COLTS NECK TOWNSHIP
Township Committee Special Meeting Minutes
August 26, 2026 5:00 p.m.
Town Hall, 1 Veterans Way, Colts Neck

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1. Mayor Viola called the meeting to order at 5:00 p.m.

2. Deputy Clerk Brian O'Malley read the following Sunshine Law statement: THE NOTICE REQUIREMENTS OF THE NEW JERSEY PUBLIC MEETINGS LAW HAVE BEEN SATISFIED BY NOTICING THE ASBURY PARK PRESS AND THE TWO RIVER TIMES ON AUGUST 14, 2026 STATING THAT A SPECIAL MEETING OF THE COLTS NECK TOWNSHIP COMMITTEE WOULD BE HELD ON AUGUST 26, 2026 AT 5:00 P.M., TOWN HALL, 1 VETERANS WAY, COLTS NECK. A COPY IS ON FILE IN THE OFFICE OF THE TOWNSHIP CLERK.

3. Roll call by Deputy Municipal Clerk Brian O'Malley indicated the following:

   Present: Mayor Michael Viola, Deputy Mayor Dan Buzzetta, Committeewoman Tara Torchia Buss, Committeeman John Tobia

   Also Present: Township Attorney Meghan Bennett, Deputy Municipal Clerk Brian O'Malley

   Absent: Committeeman Frank Rizzuto

4. Resolution 2026-160 – Executive Session – Potential Litigation and Personnel

Mayor Viola requested a motion to approve Resolution 2026-160. On a motion by Committeewoman Buss, seconded by Deputy Mayor Buzzetta, and on a unanimous voice vote, the resolution was adopted.

Executive session was called to order at 5:04 P.M.

Township Committee returned to Public Session at 7:54 P.M.

5. Mayor Viola asked everyone to join in the salute to the flag.

6. Mayor Viola asked for a moment of silence.

7. Mayor Viola announced that the Introduction of Ordinance 2026-17 and Ordinance 2026-18 would be carried until the September 9, 2026 meeting.

8. Old Business

   a. **Second Reading/Public Hearing**: Ordinance 2026-13 – Amending §222-41 Speed Limits to Lower Speed Limit on Montrose Road

   Mayor Viola requested a motion to open for Public Hearing. On a motion by Committeewoman Buss, seconded by Committeeman Tobia, and on a unanimous voice vote, Public Hearing was opened.

   Dan Kryzanekas, resident, inquired why the ordinance was not reducing speed limits to 35 miles per hour, inquired about the speed study, inquired about the history of the change of speed limit on this particular road, commented that all Township roads should have a speed limit of no more than 35 miles per hour.

   Committeeman Tobia requested a copy of the speed study and commented that future traffic calming measures will be looked at by the Township Committee.

   Mayor Viola requested a motion to approve Ordinance 2026-13 on final reading. On a motion by Committeewoman Buss, seconded by Deputy Mayor Buzzetta, and on a roll call vote, the ordinance was adopted.

RECORD OF VOTE					
	M S	Yes	No	NV	Ab
Mayor Viola		X			
Deputy Mayor Buzzetta	S	X			
Rizzuto					X
Torchia Buss	M	X			
Tobia		X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent					

9. New Business

a. **First Reading/Introduction:** Ordinance 2026-16 – Amending Salary and Wage Ordinance 2026-05

Mayor Viola read Ordinance 2026-16 by title.

Committeeman Tobia inquired about the salary minimum for the position of temporary laborer, asking that the range be modified and asked the Administration Department for explanation of the range and history of the position.

Mayor Viola requested a motion to approve the introduction of Ordinance 2026-16. On a motion by Committeewoman Buss, seconded by Deputy Mayor Buzzetta (with the requested change), and on a roll call vote, the ordinance was introduced on first reading.

RECORD OF VOTE					
	M S	Yes	No	NV	Ab
Mayor Viola		X			
Deputy Mayor Buzzetta	S	X			
Rizzuto					X
Torchia Buss	M	X			
Tobia		X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent					

b. Consent Agenda

A. Resolution 2026-161 – Authorizing Award of Contract Various Road Improvements at Municipal Complex
B. Resolution 2026-162 – Authorizing and Approving Execution of an Employment Agreement – Lieutenant Todd Mayer
C. Resolution 2026-163 – Authorizing and Approving Execution of an Employment Agreement – Lieutenant Brian Caswell
D. Resolution 2026-164 - Authorizing and Approving Execution of an Employment Agreement – Morgan Savage
E. Resolution 2026-165 – Accepting the Resignation of Township Employee Antonio Cardoso
F. Resolution 2026-166 – Authorizing an Emergency Replacement of the Colts Neck Library Well with a UV Light in the Amount of $14,030
G. Resolution 2026-167 – Approving an Agreement Between Colts Neck Township and Lieutenant Brian Caswell Regarding the Withdrawal of Compensatory Time from Lieutenant Caswell's Compensatory Time Bank Resolution 2026-154 – Authorizing Award of Contract FY 2026 NJDOT Municipal Aid Road Program Improvements to Hominy Hill Road 2
H. Resolution 2026-168 – Confirming and Certifying Length of Service Award Program (LOSAP) Credits for 2025 for Colts Neck Fire Department

I. Resolution 2026-169 – Authorizing Recreation Programs Fee Refunds
J. Resolution 2026-170 – Authorizing Cancellation and Refund for 2026 Taxes – Mount Resolution 2026-158 – Authorizing Recycling Cart Refund
K. Resolution 2026-171 – Authorizing Cancellation and Refund for 2026 Taxes – Alpaugh

Committeeman Tobia requested additional information on the resignation of the Code Enforcement Officer and the process for replacement. Committeeman Tobia also commended the Police lieutenants on reaching an agreement.

Mayor Viola wished congratulations and best of luck to outgoing Code Enforcement Officer Antonio Cardoso.

Mayor Viola requested a motion to approve the Consent Agenda. On a motion by Deputy Mayor Buzzetta, seconded by Committeewoman Buss, and on a roll call vote, the Consent Agenda was adopted.

RECORD OF VOTE					
	M S	Yes	No	NV	Ab
Mayor Viola		X			
Deputy Mayor Buzzetta	M	X			
Rizzuto					X
Torchia Buss	S	X			
Tobia		X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent					

10. Comments from the Public

The Colts Neck Township Committee welcomes comments from the members of the public. Please raise your hand if interested in being heard. Once recognized by the Mayor, identify yourself by clearly stating your name and address for the record. Your comments will be limited to four (4) minutes. Once you have finished speaking or your four (4) minutes has expired, the Township Committee will respond accordingly.

Adrian Shatku, resident, commented on behalf of the residents of Mockingbird Lane in objection to the rezoning ordinances. Provided a written statement to be entered into the record (attached below).

Dan Kryzanekas, resident, commented on Boundary Road and Dutch Lane and a potential deed restriction on that property, inquired whether this is the case and who was responsible for filing the deed restriction, inquired why there are no related records.

Tom Orgo, resident, commented about the deed restriction of farmland preserved property, commented on the Dutch Lane property and its deed restriction.

Dan Kryzanekas, resident, commented on environmental concerns related to affordable housing, commented on deed restrictions on certain properties throughout town.

11. Adjournment

Mayor Viola requested a motion to adjourn the meeting. On a motion by Committeeman Tobia, seconded by Deputy Mayor Buzzetta, and on a voice vote, the meeting was adjourned at 8:20 P.M.

STATEMENT READ INTO THE RECORD BY RESIDENT ADRIAN SHATKU, ON BEHALF OF THE RESIDENTS OF MOCKINGBIRD DRIVE:

ADRIAN SHATKU

On behalf of the Mockingbird Drive and Lexington Court Residents Coalition
Colts Neck, New Jersey

August 26, 2026

Township Committee
Township of Colts Neck
c/o Kathleen Capristo, Municipal Clerk
Town Hall, 1 Veterans Way, Colts Neck, New Jersey 07722

Delivered by hand on August 26, 2026, meeting and by email to the Township Clerk

Re: Ordinance 2026-18 (A-10 overlay Residential District, 151 Dutch Lane Road, Block 11, Lot 3.02)

Written Objection Upon Introduction; Notice of Recorded Restriction and Pending Litigation; Demand for Statutory Notice of the September 9, 2026, Hearing

Dear Mayor Viola and Members of the Township Committee:

I submit this letter as Lead Resident of, and on behalf of, the Mockingbird Drive and Lexington Court Residents Coalition and its member households listed below, owners of homes within and adjacent to the 2001 major subdivision of Block 11, Lot 3 (Final Plat, Map Case 282-02, filed with the Monmouth County Clerk on July 6, 2001). We understand Ordinance 2026-18 is presented tonight for introduction and first reading, with the public hearing and final adoption scheduled for September 9, 2026. We respectfully request that this letter be entered in full into the record of tonight's meeting and carried into the record of the September 9 public hearing.

The Coalition does not ask the Township to avoid its constitutional affordable-housing obligation. Our objection is narrower and older than this ordinance: Lot 3.02 carries a recorded restriction created in 2001, twenty-four years before the present mandate, which the Township itself is charged to enforce and which the ordinance as introduced does not mention.

1. A recorded restriction encumbers Lot 3.02, and this ordinance is silent about it. The face of the recorded final plat bears a restriction on Lot 3.02 providing, among other things, that further subdivision of the lot is prohibited unless specifically authorized by the terms of the resolution approving the subdivision and the lot-size-averaging development of which the lot is a part; that the restriction "shall run with the land" and is "binding upon any and all heirs, successors and assigns in title"; and that it "shall be enforceable by the Township of Colts Neck." It was imposed pursuant to §102-86F(3)(b) of the Township Code as the consideration for the lot-size-averaging subdivision that created the surrounding Mockingbird Drive lots, and the record owner signed the plat accepting it. The restriction is not merely a bar on further subdivision. Section 102-86(F)(3)(b)[3] Limits the permitted uses of a qualifying remainder lot to single-family dwellings, golf courses, agriculture and horticulture, and open space- a 389-unit inclusionary development is none of these, however the project is structured. Moreover, under Table A of the same ordinance, the bonus lots that produced the Coalition's homes were allowed only because a remainder tract of at least thirty acres would be preserved, and the Planning Board's 2001 Resolution granted those lots expressly "insofar as the remainder lot will exceed thirty (30) acres in size." The Coalition's lots and Lot 3.02 were approved as one integrated scheme. The recitals of Ordinance 2026-18 recount the procedural history of MON-L-422-25 in detail, yet make no mention of this recorded restriction, of the pending Chancery Division action concerning it (Docket No. MON-C-63-26), or of the notice of l is pendens recorded with the Monmouth County Clerk on August 14, 2026, as Instrument No. 2026067528. The Committee should not introduce, and cannot responsibly adopt, a rezoning of this parcel that does not so much as acknowledge the recorded encumbrance the Township is charged with enforcing.

2. The condition of planning board approval cannot be vacated by ordinance. The restriction exists because the Planning Board's 2001 resolution of approval required it. To amend or vacate a condition of that approval, an application must be made to the Planning Board with statutory notice to property owners within 200 feet, N.J.S.A. 40:55D-12. No such application has been made, and no such notice has been given. Adoption of Ordinance 2026-18, insofar as it purports to authorize development on Lot 3.02 inconsistent with that condition, would be ultra vi res as

applied and would deny the benefited owners the notice and hearing to which the Municipal Land Use Law entitles them.

3. A rezoning cannot extinguish a private servitude. Zoning and private property restrictions are separate systems of law. The overlay may permit 389 units in theory; the recorded restriction governs what may lawfully be built in fact, and it binds all successors in title, including any purchaser at foreclosure. The Township has no legislative power to relieve a parcel of a servitude held for the benefit of neighboring owners least of all a servitude the plat makes enforceable by the Township itself.

4. The allocation among the three sites is arbitrary on the face of tonight's agenda. Ordinance 2026-17 introduced the same evening, caps Route 537 site at 1.2 dwelling units per acre on a 170-acre minimum tract. Ordinance 2026-18 grants 10 dwelling units per acre- more than eight times that density on a 37-acre minimum tract drawn to fit exactly one parcel: the only one of the three sites encumbered by a recorded restriction, a pending Chancery action, and a recorded lis pendens. The court's Special Adjudicator has already found the Dutch Lane density to be 60% above the presumptively valid density in N.J.A.C. 5:93-5.6. No principle of planning explains placing the most aggressive density of the three sites on the most encumbered parcel.

5. Lot 3.02 is not indispensable to compliance. By the Special Adjudicator's March 3, 2026, analysis, the three challenger sites together supply only 171 of the 239 deferred affordable units a 68-unit shortfall even if all three are built. The Township must adopt supplemental measures regardless. A parcel that proves encumbered can be replaced without changing that arithmetic, and a member of this Committee has already publicly proposed a comprehensive site-alternative package that would do exactly that.

For these reasons, the Coalition respectfully requests that the Committee: (a) decline to proceed to hearing or adoption of Ordinance 2026-18 asto Lot 3.02; (b) remove Lot 3.02 from the ordinance, or table the ordinance as to that site, pending resolution of the Chancery action; or, at minimum, (c) amend the ordinance to state expressly that it neither adjudicates nor purports to affect private covenants, servitudes, or conditions of prior development approvals encumbering the rezoned parcel; and (d) enter this letter into the record of tonight's meeting and of the September 9, 2026 public hearing.

The Coalition reserves au rights and remedies, including without limitation an action in lieu of prerogative writs, and all claims pending in the Chancery Division. Nothing in this letter waives any objection not stated herein.

Respectfully Submitted,

Adrian Shatku, Lead Resident, Mockingbird Drive and Lexington Court Residents Coalition

Submitted on behalf of the following Coalition member households:

Adrian and Mueser Shatku-Coalition Lead Resident household
Anil and Pat Sharma
Gabriel Gitmeid
Robert Gitmeid
Anthony Valente
Alfred Papetti
Ali and Michael Murello
Sanjay Malhotra
Rashelle and Yakov Groysman
Danielle and Josef Shargorodsky

cc: Stuart Lieberman, Esq. (Lieberman Blacher & Sinkevich P.C.)
Kevin Leach, Esq.

Brian O'Malley

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Brian O'Malley, RMC
Deputy Municipal Clerk

APPROVED: October 14, 2026