

ORDINANCE 2020-10

AN ORDINANCE VACATING THE 25 FOOT DRAINAGE EASEMENT PREVIOUSLY GRANTED TO THE TOWNSHIP AFFECTING 34 PADDOCK LANE

WHEREAS, the Colts Neck Township Planning Board (the “Planning Board”) is a duly organized Land Use Board, operating and existing in accordance with the Rules and Regulations of the State of New Jersey and the Township of Colts Neck; and

WHEREAS, Mr. John Kling (the “Applicant”) proposed to the Planning Board the development of property located at 34 Paddock Lane, in the Township of Colts Neck, County of Monmouth, and State of New Jersey, which property is further known and designated as Block 7.30, Lot 3.16 on the Tax Map of the Township of Colts Neck; and

WHEREAS, in January 2005, the Township Planning Board granted a two lot major subdivision to the Applicant’s predecessor, Ms. Suzanne Dalmazio for 34 Paddock Lane. The Final Plat was recorded in the County Clerk’s Office under Case No. 303-16; and

WHEREAS, a Corrective Deed of Drainage Easement dated February 9, 2007 granted a 25 foot wide Drainage Easement affecting a portion of 34 Paddock Lane to the Township; and

WHEREAS, the Applicant’s proposal requested a Deviation from the previous subdivision approval in order to eliminate the 25 foot Drainage Easement affecting a portion of 34 Paddock Lane; and

WHEREAS, the Township Planning Board heard sworn testimony of the Applicant’s witnesses, examined the exhibits presented and considered all the evidence in favor and in opposition of the application; and

WHEREAS, the Township Planning Board approved the Applicant’s proposal for Deviations of the prior subdivision approval via Resolution of Approval dated September 10, 2019. The Resolution of Approval accepted the Applicant’s proposal to vacate the 25 foot wide Drainage Easement.

WHEREAS, the Planning Board determined that an Ordinance would be required to vacate the 25 foot Drainage Easement; and

WHEREAS, for good cause having been shown, the Planning Board are of the belief that vacating the 25 foot wide Drainage Easement affecting 34 Paddock Lane will be in the best interest of the Township of Colts Neck, the Township Committee and the residents of the Township of Colts Neck.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of Colts Neck Township in the County of Monmouth, State of New Jersey hereby vacates the 25 foot Drainage Easement affecting 34 Paddock Lane.

BE IT FURTHER ORDAINED, the property located at 34 Paddock Lane is further subject and conditioned upon compliance with all conditions imposed by the Planning Board of the Township of Colts Neck, contained in the prior Major Subdivision Approval for Application No. 618, dated January 11, 2005, and the Resolution Granting Deviation from Major Subdivision Approval dated September 10, 2019.

BE IT FURTHER ORDAINED, 34 Paddock Lane remains subject to any other covenants restrictions and easements of record, if any, except those that have expired by their own limitations.

BE IT FURTHER ORDAINED, that, pursuant to N.J.S.A. 40:67-1, the provisions of this Ordinance shall not be deemed to vacate any rights and privileges which may be possessed by any public utility company, as defined in R.S. 48:2-13, or by any cable

television company, as defined in N.J.S.A. 48:5A-1, et. seq., to maintain, repair and replace any existing facilities in, adjacent to, over or under the said vacated area.

BE IT FURTHER ORDAINED, this Ordinance shall take effect immediately upon passage, publication and filing according to law.

I, Trina Lindsey, Municipal Clerk in Colts Neck Township, in the County of Monmouth, New Jersey, hereby certify that annexed hereto is a true and complete copy of Ordinance No. 2020-10, introduced at a duly convened meeting of the Township Committee on the 29th day of April 2020, and will be considered for adoption after public hearing at a duly convened meeting of the Township Committee on the 13th day of May 2020

Frank Rizzuto, Mayor

Trina Lindsey, Municipal Clerk

RECORD OF VOTE												
	First Reading					Second Reading						
	April 29, 2020					May 13, 2020						
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Committeeman												
Mayor Rizzuto			X									
Deputy Mayor Viola		S	X									
Bartolomeo			X									
Fitzpatrick			X									
Orgo	M		X									
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent												

ORDINANCE 2020-11

AN ORDINANCE RESCINDING ORDINANCE 2006-20

WHEREAS, the Colts Neck Township Planning Board (the “Planning Board”) is a duly organized Land Use Board, operating and existing in accordance with the Rules and Regulations of the State of New Jersey and the Township of Colts Neck; and

WHEREAS, Mr. John Kling (the “Applicant”) proposed to the Planning Board the development of property located at 34 Paddock Lane, in the Township of Colts Neck, County of Monmouth, and State of New Jersey, which property is further known and designated as Block 7.30, Lot 3.16 on the Tax Map of the Township of Colts Neck; and

WHEREAS, in January 2005, the Township Planning Board granted a two lot major subdivision to the Applicant’s predecessor, Ms. Suzanne Dalmazio for 34 Paddock Lane. The Final Plat was recorded in the County Clerk’s Office under Case No. 303-16. As a part of this approval, Paddock Lane was to be extended by approximately 175 feet, eliminating the Paddock Lane cul-de-sac; and

WHEREAS, the Township Committee previously introduced Ordinance 2006-20, which vacated the existing Paddock Lane cul-de-sac, and permitted Paddock Lane to be extended approximately 175 feet; and

WHEREAS, Paddock Lane was never extended and the cul-de-sac still exists today; and

WHEREAS, the Applicant’s proposal requested a Deviation from the previous subdivision approval in order to leave the Paddock Lane cul-de-sac in place and not extend Paddock Lane approximately 175 feet; and

WHEREAS, the Planning Board heard sworn testimony of the Applicant’s witnesses, examined the exhibits presented and considered all the evidence in favor and in opposition of the application; and

WHEREAS, the Township Planning Board approved the Applicant’s proposal for Deviations of the prior subdivision approval via Resolution of Approval dated September 10, 2019. The Resolution of Approval accepted the Applicant’s proposal to vacate the Paddock Lane extension and keep the existing Paddock Lane cul-de-sac; and

WHEREAS, the Resolution of Approval dated September 10, 2019 eliminated the need for Ordinance 2006-06; and

WHEREAS, for good cause having been shown, the Planning Board are of the belief that rescinding Ordinance 2006-20 will be in the best interest of the Township of Colts Neck, the Township Committee and the residents of the Township of Colts Neck.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of Colts Neck Township in the County of Monmouth, State of New Jersey hereby rescinds Ordinance 2006-06.

BE IT FURTHER ORDAINED, the property located at 34 Paddock Lane is further subject and conditioned upon compliance with all conditions imposed by the Planning Board of the Township of Colts Neck, contained in the prior Major Subdivision Approval for Application No. 618, dated January 11, 2005, and the Resolution Granting Deviation from Major Subdivision Approval dated September 10, 2019.

BE IT FURTHER ORDAINED, 34 Paddock Lane remains subject to any other covenants restrictions and easements of record, if any, except those that have expired by their own limitations, or otherwise have been rescinded.

BE IT FURTHER ORDAINED, That, pursuant to N.J.S.A. 40:67-1, the provisions of this Ordinance shall not be deemed to vacate any rights and privileges which

may be possessed by any public utility company, as defined in R.S. 48:2-13, or by any cable television company, as defined in N.J.S.A. 48:5A-1, et. seq., to maintain, repair and replace any existing facilities in, adjacent to, over or under the said vacated area.

BE IT FURTHER ORDAINED, this Ordinance shall take effect immediately upon passage, publication and filing according to law.

I, Trina Lindsey, Municipal Clerk in Colts Neck Township, in the County of Monmouth, New Jersey, hereby certify that annexed hereto is a true and complete copy of Ordinance No. 2020-11, introduced at a duly convened meeting of the Township Committee on the 29th day of April 2020, and will be considered for adoption after public hearing at a duly convened meeting of the Township Committee on the 13th day of May 2020

Frank Rizzuto, Mayor

Trina Lindsey, Municipal Clerk

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	April 29, 2020					May 13, 2020						
Committeeman	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Rizzuto			X									
Deputy Mayor Viola	M		X									
Bartolomeo		S	X									
Fitzpatrick			X									
Orgo			X									
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent												