

**TOWNSHIP OF COLTS NECK  
TOWNSHIP COMMITTEE MEETING  
JANUARY 9, 2013  
7:30 P.M. AT TOWN HALL**

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**CALL MEETING TO ORDER**

**SALUTE TO THE FLAG**

“THE NOTICE REQUIREMENTS OF THE NEW JERSEY PUBLIC MEETINGS LAW HAVE BEEN SATISFIED BY FORWARDING A “NEWS RELEASE” TO THE ASBURY PARK PRESS ON DECEMBER 12, 2012 STATING THAT A REGULAR MEETING OF THE COLTS NECK TOWNSHIP COMMITTEE WOULD BE HELD ON JANUARY 9, 2013 AT 7:30 P.M., TOWN HALL. THE NOTICE REQUIREMENTS HAVE BEEN POSTED ON THE TOWNSHIP BULLETIN BOARD, AND A COPY IS ON FILE IN THE OFFICE OF THE TOWNSHIP CLERK.”

**ROLL CALL**

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1. **APPROVAL OF MINUTES:** NOVEMBER 28, 2012; NOVEMBER 29, 2012; DECEMBER 12, 2012; DECEMBER 21, 2012; JANUARY 3, 2013
  
2. **PRESENTATION:** CONSERVATION EASEMENT, BLOCK 48, LOT 21 (YEARING PATH) – MR. A.J. GARITO, P.E.
  
3. **ORDINANCE 2013-1:** ORDINANCE MAKING THE PROVISIONS OF SUBTITLE 1 OF TITLE 39 PURSUANT TO N.J.S.A. 39:5A-1 OF THE REVISED STATUTES OF NEW JERSEY APPLICABLE TO THE ORCHARDS SHOPPING CENTER (BLOCK 46, LOTS 13 AND 14)

COMMENTS

MOTION TO APPROVE

ROLL CALL

SET PUBLIC HEARING JANUARY 30, 2013

4. **ORDINANCE 2013-2:** AN ORDINANCE OF THE TOWNSHIP OF COLTS NECK IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 102 OF THE CODE OF THE TOWNSHIP OF COLTS NECK ENTITLED “DEVELOPMENT REGULATIONS” (BUILDING HEIGHT ORDINANCE)

COMMENTS

MOTION TO APPROVE

ROLL CALL

SET PUBLIC HEARING FEBRUARY 13, 2013

5. **ORDINANCE 2013-3:** AN ORDINANCE OF THE TOWNSHIP OF COLTS NECK IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 102 OF THE CODE OF THE TOWNSHIP OF COLTS NECK ENTITLED "DEVELOPMENT REGULATIONS" (DRIVE THRU RETAIL STORES)

COMMENTS

MOTION TO APPROVE

ROLL CALL

SET PUBLIC HEARING FEBRUARY 13, 2013

6. **ORDINANCE 2013-4:** AN ORDINANCE OF THE TOWNSHIP OF COLTS NECK IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 102 OF THE CODE OF THE TOWNSHIP OF COLTS NECK ENTITLED "DEVELOPMENT REGULATIONS" (PERFORMANCE GUARANTEES)

COMMENTS

MOTION TO APPROVE

ROLL CALL

SET PUBLIC HEARING FEBRUARY 13, 2013

7. **RESOLUTION 2013-22:** RESOLUTION AUTHORIZING APPLICATION FOR COLTS NECK ALLIANCE FOR THE PREVENION OF ALCOHOLISM AND DRUG ABUSE 2013 GRANT FUNDING

COMMENTS

MOTION TO APPROVE

ROLL CALL

8. **RESOLUTION 2013-23:** RESOLUTION SUPPORTING ASSEMBLY BILL A-2753 AND SENATE BILL S-1923 REQUIRING PAYMENT OF ENERGY TAXES TO MUNICIPAL GOVERNMENT

COMMENTS

MOTION TO APPROVE

ROLL CALL

9. **MOTION TO ADOPT CONSENT AGENDA:**

10. **\*RESOLUTION 2013-24:** RESOLUTION AUTHORIZING RECREATION PROGRAM REFUND

11. **\*RESOLUTION 2013-25:** RESOLUTION AUTHORIZING RELEASE OF SPECIAL PERFORMANCE GUARANTEE, BLOCK 51, LOT 2.09 (27 DEPUTY MINISTER DRIVE)

12. **\*RESOLUTION 2013-26:** RESOLUTION AUTHORIZING RELEASE OF MAINTENANCE GUARANTEE, PLANNING BOARD APPLICATION NO. 474 (CAMBRIDGE MANOR)

COMMENTS

MOTION TO APPROVE

ROLL CALL

13. **DISCUSSION:** WILDLIFE COMMITTEE: DEER MANAGEMENT AND CONTROL
14. **DISCUSSION:** BRUSH COLLECTION AND REMOVAL
15. **DISCUSSION:** TRUMP WATER ALLOCATION PERMIT
16. **ADMINISTRATIVE REPORT**
17. **MOTION TO APPROVE VOUCHERS**  
COMMENTS  
MOTION TO APPROVE  
ROLL CALL
18. **COMMENTS FROM THE PUBLIC**
19. **RESOLUTION 2013-27:** EXECUTIVE SESSION  
COMMENTS  
MOTION TO APPROVE  
ROLL CALL

***THE NEXT TOWNSHIP COMMITTEE MEETING IS  
WEDNESDAY, JANUARY 30, 2013, 7:30 P.M.  
TOWN HALL, 124 CEDAR DRIVE, COLTS NECK, NJ***

**ORDINANCE 2013-1**

**AN ORDINANCE MAKING THE PROVISIONS OF SUBTITLE I OF TITLE 39 PURSUANT TO N.J.S.A. 39:5A-1 OF THE REVISED STATUTES OF NEW JERSEY APPLICABLE TO THE ORCHARDS SHOPPING CENTER (BLOCK 46, LOTS 13 & 14)**

WHEREAS, 24 Realty, LLC is the record owner of certain real property commonly known as "The Orchards Shopping Center" and designated as Block 46, Lots 13 & 14 on the Colts Neck Township Tax Map, in the Township of Colts Neck, County of Monmouth and the State of New Jersey (herein referred to as the "Property"); and

WHEREAS, "The Orchards Shopping Center" property (Block 46, Lots 13 & 14) was the subject of certain development application(s) to the Colts Neck Township Planning Board (PB703); and

WHEREAS, 24 Realty, LLC has filed a written request dated November 29, 2012 pursuant to N.J.S.A. 39:5A-1 with the Township Administrator of the Township of Colts Neck seeking application of the provisions of Subtitle I of Title 39 of the Revised Statutes of New Jersey to the semi-public roads, streets, driveways and parking areas which are opened to or used by the public, tenants and/or employees at The Orchards Shopping Center; and

WHEREAS, the Mayor and Township Committee, having considered same, now wish to make the provisions of Subtitle I of Title 39 of the Revised Statutes of New Jersey applicable to the Property.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Township Committee of the Township of Colts Neck, in the County of Monmouth and the State of New Jersey, that 24 Realty, LLC has filed a written consent dated November 29, 2012 with the Township of Colts Neck that the provisions of Subtitle I of Title 39 of the Revised Statutes of New Jersey be made applicable to the semi-public roads, streets, driveways and parking areas which are opened to and used by the public, tenants and/or employees at "The Orchards Shopping Center" (Block 46, Lots 13 & 14), located in the Township of Colts Neck, County of Monmouth and the following regulations shall be enforceable:

A. Pursuant to the authority vested in the Township of Colts Neck pursuant to N.J.S.A. 39:5A-1 and pursuant to a request by 24 Realty, LLC dated November 29, 2012 the Township Committee hereby ordains that the subject premises Block 46, Lots 13 & 14 in the Township of Colts Neck shall have all their semi-public or private roads, streets driveways, access isles and parking areas subject to subtitle I of Title 39 of the Revised Statues of New Jersey.

B. General Parking

1. All vehicles must park in designated areas and between the lines provided
2. No person shall stop or stand a vehicle upon any of the streets or parts of streets described below:

<u>Name of Street</u>	<u>Sides</u>	<u>Hours</u>	<u>Location</u>
1. All Roads	Both	All	Entire Length

3. Handicapped Parking. All stalls shall be 12 feet wide as shown on the site plan on file in the Office of the Township Clerk and signed with the R7-8 and R7-8P (Reserved Parking Sign and Penalty Plate), in the designated parking areas for persons who have been issued the Handicapped Parking Permits by the Division of Motor Vehicles.

C. Speed Limits

1. The speed limit for both directions of traffic in the parking lot(s) shall be 15 miles per hour
2. The speed limit for both directions of travel on the following roadways are:

<u>Name of Street</u>	<u>Speed Limit (mph)</u>	<u>Limits</u>
1. All Roads	25	Entire

3. Regulatory and warning signs shall be erected and maintained to effect the above designated speed limits authorized by the Department of Transportation

D. Tow Away Zones

Any vehicle parked or standing as to obstruct or impede a normal flow of traffic, block entrances or exit ways, loading zones, oil fills, any grassy area, pedestrian walkway, or present in any way a safety or traffic hazard may be removed by towing the vehicle at the owner's or operator's expense.

E. Signs

All signs, posts or other necessary materials to be installed shall be paid for by the property owner. All signage shall conform to the current Manual on Uniform Traffic Control Devices, pursuant to N.J.S.A. 39:4-198 and N.J.S.A. 39:4-183.27.

F. Violations and Penalties

Unless another penalty is expressly provided by New Jersey Statute, every person convicted of a violation of this Article or any supplement thereto shall be liable to a penalty of not more than (\$1,000) one thousand dollars or imprisonment for a term not exceeding (15) days or both.

G. Effect of Regulations

If any part of this regulation is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the regulation

BE IT FURTHER ORDAINED, that Chapter 222, "Vehicles and Traffic", of the "Code of the Township of Colts Neck" is hereby amended and supplemented in order to incorporate the provisions referenced herein under a new Article IX entitled "24 Realty, LLC".

BE IT FURTHER ORDAINED that the traffic regulations established herein shall be enforceable under the new Article IX of Chapter 222 of the "Code of the Township of Colts Neck".

BE IT FURTHER ORDAINED, that all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED, that in the event that any portion of this Ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of the Ordinance shall be deemed severable therefrom and shall not be affected.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon final passage and publication in accordance with the law, but not before approval has been received from the New Jersey Department of Transportation.

I, Robert Bowden, Township Clerk of the Township of Colts Neck, in the County of Monmouth, New Jersey, hereby certify that annexed hereto is a true and complete copy of Ordinance No. 2013-1, which was introduced at a duly convened meeting of the Township Committee on January 9, 2013, and will be considered for adoption after public hearing at a duly convened meeting of the Township Committee on January 30, 2013.

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Michael D. Fitzgerald, Mayor

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Robert Bowden, Township Administrator/Clerk

<b>RECORD OF VOTE</b>												
	First Reading					Second Reading						
	January 9, 2013					January 30, 2013						
Committeeman	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Fitzgerald												
Deputy Mayor Macnow												
Schatzle												
Orgo												
Engel												
M - Moved    S - Seconded    X - indicates vote    NV - Not Voting    Ab - Absent												

**ORDINANCE 2013-2**

**AN ORDINANCE OF THE TOWNSHIP OF COLTS NECK IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 102 OF THE CODE OF THE TOWNSHIP OF COLTS NECK ENTITLED "DEVELOPMENT REGULATIONS"**

WHEREAS, on April 23, 1997 the Colts Neck Township Committee amended in its entirety Chapter 102, Development Regulations of the Code of the Township of Colts Neck; and

WHEREAS, the Township of Colts Neck is continuously and closely involved in the planning and development process in the Township; and

WHEREAS, one of the purposes of planning is to review the Township's policies and Development Regulations based on best available information and past experiences and to adopt regulations to guide the use of lands in a manner that promotes the public good and general public welfare; and

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-65) Contents of Zoning Ordinance authorizes municipalities to regulate the bulk, height, number of stories, orientation and size of buildings; and

WHEREAS, the Colts Neck Township Committee has identified a trend of constructing luxurious estate homes in the AG, Agricultural Zone on lots exceeding ten acres in area; and

WHEREAS, the current 35' building height limitation restricts the roof pitch on large estate homes and results in a flat or narrowly pitched roof; and

WHEREAS, in order to promote proper architectural balance, large estate homes need increased building height to maintain a proper roof pitch; and

WHEREAS, the Colts Neck Township Committee finds that taller houses require larger lots and greater setbacks in order to avoid the appearance of overdeveloping lots, maintain the Township's rural and scenic character, promote adequate light, air and open space as well as to encourage municipal actions that guide the development of land in a manner which promotes public health, safety and general welfare of the present and future residents.

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Colts Neck, County of Monmouth, State of New Jersey follows: (additions to text indicated by underline, deletions to text indicated by ~~strikeout~~).

SECTION I That Section 102-61 "Height limits" be amended and supplemented as follows:

- A. Architectural features or roof structures for the housing and screening of stairways, tanks, ventilating fans, heating and air-conditioning equipment or similar equipment required to operate and maintain the building or parapet walls, skylights, spires, cupolas, flagpoles, chimneys or similar structures any be erected above the height limits prescribed by this chapter but in no case more than 25% more than the maximum height permitted in the district, provided that such feature does not exceed 15% of the building projection as determined by § 102-87, Note 1: except church spires and farm silos shall have no height restrictions. Architectural features shall be used to shield such items from public view to the maximum practical extent.
- B. Building height for a single family dwelling on ten acre or larger lot in the AG, Agricultural Zone may increase to a maximum of 40' in height and 2½ stories provided that the minimum required front, each side and rear yard setback requirements shall be increased by a minimum of five feet for each foot or portion thereof the dwelling exceeds 35' in building height.

SECTION II That Section 102-86F3a Ten acre farmettes and flag lots in the AG Agricultural Zone be amended and supplemented in the following parts only:

Section 102-86F3(a)

- (a) Ten acre farmettes and flag lots.

TYPE	FARMETTES	FLAG LOTS
Minimum lot area	10 acres	10 acres, plus access lane
Minimum lot frontage and width	300 feet <sup>1</sup>	50 feet for lane, but and width 300' for that portion of the flag lot used as the house site
Minimum lot depth	400 feet	400 feet without access lane
Minimum front yard	200 feet	200' without access lane
Minimum side yard <sup>2</sup>	40 feet	40 feet
Minimum rear yard <sup>2</sup>	50 feet	50 feet
<u>Minimum Building Separation</u>	<u>20 feet</u>	<u>20 feet</u>
Maximum Building Height <sup>2</sup>	35 feet	35 feet
Maximum Building Coverage <sup>3</sup>	5%	5%
Maximum Lot Coverage <sup>3</sup>	10%	10%

NOTES:

<sup>1</sup> See §102-87, Note 1.

<sup>2</sup> Except for barns, livestock shelters and other customary agricultural accessory farm buildings and structures shall be located at least 100' from any lot line and barns may have a maximum height of 55'. See Section 102-61 for additional building height for single family dwellings.

<sup>3</sup> See definition

SECTION III: Severability. If any section, paragraph subsection, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

SECTION IV Repealer. The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this ordinance shall remain in full force and effect.

SECTION V: Inconsistent ordinance. All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

SECTION VI: This ordinance shall take effect immediately upon passage, publication and filing according to law.

I, Robert Bowden, Township Clerk of the Township of Colts Neck, in the County of Monmouth, New Jersey, hereby certify that annexed hereto is a true and complete copy of Ordinance No. 2013-2, which was introduced at a duly convened meeting of the Township Committee on January 9, 2013, and will be considered for adoption after public hearing at a duly convened meeting of the Township Committee on February 13, 2013.

