

BYRAM TOWNSHIP PLANNING BOARD AGENDA
For Thursday, December 19 2024, at 7:30 P.M.
Meeting Held at: 10 Mansfield Drive, Byram Township NJ

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **OPENING STATEMENT:** Adequate notice of this meeting has been published specifying the time and place in compliance with the provisions of the Open Public Meetings Act.
4. **FLAG SALUTE**
5. **MEETING MINUTES-** December 5, 2024
6. **RESOLUTIONS**
Z19-2024 Alan Tedesco, 25 The Rotunda, Block 281 Lots 487 and 428, R5 Zone
Application for subdivision of lots

Z21-2024 Gregory Smith, 26 Crescent Drive South, Block 279 Lot 328.02, R5 Zone
Application for 8-foot fence, *ex post facto* approval for pergola, wood storage, and certificate of nonconformity
7. **OLD BUSINESS**
Z14-2024 Rupesh Patel (Kyosis LLC), 1 Catalina Drive, Block 337 Lot 9.14, R2 Zone
Application for new home construction
****CARRIED TO 01/16/2025****
8. **EXECUTIVE SESSION:** Discussion of Professionals
9. **DISCUSSION ITEM:** Review of Revised Board Application
10. **BILLS:** Maraziti Falcon (8) \$2,992.50
11. **REPORTS FROM COMMITTEES**
Environmental Commission
Open Space
Township Council
Zoning Report
12. **OPEN TO THE PUBLIC**
13. **ADJOURNMENT**

The Board Engineer and Planner are sworn in at the beginning of each year and are deemed to be under oath on a continuing basis.

CALL TO ORDER: Chairman Shivas called the meeting to order at 7:30 p.m.

ROLL CALL: Mss. Raffay, DeMagistris, and Colligan; Mayor Rubenstein; Messrs. McElroy, Morytko, Smith, Walsh, and Chairman Shivas

Members Absent: Messrs. Proctor and Serrilli

Also Present: Engineer Cory Stoner, Attorney Alyse Hubbard, Secretary Caitlin Phillips

OPENING STATEMENT: Adequate notice of this meeting has been published specifying the time and place in compliance with the provisions of the Open Public Meetings Act.

FLAG SALUTE: led by Chairman Shivas

MINUTES: November 21, 2024. Motion of Mr. McElroy to approve the minutes, second by Mr. Morytko.

Ayes: Mss. Raffay, DeMagistris, Colligan; Mayor Rubenstein; Messrs. McElroy, Morytko, Walsh, Chairman Shivas

Absent: Messrs. Proctor, Serrilli

None opposed. Motion carried.

RESOLUTIONS

Z17-2024 David Del Franco, 175 Lake Drive, Block 255 Lot 1, R5 Zone

Application for 6-foot fence, a chicken coop, and above-ground pool

Mayor Rubenstein motioned to approve the resolution, seconded by Mr. McElroy.

Ayes: Mss. DeMagistris, Colligan; Mayor Rubenstein; Messrs. McElroy, Walsh, Chairman Shivas

Abstaining: Ms. Raffay, Mr. Morytko

Absent: Messrs. Proctor, Serrilli

None opposed. Motion carried.

SP10-2024 Lou Coviello (Mountainside Country Store), 198 Route 206, Block 226 Lot 3, NC Zone

Application for height of garage

Mr. Walsh motioned to approve the resolution, seconded by Ms. Colligan.

Ayes: Mss. Raffay, DeMagistris, Colligan; Mayor Rubenstein; Messrs. McElroy, Smith, Walsh, Chairman Shivas

Abstaining: Mr. Morytko

Absent: Messrs. Proctor, Serrilli

None opposed. Motion carried.

NEW BUSINESS

Z19-2024 Alan Tedesco, 25 The Rotunda, Block 281 Lots 487 and 428, R5 Zone

Application for subdivision of lots

Alan Tedesco was sworn in, with Michael Nelms representing him. Mr. Tedesco wants to have a privacy area in his lot and some landscaping. Another person owns one of the lots and has agreed to sell part of the property. Mr. McElroy confirmed after being subdivided the other lot remains conforming. Mr. Tedesco said this helps his lot be more conforming. Mayor Rubenstein confirmed the neighbor selling the property is not at the meeting. Mr. Nelms confirmed the neighbor signed the application. Mr. Stoner noted nothing is being made worse. The tax assessor will need to confirm they're okay with the lots being formed. With this subdivision it becomes a conforming lot. Mayor Rubenstein wants building permits closed as a condition of any approval. Mr. Walsh noted the setback should be measured to the deck rather than to the house.

Chairman Shivas opened to the public and no one spoke so he closed to the public.

Mr. Morytko motioned to approve the application with the changes, seconded by Mr. Smith.

Ayes: Mss. Raffay, DeMagistris, Colligan, Mayor Rubenstein, Messrs. McElroy, Morytko, Smith, Walsh, Chairman Shivas

Absent: Messrs. Proctor, Serrilli

Motion carried. Ms. Hubbard discussed the appeal period.

Z21-2024 Gregory Smith, 26 Crescent Drive South, Block 279 Lot 328.02, R5 Zone

Application for 8-foot fence, ex post facto approval for pergola, wood storage, and certificate of nonconformity

Ms. Hubbard noted Mr. Smith is a Board member. The Board members each confirmed they can act impartially on this application. Gregory Smith was sworn in. He wants a fence along the rear property line, which would be 8 feet for a portion of it, for privacy. The property behind is at a higher elevation; a 6-foot fence would still have line-of-sight visibility. Another part of the application is the two-post pergola, used for a projector screen. This was built in 2020, and they didn't realize the property line was there. Mr. Smith asked to amend the application to add a storage structure for wood. It needs a variance for distance to the principal structure. They want a certificate of non-conformance because of the existing house, which has been there since the late 1960s. They are also asking for a 10-foot post at the turn in the property line, for string lights. Ms. Raffay confirmed the location of this. The fence will be wooden. Mr. Smith noted the Environmental Commission asked about doing any of this naturally instead of with a fence. They have tried to plant things in that area, and would like it to be naturally screened, but it's so shady that nothing grows. The storage structure would not be attached to the house, and will be between the windows. Mr. Stoner reviewed the variances. Ms. Hubbard noted for a certification of non-conformity, there would need to be an application that shows the house pre-exists current zoning. Mr. Smith noted he's just looking to have it noted that it has been there. The property was purchased in the early 60s, and was finished around 1970. Ms. Raffay asked about fitting the fence near the pergola. Mr. Smith said the pergola is two posts, so the roof overhangs the posts, and the roof is what's at zero feet. The roof will be over the fence.

Chairman Shivas opened to the public and no one spoke so he closed to the public.

Mr. Walsh motioned to approve the application as amended, seconded by Mr. McElroy.

Ayes: Mss. Raffay, DeMagistris, Colligan, Mayor Rubenstein, Messrs. McElroy, Morytko, Walsh, Chairman Shivas

Abstaining: Mr. Smith

Absent: Messrs. Proctor, Serrilli

Motion carried. Ms. Hubbard discussed the appeal period. Mr. Smith re-entered the meeting.

DISCUSSION ITEM: Final Draft of Application and Checklist

Mayor Rubenstein noted on page three to include the URL for the code. Ms. Hubbard asked about adding a minor site plan to the code. Minor site plans help applicants not need to submit as much documentation. Ms. Phillips noted the cost is also lower. Mr. Stoner noted businesses along Route 206 did renovations, and those were as preliminary and final site plan. Ms. Phillips noted there isn't a lot of new development, so having a minor site plan defined means that things that are already developed have an easier application. Mayor Rubenstein noted this would involve setting fees and going through requirements. Mr. McElroy read the code from Kenilworth for minor site plans. Mayor Rubenstein confirmed there's a fee for minor site plans in the fee schedule. Ms. Hubbard noted in some towns a change in use is a minor site plan. If minor site plan is added to the code, the Council needs to take an action. Ms. Phillips confirmed the checklists can't be enforced until the Council takes action. Ms. Hubbard noted they can approve the application without the checklists. The Board noted the application

documents should be legible. Ms. Phillips asked about plan copies. Ms. Hubbard said the actual number can go into the body of the application since it's not a completeness item. Ms. Raffay suggested adding the zoning schedule. Ms. Phillips asked about updating the fee schedule. The Board decided to take a final look at the application with the checklists removed at the 12/19 meeting.

EXECUTIVE SESSION: Mr. Walsh motioned to go into executive session, seconded by Ms. Colligan. Mr. Walsh motioned to leave executive session, seconded by Ms. Colligan.

Mayor Rubenstein said he was approached by a resident who would need a variance for a fence, and was concerned about the engineering costs. He asked about waiving engineering reports on simple applications. The Board noted some towns don't have engineers review those kinds of applications at all. Ms. Hubbard noted Mr. Stoner reviews applications for completeness. Chairman Shivas asked who decides when Mr. Stoner wouldn't review an application. He noted some applications that seem easy have complicated elements that are uncovered at the hearing. Mr. Smith noted Mr. Stoner's reports help to make sure everything is covered. Mr. Walsh noted there's a difference between his review time and his time at the meeting. Mr. McElroy noted having a clear report may help save money. Mr. Stoner's report is the first thing he reads. Ms. Phillips noted the applicants also use the memo for their noticing. Mr. Smith noted without a report in advance, Mr. Stoner is not prepared to hear the application at the meeting. Ms. Raffay noted some applications seem easy but Mr. Stoner also finds things like flood lines and steep slopes. Ms. Hubbard noted it is statutory to collect escrow. Chairman Shivas noted some people have issues paying any amount of money. Ms. Hubbard noted that if the applicant doesn't pay the escrow, then other residents have to pay for this applicant's project. It has to be the applicant's burden for their own work. Ms. DeMagistris noted once they are notified of the process, they can decide not to proceed. Ms. Hubbard agreed that they could put up something conforming. Mr. Smith noted the escrow is a small percent of the total cost of the project, even when it's a smaller project like a fence.

BILLS:

Harold Pellow and Associates (8): \$1,632.00. A motion to approve the bill was made by Mr. Walsh, seconded by Ms. Colligan. All were in favor. Motion carried.

Maraziti Falcon (11): \$5,477.50. A motion to approve the bill was made by Mr. Smith, seconded by Mr. Walsh. All were in favor. Motion carried.

Latini and Gleitz (7): \$4,462.50. A motion to approve the bill was made by Ms. DeMagistris, seconded by Mr. Walsh. All were in favor. Motion carried.

REPORTS FROM COMMITTEES

Environmental Commission: Mr. McElroy said they reviewed applications and talked about a potential winter hike. He's been with the EC for two years and has one left, and won't continue after this term.

Open Space: Ms. Phillips said there's a meeting on Monday.

Township Council: Mayor Rubenstein said the police chief announced his retirement.

OPEN TO THE PUBLIC

Chairman Shivas opened to the public. No one was present, so Chairman Shivas closed to the public.

ADJOURNMENT

A motion to adjourn the meeting was made at 9:40pm by Mr. McElroy, seconded by Ms. Raffay. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted by Caitlin Phillips

Resolutions Approved at Previous Meeting

In the matter of DelFranco
Case No.
MF#5000.119

BYRAM TOWNSHIP

PLANNING BOARD

RESOLUTION OF MEMORIALIZATION

RELIEF GRANTED: **Minimum Side Yard Setback-Accessory Structure (Pool
and Chicken Coop)
Minimum Side Yard Setback – Pool
Minimum Separation Between Principal Structure and
Pool
Maximum Height of Fence in Front Yard**

WHEREAS, David DelFranco has applied to the Planning Board of Township of Byram seeking approval to construct a fence, pool and chicken coop for premises located at 175 Lake Drive, and known as Block 255, Lot 1 on the Tax Map of the Township of Byram which premises are in the “R-5” Residential Zone;

WHEREAS, by ordinance adopted by the Township Council of the Township of Byram under statutory authority, the Planning Board and Zoning Board of Adjustment were combined into one Board which Board possesses and may exercise all powers granted to the Planning Board and Zoning Board of Adjustment pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., said single Board being known as the Planning Board of the Township of Byram; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant and having conducted a public hearing has made the following factual findings:

1. The Applicant is the owner and occupant of the subject property. The Applicant is proposing to construct a fence in the front yard, and a pool and chicken coop in the

{386382.DOCX.1}1

side yard, requiring relief pursuant to N.J.S.A. 40:55D-70c from the following Sections of the Township's Zoning Ordinance:

- a. Section 240-16B(4) – Minimum Front Yard Setback of Shed: 10 feet required, 1 foot proposed.
- b. Section 240-16B(6)(b) – Minimum Side Yard Setback of Pool: 15 feet required, 10 feet proposed.
- c. Section 240-16B(6)(b) – Minimum Separation Between Principal Structure and Pool: 10 feet required, 6 feet proposed.
- d. Section 240-16B(1) – Minimum Side Yard Setback of Chicken Coop: 10 feet required, 1 foot proposed.
- e. Section 240-24A – Maximum Height of Fence in Front Yard; 4 feet permitted, 6 feet proposed.

2. The Applicant submitted the following documents:

- a. Survey of Property, prepared by Morgan Engineering and Surveying, dated May 9, 2023, marked up by Applicant.
- b. Pictures of the House and Property, six (6) total.
- c. Proposed Layout and Specifications for the Fence, prepared by Direct Fence, dated April 29, 2024.
- d. Tax Map, prepared by Harold E. Pellow, PE, LS, dated June 2006, Sheet 6.04.

3. The Board received a memorandum from Cory L. Stoner, P.E., P.P., the Planning Board Engineer, dated September 26, 2024.

{386382.DOCX.1}2

4. A duly noticed public hearing was conducted on November 21, 2024, at which time David DelFranco, the Applicant, presented sworn testimony in support of the application. The subject property is an oddly shaped lot, with more than 200 feet of frontage on Lake Drive, and two side yards. The southern side of the property is adjacent to a wooded lot owned by Lake Lackawanna and the western side of the lot has a residential neighbor. The lot consists of a 1½ story frame dwelling, with a driveway and walkway on the northeastern corner of the lot. The property is serviced by a well and septic system on the northern side of the property.
5. The Applicant is proposing to construct a fence that will run along both side yards and continue into the front yard to the north of the property and terminate at the house on the southern side of the property. The Applicant testified that for the safety of his children and his dog, he is proposing a 6-foot white vinyl privacy fence. The Applicant agreed to install the fence 1-foot off of the property line and 44.8' from the eastern property line and 18 feet from the northern property line.
6. There is an existing shed in the southeastern corner of the lot that encroaches on the Lake Lackawanna property that needs to be relocated on to the Applicant's lot. There are two trees near the existing shed that will need to be removed.
7. The Applicant is proposing to construct a chicken coop, which was original going to be located next to the existing shed. The Board was concerned about the proximity of the chicken coop to the adjacent residential lot. At the request of the Board, the Applicant agreed to relocated the property 4.5' by 6' chicken coop to the southwestern corner of the lot. The Applicant testified that they will have 3 chickens in the coop.

8. Finally, the Applicant is proposing a 12-foot pool, that will be 54 inches in height, in the current location of a trampoline, which will be removed from the property. Once again, at the suggestion of the Board, the Applicant agreed to shift the pool so that no portion of the pool was located in the front yard. The pool shall be no closer than 6 feet from the home, 10 feet from the side yard, and 56 feet from the northern property line.
9. All structures shall be located inside the property fence line and properly screened from Lake Drive.
10. The property is located within the Highlands Preservation Area and the proposed improvements can be accomplished under Highlands Exemption #5, which permits the construction of various improvements to a single-family dwelling, including sheds, pools and fences.
11. No one from the public was in attendance at this hearing.

WHEREAS, the Board has determined that the relief requested by the Applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Township of Byram for the following reasons:

1. The Board found the witness testimony to be competent and credible. The Board determined that the relief can be granted pursuant to N.J.S.A. 40:55D-70c from the following Sections of the municipal zoning ordinance:
 - a. Section 240-16B(4) – Minimum Front Yard Setback of Shed: 10 feet required, 1 foot approved.

- b. Section 240-16B(6)(b) – Minimum Side Yard Setback of Pool: 15 feet required, 10 feet approved.
 - c. Section 240-16B(6)(b) – Minimum Separation Between Principal Structure and Pool: 10 feet required, 6 feet approved.
 - d. Section 240-16B(1) – Minimum Side Yard Setback of Chicken Coop: 10 feet required, 1 foot approved.
 - e. Section 240-24A – Maximum Height of Fence in Front Yard; 4 feet permitted, 6 feet approved.
2. N.J.S.A. 40:55D-70c(1) indicates that a variance may be granted under its “hardship” provisions, with the hardship being related to the exceptional narrowness, shallowness, shape of the property, unusual topographic conditions or by reason of the location of the existing structures on the property. Under the c(2) subsection, variance relief may be granted where it is determined that the proposed relief advances one or more of the purposes of zoning (which purposes are set forth in N.J.S.A. 40:55D-2) and where it is further determined that the benefits of granting the variance outweigh any detriments which might result from it.
3. The subject property is an oddly shaped lot, with two front yards and two side yards, with no rear yard. The Applicant is proposing a fence behind the home, which is located in the front yard, to create a safe area for his family. The Applicant worked with the Board to minimize the variances and relocate the chicken coop so that it was not in close proximity to the adjacent residential neighbors.
4. The Board determined that permitting the proposed improvements would not result in a substantial detriment to the surrounding area, as the shed will screen the pool

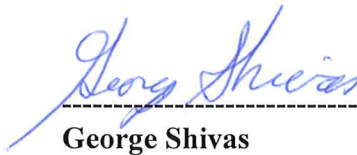
and the chicken coop. The improvements are not inconsistent with the Master Plan and the Zoning Scheme, as this property is unique due to the shape and configuration of the lot.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the 21st day of November 2024 that the approval of the within application be granted subject, however, to the following conditions:

1. The Applicants shall comply with all the conditions and standards set forth in Section 240 of the Township's Ordinances. The Applicants shall be subject to all other applicable rules, regulations, ordinances and statutes of the Township of Byram, County of Sussex, State of New Jersey, or any other jurisdiction.
2. The Applicants shall be bound to comply with the representations made before this Board by the Applicants, and its professionals, at the public hearing. The representations are incorporated herein and were relied upon by this Board in granting the approval set forth herein and shall be enforceable as if those representations were made conditions of this approval
3. Applicants shall pay all fees, costs, escrows due or to become due. Any monies are to be paid within twenty (20) days of said request by the Board's Secretary.
4. Applicants shall submit a Certificate that taxes are paid to date of approval to the Board Secretary.
5. Applicants shall obtain permits and approvals from the Township's Construction and Zoning Department prior to the commencement of work.
6. An inspection of all improvements shall be subject to the review of the Board Engineer prior to the closure of zoning or construction permits.

{386382.DOCX.1}6

7. Applicants shall secure any and all approvals deemed necessary from any other public agency or governmental body that may have jurisdiction, whether specified herein or not, prior to seeking construction or zoning permits.
8. Applicants shall submit a survey indicating the As-Built location of the proposed improvements, (which can be drawn to scale by the Applicant) subject to the approval of the Board Engineer, prior to the closure of construction or zoning permits.
9. The fence shall be no closer than 18 feet from the northern property line and 44.8 feet from the eastern property line.
10. The pool shall be no closer than 6 feet from the house, 10 feet from the side yard and 56 feet from the northern property line.
11. The shed shall be relocated onto the subject property, within the fence line.
12. The chicken coop shall be located in the southeastern corner of the property, within the fence line.



George Shivas

On motion of: Mayor Rubenstein

Seconded by: Mr. McElroy

The vote on the Resolution was as follows:

AYES: Seven (7): Mayor Rubenstein, Mss. Demagistris and Colligan, Messrs. McElroy, Smith, Walsh, Chairman Shivas

NAYS: Zero (0)

ABSTAINING: Two (2): Ms., Raffay, Mr. Morytko

{386382.DOCX.1}7

ABSENT: Two (2): Mr. Proctor, Mr. Serrilli

I certify that the above Resolution is a true copy of a Resolution adopted by the Planning Board on November 21, 2024.

Caitlin Phillips

**Caitlin Phillips, Planning Board
Secretary**

Dated: 12/06/2024

Prepared by: Alyse Landano Hubbard, Esq.

In the matter of Louis Coviello
Case No.
MF#5000.108

BYRAM TOWNSHIP
PLANNING BOARD
RESOLUTION OF MEMORIALIZATION

RELIEF GRANTED: Height of Accessory Structure

WHEREAS, Louis Coviello has applied to the Planning Board of Township of Byram seeking Amended Site Plan approval with a bulk variance for premises located at 198 Route 206, and known as Block 226, Lot 3 on the Tax Map of the Township of Byram which premises are in the “NC” Neighborhood Commercial Zone;

WHEREAS, by ordinance adopted by the Township Council of the Township of Byram under statutory authority, the Planning Board and Zoning Board of Adjustment were combined into one Board which Board possesses and may exercise all powers granted to the Planning Board and Zoning Board of Adjustment pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., said single Board being known as the Planning Board of the Township of Byram; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant and having conducted a public hearing has made the following factual findings:

1. The Applicant is the owner and occupant of the subject property. The Applicant received Site Plan Approval for SP5-2020, which was memorialized on July 1, 2021, and included the construction of an accessory structure, to be no more than 16 feet in height. After construction, the accessory structure measured 19’6” (per

{386666.DOC.1}1

- the Memorandum from the Zoning Officer), requiring relief from Section 240-16A(4) of the Township's Zoning Ordinance, which states that the accessory structure shall not be taller than the principal structure, which is 14'2".
2. Along with the Application for a Variance, the Applicant submitted Architectural Plan for the accessory structure, prepared by Eastern Metal Structures, dated July 13, 2023, consisting of seven (7) sheets.
 3. The Board received the following memorandum:
 - a. Cory L. Stoner, P.E., P.P., the Planning Board Engineer, dated October 31, 2024.
 - b. Nick Cutrone, Zoning and Code Enforcement Officer, dated October 14, 2024.
 4. A duly noticed public hearing was conducted on November 11, 2024, at which time Louis Coviello and Rudy Coviello, the Applicants, presented sworn testimony in support of the application. The Applicants submitted Variance Report: Byram Trading Post, which included a series of pictures of the property, and was marked A-1 for identification.
 5. The Applicants testified that the garage was originally approved at 16 feet in height and a pre-fabricated, metal structure was ordered to be installed at 16 feet in height. After construction, the Applicants were advised that the structure was not in compliance by the construction official. The Applicants contacted both the manufacturer and the installation company but were unable to lower the height of the structure. If they hire another company to reduce the height of the structure to comply with the approval, the warranty would be voided.

{386666.DOC.1}2

6. According to the report from the Board's Engineer, the building measures 18'10³/₄", which is approximately 4'6" taller than approved.
7. The Board noted that the structure is very visible from Route 206 when travelling north, but less visible travelling south, as the principal structure obscures the view.
8. The structure is used to store bagged material on pallets that cannot get wet. The pallets are moved with a forklift, so the extra height of the garage door and structure is preferred by the Applicant.
9. The structure is surrounded by a stone wall, but is constructed independent of the wall or the grade of the property. The garage enclosure to be constructed on the south side of the structure will reduce the visual mass of the building. The Applicant offered to install additional landscaping to mitigate the impact of the structure.
10. No one from the public was in attendance at this hearing.

WHEREAS, the Board has determined that the relief requested by the Applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Township of Byram for the following reasons:

1. The Board found the witness testimony to be competent and credible. The Board determined that the relief can be granted pursuant to N.J.S.A. 40:55D-70c from Section 240-16A(4) of the Township's Zoning Ordinance, to permit the accessory structure, at a height of 18'10³/₄" in excess of 14'2", the height of the principal structure and 16 feet approved with the original application.

{386666.DOC.1}3

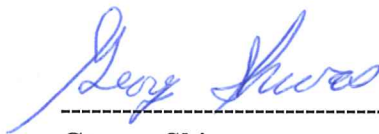
2. N.J.S.A. 40:55D-70c(1) indicates that a variance may be granted under its “hardship” provisions, with the hardship being related to the exceptional narrowness, shallowness, shape of the property, unusual topographic conditions or by reason of the location of the existing structures on the property. Under the c(2) subsection, variance relief may be granted where it is determined that the proposed relief advances one or more of the purposes of zoning (which purposes are set forth in N.J.S.A. 40:55D-2) and where it is further determined that the benefits of granting the variance outweigh any detriments which might result from it.
3. The Board determined that although the height of the accessory structure was in excess of the permitted height, the height was constructed was preferred from an operational standpoint to accommodate the equipment used to move the material stored inside. The Applicant attempted to reduce the height to comply but was unable to without voiding the warranty on the structure. Additionally, the Applicant worked with the Board and agreed to install landscaping to mitigate the impact of the structure.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the 21st day of November 2024 that the approval of the within application be granted subject, however, to the following conditions:

1. The Applicants shall comply with all the conditions and standards set forth in Section 240 of the Township’s Ordinances. The Applicants shall be subject to all other applicable rules, regulations, ordinances and statutes of the Township of Byram, County of Sussex, State of New Jersey, or any other jurisdiction.

{386666.DOC.1}4

2. The Applicants shall be bound to comply with the representations made before this Board by the Applicants, and its professionals, at the public hearing. The representations are incorporated herein and were relied upon by this Board in granting the approval set forth herein and shall be enforceable as if those representations were made conditions of this approval
3. Applicants shall pay all fees, costs, escrows due or to become due. Any monies are to be paid within twenty (20) days of said request by the Board's Secretary.
4. An inspection of all improvements shall be subject to the review of the Board Engineer prior to the issuance of a Certificate of Occupancy and/or the closure of zoning or construction permits.
5. Applicant shall install additional landscaping, subject to the review and approval of the Board's Engineer.
6. Applicant shall submit final, revised plans with the as-built structure and landscaping, for review and approval by the Board's Engineer, prior to the issuance of a Certificate of Occupancy.



George Shivas

On motion of: Mr. Walsh

Seconded by: Ms. Colligan

The vote on the Resolution was as follows:

AYES: Eight (8): Mayor Rubenstein, Mss. Raffay, DeMagistris, Colligan, Messrs. McElroy, Smith, Walsh, Chairman Shivas

{386666.DOC.1}5

NAYS: Zero (0)

ABSTAINING: One (1): Mr. Morytko

ABSENT: Two (2): Mr. Proctor, Mr. Serrilli

I certify that the above Resolution is a true copy of a Resolution adopted by the Planning Board on December 5, 2024.

Caitlin Phillips

**Caitlin Phillips, Planning Board
Secretary**

Dated: 12/06/2024

Prepared by: Alyse Landano Hubbard, Esq.

**Byram Township Planning Board Bills
December 19 2024**

Harold Pellow	Date	Amount
Harold Pellow Total		\$0.00
Maraziti and Falcon	Date	Amount
Inv. 58438 General: communications, meeting attendance, closed session resolutions,	12/6/2024	\$1,452.50
Inv. 58439 Highland Ave. Properties: review deed	12/6/2024	\$87.50
Inv. 58440 Venture II: review easement	12/6/2024	\$70.00
Inv. 58441 North Shore Water: communications	12/6/2024	\$35.00
Inv. 58442 Mountainside: review, communications, meeting attendance, draft resolution	12/6/2024	\$525.00
Inv. 58443 Scully: communications	12/6/2024	\$35.00
Inv. 58444 Koval: meeting attendance, draft resolution, review	12/6/2024	\$350.00
Inv. 58445: Del Franco: communications, meeting attendance, draft resolution	12/6/2024	\$437.50
Maraziti Falcon Total		\$2,992.50
Grant Total		\$2,992.50

ZONING REPORT

(December 2024 for activity during November 2024)

Zoning Activity

November

ZP Approved

25 (2 post
resolution)

ZP Denied

1

ZP Not Required

1

ZP Var/Site Plan Waiver Compl.

0

ZP Change of Tenant Waiver

1

Investigation of Complaints

November

Property Maint./Zoning Complaints

Complaints Received

9

Open Cases

16

Cases Cleared

3

Summonses Issued

3

November

Signs removed from roadside

41



Nick Cutrone, Zoning and Code Enforcement Officer

NOTES: PB resolutions approval (Scully 33 Allamuchy; CAD 40 Old Indian Spring Road). Site plan waiver (change of tenant) for Health Express, 17 Route 206)



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):

☐ Informal Concept Review	☐ NJSA 40:55D-70(d)(1): “D1” Variance: To permit a use or principal structure not otherwise permitted in the district	☐ Minor Site Plan
☐ Conditional Use	☐ NJSA 40:55D-70(d)(2): “D2” Variance: To permit expansion of a non-conforming use	☐ Preliminary Major Site Plan
☐ NJSA 40:55D-70(a): Appeal of Zoning or Administrative Officer’s decision	☐ NJSA 40:55D-70(d)(3): “D3” Variance: To permit deviation from conditional use standards	☐ Final Major Site Plan
☐ NJSA 40:55D-70(b): Interpretation of zoning map or ordinance	☐ NJSA 40:55D-70(d)(4): “D4” Variance: To increase the floor-area-ratio (FAR) beyond permitted	☐ Minor Subdivision total lots =__
☐ 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	☐ NJSA 40:55D-70(d)(5): “D5” Variance: To increase the permitted density beyond permitted	☐ Preliminary Major Subdivision total lots =_____
☐ 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.	☐ NJSA 40:55D-70(d)(6): “D6” Variance: To increase the height of a principal structure 10’ or 10% beyond permitted	☐ Final Major Subdivision total lots =_____
☐ NJSA 40:55D-36: To permit a structure without frontage on an improved roadway	☐ Amended Preliminary Site Plan	
☐ NJSA 40:55D-68: Certification of Pre-Existing Non-Conforming Use	☐ Amended Final Site Plan	

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 publish notice of the Board's decision regarding an application in the Township's designated newspaper once the resolution is signed. **The Board's decision can be appealed within forty-five (45) days from the date this notice is first published.** 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 in the official newspaper of the Board, 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 newspaper for their submission deadlines; they do not publish legal notice on Mondays, and typically need two days' notice to publish in the paper. 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 submitted to the newspaper 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 and all bills are submitted and paid, 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.

This page intentionally left blank

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:

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.

Signature: _____

Date: _____

Sworn & subscribed to before me this _____ day of _____, 20____ (year)

_____ (notary)

SIGNATURES AND CONSENT FORMS

ACKNOWLEDGEMENT OF AGENCY APPROVALS:

I acknowledge that there may be other outside agency approvals needed in relation to this Board application, and will take action to pursue them. Outside agency approvals may include, but are not limited to, the Sussex County Planning Board, the Sussex County Health Department, the Upper Delaware Soil Conservation District, the New Jersey Department of Transportation (DOT), the New Jersey Department of Environmental Protection (DEP), Lake Community Committee including Lake Mohawk, and adjoining municipalities.

Property Owner's Signature

Date

AFFIDAVIT OF OWNERSHIP: (If anyone other than above owner is making this application, the following authorization must be executed):

Name: _____ Phone: _____ Email : _____

Address: _____

I hereby certify that I have reviewed the application and I consent to the applicant filing the attached application to the Byram Township Planning Board. As Owner, I hereby authorize representatives of the Township to enter the premises in order to inspect same.

Property Owner's Signature

Date

Notarization: Sworn and subscribed before me:

This _____ day of _____ 20____

(Notary Public)

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 applicant believes to be true. I certify that the information 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 and the approval of the plans submitted herewith. I further consent to the inspection of this property in connection with this application as deemed necessary by the Planning Board and its professionals. I further consent that all fees must be paid in accordance with the Planning Board application.

I hereby grant permission to representatives of the Township of Byram to enter and inspect my property in connection with a development application being processed by the Land Use Board.

Property Owner'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:

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 published in the 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 official newspaper of the Board, the newspaper designated by the Board, to be published at least 10 days prior to the hearing. Please contact the newspaper for publication deadlines, especially around federal holidays. The Board Secretary will provide you with the contact information for the newspaper. Make sure to have the notice published in the Newton/local version of the newspaper. Completing the legal notice and sending it to the paper 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 publication in the newspaper.**
 - c. You can utilize the same legal notice for 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

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

**EXAMPLE OF
CERTIFIED
RECEIPT:**

7019 1640 0000 3275 7763

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL®

7019 1640 0000 3275 7763

7019 1640 0000 3275 7763

7019 1640 0000 3275 7763

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

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee	
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy)	\$
☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark Here

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)

Record of Hand Delivered Public Notices



<i>Name</i>	<i>Address</i>	<i>Date</i>	<i>Signature</i>

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 in the official newspaper of the Planning Board 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 published in the newspaper by the Secretary. From the date of publication in the paper, 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.