

BYRAM TOWNSHIP PLANNING BOARD AGENDA
For Thursday, December 5 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-** November 21, 2024
6. **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
 - SP10-2024 Lou Coviello (Mountainside Country Store), 198 Route 206, Block 226 Lot 3, NC Zone
Application for height of garage
7. **NEW BUSINESS**
 - 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
8. **EXECUTIVE SESSION:** Attorney Client Privilege Communication- Professionals (Planner)
9. **DISCUSSION ITEM:** Final Draft of Application and Checklist
10. **BILLS:**
 - Harold Pellow and Associates (8): \$1,632.00
 - Maraziti Falcon (11): \$5,477.50
 - Latini and Gleitz (7): \$4,462.50
11. **REPORTS FROM COMMITTEES**
 - Environmental Commission
 - Open Space
 - Township Council
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. Proctor, McElroy, Smith, Walsh, and Chairman Shivas

Members Absent: Messrs. Morytko 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

Mayor Rubenstein motioned to add an agenda item to go into executive session at the end of the meeting, seconded by Mr. Walsh.

MINUTES: November 7, 2024. Motion of Mr. Proctor to approve the minutes, second by Mr. McElroy.

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

Abstaining: Mr. Smith

Absent: Messrs. Morytko, Serrilli

None opposed. Motion carried.

RESOLUTIONS

Z18-2024 Michael Koval, 2 Jones Lane, Block 360 Lot 28, R-3 Zone

Application for detached garage

Mr. Proctor motioned to approve the resolution, seconded by Ms. Raffay.

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

Abstaining: Mr. Smith

Absent: Messrs. Morytko, Serrilli

None opposed. Motion carried.

OLD BUSINESS

Z14-2024 Rupesh Patel (Kyosis LLC), 1 Catalina Drive, Block 337 Lot 9.14, R2 Zone

Application for new home construction

Mr. Proctor motioned to carry the application to 01/16/2025, seconded by Mayor Rubenstein.

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

Absent: Messrs. Morytko, Serrilli

None opposed. Motion carried.

NEW BUSINESS

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

David Del Franco was sworn in. He'd like a six foot fence for a large dog, and because of outside animals and privacy reasons. He wants to apply for the chicken coop and the pool in case they'd like to do that in the near future. Chairman Shivas noted they need a fence around the pool. He confirmed Mr. Del Franco plans to have no more than 3 chickens. He noted the need for maintenance, to keep the chicken area clean. Mr. Del Franco confirmed the chickens would be caged in. He will be moving the shed that's not fully on the property. They bought the house a year and a half ago and the shed was in that spot. Mayor Rubenstein noted the shed is on the lake's property. He confirmed the neighbor has a fence. Mr. Del

Franco said that one is 6 feet in some areas and 4 in others. He hasn't decided how far from the neighbor's fence it will be. Ms. Raffay noted 1 foot in between isn't enough room for maintenance. Mr. Stoner recommended it being at least 1 foot off the property line. The nicer side needs to be facing out. Mr. Del Franco said it's a white vinyl fence. Mr. Stoner reviewed the variances.

Mayor Rubenstein confirmed the chicken coop will be separate from the shed, up against it. Mr. McElroy asked why the coop can't be somewhere else on the property. Mr. Del Franco said he doesn't have a set place it needs to be. Ms. Raffay said if it was moved towards the front property line, that may make more sense. That way it's up against a property without a house. Mr. Smith confirmed the area nearby is Lake Lackawanna property, and the property is not on the shoreline. Mr. Del Franco said the coop would be 4.5 x 6 feet. Mr. Walsh confirmed the fence would shield the coop. Ms. Hubbard noted the pool is in the front yard. Mr. Del Franco said it could be moved closer to the shed. He wanted an area of the yard open, but if it's moved he'd be okay with it. Mayor Rubenstein noted if he is looking to cut trees down it should be discussed. Mr. Del Franco said he is removing the trampoline, which is where the pool is going. He asked to note he will remove the two trees near the shed. The septic is in the front, along with the well.