\_\_\_\_\_  
Michael D. Fitzgerald, Mayor

\_\_\_\_\_  
Robert Bowden, Township Administrator/Clerk

<b>RECORD OF VOTE</b>												
	First Reading					Second Reading						
	January 9, 2013					February 13, 2013						
Committeeman	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Fitzgerald												
Deputy Mayor Macnow												
Schatzle												
Orgo												
Engel												
M - Moved    S - Seconded    X - indicates vote    NV - Not Voting    Ab - Absent												

**ORDINANCE 2013-3**

**AN ORDINANCE OF THE TOWNSHIP OF COLTS NECK IN THE COUNTY OF  
MONMOUTH AND THE STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING  
CHAPTER 102 OF THE CODE OF THE TOWNSHIP OF COLTS NECK ENTITLED  
“DEVELOPMENT REGULATIONS”**

WHEREAS, on April 23, 1997 the Colts Neck Township Committee amended in its entirety Chapter 102, Development Regulations of the Code of the Township of Colts Neck; and

WHEREAS, the Township of Colts Neck is continuously and closely involved in the planning and development process in the Township; and

WHEREAS, one of the purposes of planning is to review the Township’s policies and Development Regulations based on best available information and past experiences and to adopt regulations to guide the use of lands in a manner that promotes the public good and general public welfare; and

WHEREAS, the 2004 Master Plan’s long term goal for the business districts is to provide neighborhood oriented districts specifically designed for Colts Neck residents and the Township’s agricultural base and that regional shopping facilities are not anticipated and are more appropriately situated in suburban planning areas (PA1 and PA2) and not rural or environmentally sensitive planning areas (PA4B and PA5) as designated in the State Development and Redevelopment Plan; and

WHEREAS, the 2004 Master Plan recommends a neighborhood commercial district with shared parking, pedestrian linkages and plazas in order to encourage patrons to travel from one lot to the next without the use of automobiles; and

WHEREAS, the Township Committee finds that restricting drive-in or drive-thru services in general retail establishments will foster a neighborhood commercial district, promote pedestrian linkages as well as discourage the use and dependability on the automobile.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Colts Neck, County of Monmouth, State of New Jersey as follows: (additions to text indicated by underline, deletions to text indicated by ~~strikeout~~).

SECTION I That Section 102-109B. Principal permitted uses on land and buildings in the business districts be amended and supplemented in the following parts only.

- B. Principal permitted uses on land and in buildings. The following shall be permitted as principal uses:
- (1) General retailing stores for the sale of merchandise, but no businesses whose principal use is manufacturing, assembly, fabricating or processing. Permitted uses include but are not limited to pharmacies; stationery; millinery shops; sewing and needlework supplies; clothing; jewelry and other accessories; shoes; gifts; novelties; bookstores; music stores; artwork; leather and luggage shops; photographic studios; camera and video stores; flower shops; hardware; paint; wallpaper; candle shops; curtain, drapery and material shops; interior decorators; furniture; electronics; pet supplies, pottery and hobby shops; sporting goods; farm and lawn machinery, garden supplies and nursery plants and supplies, lawn and machinery, garden supplies and nursery plants and supplies, lawn and farm seed, feed and fertilizer material; and antique and similar stores, but not drive-in or drive-thru services.
  - (2) Personal services uses, such as barbers, beauticians, banks with or without drive-in windows, cleaners, laundries, tailors, shoe repair, upholsterers, radio and television repair and funeral homes and similar uses, but not drive-in or drive thru services except for banks.
  - (3) Existing text to remain
  - (4) The retailing of food products, including wine and liquor stores, confectionaries, bakeries where all products baked are sold from the premises, delicatessens and similar uses, but not drive-in or drive-thru services.

(5) thru (15) Existing text to remain

SECTION II Severability. If any section, paragraph subsection, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

SECTION III Repealer. The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this ordinance shall remain in full force and effect.

SECTION IV: Inconsistent ordinance. All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

SECTION V: This ordinance shall take effect immediately upon passage, publication and filing according to law.

I, Robert Bowden, Township Clerk of the Township of Colts Neck, in the County of Monmouth, New Jersey, hereby certify that annexed hereto is a true and complete copy of Ordinance No. 2013-3, which was introduced at a duly convened meeting of the Township Committee on January 9, 2013, and will be considered for adoption after public hearing at a duly convened meeting of the Township Committee on February 13, 2013.

Michael D. Fitzgerald, Mayor

Robert Bowden, Township Administrator/Clerk

RECORD OF VOTE												
Committeeman	First Reading					Second Reading						
	January 9, 2013					February 13, 2013						
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Fitzgerald												
Deputy Mayor Macnow												
Schatzle												
Orgo												
Engel												

M - Moved    S - Seconded    X - indicates vote    NV - Not Voting    Ab - Absent

**ORDINANCE 2013-4**

**AN ORDINANCE OF THE TOWNSHIP OF COLTS NECK IN THE COUNTY OF  
MONMOUTH AND THE STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING  
CHAPTER 102 OF THE CODE OF THE TOWNSHIP OF COLTS NECK ENTITLED  
“DEVELOPMENT REGULATIONS”**

WHEREAS, on April 23, 1997 the Colts Neck Township Committee amended in its entirety Chapter 102, Development Regulations of the Code of the Township of Colts Neck; and

WHEREAS, the Township of Colts Neck is continuously and closely involved in the planning and development process in the Township; and

WHEREAS, one of the purposes of planning is to review the Township’s policies and Development Regulations based on best available information and past experiences and to adopt regulations to guide the use of lands in a manner that promotes the public good and general public welfare; and

WHEREAS, current ordinances permit applicants to install site improvements based on preliminary approval without posting performance guarantees and require performance guarantees at the time of final approval for only those portions of the site improvements that have not been installed in accordance with preliminary approval; and

WHEREAS, in a memorandum dated February 8, 2012 the Planning Board Attorney, Mr. Michael B. Steib, Esq. opined that this practice is contrary to the intent and purpose of the Municipal Land Use Law; and

WHEREAS, the Planning Board Attorney recommended that the Township review the provisions of the ordinance to determine whether ordinance revisions should be prepared requiring final approval and posting of performance guarantees prior to the commencement of construction; and

WHEREAS, the Long Range Planning Committee has reviewed the relevant ordinance provisions and recommends that the best way to protect the Township from the possibility of a developer abandoning a partially completed project with adverse site conditions is to require performance guarantees be posted prior to the installation of site improvements; and

WHEREAS, the Township Committee of the Township of Colts Neck finds that it is consistent with the intent and purpose of the Municipal Land Use Law and in the best interest of the general public welfare to require final approval and the posting of performance guarantees prior to commencement of the installation of site improvements.

