check one box below to indicate disposition of the completed list of property owners.

- Shall be mailed to: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Will be picked up from Board Secretary:

Phone Number: \_\_\_\_\_

A fee of \$10.00 is required before preparation of list.

---

Fee Paid: \_\_\_\_\_

List Prepared by: \_\_\_\_\_

**BYRAM TOWNSHIP PLANNING BOARD**

**LEGAL NOTICE**

PLEASE TAKE NOTICE that the undersigned, \_\_\_\_\_, has made application to the Byram Township Planning Board (“Board”) regarding property known and referenced to as Block(s) \_\_\_\_\_, Lot(s) \_\_\_\_\_, located at \_\_\_\_\_.

The subject property is located in the \_\_\_\_\_ zone. The applicant is seeking approval to (construct/erect/use) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The applicant requires variances for \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

as well as any and all other variances, waivers, permits, approvals or licenses that are deemed necessary and appropriate by the Board.

A hearing before the Board has been scheduled for \_\_\_\_\_ 20\_\_\_\_, at 7:30 PM in the Municipal Building, 10 Mansfield Drive, Byram, NJ. At the time of the hearing, or any adjourned date thereafter, you may appear in person or by attorney to present any comments or ask any questions you may have regarding this application. The application, maps, and related information are available for inspection at the Municipal Building, Monday through Friday, 8:30 AM - 4:30 PM.

\_\_\_\_\_  
Applicant (printed name and signature)



**Affidavit of Proof of Service**

**State of New Jersey**

**County of Sussex**

I, \_\_\_\_\_ of full age, being duly sworn according to law, deposes and says, that I reside at \_\_\_\_\_ in the municipality of \_\_\_\_\_, County of \_\_\_\_\_, and State of \_\_\_\_\_:

that I am an applicant in a proceeding before the Planning Board of Byram Township, New Jersey, being an application for \_\_\_\_\_ which relates to the premises known as Block \_\_\_\_\_ Lot \_\_\_\_\_ as shown on the tax maps of the Township of Byram; that on \_\_\_\_\_ I gave written notice of the hearing of this application to each and all of the persons upon whom service must be had on the required form and according to the utilities and 200 foot lists attached as Exhibit A, and in the matter indicated hereon; that I caused notice to be published on an online publication meeting the statutory requirements of N.J.S.A. 35:3-3 on \_\_\_\_\_, a copy of which is attached as Exhibit B; service of legal notice was completed at least 10 days prior to the scheduled public hearing. The Green Slips, attached as Exhibit C and/or the Signature Page, attached as Exhibit D, are proof of the property mailing.

\_\_\_\_\_  
(Signature)

Sworn to and Subscribed before me

This \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

# BYRAM TOWNSHIP PLANNING BOARD APPLICATION RESOLUTION COMPLIANCE

Congratulations on your Board approval! Below is a guide to help you through the remaining steps of the process with the zoning and construction office:



Question: Was the approval of your project subject to any conditions in the resolution? Some examples of conditions of approval include:

- Payment of outstanding and accrued escrow
- Revised plans (e.g. architectural, survey, floor plans, engineering plans, stormwater information, landscaping plan, etc.)
- Deed restrictions, easements, or maintenance agreements
- Outside Agency approval such as:
  - County Health Department approval
  - Upper Delaware Soil Conservation District, New Jersey Department of Environmental Protection, NJ Department of Transportation approvals

If YES:

- All conditions of approval need to be met before the zoning and construction offices can accept permit applications, unless the condition states that it must be completed prior to the Certificate of Occupancy being issued.
- You must submit all required information (e.g. revised plans, draft deeds or easements, proof of outside agency approvals, etc.) in ONE package to the Board Secretary in hardcopy and pdf. Partial submissions will not be accepted.
  - If you are represented by a professional with regard to this the application, consult with them regarding the resubmission, as it is likely they will need to be involved. Based on the quality of the re-submission, additional submissions may be required.
  - Once approved by the Board Professionals, deeds and easements must also be recorded with the County Clerk. Submit proof of recording to the Board Secretary.
  - If performance or maintenance guarantees were required as part of your approval, submit an Engineer's estimate for approval. Please submit the guarantees to the Township Finance Office upon receipt of the approval and verification of the dollar amount.