Ms. Raffay asked how far past the neighbor's fence his fence will go. Mr. Del Franco said halfway down the driveway starts the 4 ft section. Where the neighbor's is 4 feet, he is proposing his to be 6 feet. Mayor Rubenstein noted that the neighbor was notified. Mr. Del Franco said he talked to the neighbor about this. He wants to propose the chicken coop at the southeast corner near the pavers, inside the fence. He'd like the pool to be moved over so that it's not in the front yard, but behind the house. The Board discussed the setbacks. Mr. Walsh noted his concern that if the fence isn't built or is removed, the coop and pool are visible. Chairman Shivas noted he doesn't have many other places to move it to. If the fence isn't up, he will still need a fence around the pool. Mr. Del Franco said the fence is his main priority. Ms. Raffay asked how far the fence is from the property line on the northern side. The Board discussed and determined it is about 18 feet off the property line. Mayor Rubenstein confirmed Mr. Del Franco is okay that the fence be no closer than 18 feet off the property line, and that on the other side it doesn't extend past the front of the house.

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

Mr. Stoner reviewed the adjusted variances. Ms. Raffay wants to see the setback further back, because that area is near the neighborhood front yard. Mayor Rubenstein noted it's far back from the roadway. The Board noted a 4 foot fence can be on the property line, the issue is the height. Mr. Walsh noted if the fence was 4 feet in that area, the pool is visible. Chairman Shivas said a lot of people have fenced the whole front yard in. Ms. Raffay said this is a sweeping corner lot. Ms. DeMagistris said it's not the whole property that's being fenced in. Mr. Stoner noted the applicant should mark up the survey with the changes.

Mayor Rubenstein motioned to approve the application with the changes, seconded by Mr. Proctor.

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

Nays: Ms. Raffay

Absent: Messrs. Morytko, Serrilli

Motion carried. Ms. Hubbard discussed the appeal period. Mayor Rubenstein noted there are County and state requirements for chickens, and if there are roosters, they need to comply with the noise ordinance.

Application for height of garage

Louis and Rudy Coviello were sworn in. Mr. Stoner said the original site plan had a garage of an approved height that would not be higher than the principal structure. The new height was noticed by the Construction Official and the Zoning Officer. Mayor Rubenstein asked the applicant why the structure is so tall. Rudy Coviello said they hired a company to build it, and there was a misunderstanding. When they originally called for the garage to be built, it was about 2 years ago, and then they went through a few different installers. They understood that the structure would be at the approved height of 16 feet tall. They never checked that it was above that height because it said that it was 16 feet. They contacted the installer who worked on the garage, and they no longer work for the company. They won't come back to lower the garage, and they looked into having others come to lower it, but that voids the warranty on the garage. Now that the garage is there, they like the extra space for the forklifts to navigate, since the garage doors are higher now.

Mr. McElroy looked at the architectural plans from the original application. He noted they look very different from the original plan. The height of the roof was 15.2 feet. The design is different. Mr. Stoner noted they're here for a modification to the garage. Rudy Coviello noted the garage is into the grade. Mr. Stoner said it's not part of the slope; there's a laid-up stone wall. Rudy Coviello noted they're getting rid of the turret part of the building. Louis Coviello said they can do additional plantings to soften the look. Mr. Walsh asked if the proposed plantings are instead of or in addition to the planting plan that was approved. Louis Coviello said this would be instead of; the boxwood plan was generic. He is a landscaper, so the landscaping is going to be different than proposed; it will be a draw to the area. Mr. Walsh noted the landscape buffer is more important now because of the height of the building. It is extremely visible from the road, so he likes the proposed landscaping. Louis Coviello said they started putting in some shade trees, and the large evergreens will make a big difference. They have no neighbors expect across the street; the next lots are 400 feet away. Ms. Raffay confirmed the shade trees were part of the original landscape plan, and asked if an updated landscape plan should be submitted. Louis Coviello is happy to draw up a plan. Mr. Stoner noted they have a site plan approval; if they're making this better, the Board Planner or Engineer can do that. The Board agreed they're okay with the Board Engineer reviewing the landscaping plan. Mr. Stoner asked about the color because it's different than the building. Louis Coviello noted they're landscapers, not developers, and there are some things that they missed. They picked grey as a neutral color. They made an earnest attempt at lowering the roof, and couldn't get the manufacturer back or the installer to speak to them. They were speaking to contractors to lower it, and no one wanted to take the project. Chairman Shivas noted the new landscape plan should show the new height of the garage. Ms. Hubbard noted the landscape plan should be approved before the trees are planted. Ms. Raffay doesn't know if they should update the site plan just to show the building is taller. Ms. Colligan noted the resolution takes care of that change. Ms. Raffay confirmed it hasn't changed footprint; the as-built shows how things are on a horizontal plane. Mayor Rubenstein confirmed there is a plan showing the new garage, and noted this should then be memorialized.

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

Mr. Walsh motioned to approve the application as submitted, subject to an updated landscape plan that is to the satisfaction of the Board Engineer, and subject to an as-built as required to the satisfaction of the Board Engineer, seconded by Mr. Proctor.

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

Absent: Messrs. Morytko, Serrilli

Motion carried. Mayor Rubenstein asked about the timing of the work. They're aiming to be open by the spring. Mr. Walsh noted the efforts to conform with the original approval are appreciated.

REPORTS FROM COMMITTEES

Architectural Review Committee: Chairman Shivas said this should be removed from the list.

Environmental Commission: Mr. McElroy said there's a meeting next week.

Open Space: Mayor Rubenstein said there's a meeting next month.

Township Council: Mayor Rubenstein said the Council is not in favor of permitting an ARC. They don't have a problem with an ARC guide, and would like the guide to be codified. The guide should be reviewed, updated, and put in the code book. The Council's legal council advised that anything to do with an application should be in public as a hearing. This includes architectural review, technical review, subcommittees, and especially ones that include Board members. Ms. Hubbard noted when they have subcommittee meetings or completeness reviews, the applicant shouldn't be present. Technical reviews are usually just professionals. Mayor Rubenstein noted when a Village Center application comes in, there needs to be some kind of subcommittee or group that handles that. The Council wants the entire Board to be involved with architectural review. The Board has the authority to express opinions and even vote no on an application because of how it looks. The first item is to put together a group to complete the ARC guide. Mayor Rubenstein said the Council accepted the lake management portion of the plan.

Zoning Report

OPEN TO THE PUBLIC

Chairman Shivas opened to the public. Patricia Moschella said she was at a Board meeting a few months ago and asked about the medical buildings on Route 206. Mr. Stoner said he reviewed this; they were required to keep a buffer. What they removed was not more than what was marked on the site plan. The properties behind didn't have their own buffer; what the applicant did didn't deviate from their plan. Ms. Moschella said it falls on the homeowners to put something up. Mr. Stoner noted if they reach out to the owners maybe they would help.

CLOSED SESSION: Professionals Discussion

Ms. Hubbard read the resolution for closed session at 9:07 pm. Mayor Rubenstein motioned to go into executive session to discuss professionals, seconded by Mr. Proctor. All were in favor. Mr. McElroy motioned to exit executive session, seconded by Mr. Proctor. All were in favor.

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

ADJOURNMENT

A motion to adjourn the meeting was made at 10:15pm by Mr. McElroy, seconded by Mr. Proctor. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted by Caitlin Phillips

Resolutions Approved at Previous Meeting

In the matter of Michael Koval
Case No. Z18-2024
MF#5000.118

BYRAM TOWNSHIP

PLANNING BOARD

RESOLUTION OF MEMORIALIZATION

RELIEF GRANTED: **Size of Accessory Structure**
 Footprint of Accessory Structure
 Width of the Driveway at the Roadway

WHEREAS, Michael Koval has applied to the Planning Board of Township of Byram seeking approval to construct a detached garage for premises located at 2 Jones Lane, and known as Block 360, Lot 28 on the Tax Map of the Township of Byram which premises are in the “R-3” 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 detached garage, requiring the following relief from the Township’s Zoning Ordinance:

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- a. Section 240-16A(5) – maximum footprint of all accessory structures: 50% of principal structure, proposed garage will be 69% of principal structure.
 - b. Section 240-16B(3) – maximum square footage of accessory structure: 400 square feet permitted, 940 square feet proposed.
 - c. Section 240-40B(5) – maximum width of driveway at roadway: 13 feet permitted, approximately 30 feet existing at roadway.
2. The Applicant submitted the following documents:
 - a. Boundary Survey, prepared by 3 Wire Surveying, LLC, dated November 26, 2020.
 - b. Tax Map, prepared by Harold E. Pellow, PE, LS, dated June 2006, sheet 3.06.
 - c. Rendering of the proposed garage, preparer unknown, undated, consisting of one (1) sheet.
 - d. Architectural Specifications for the proposed garage, prepared by Morton Buildings, Inc, undated, consisting of four (4) sheets.
3. The Board received a memorandum from Cory L. Stoner, P.E., P.P., the Planning Board Engineer, dated September 27, 2024.
4. A duly noticed public hearing was conducted on November 7, 2024, at which time Samantha and Michael Koval, the Applicants, presented sworn testimony in support of the application. The subject property is a 2.56 acre, square-shaped lot, with 280 feet of frontage on Jones Lane. A large portion of the lot is undeveloped, with approximately ¼ of the northeastern area of the lot consisting of a single-family home, frame garage, driveway and related improvements. The

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- frame garage, along with a 60 square foot addition, is in disrepair and needs to be removed.
5. The Applicants are proposing to demolish the existing 400 square foot, frame garage and construct a new 940 square foot detached garage in the same location. The Applicants have ATVs, canoes, a large truck and other vehicles that they would like to store in the proposed garage to protect them from the elements. They also plan to purchase a travel trailer that would need to be stored in the garage as well.
 6. The proposed structure will be a pre-fabricated, metal garage constructed by Morton Builders. The garage will have electric service for lights and the overhead doors, water service for the sink and cleaning the vehicles, but the Applicants are not proposing a bathroom or shower in the garage. The garage will be insulated and heated. Gutters are proposed on the garage to direct stormwater in to the yard, on the northern side of the garage, which will continue the existing runoff pattern.
 7. The construction will involve some demolition of rock and a retaining wall. The area will have to be regraded to lower the grade. The Applicants prefer to construct the garage 50 feet from the right-of-way, but cannot determine if the location is possible due to the location of the rocks. The grade of the driveway will need to be lowered, but the footprint of the driveway will remain.
 8. It was noted that the front lot line runs through Jones Lane, which is a private lane, per the tax map, that connects on both ends to Route 206. All setbacks shall be measured from the lot line and not the roadway.

9. 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 a garage and driveway.
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 the following Sections of the municipal zoning ordinance:
 - a. Section 240-16A(5) – maximum footprint of all accessory structures: 50% of principal structure, proposed garage is approved at 69% of principal structure.
 - b. Section 240-16B(3) – maximum square footage of accessory structure: 400 square feet permitted, 940 square feet approved.
 - c. Section 240-40B(5) – maximum width of driveway at roadway: 13 feet permitted, approximately 30 feet existing, to remain.
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)

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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 oversized lot, with the developed portion near the northern frontage of Jones Lane. The Applicants testified that the current garage is in disrepair, with a compromised wall, and needs to be demolished. The proposed garage will provide ample storage for the recreational vehicles that the Applicants have and plan to purchase. Although the garage exceeds the square footage and the maximum footprint, the lot is oversized and the garage will provide necessary storage for the Applicants vehicles.
4. The Board determined that permitting the construction of the garage would not result in a substantial detriment to the surrounding area, as the structure will be set back from Route 206 and side lot lines. The location of the structure is not inconsistent with the Master Plan and the Zoning Scheme, as this property is unique due to the size and configuration of the lot.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the 7th 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 issuance of a Certificate of Occupancy and/or the closure of zoning or construction permits.
7. Applicants shall secure any and all approvals required from any other public agency or governmental body that may have jurisdiction, whether specified herein or not, prior to seeking construction or zoning permits. Outside agency approvals include, but are not limited to:
 - a. Sussex County Health Department
 - b. Upper Delaware Soil Conservation District