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Colts Neck, County of Monmouth, State of New Jersey as follows (additions to text indicated by underline; deletions to text indicated by ~~strikeout~~.

SECTION I That Section 102-34B “Submission of a sketch plat, minor subdivision plat or minor site plan plat” be amended and supplemented in the following parts only:

§102-34B Action by the Approving Authority

- (1) Existing text to remain
- (2) Existing text to remain
- (3) Existing text to remain
- (4) Approval; expiration
  - (a) Approval of a minor subdivision shall expire 190 days from the date of the resolution of municipal approval, unless, within such period a performance guarantee which meets the requirements of Article IV of this chapter including guarantees for off-tract improvements if any and which has been accepted by the Township Committee and a plat in

conformity with such approval, including any conditions imposed by the approving authority and in conformity with the provisions of the Map Filing Law, P.L. 1960, c. 141 (N.J.S.A. 46:23-9.9 et seq.), as amended or a deed clearly describing the approved minor subdivision is filed by the developer with the county recording officer and copies of the filed deeds are provided to the approving authority, the Township Engineer and the Township Tax Assessor. Any such plat or deed accepted for such filing shall have been signed by the chairman and secretary of the approving authority (or the vice chairman or acting secretary in their absence, respectively).

- (b) Existing text to remain
  - (c) Existing text to remain
  - (d) Existing text to remain
- (5) Existing text to remain
- (6) If classified as a major development or site plan or approved as a minor subdivision or minor site plan, a notation to that effect, including the date of the approving authority's action, shall be made on copies of the plat and shall be signed by the chairman and secretary of the approving authority (or the vice chairman or acting secretary in their absence, respectively), except that the minor plats shall not be signed until all conditions are met and/or incorporated on the plat. All conditions on minor developments shall be complied with within 95 190 days of the meeting at which conditional approval was granted, otherwise the conditional approval shall lapse, unless the time limit is extended by the approving authority. If the plat is classified as a major development, sketch plat modifications are not required.

(7) Conditions of Approval

All approvals of a minor subdivision or site plan shall be subject to the following conditions being satisfied within a period of time specified by the Planning Board or Board of Adjustment prior to signing of the plat, start of construction and/or issuance of a Building Permit.

- a. Submission of additional prints of the plat and attachments for distribution, as required.
- b. In the event that any documents require execution in connection with the approval, such documents will not be released until all of the conditions of approval have been satisfied unless otherwise expressly noted.
- c. No taxes or assessments for local improvements shall be due or delinquent on the subject property.
- d. The Applicant shall pay to the municipality any and all sums outstanding for fees incurred by the municipality for services rendered by the municipality's professionals for review of the application for development, review and preparation of documents, inspection of improvement and other purposes authorized by the Municipal Land Use Law. The Applicant shall provide such further escrow deposits with the municipality as are necessary to fund anticipated continuing municipal expenses for such professional services, if any, in connection with the Application for Development as may be authorized by the Municipal Land Use Law.
- e. The Applicant shall furnish such Performance Guarantees, Inspection fees and/or Maintenance Guarantees as may be required pursuant to Article IV of this chapter and which has been accepted by the Township Committee for the purpose of assuring the installation and maintenance of on-tract/off-tract improvements.

- f. No site work shall be commenced or plans signed or released or any work performed with respect to this approval until such time as all conditions of the approval have been satisfied or otherwise waived by the Board.
- g. Any and all notes, drawings or other information contained on any approved plans shall be conditions of this approval.
- h. Nothing herein shall excuse compliance by the Applicant with any and all other requirements of this municipality or any other governmental entity.
- i. In the event any de minimis exception has been granted from the Residential Site Improvement Standards in connection with the application, the applicant shall send a copy of the resolution to the New Jersey Department of Community Affairs, Division of Codes and Standards, 101 South Board Street, CN 802, Trenton, New Jersey 09625-0802 within thirty (30) days of the date hereof. Said copy of the resolution shall be clearly marked on its face with the words "SITE IMPROVEMENT EXCEPTIONS".
- j. In the event that the Applicant and the approving authority have agreed that exceeding a standard of the Residential Site Improvement Standards is desirable under the specific circumstances of the proposed development, such Agreement to Exceed RSIS Standards shall be placed, in writing, by the developer and transmitted forthwith to the New Jersey Department of Community Affairs, Division of Codes and Standards, 101 Broad Street, CN 802, Trenton, New Jersey 08625-0802.
- k. All special conditions shall be included as notes on the plans.
- l. The Applicant shall comply with the requirements of the Municipal Ordinances with respect to its Affordable Housing obligation by either providing the required affordable housing on-site, providing affordable housing off-site or making a contribution of an Affordable Housing fee pursuant to the applicable Statute and Municipal Ordinances.
- m. The Resolution does not constitute a permit for the construction of the approved improvements. The Applicant shall be responsible for obtaining any and all other permits and approvals required prior to the commencement of any development activities including, but not limited to, N.J.D.O.T., N.J.D.E.P., Monmouth County Planning Board, Freehold Soil Conservation District, Regional in addition to any and all building and construction permits required by the municipality. All work performed shall be in accordance with, and shall not deviate from, the approved plans and all applicable Federal, State, County and Local laws, rules and regulations.

SECTION II That Section 102-36B "Submission of preliminary plat" be amended and supplemented in the following parts only:

§102-36B Action by the Approving Authority

- (1) Existing text to remain
- (2) Existing text to remain
- (3) Existing text to remain
- (4) Existing text to remain

- (5) Existing text to remain
- (6) Existing text to remain
- (7) Existing text to remain
- (8) Preliminary approval shall, except as provided in Subsection B(8)(d) below, confer upon the applicant the following rights for a three-year period from the date of the preliminary approval; otherwise the approval shall be void after the three-year interval, unless an extension is granted.
  - (a) The general terms and conditions on which preliminary approval was granted shall not be changed, including but not limited to use requirements' layout and design standards for streets, curbs and sidewalks; lot size, yard dimensions and off-tract improvements; and any requirements peculiar to site plan approval; except that nothing herein shall be construed to prevent the Township from modifying by ordinance such general terms and conditions of preliminary approval as related to public health and safety, which shall then become applicable to the approved preliminary application. No site work shall commence or any work performed with respect to the preliminary approval until such time as final approval is granted and all conditions of final approval have been satisfied or otherwise waived by the Board.
  - (b) Existing text to remain
  - (c) Existing text to remain
  - (d) Existing text to remain
  - (e) Existing text to remain
  - (f) Existing text to remain
  - (g) Existing text to remain
- (9) Existing text to remain

SECTION III That Section 102-37 "Submission of final major subdivision plat or major site plan plat" be amended and supplemented in the following parts only:

A. Filing procedure.

- (1) The developer shall file an application for submission with the administrative officer, at least 10 working days prior to the regular meeting of the approving authority the fee, together with a two translucent tracing cloth mylar master copy copies of a final major subdivision and ten paper copies, ten color copies of an aerial photographic map depicting the entire tract and all surrounding areas within 1,000 feet, three copies of a Land Survey prepared by a licensed surveyor conducted not more than five years prior to the date of the application, three copies of the Freshwater Wetland Delineation Report, one copy of the final subdivision plat or final site plan reduced to an 11" x 17" paper and three completed application forms and Checklist No. 4, attached hereto, for final major subdivision or major site plan plats for which approval is requested, together with a ~~performance or maintenance guaranty which meets the requirements of Article IV of this chapter, including guaranties for off tract improvements, if any, and which has been accepted by the Township Committee;~~ a certificate from the Township Tax Collector stating that all real estate taxes levied against the property being developed have been paid to date; a W-9 Taxpayers Identification Number and Certification; a Developers Escrow Agreement; an Erosion Control Agreement; a Disclosure Statement pursuant to N.J.S.A. 40:55D-48.1; a Hold Harmless Indemnification form; such other certificates of approval required by this chapter or by law; ~~and a certificate from the administrative officer that all construction inspection fee bills rendered to the developer have been paid.~~ A cloth mylar master copy is not required for major site plan approval. All plats are to be prepared in accordance with provisions of this chapter. The developer shall pay the required fee. The developer shall also file 10 copies of the plats

granted preliminary approval, reissued to show "For Final Approval" in the title and to show any changes since preliminary approval, including updating of the index sheet, in detail. For both major final subdivision and site plans, separate deeds of easement or other deeds contained in the conditional approval may be required prior to full approval. All resubmission once an application is deemed complete for review shall be filed at least 14 days prior to the regular meeting.

- (2) Existing text to remain
- (3) Existing text to remain
- (4) ~~The final major subdivision or major site plan plat, when submitted, shall certify that all utilities and improvements in the development have been installed in exact location and elevation and constructed in accordance with the requirements of this chapter and the preliminary plat approval or shall identify any changes from the preliminary plat approval and shall be accompanied with a maintenance guaranty in accordance with Article IV and which has been accepted by the Township Committee; or shall indicate those portions of any utilities or improvements already installed and those to be installed and shall be accompanied by a performance guaranty in accordance with Article IV and which has been accepted by the Township Committee covering the cost of all uncompleted improvements.~~

B. Existing text to remain

C. Conditions of Approval

All approvals of a final plat of a major subdivision or site plan shall be subject to the following conditions being satisfied within a period of time specified by the Planning Board or Board of Adjustment prior to signing of the plat, start of construction and/or issuance of a Building Permit.

1. Submission of additional prints of the plat and attachments for distribution, as required
2. In the event that any documents require execution in connection with the approval, such documents will not be released until all of the conditions of approval have been satisfied unless otherwise expressly noted.
3. No taxes or assessments for local improvements shall be due or delinquent on the subject property.
4. The Applicant shall pay to the municipality any and all sums outstanding for fees incurred by the municipality for services rendered by the municipality's professionals for review of the application for development, review and preparation of documents, inspection of improvement and other purposes authorized by the Municipal Land Use Law. The Applicant shall provide such further escrow deposits with the municipality as are necessary to fund anticipated continuing municipal expenses for such professional services, if any, in connection with the Application for Development as may be authorized by the Municipal Land Use Law.
5. The Applicant shall furnish such Performance Guarantees, Inspection fees and/or Maintenance Guarantees as may be required pursuant to Article IV of this chapter and which has been accepted by the Township Committee for the purpose of assuring the installation and maintenance of on-tract/off-tract improvements.
6. No site work shall be commenced or plans signed or released or any work performed with respect to this approval until such time as all conditions of the approval have been satisfied or otherwise waived by the Board.
7. Any and all notes, drawings or other information contained on any approved plans shall be conditions of this approval.
8. Nothing herein shall excuse compliance by the Applicant with any and all other requirements of this municipality or any other governmental entity.