Once all compliance conditions are approved, or if none were required:

- Submit your zoning permit for review and approval
- Once the zoning permit is approved, you can submit permit applications to the Construction office. You must provide the project information as ONE submission to the Construction Department, otherwise it cannot be accepted
  - PLEASE NOTE THE CONSTRUCTION OFFICE HAS PART TIME HOURS, AND ARE OFTEN HANDLING A HIGH VOLUME OF APPLICATIONS. PLEASE CHECK THE TIMES THEIR WINDOW IS OPEN IF YOU NEED TO SPEAK TO SOMEONE DIRECTLY.

- As a reminder—once the application is approved, notice of the approval is posted on the municipal website of the Township by the Secretary. From the date of the online posting, there is a 45-day appeal period, where anyone can appeal the Board’s determination. Any work started before the appeal period ends is at the applicant’s own risk.
- Work with the Construction Office to schedule inspections as work progresses. If inspections fail, you must amend the work and reschedule an inspection of the improvements.
- Once all inspections pass, ask the Construction Office to close out the project and issue a Certificate of Approval (CA) or Certificate of Occupancy (CO)
  - The escrow established for the Board professionals can only be returned if the CA or CO has been issued for the project
- If your resolution has any maintenance conditions (e.g. landscape buffering, annual inspections, cleaning, etc.), you must follow those conditions of approval. Failure to abide by the conditions in the resolution, may result in the issuance of a notice of violation stating you must bring the work/your property into compliance.

**Checklist of Requirements After Board Approval:**

1. Five copies of resolution-compliant plans
  - Signatures from Chairman and Secretary, and engineer if needed, on final plan copies
2. Resolutions Conditions met, submitted as one package
3. Zoning Permit approval
4. Construction Permits as needed for the work
5. Final Inspection of work from Construction and/or Township Engineer to receive Certificate of Occupancy or Approval

Thank you for the time and work put into your application.

## Important Notes When Gathering Application Documents

**It is recommended that you read this document fully:**

Township Code for the Planning Board: <https://ecode360.com/BY0627>

\*Found on Byram Township webpage, under Government tab\*

The Byram Township Planning Board (“Board”) is a quasi-judicial entity, operating similar to a court, pursuant to the Municipal Land Use Law. The Board upholds the Master Plan of the Township and its policies through zoning, site plan, and subdivision ordinances listed in the Township’s code. These ordinances determine the guidelines that need to be met by an applicant of the Board. **An applicant is not entitled to a variance for their proposed or *ex post facto* (after the fact) improvement—the applicant must satisfy certain legal proofs, explaining the benefits and hardships that should qualify them for a variance.**

**Waiver Requests:** All applications have required checklists to determine that an application is complete. When completing a variance application, a request can be submitted to waive a necessary checklist item. This is done in writing, indicating each item not being provided, information explaining why the item(s) are not being provided, and why the waiver should be granted. The Board may still require pertinent data as it arises during a hearing.

**Completeness:** When an application is submitted, the Township has 45 days to review it for completeness. The Land Development checklist and the Site Plan and Conditional Use checklist are used as a guide to determine if all the information required has been provided by the applicant and their professionals. Commercial applications also need to be reviewed by the Site Plan Subcommittee, comprised of four Board members. The Subcommittee meets prior to a regularly scheduled Board meeting, and provides their determination at that night’s hearing. The Board then decides if the application is complete and can be scheduled for a hearing. If additional information is needed, the application is deemed incomplete, and a new Subcommittee meeting will be scheduled when the additional documents are submitted.

**Submitted Plans:** A signed and sealed copy of all plans prepared by a professional must be submitted to the Board Secretary. Once final plans are approved, additional sets of signed and sealed plans will be needed for the Construction Department and the final records retention of the application. The professional preparing the plans must be licensed to practice in the State of New Jersey. Plans must be based on an accurate boundary survey prepared by a land surveyor licensed in New Jersey. A property owner can draw an improvement on a survey prepared by a licensed surveyor, but this is not acceptable for a commercial application, for which an accurate survey from a licensed surveyor is required.

**Application Fee:** Every Board applicant must pay the application fee set forth in the Township’s Ordinance, which is non-refundable, even if the application is withdrawn.

**Escrow:** Every Board applicant must maintain an escrow account in an amount sufficient to cover the costs of processing the application. The escrow covers the Board professionals’ work on an application. The professionals’ main invoicing charges include the review of the application materials, review of sufficiency of noticing as needed, attendance at the applicant’s hearing, drafting and review of the resolution, and final plan review and site inspections for resolution compliance. Any funds remaining at the end of the process, when all permits in the Construction Office have been obtained and closed, can be returned. **If the invoicing for the work on the application exceeds the escrow funds initially provided, additional money is required to keep the account replenished. The Board will not hear an application or approve a resolution if the escrow account is deficient.** Please note: the Board Engineer may need to continue to inspect the site periodically as

construction proceeds, so there may be ongoing escrow charges until the work is completed. These inspections are part of resolution compliance.

**Burden of Proof:** The burden of proof is on the applicant to demonstrate, to the Board's satisfaction, that the applicant is entitled to the requested approval. Expert testimony may be necessary concerning engineering, architectural, environmental, or the planning impacts of the proposed development on the neighborhood or town. Proceeding before the Board without such experts is done at the applicant's own risk; applicants are recommended to seek the advice of competent counsel and professionals of their own, especially on applications involving complex issues. The Board professionals represent the Planning Board itself—they are not and cannot be representatives for the applicant. Corporations and LLCs must be represented by an attorney. A resident may elect to be represented by an attorney if they do not understand the documents or the nature of the testimony that must be provided.

Everyone testifying before the Board must swear or affirm that they will tell the truth. The applicant shall present their case, with all witnesses being subject to cross examination by any interested party and questioned by the Board and its professionals. Board meetings and hearings are open to the public for review, questions, or comments. The applicant and/or representatives of the applicant must be present at a hearing for their application to be considered. If an applicant cannot satisfy the concerns of the Board, and more testimony or additional information is needed, the hearing may be carried to the next available hearing.

**Public Notice of Resolution:** The Board Secretary will post notice of the Board's decision regarding an application in the Township's website under Legal Notices once the resolution is signed. **The Board's decision can be appealed within forty-five (45) days from the date this notice is first posted.** Any questions concerning the possibility of an appeal should be directed to an attorney. Any work done for the project prior to the 45-day appeal period ending is done at the applicant's risk.

**Approved Plan Submission:** The applicant is responsible for revising their plans in accordance with all the conditions in the memorialized resolution. Two hard copies and a digital copy must be provided to the Board Secretary and Engineer for review. Once the revised plans are approved, five (5) full-size copies are required for signature. Two copies of these signed plans must be provided to the Construction Department when applying for permits.

## Application Instructions:

The below instructions are for informational purposes. If you are unsure how to proceed, you should consult a Land Use Professional.

### 1. Submission:

- a) All applications, fees, and supporting documents shall be filed with the Planning Board Secretary at the Byram Township Municipal Building, 10 Mansfield Drive, Stanhope NJ 07874. A digital copy and two hard copies of the plans, application, and supporting documents shall be provided for the Secretary and professionals' completeness review. All checklist materials must be supplied, unless a waiver has been requested, in order for an application to be deemed complete. A list of items needed for a complete application is included in this packet.
- b) The Board has 45 days from the date of submission of the entire application to deem the application complete or incomplete. The applicant will be notified of any additional materials needed. An incomplete application cannot be processed and will not be considered by the Board.
  - i. Commercial applications must be reviewed by the Site Plan Subcommittee, who brings its recommendation to the Board for any additional documentation that should be provided prior to a hearing being scheduled. If all information is found to be satisfactory, the applicant will receive a hearing date. If more information is required, the applicant is informed, and the application is deemed incomplete. The requested documentation must be provided in order for a new Subcommittee review to take place.
- c) Once deemed complete, eight (8) copies of the application materials will be requested, and the application will be scheduled for the next available Board hearing date accounting for sufficient time to properly notice for the hearing date.
  - i. The Board meets the first and third Thursday each month, unless otherwise specified. Their meetings begin at 7:30pm, in the courtroom of the Municipal Building, 10 Mansfield Drive, Stanhope NJ 07874. **The applicant or a representative must be present for their hearing**, and their testimony is referenced in their resolution

### 2. Public Notice:

- a) Public notice of the hearing must be provided on an online publication that meets the statutory requirements of N.J.S.A. 35:3-3, as well as to property owners within 200 feet of the subject parcel. The list of property owners is obtained through the Tax Assessor or Board Secretary. Additional noticing instructions are included in this packet.
  - i. **Do not provide notice until you have been formally provided a hearing date.**
  - ii. Notice must be published and provided **a minimum** of ten (10) days prior to the hearing, not including the date of the meeting, or the application will be rescheduled to a later date. Incorrect or incomplete noticing will result in new notice being required.
    1. Contact the online publication for their submission deadlines; they may not publish legal notice on Sundays or Mondays, and typically need two days'

notice to publish the notice on the website. They also have a self-publishing option available.

- b) A legal notice template is included in this packet, to address the property's variances, the work being proposed, and the hearing date, which are required for notice to be sufficient.
  - i. Copies of the legal notice must be distributed to all persons/entities listed on the 200' list either by certified mail or hand delivery with signature. The notice should be mailed to the property owner exactly how the address appears on the certified list.
    - 1. In certain situations, another municipality or other entities may be entitled to notice. Applicants are directed to refer to the provisions in the Municipal Land Use Law if unsure.
- c) The Affidavit of Service must be submitted to the Planning Board Secretary no later than three (3) days prior to the hearing date. This includes the following:
  - i. The notarized affidavit of service
  - ii. A copy of the Notice of Hearing
  - iii. Original certified mail receipts and/or copy of the signature page, completed by the Applicant or representative.
  - iv. The affidavit of proof of publication

### **3. Prepare for the Hearing**

- a) The presentation to the Planning Board should be concise but present all relevant facts and address the requested variances. Photographs, sketches, witnesses, and/or any other pertinent information may be presented as exhibits. Any retained professionals and experts for the applicant will be certified that they possess the appropriate New Jersey licenses prior to any testimony at the hearing. The lack of a New Jersey license does not prohibit an individual from testifying, but will preclude their ability to be certified as an expert witness by the Board and their testimony will be weighed by the Board accordingly.

### **4. Attend the Hearing**

- a) The Board meets on the first and third Thursdays of every month, except holidays, in the Township Municipal Building, 10 Mansfield Drive, Stanhope NJ 07874 at 7:30pm. Board meetings are recorded via audio and written minutes, and a copy of the recording and its approved minutes are posted on the Planning Board page of the Township's website.
  - i. *If the application is approved:* the Board Attorney will draft the resolution of approval, which will be reviewed and voted on at a subsequent meeting for the Chair's signature. This serves as a legal document showing the application has been approved
  - ii. *If the application is denied:* you will receive a resolution documenting the decision. You may submit a substantially different application with revised information, but you are not entitled to resubmit an application for the same improvements.
  - iii. *If the application is carried:* The Board may carry an application if further information is needed, the presentation has not be completed, or if they recommend you amend the proposed project. If there are environmental, design, neighborhood concerns or the like, the Board may ask for amended plans in order to consider approving the project. The application can be carried to provide time to gather the requested information.

1. If the Board is not receiving the requested information after multiple attempts, or the application remains stagnant for six months, the Board may *dismiss the application without prejudice*, requiring a new application to be submitted.
  - iv. You may also *withdraw* the application at any time, and must do so by submitting the request in writing.
5. **After the Hearing:**
- a) The resolution will be reviewed and memorialized by the Planning Board within 45 days of decision. A copy of the resolution will be sent to the applicant or the applicant's attorney.
  - b) Notice of the decision will be posted on the Township's Website by the Secretary within ten (10) days of the memorialization of the resolution
    - i. Any party interested in appealing the decision of the Planning Board must do so within forty- five (45) days of the publication of the notice of decision. Any work started before the appeal period ends is at the applicant's own risk. After 45 days from publication, the Applicant has an unappealable determination.
  - c) All conditions of approval must be satisfied and provided to the Board Secretary. Certain items will be reviewed by the Board professionals and may need to be revised as deemed necessary.
    - i. Five sets of final, signed and sealed plans must be provided to the Secretary.
  - d) Outstanding escrow and/or bond payments must be submitted prior to the issuance of any permits.
    - i. If there is a positive balance after the project is complete, the Planning Board secretary will notify the applicant that there are excess funds, at which time, a written request for the refund of the remaining escrow must be submitted to the Secretary. This request can be submitted starting 90 days after all approvals are completed.
  - e) A zoning permit must be submitted once the above items have been completed. Building permits can be applied for with the Construction Department after all other requirements have been satisfied.