8. The front left corner of the proposed garage shall not be closer than 43.3 feet to the front lot line
9. The driveway width shall not exceed the existing driveway width.
10. The proposed garage shall not include a bathroom or shower and cannot be habitable.
11. Applicants shall submit a survey indicating the As-Built location of the proposed garage and driveway, subject to the approval of the Board Engineer, prior to the issuance of a Certificate of Occupancy.
12. Stormwater runoff shall be maintained on the property, continuing the current drainage pattern, and not direct onto an adjacent lot.
13. The front yard setback shall be measured from the lot line and not the edge of pavement of Jones Lane.



George Shivas

On motion of: Mr. Proctor

Seconded by: Ms. Raffay

The vote on the Resolution was as follows:

Eight (8): Mayor Rubenstein, Mr. Proctor, Mr. McElroy, Ms. Raffay, Mr. Walsh, Ms. AYES: DeMagistris, Ms. Colligan, Chairman Shivas

NAYS: Zero (0)

ABSTAINING: One (1): Mr. Smith

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

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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: 11/25/2024

Prepared by: Alyse Landano Hubbard, Esq.

Resolution for Closed Session

BYRAM TOWNSHIP
PLANNING BOARD
RESOLUTION FOR CLOSED SESSION

Resolution for Closed Session on November 7, 2024, at 10:00 p.m.

WHEREAS, the Open Public Meetings Act, Chapter 231, PL 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Byram Township Planning Board is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED, by the Byram Township Planning Board County of Sussex, State of New Jersey that a closed session will be held tonight for the purpose of discussing professional contracts.

BE IT FURTHER RESOLVED that the action of the Board with regard to the above referenced subject matter shall be disclosed to the public at a later date and to the extent that the same is not prejudicial to the interest of the parties involved, and would not result in a possible invasion of their right to privacy


George Shivas

On motion of: Mr. Proctor

Seconded by: Mr. McElroy

The vote on the Resolution was as follows:

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Date

Nine (9): Mayor Rubenstein, Mr. Proctor, Mr. McElroy, Ms. Raffay, Mr. Smith, Mr. Walsh, Ms.
AYES: DeMagistris, Ms. Colligan, Chairman Shivas

NAYS: Zero (0)

ABSTAINING: Zero (0)

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

I certify that the above Resolution is a
true copy of a Resolution adopted by the
Planning Board on November 7, 2024.

Caitlin Phillips

**Caitlin Phillips, Planning Board
Secretary**

Dated: 11/25/2024

Prepared by: Alyse Landano Hubbard, Esq.



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: [Township of Byram \(ecode360.com\)](http://Township of Byram (ecode360.com))

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 enough to come to a hearing to present, or if additional information is needed, in which case 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 their 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.

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Byram Township Planning Board: Land Development Application

To submit a complete application, you must provide the Board Secretary the following documentation:

- ☐ 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 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, drainage easements, swales, berms, guide rails, and existing and 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 (maps 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
- ☐ For lot line adjustment / minor subdivisions applications: an approval, exemption, or a copy of the application from the Sussex County Division of Planning OR ☐ Not Applicable
- ☐ Signed acknowledgement of agency approvals
- ☐ One original and two hard copies of application materials (8 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 issued permits for the property related to the proposed work
- ☐ A digital copy of all documents, emailed to the Secretary

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:

SITE PLAN AND CONDITIONAL USE CHECK LIST

	Provided	Waiver	Not Applicable
North arrow and scale not less than 1 inch = 50 feet			
Title block including name of development			
Names, addresses, and certifications of licensed preparers			
Owner and Applicant			
Site block and lot numbers and tax sheet number			
Date of preparation and each revision			
Key Map including: • North arrow and scale not less than 1 inch = 200 feet • Entire site, its area, and its relationship to surrounding areas • Zone districts and boundaries within 500 feet • Adjoining properties			
Area, frontage, and Metes and Bounds of lot(s)			
Existing and proposed contours at 5-foot intervals for slopes 10% or greater, 2- inch intervals for lesser slopes			
Property lines to the nearest hundredth			
Lot acreage to the nearest tenth			
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.			
Natural features including existing vegetation, water bodies, etc.			
Open space, buffer zones, recreation areas, municipal and public areas and lands to be conveyed to the Township.			
Building floor plan, elevation views and first floor elevation			
Cut and fill limits			
Earthwork summary			
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			
Construction details for drainage structures, curb, guide rail, lighting, pavement design, sidewalks, septic system			

	Provided	Waiver	Not Applicable
Soil erosion and sediment control plan			
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			
Environmental Impact Statement (EIS)			
Landscape and Lighting Plan			
Drainage plan including runoff calculations and map showing drainage areas			
Copies of stream encroachment permit applications, if applicable.			
One (1) soil log and one (1) perc test for each lot			
Copies of protection covenants, deed restrictions, or homeowner association documents, existing and proposed			
Disclosure Statement			
List of variances, if required.			
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			

SURVEY WAIVER 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:**

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 \$

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



Name	Address	Date	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 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, 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.

Byram Township Planning Board Bills
December 5 2024

Harold Pellow	Date	Amount
Inv. 81462 Landscapes by Lou: review	11/8/2024	\$35.50
Inv. 81467 Starbucks: review	11/8/2024	\$355.00
Inv. 81470 Highlands Ave: meeting, review	11/8/2024	\$355.00
Inv. 81471 Steffans: review	11/8/2024	\$71.00
Inv. 81472 Del Franco: memo, review	11/8/2024	\$209.50
Inv. 81473 Koval: memos, review	11/8/2024	\$209.50
Inv. 81474 Oluwalanke: memos, review	11/8/2024	\$325.50
Inv. 814852: Chamberlin: memo	11/8/2024	\$71.00
Harold Pellow Total		\$1,632.00
Maraziti and Falcon	Date	Amount
Inv. 58175 General: communications, meeting, review	11/8/2024	\$490.00
Inv. 58177 Patel: review, communications	11/8/2024	\$770.00
Inv. 581758 Starbucks: review, meeting, resolution, communications	11/8/2024	\$1,015.00
Inv. 58179 North Shore: review deed	11/8/2024	\$52.50
Inv. 58180 Chamberlin: meeting, resolution, review, communications	11/8/2024	\$962.50
Inv. 58181 Scully: review	11/8/2024	\$17.50
Inv. 58182 Dobrich: meeting, resolution, communications	11/8/2024	\$805.00
Inv. 58183 Byram Auto: meeting, communications, resolution	11/8/2024	\$752.50
Inv. 58186 Del Franco: review	11/8/2024	\$122.50
Inv. 58185 Koval: review	11/8/2024	\$70.00
Inv. 58184 Oluwalanke: review, communications, meeting, resolution	11/8/2024	\$420.00
Maraziti Falcon Total		\$5,477.50
Latini and Gleitz	Date	Amount
Inv. 24-029 Byram Auto: Review plan, attend meeting	11/13/2024	\$300.00
Inv. 24-027 CAD: memo, meeting	11/13/2024	\$562.50
Inv. 24-028 Highland Ave: review plan, meeting	11/13/2024	\$487.50
Inv. 24-026 Veolia: review plan, meeting	11/13/2024	\$412.50
Inv. 24-025 Niec: review project, meeting	11/13/2024	\$675.00
Inv. 24-023 Tomahawk Lake: review plan, meeting	11/13/2024	\$300.00
Inv. 24-024 Starbucks: memo, meeting	11/13/2024	\$1,725.00
Latini and Gleitz Total		\$4,462.50
Grant Total		\$11,572.00