9. In the event any de minimis exception has been granted from the Residential Site Improvement Standards in connection with the application, the applicant shall send a copy of the resolution to the New Jersey Department of Community Affairs, Division of Codes and Standards, 101 South Board Street, CN 802, Trenton, New Jersey 09625-0802 within thirty (30) days of the date hereof. Said copy of the resolution shall be clearly marked on its face with the words "SITE IMPROVEMENT EXCEPTIONS".
10. In the event that the Applicant and the approving authority have agreed that exceeding a standard of the Residential Site Improvement Standards is desirable under the specific circumstances of the proposed development, such Agreement to Exceed RSIS Standards shall be placed, in writing, by the developer and transmitted forthwith to the New Jersey Department of Community Affairs, Division of Codes and Standards, 101 Broad Street, CN 802, Trenton, New Jersey 08625-0802.
11. All special conditions shall be included as notes on the plans.
12. The Applicant shall comply with the requirements of the Municipal Ordinances with respect to its Affordable Housing obligation by either providing the required affordable housing on-site, providing affordable housing off-site or making a contribution of an Affordable Housing fee pursuant to the applicable Statute and Municipal Ordinances.
13. The Resolution does not constitute a permit for the construction of the approved improvements. The Applicant shall be responsible for obtaining any and all other permits and approvals required prior to the commencement of any development activities including, but not limited to, N.J.D.O.T., N.J.D.E.P., Monmouth County Planning Board, Freehold Soil Conservation District, Regional in addition to any and all building and construction permits required by the municipality. All work performed shall be in accordance with, and shall not deviate from, the approved plans and all applicable Federal, State, County and Local laws, rules and regulations.

SECTION IV Severability. If any section, paragraph subsection, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

SECTION V Repealer. The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this ordinance shall remain in full force and effect.

SECTION VI: Inconsistent ordinance. All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

SECTION VII: This ordinance shall take effect immediately upon passage, publication and filing according to law.

I, Robert Bowden, Township Clerk of the Township of Colts Neck, in the County of Monmouth, New Jersey, hereby certify that annexed hereto is a true and complete copy of Ordinance No. 2013-4, which was introduced at a duly convened meeting of the Township Committee on January 9, 2013, and will be considered for adoption after public hearing at a duly convened meeting of the Township Committee on February 13, 2013.

\_\_\_\_\_  
Michael D. Fitzgerald, Mayor

\_\_\_\_\_  
Robert Bowden, Township Administrator/Clerk

RECORD OF VOTE												
Committeeman	First Reading					Second Reading						
	January 9, 2013					February 13, 2013						
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Fitzgerald												
Deputy Mayor Macnow												
Schatzle												
Orgo												
Engel												
M - Moved    S - Seconded    X - indicates vote    NV - Not Voting    Ab - Absent												

**RESOLUTION 2013-22**

**AUTHORIZING APPLICATION FOR  
COLTS NECK ALLIANCE FOR THE PREVENTION OF  
ALCOHOLISM AND DRUG ABUSE 2013 GRANT FUNDING**

WHEREAS, the Township Committee of the Township of Colts Neck, County of Monmouth, State of New Jersey, recognizes that the abuse of alcohol and drugs is a serious problem in our society among persons of all ages; and

WHEREAS, the Township Committee of the Township of Colts Neck further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Township Committee has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Monmouth.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Colts Neck, County of Monmouth, State of New Jersey, hereby recognizes the following:

1. The Township Committee does hereby authorize submission of an application for the Colts Neck Alliance for the Prevention of Alcoholism and Drug Abuse Municipal Alliance grant for calendar year 2013 in the following amount:

Alliance DEDR Allocation	\$10,866.00
Cash Match	\$ 2,716.50
In-Kind Match	<u>\$ 8,149.50</u>
Total Alliance Budget	\$21,732.00

2. The Township Committee does hereby authorize the Mayor and Clerk to sign the aforesaid grant application submitted through the County of Monmouth and/or the Governor's Council on Alcoholism and Drug Abuse; and
3. The Township Committee acknowledges the terms and conditions for administering the Municipal Alliance Grant, including the administrative compliance and audit requirements.

I, Robert Bowden, do hereby certify the foregoing to be a true and accurate copy of a Resolution passed by the Township Committee of the Township of Colts Neck during a regular meeting held on the 9<sup>th</sup> day of January 2013.

Robert Bowden, Township Administrator/Clerk

RECORD OF VOTE						
Committeeman	M	S	Yes	No	NV	Ab
Mayor Fitzgerald						
Deputy Mayor Macnow						
Schatzle						
Orgo						
Engel						
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent						

**RESOLUTION 2013-23**

**RESOLUTION SUPPORTING ASSEMBLY BILL A-2753 AND SENATE BILL S-1923  
REQUIRING DIRECT PAYMENT OF ENERGY TAXES TO MUNICIPAL GOVERNMENT**

WHEREAS, taxes on gas and electric utilities were originally collected by the host municipalities, and when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; and

WHEREAS, just as municipalities collect property taxes for the benefit of school districts, counties and other entities; the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

WHEREAS, for years, though, State officials have diverted funding from Energy Taxes to plug holes in the State budget and to fund State programs; and

WHEREAS, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

WHEREAS, municipalities lost \$331 million in combined Energy Tax and Consolidated Municipal Property Tax Relief Aid (CMPTRA) funding in Fiscal Years 2009, 2010, and 2011, while also being denied scheduled incremental funding; and

WHEREAS, as a result of these cuts, in a number of municipalities property taxes are higher now, despite the fact that they are spending less, proving that the State's diversion of tax relief funding has contributed to higher municipal property taxes; and

WHEREAS, A-2753, sponsored by Assemblymen Daniel Benson and Wayne DeAngelo, and S-1923, sponsored by Senator Linda Greenstein, would restore the \$331 million in municipal property tax relief funding, ensure that each municipality will be restored to the 2007 (SFY 2008) Energy Tax Receipts/CMPTRA level and adjust that amount to account for inflation.; and

WHEREAS, the bills would require certain energy tax receipts to be paid directly to municipalities and, thereby, would assure local property taxpayers compensation for hosting transmission facilities and lines that allow gas and electric energy corporations to serve customers and conduct business in our Garden State.

NOW, THEREFORE BE IT RESOLVED that the Township Committee of the Township of Colts Neck supports and urges our State Legislators to pass A-2753/S-1923; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the following:

1. Honorable Governor Chris Christie;
2. State Legislators serving Colts Neck; and
3. New Jersey State League of Municipalities.

I, Robert Bowden, do hereby certify the foregoing to be a true and accurate copy of a Resolution passed by the Township Committee of the Township of Colts Neck during a regular meeting held on the 9<sup>th</sup> day of January 2013.

Robert Bowden, Township Administrator/Clerk

**RECORD OF VOTE**

Committeeman	M	S	Yes	No	NV	Ab
Mayor Fitzgerald			X			
Deputy Mayor Macnow	M		X			
Schatzle						X
Orgo			X			
Engel		S	X			

M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent

**RESOLUTION 2013-24**

**AUTHORIZING RECREATION PROGRAM REFUNDS**

BE IT RESOLVED by the Township Committee of the Township of Colts Neck that it hereby authorizes the following refunds:

Maureen Criscitello	Body Sculpt	\$130.00
	Zumba Monday	\$130.00
	Zumba Thursday	\$130.00
Dorothy Gibson	Body Sculpt	\$ 99.00
	Zumba Thursday	\$ 99.00

I, Robert Bowden, do hereby certify the foregoing to be a true and accurate copy of a Resolution passed by the Township Committee of the Township of Colts Neck during a regular meeting held on the 9<sup>th</sup> day of January 2013.

Robert Bowden, Township Administrator/Clerk

RECORD OF VOTE						
Committeeman	M	S	Yes	No	NV	Ab
Mayor Fitzgerald						
Deputy Mayor Macnow						
Schatzle						
Orgo						
Engel						
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent						

**RESOLUTION 2013-25**

**AUTHORIZING RELEASE OF SPECIAL PERFORMANCE GUARANTEE  
BLOCK 51, LOT 2.09  
(27 DEPUTY MINISTER DRIVE)**

BE IT RESOLVED by the Township Committee of the Township of Colts Neck that it hereby authorizes the following for Block 51, Lot 2.09:

1. Release of \$1,000.00 cash Performance Guarantee.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the following:

1. Applicant;
2. Timothy Anfuso, Township Planner;
3. John Antonides, Chief Financial Officer; and
4. Glenn Gerken, Township Engineer.

I, Robert Bowden, do hereby certify the foregoing to be a true and accurate copy of a Resolution passed by the Township Committee of the Township of Colts Neck during a regular meeting held on the 9<sup>th</sup> day of January 2013.

Robert Bowden, Township Administrator/Clerk

RECORD OF VOTE						
Committeeman	M	S	Yes	No	NV	Ab
Mayor Fitzgerald						
Deputy Mayor Macnow						
Schatzle						
Orgo						
Engel						
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent						

**RESOLUTION 2013-26**

**AUTHORIZING RELEASE OF MAINTENANCE GUARANTEE  
P. B. APPLICATION NO. 474  
(CAMBRIDGE MANOR)**

BE IT RESOLVED by the Township Committee of the Township of Colts Neck that it hereby authorizes the following for Planning Board Application No. 474:

1. Release of Maintenance Guarantee in the amount of \$86,300.00.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the following:

1. Applicant, Aspen Building Corp.;
2. Timothy Anfuso, Township Planner;
3. Glenn Gerken, Township Engineer;
4. John Antonides, Chief Financial Officer; and
5. John O. Bennett, III, Esq., Township Attorney.

I, Robert Bowden, do hereby certify the foregoing to be a true and accurate copy of a Resolution passed by the Township Committee of the Township of Colts Neck during a regular meeting held on the 9<sup>th</sup> day of January 2013.

Robert Bowden, Township Administrator/Clerk

RECORD OF VOTE						
Committeeman	M	S	Yes	No	NV	Ab
Mayor Fitzgerald						
Deputy Mayor Macnow						
Schatzle						
Orgo						
Engel						
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent						

**RESOLUTION 2013-27**

**EXECUTIVE SESSION**

WHEREAS, the Colts Neck Township Committee wishes to go into a closed Executive Session to discuss a subject which should not be discussed in public; and

WHEREAS, the exception to the Open Public Meetings Act which permits the Township Committee to discuss this matter in private about contracts and litigation; and

NOW, THEREFORE, BE IT RESOLVED by the Colts Neck Township Committee that it go into an Executive Session to discuss contracts and litigation. Formal action is not anticipated this evening; and

BE IT FURTHER RESOLVED that the results of such discussion may be revealed at such time as the matter is resolved.

I, Robert Bowden, do hereby certify the foregoing to be a true and accurate copy of a Resolution passed by the Township Committee of the Township of Colts Neck during a regular meeting held on the 9<sup>th</sup> day of January 2013.

Robert Bowden, Township Administrator/Clerk

RECORD OF VOTE						
Committeeman	M	S	Yes	No	NV	Ab
Mayor Fitzgerald						
Deputy Mayor Macnow						
Schatzle						
Orgo						
Engel						
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent						