RESOLUTION 2026-178

EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12(b), permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Colts Neck Township Committee finds that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED by the Colts Neck Township Committee as follows:

1. The public shall be excluded from discussion of any action upon hereinafter specified subject matter;

2. The general nature of the subject matter to be discussed is as follows:

   a. Potential litigation confidential pursuant to N.J.S.A. 10:4-12(b)(7);

   b. Property Acquisition pursuant to N.J.S.A. 10:4-12(b)(5);

   c. Contracts pursuant to N.J.S.A. 10:4-12(b)(7);

   d. Personnel confidential pursuant to N.J.S.A. 10:4-12(b)(8); and

   e. Tactics and techniques for protecting public safety pursuant to N.J.S.A. 10:4-12(b)(6).

3. The Committee may take action during closed executive session;

4. It is anticipated that the closed session will last approximately sixty (60) minutes;

5. It is anticipated at this time the above-stated subject matter(s) will be made public when the need for confidentiality no longer exists; and

6. This Resolution shall become effective immediately.

I, Kathleen Capristo, do hereby certify the foregoing to be a true and accurate copy of a Resolution passed by the Township Committee of Colts Neck Township during a special meeting held on the 23rd day of September 2026.

_____

Kathleen Capristo, Municipal Clerk

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

ORDINANCE 2026-14

AN ORDINANCE SUPPLEMENTING CHAPTER 102, "DEVELOPMENT REGULATIONS" OF THE CODE OF THE TOWNSHIP OF COLTS NECK, ARTICLE VIII, "ZONING REQUIREMENTS," "PART 4. ZONING AND DESIGN REQUIREMENTS FOR RESIDENTIAL DISTRICTS," SECTION 102-85.4, "A-8 OVERLAY RESIDENTIAL DISTRICT"

Block 50, Lot 7 (68 Obre Road)

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. into law, establishing a new framework for determining and enforcing municipalities' affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the New Jersey Fair Housing Act (the " FHA") (N.J.S.A. 52:27D-301 et al.); and

WHEREAS, the Amended FHA requires the Department of Community Affairs ("DCA") to calculate the Fourth Round Present and Prospective Need Obligation of municipalities within the state and establishing the New Jersey Affordable Housing Dispute Resolution Program; and

WHEREAS, pursuant to the FHA, Administrative Directive No. 14-24, and Resolution No. 2025-43, the Township filed a Declaratory Judgment Action under Docket Number MON-L-422-25 seeking approval and confirmation by the Affordable Housing Alternative Dispute Resolution Program (the "Program") of its affordable housing obligations;

WHEREAS, on March 27, 2025, the Hon. Linda Grasso Jones J.S.C. issued an order finding in favor of the Township's identified affordable housing obligation and authorizing the Township to proceed with preparation and adoption of a Fourth Round Housing Element and Fair Share Plan by June 30, 2025;

WHEREAS, the Township's Planning Board adopted the Fourth Round Housing Element and Fair Share Plan ("Fourth Round HEFSP") on June 9, 2025, which was endorsed by the Township Committee on June 11, 2025; and

WHEREAS, the Township submitted the Fourth Round HEFSP to the Program in accordance with the FHA and Directive #14-24; and

WHEREAS, on August 28, 2025 and September 2, 2025, Fair Share Housing Center, Active Acquisitions, LLC and 68 Obre Owner LLC filed challenges to the Fourth Round HEFSP; and

WHEREAS, on March 4, 2026, the Program issued its Decision Recommendation Housing Element and Fair Share Plan: Denial of Certification of Compliance Pending Action by Township ("Program Decision Recommendation") whereby it found that the Fourth Round HEFSP does not comply with the FHA and the Mount Laurel Doctrine and ordered that to maintain immunity and receive a Certification of Compliance the Township must adopt an Amended HEFSP designating the properties located at 68 Obre Road (Block 50, Lot 7), 318-22 Route 537 (Block 48, Lots 25.01, 26 & 27), and 151 Dutch Lane (Block 11, Lot 3.02) for inclusionary zoning by April 8, 2026 and adopt enabling zoning ordinances to permit development of the three (3) projects proposed by 68 Obre Owner LLC and Active Acquisitions, LLC by May 13, 2026; and

WHEREAS, on March 9, 2026, the Hon. Linda Grasso Jones, J.S.C. entered an Order accepting the Program Decision Recommendation and ordering the Township to adopt an Amended HEFSP by April 8, 2026 and the enabling zoning ordinances by May 13, 2026 ("March 9 Order"; and

WHEREAS, in accordance with the March 9 Order, Colts Neck Township Planning Board, under protest, adopted on April 7, 2026 an Amendment to the Fourth Round HEFSP in compliance with the March 9 Order and as meeting the requirements of N.J.S.A. 40:55D-28 and N.J.S.A. 52:27D-310, which was endorsed, under protest, by the Township Committee on April 8, 2026; and

WHEREAS, on June 23, 2026, the Hon. Linda Grasso Jones, J.S.C. entered an order (the "June 23 Order") providing as follows in relevant part:

It is anticipated that issues involving the 68 Obre Owner, LLC site will be resolved prior to the August 12, 2026 Township Committee meeting, and resolution of issue(s) involving development by 68 Obre Owner will be addressed with adoption of a resolution by the governing body at that meeting.

The Township and Active Acquisitions, LLC will continue their discussions regarding the potential for development by Active Acquisitions within Colts Neck.

Immunity from Round IV builder's remedies suits continues to be extended to Colts Neck through September 17, 2026

; and

WHEREAS, in light of the foregoing, and to comply with the March 9 Order consistent with the terms of the June 23 Order, the Township Committee seeks to rezone the property located at 68 Obre Road (Block 50, Lot 7) to permit the development of the inclusionary project proposed by 68 Obre Owner LLC, which includes townhouses and stacked townhouses.

Now Therefore Be It Ordained, by the Township Committee of Colts Neck Township Monmouth County, New Jersey, that the Code of the Township of Colts Neck is hereby amended, to amend and supplement existing Section 102-85.4 "A-8 Overlay Residential District".

SECTION 1. Chapter 102, "Development Regulations," Article VIII, "Zoning Requirements," Section 102-85. 4 "A-8 Overlay Residential District," is hereby established as follows:

Section 102-85.4(A) – A-8 Overlay Residential District

A. The purpose of the A-8 Overlay Residential District is to provide for the development of 212 townhome units, comprised of two- and three- story market rate units, and no fewer than fifty (50) affordable housing units, upon Block 50, Lot 7, consistent with the Township's Fourth Round affordable housing obligations as adjudicated by the Superior Court of New Jersey in *In the Matter of the Declaratory Judgment of the Township of Colts Neck, Monmouth County, Pursuant to P.L. 2024, Chapter 2 (N.J.S.A. 52:27D-304.1, et seq.)*, Docket No. MON-L-422-25.

B. Principal permitted uses on land and in buildings. The following shall be permitted as principal uses:

   (1) Townhouses.

   (2) Stacked townhouses containing not more than 2 dwellings each, with the exception that a portion of the affordable units may be stacked townhouses with 3 units each.

   (3) Agricultural uses.

   (4) Conservation areas and open space.

C. To the extent property within the zone is developed in accordance with the permitted uses set forth in subsection (B)(1)-(2), the site shall be developed in a manner that is substantially consistent with the Concept Plan titled, prepared by Dynamic Engineering, Inc. dated _____, attached hereto as **Exhibit A** and incorporated by reference. Substantial consistency shall include but is not limited to the number of units and affordable housing set-aside, building locations, and open space and buffer locations.

D. Accessory structures. The following shall be permitted as accessory structures (subject to §§ 102-48 and 102-87):

   (1) Off-street parking facilities and parking lots.

   (2) Mailboxes, lampposts, flagpoles, driveways, paths, sidewalks.

   (3) Common facilities and amenities including: playgrounds, clubhouse with a fitness center and reception facilities, dog park, swimming pools, hot tubs, grilling stations and other on-site recreational areas and facilities, common walkways and paths, gazebos, sitting areas, picnic areas and gardens, and other similar uses.

(4) Patios, decks, and terraces at the ground floor; balconies at upper stories.

(5) Fences and walls. See §102-57 and §102-73 for requirements.

(6) Satellite dishes and solar energy panels. Ground mounted solar energy panels shall be screened from view of public streets and neighboring properties by screening, planting, fencing or a combination of these techniques, in order to provide proper screening after 2 growing seasons. Roof mounted solar energy panels shall be mounted flush, or nearly flush, with building sides or roofs.

(7) Bike racks and storage structures.

(8) Signs.

(9) Emergency generators.

(10) Utility structures, including but not limited to, stormwater management basins and facilities, pump stations, junction boxes, and the like. Existing stormwater management basins and facilities may be utilized in new development.

(11) Temporary construction and sales trailers. See §102-80 for requirements.

(12) Other structures which are customarily incidental to a permitted principal structure.

(13) Accessory structures for individual units other than patios, terraces, balconies and decks, such as but not limited to pools and sheds, are prohibited.

E. Affordable housing. Not less than 24% of the total units developed on the site shall be affordable housing units. Affordable units shall be integrated with the market-rate units. All affordable units shall meet the requirements of the Township's affordable housing regulations (§102-97.1) and the Uniform Housing Affordability Control rules (N.J.A.C. 5:80-26.1 et seq.) with the exception that all affordable units may be located in 2-unit stacked townhouses and a portion may be located in 3-unit stacked townhouses.

F. Bulk, area, and building requirements.

(1) Bulk Requirements.

Requirements	**Standard**
Minimum tract area	35 acres
Minimum tract frontage	1,100 feet
Minimum tract depth	1,500 feet
Maximum units	212 units
Minimum width of townhouse or stacked townhouse	22 feet
Minimum setbacks	
Principal building	
Setback from Obre Road	250 feet
Setback from internal roads	20 feet
Setback from parking (excluding driveway spaces and affordable assigned spaces)	15 feet
Distance between the rear of a building to the rear of any building	30 feet
Distance between the side of a building to the rear of any building	20 feet
Distance between the side of a building to the side of any other building	20 feet

Requirements	Standard
Side tract boundary	40 feet
Rear tract boundary	200 feet
Accessory buildings	
Setback from Obre Road	Prohibited
Setback from internal roads	20 feet
Setback from parking	10 feet
Side yard setback	50 feet
Rear yard setback	190 feet
Maximum dwellings per building	
Townhouses	5
Stacked townhouses	12
Combination	12
Maximum building height	
Townhouses	2.5 stories / 35 feet*
Stacked townhouses	3 stories / 40 feet*
Clubhouse	1 story / 30 feet*
Accessory buildings, excluding clubhouse	1 story / 20 feet*
Maximum building length along longest side	140 feet
Maximum building coverage (building coverage of tract)	15%
Maximum lot coverage (coverage of tract)	40%

* See subsection (2) below.

(2) Building Height.

(a) The maximum building height for any principal building located along Obre Road and/or along a site entrance within 130 feet of Obre Road shall be 2 stories / 35 feet.

(b) Building height shall be measured as the vertical distance measured to the midpoint point of the building roof from the average finished grade, measured at five-foot intervals along and five feet away from the foundation along the side(s) of the building facing a street. If the average finished grade consists of fill, the grading shall transition to the original grade at maximum slope of 8:1 for a minimum distance of 40 feet. (Retaining walls shall not be used within this 8:1 transition, except for walls that are perpendicular to the structure and designed for basement/cellar garages or walkout basements/cellars.)

(3) First floor patios, terraces and decks may encroach into required setbacks by a maximum of 12 feet.

G. Site access, off-street parking, and loading requirements.

(1) Two (2) streets providing site access shall be provided from Obre Road. Driveways serving individual townhouses or stacked townhouses are prohibited from Obre Road.

(2) New streets shall have minimum setback of 60 feet from any side tract boundary.

(3) A minimum of 20 feet shall be provided for any driveway, measured from the garage or building face to the sidewalk or cartway, as may be applicable.

(4) The number of parking spaces shall be consistent with the requirements of N.J.A.C. 5:21-1.1 et seq. known as the Residential Site Improvements Standards.

(5) The number of parking spaces required for a club house or amenity space shall be 1 parking space per 500 square feet of gross floor area.

(6) No loading spaces are required.

(7) Parking spaces and drive aisles shall comply with the minimum principal building setbacks.

H. Amenity requirements.

(1) The following amenities shall be provided:

(a) Walking paths available to on-site residents.

(b) Clubhouse.

(c) Outdoor playground that offers play opportunities for a variety of child ages.

(2) No amenity, with the exception of walking paths, shall be located within 100 feet of a side lot line shared with a lot that includes a single-family home.

I. Landscape Requirements.

(1) Landscaping and plantings shall be provided pursuant to §102-71. unless otherwise stated.

(2) Shade trees shall be provided along all internal roads as specified by §102-71A, and the distance between shade trees shall be an average of 55 feet, to allow for driveways and appropriate sight triangles. Street trees may be clustered to achieve compliance. Notwithstanding the provisions of §102-71A, shade trees shall be planted not less than 7.5 feet from the curb line.

(3) Landscape buffers.

(a) A 100 foot landscaped buffer shall be provided along the Obre Road frontage.

(b) A 20 foot landscaped buffer shall be provided along the side and rear tract boundaries.

(c) A planted berm of 6 to 8 feet in height shall be provided within the Obre Road landscape buffer. The berm shall have gently curving, naturalistic forms with vertical and horizontal variation. Berm slopes shall not exceed 3:1, with an average slope of between 4:1 and 5:1. The berm shall include a variety of plant materials with a predominance of evergreen trees planted generally along the ridge to maximize the buffer screening.

(d) The landscaped buffers shall be planted with an all-season screen consisting of groups of evergreen and deciduous trees staggered in double rows 15 feet on center, as well as shrubs. Evergreen tree groups shall consist of 3 to 7 evergreen trees (minimum of 6 feet in height at planting). Deciduous tree groups shall consist of one canopy tree (2 ½ inches in caliper at planting), and 3 ornamental trees (2 ½ inches caliper at planting.) No structures are permitted within the buffer with the exception of site entrances and permitted project identification signs.

(4) All stormwater management basins shall be graded, landscaped, and buffered to maintain a naturalized look and minimal walls and retaining walls to the extent practical in accordance with NJ DEP stormwater regulations.

J. Miscellaneous Site Design.

(1) Trash and recycling areas shall be provided within the garages of all units. Dumpsters shall be provided for any unit without a garage within 300 feet of the unit served. Dumpsters shall be enclosed with a masonry wall and a solid gate and shall be screened from adjacent units and amenities with plantings. The masonry wall and gate shall be composed of materials and colors that are complementary to the townhouse buildings.

(2) Covered bicycle storage shall be provided for each unit that lacks a garage at a rate of one bicycle storage space per unit. Required bike storage shall be provided within 300 feet of each unit served.

(3) Not more than 2 fence styles shall be permitted for individual unit fencing. This shall not apply to fencing for common areas.

K. Building Design.

(1) Walkout basements are prohibited for any unit with rear frontage along Obre Road.

(2) Roof lines shall be varied and shall not include a continuous ridge line for more than two units in a row, with height changes or offsets of not less than 12 inches. The articulation of the roof line shall include gables, dormers, offsets, and similar treatments.

(3) Building front and rear facades shall provide offsets of at least 2 feet, at a spacing of not more than two units having the same setback.

(4) All buildings shall be designed to have an attractive, finished appearance from all public spaces and public streets. Building materials on the rear and side facades of the building shall be consistent with those on the front façade. Building design of the rear and side facades of the building shall be complementary to that of the front façade.

(1) All buildings shall employ traditional architectural forms and materials that complement to the Township's rural and agricultural character. Primary building colors shall be warm muted earth tones.

(2) The side and rear facades of buildings located along Obre Road shall utilize enhanced architectural design to mitigate the visual impact of the development from the public road. Enhanced architecture shall include side building entrances for end units, enhanced architectural detailing of the building facade, increased window areas, and/or enhanced architectural detailing of rear decks, terraces and patios.

(3) Rear decks, terraces or patios may be provided for all units except as set forth in item G.(2) here in.

(a) The maximum depth of at grade rear decks, terrace and patios is 15 feet.

(b) The maximum size of balconies for upper stories is 5 feet by 10 feet.

L. Upper story decks are prohibited.

M. Signs.

(1) One monument or freestanding project identification sign at each site entrance is permitted in accordance with the following standards:

(a) Signs shall be non-illuminated or externally illuminated.

(b) Signs shall be landscaped and may identify the community project name, developer, and logo.

(a) The maximum sign area containing text and logos shall not exceed 20 square feet for each side of the sign if two-sided.

(b) The maximum sign height, including the structure and sign area, shall not exceed 6 feet.

(c) The minimum sign setbacks shall be 10 feet from the public right-of-way and 75 feet from the side tract boundary.

(2) Ground mounted wayfinding signs shall be permitted to identify specific locations and/or buildings, areas, or recreational facilities. No sign shall exceed 4 square feet in area and 4.5 feet in height.

(3) Real estate signs and flag signs, the purpose of which is to advertise availability and/or direct the public to the development, are permitted along public streets and intersections, provided that such signs are located outside of any sight triangle easements, do not interfere with vehicle sight lines. Such signs shall comply with the following requirements:

(a) There shall be no more than 5 real estate signs and 10 flag signs per property being advertised, however, there shall be no more than 2 real estate signs and 2 flag signs along Obre Road.

(b) Signs shall be freestanding and non-illuminated, and may be two sided.

(c) Real estate signs shall not exceed 20 square feet in area, per side, and 6 feet in height above the ground.

(d) Flag signs shall not exceed 30 square feet of area, per side, and shall not exceed 20 feet in height above the ground.

(4) A temporary real estate sign advertising the sale or lease of a property or structure is permitted with the following restrictions:

(a) There shall be no more than one sign per property, except that corner lots shall be entitled to 2 signs per each such lot. Such signs shall not exceed 4 square feet on each side and shall not be more than 4 feet in height and shall be removed at the expense of the advertiser immediately upon termination or completion of the matter being advertised.

(b) Signs must be located on the property advertised.

(c) Directional signs advertising for open houses may be permitted on the day before the open house and must be removed the same day after the termination of the open house. Such signs shall not exceed 4 square feet on each side and shall not be more than 4 feet in height. The number, size and location of such signs are to be determined by the Zoning Officer or Code Enforcement Officer in the exercise of his or her reasonable judgment. In any event, no more than 5 signs shall be permitted for any one open house event.

(5) Except as provided for herein, all signs shall be in accordance with the requirements of § 102-106.

(6) Seasonal decorations are permitted in accordance with the requirements of § 102-106C.

SECTION 2. Repealer. All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflict.

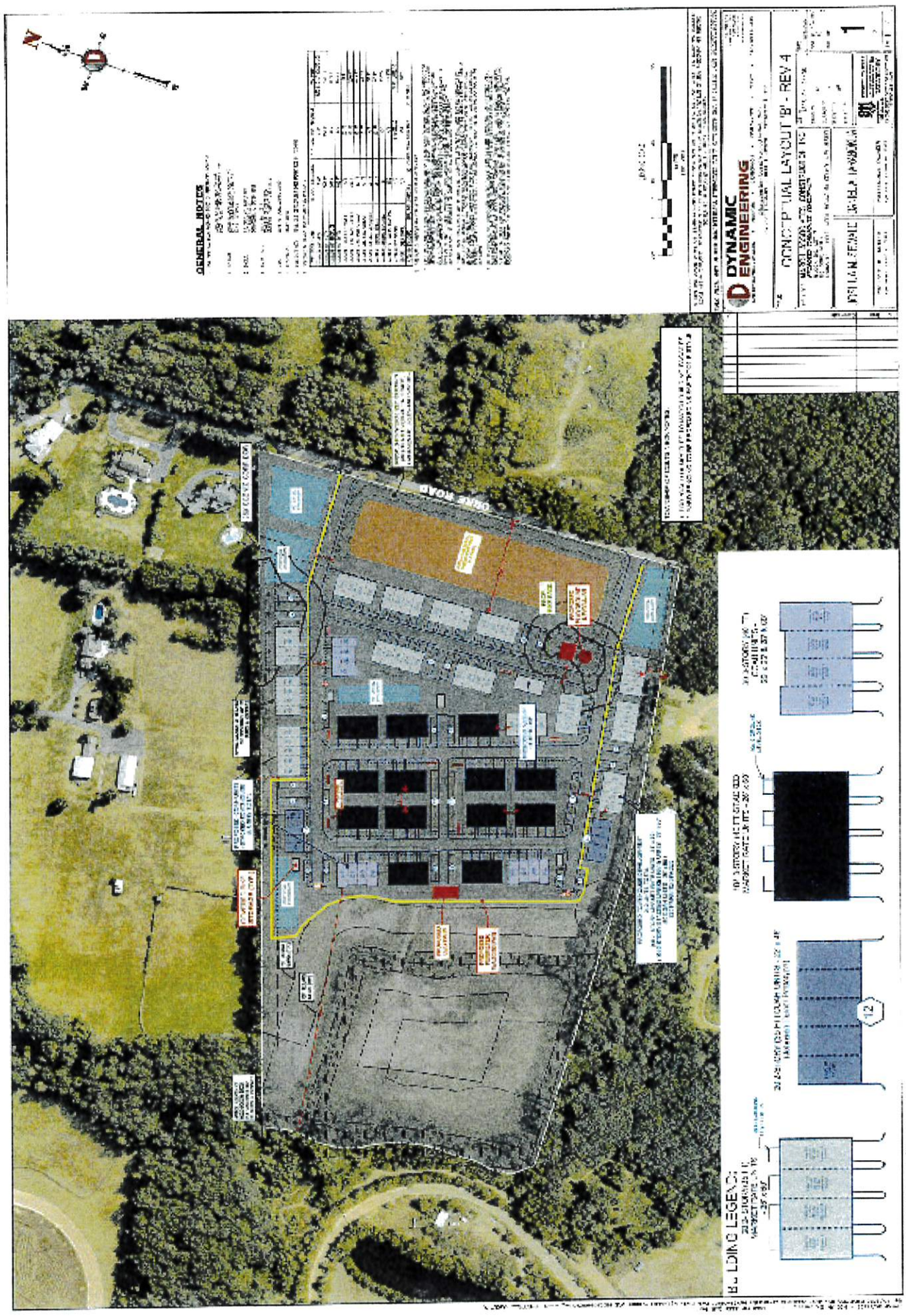
SECTION 3. Remainder. Except as hereby provided, all other parts of Chapter 102 of the Code of the Township of Colts Neck shall remain in full force and effect.

SECTION 4. Referral to Planning Board. Upon introduction, this Ordinance shall be referred to the Planning Board of the Township of Colts Neck for its review and comment for consistency with the master plan in accordance with the Municipal Land Use Law.

SECTION 5. Severability. If any Section, part of any Section or clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this Ordinance. The Township Committee of the Township of Colts Neck declares that it would have passed the Ordinance and each Section thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

SECTION 6. Effective Date. This Ordinance shall take effect immediately upon final passage and publication according to law.

EXHIBIT A


DYNAMIC
ENGINEERING
CONCEPTUAL LAYOUT B1 - REV 4
GENERAL NOTES
BUILDING LEGEND
DEER ROAD

The foregoing Ordinance was introduced and passed on the first reading at the meeting of the Township Committee of Colts Neck Township on the September 9, 2026 and will be considered for final passage and adoption on September 23, 2026, 5:30 p.m. Town Hall, 1 Veterans Way at which time and place a public hearing will be held for all persons desiring to be heard thereon will be given full opportunity.

_____

Kathleen Capristo, Municipal Clerk

RECORD OF VOTE										
	First Reading					Second Reading				
	September 9, 2026					September 23, 2026				
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Viola			X									
Deputy Mayor Buzzetta			X									
Rizzuto		S	X									
Torchia Buss	M		X									
Tobia				X								

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

ORDINANCE 2026-17

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 102, "DEVELOPMENT REGULATIONS" OF THE CODE OF THE TOWNSHIP OF COLTS NECK, ARTICLE VIII, "ZONING REQUIREMENTS," "PART 4. ZONING AND DESIGN REQUIREMENTS FOR RESIDENTIAL DISTRICTS," SECTION 102-85.4, "A-9 OVERLAY RESIDENTIAL DISTRICT" UNDER PROTEST

Block 48, Lots 25.01, 26 and 27 (318-322 C.R. 537)

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. into law, establishing a new framework for determining and enforcing municipalities' affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the New Jersey Fair Housing Act (the " FHA") (N.J.S.A. 52:27D-301 et al.); and

WHEREAS, the Amended FHA requires the Department of Community Affairs ("DCA") to calculate the Fourth Round Present and Prospective Need Obligation of municipalities within the state and establishing the New Jersey Affordable Housing Dispute Resolution Program; and

WHEREAS, pursuant to the FHA, Administrative Directive No. 14-24, and Resolution No. 2025-43, the Township filed a Declaratory Judgment Action under Docket Number MON-L-422-25 seeking approval and confirmation by the Affordable Housing Alternative Dispute Resolution Program (the "Program") of its affordable housing obligations;

WHEREAS, on March 27, 2025, the Hon. Linda Grasso Jones J.S.C. issued an order finding in favor of the Township's identified affordable housing obligation and authorizing the Township to proceed with preparation and adoption of a Fourth Round Housing Element and Fair Share Plan by June 30, 2025;

WHEREAS, the Township's Planning Board adopted the Fourth Round Housing Element and Fair Share Plan ("Fourth Round HEFSP") on June 9, 2025, which was endorsed by the Township Committee on June 11, 2025; and

WHEREAS, the Township submitted the Fourth Round HEFSP to the Program in accordance with the FHA and Directive #14-24; and

WHEREAS, on August 28, 2025 and September 2, 2025, Fair Share Housing Center, Active Acquisitions, LLC and 68 Obre Owner LLC filed challenges to the Fourth Round HEFSP; and

WHEREAS, on March 4, 2026, the Program issued its Decision Recommendation Housing Element and Fair Share Plan: Denial of Certification of Compliance Pending Action by Township ("Program Decision Recommendation") whereby it found that the Fourth Round HEFSP does not comply with the FHA and the Mount Laurel Doctrine and ordered that to maintain immunity and receive a Certification of Compliance the Township must adopt an Amended HEFSP designating the properties located at 68 Obre Road (Block 50, Lot 7), 318-22 Route 537 (Block 48, Lots 25.01, 26 & 27), and 151 Dutch Lane (Block 11, Lot 3.02) for inclusionary zoning by April 8, 2026 and adopt enabling zoning ordinances to permit development of the three (3) projects proposed by 68 Obre Owner LLC and Active Acquisitions, LLC by May 13, 2026; and

WHEREAS, on March 9, 2026, the Hon. Linda Grasso Jones, J.S.C. entered an Order accepting the Program Decision Recommendation and ordering the Township to adopt an Amended HEFSP by April 8, 2026 and the enabling zoning ordinances by May 13, 2026 ("March 9 Order"); and

WHEREAS, in accordance with the March 9 Order, Colts Neck Township Planning Board, under protest, adopted on April 7, 2026 an Amendment to the Fourth Round HEFSP in compliance with the March 9 Order and as meeting the requirements of N.J.S.A. 40:55D-28 and N.J.S.A. 52:27D-310, which was endorsed, under protest, by the Township Council on April 8, 2026; and

WHEREAS, on June 23, 2026, the Hon. Linda Grasso Jones, J.S.C. entered an order (the "June 23 Order") providing as follows in relevant part:

It is anticipated that issues involving the 68 Obre Owner, LLC site will be resolved prior to the August 12, 2026 Township Committee meeting, and resolution of issue(s) involving development by 68 Obre Owner will be addressed with adoption of a resolution by the governing body at that meeting.

The Township and Active Acquisitions, LLC will continue their discussions regarding the potential for development by Active Acquisitions within Colts Neck.

Immunity from Round IV builder's remedies suits continues to be extended to Colts Neck through September 17, 2026

; and

WHEREAS, in light of the foregoing, and to comply with the March 9 Order consistent with the terms of the June 23 Order, the Township Committee seeks to rezone the property located at 318-322 C.R. 537 (Block 48, Lots 25.01, 26 and 27) to permit the development of the inclusionary project proposed by Active Acquisitions, LLC, which includes townhouses and stacked townhouses; and

WHEREAS, the Township Committee agrees to comply with the Program Decision Recommendation and the March 9 Order, albeit under protest, with the intent to appeal the Program Decision Recommendation and the March 9 Order once the matter is deemed final for appellate purposes and it reserves all rights and positions in connection with any appeal; and

WHEREAS, the Township, under protest, is rezoning Block 48, Lots 25.01, 26 and 27 (318-322 C.R. 537) under protest as directed by the March 9 Order and with the intent to appeal the Program Decision Recommendation and the March 9 Order once the matter is deemed final for appellate purposes and it reserves all rights and positions in connection with any appeal, and based upon the same, any applicant intending to pursue land use approvals in conjunction with this rezoning shall be on notice that the submission of such an application or the granting of any land use approvals prior to a final non-appealable adjudication of an appeal of the Program Decision Recommendation and the March 9 Order shall be contingent upon resolution of such appellate practice.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of Colts Neck Township, Monmouth County, New Jersey, that the Code of the Township of Colts Neck is hereby amended, under protest, as follows:

SECTION 1. Chapter 102, "Development Regulations," Article III, "Terminology," Section 102-4 "Definitions," shall be amended and supplemented as follows:

MULTIFAMILY

A building containing three or more dwelling units with the entrance(s) serving multiple units.

TOWNHOUSE

One single-family dwelling in a line of three or more connected single-family dwellings with private entrances to each unit. Nothing in this definition shall be construed to allow one dwelling unit over the other.

STACKED TOWNHOUSE

A stacked townhouse shall be defined as a structure containing two or more connected dwelling units stacked one dwelling unit above another that share the same footprint, which can include shared floors divided by walls and shared common party walls, with private entrances to each unit that may have a shared/covered vestibule.

SECTION 2. Chapter 102, "Development Regulations," Article VIII, "Zoning Requirements," Section 102-85.4 "A-9 Overlay Residential District," shall be amended and supplemented as follows:

Section 102-85.4(B) – A-9 Overlay Residential District

A. Under protest, the Township adopts this re-zoning ordinance for Block 48, Lots 25.01, 26 and 27 (318-322 C.R. 537) as directed by the March 9 Order. The Township is rezoning the site as directed by the Program Decision Recommendation and March 9 Order. The Township reserves the right, and expresses its intent, to exercise an appeal from these orders once the matter is deemed final, pursuant to its statutory right under N.J.S.A. 52:27D-304.1 and in turn Administrative Directive #14-24. Any land use approvals sought pursuant to this Ordinance prior to the exhaustion of appellate practice shall be made contingent upon a final non-appealable adjudication.

B. Purpose. The purpose of the A-9 Overlay Residential District is to create the opportunity for the development of an affordable housing project in accordance with the March 9, 2026 Order. It is the intent of this ordinance to permit an inclusionary residential development of up to 263 dwelling units provided that 20 percent of the units are set-aside, affordable to and occupied by very-low, low and moderate income households.

C. Principal permitted uses on land and in buildings. The following shall be permitted as principal uses:

(1) Townhouses.

(2) Stacked townhouses containing not more that 3 dwellings each.

(3) Single-family detached dwellings.

(4) Multi-family dwellings.

(5) Agricultural uses.

(6) Conservation areas and open space.

(7) Multiple principal uses and principal buildings shall be permitted on the tract.

D. Accessory uses. The following shall be permitted as accessory uses (subject to §§ 102-48 and 102-87, except as may be stated herein):

(1) Off-street parking facilities and parking lots.

(2) Mailboxes, lampposts, flagpoles, driveways, paths, sidewalks.

(3) Common facilities and amenities including: tot lots, clubhouse with a fitness center and reception facilities, swimming pools, hot tubs, grilling stations and other on-site recreational areas and facilities, common walkways, gazebos, sitting areas, picnic areas and gardens, and other similar uses.

(4) Patios, decks, terraces, and balconies.

(5) Swimming pools

(6) Fences and walls. See §102-57 and §102-73 for requirements.

(7) Satellite dishes and solar energy panels. Ground mounted solar energy panels shall be screened from view of public streets and neighboring properties by screening, planting, fencing or a combination of these techniques, in order to provide proper screening after 2 growing seasons. Roof mounted solar energy panels shall be mounted flush, or nearly flush, with building sides or roofs.

(8) Bike racks

(9) Signs.

(10) Emergency generators.

(11) Utility structures, including but not limited to, stormwater management basins and facilities, pump stations, on-site waste treatment facilities, wells, junction boxes, and the like. Existing stormwater management basins and facilities may be utilized in new development.

(12) Maintenance building and pump station maintenance building, not to exceed 1,500 square feet of coverage each and 25 feet in height.

(13) Temporary construction and sales trailers. See §102-80 for requirements.

(14) Other structures which are customarily incidental to a permitted principal use.

E. Housing types.

(1) Residences may be family housing and/or restricted as senior housing to those 55 years or older.

(2) Not more than 50% of the total dwellings may be a combination of multi-family dwellings and stacked townhouse dwellings. No more than 35% of the total dwellings may be multi-family dwellings

F. Tract Area. The term "tract", as applied to the A-9 Overlay Residential District shall be defined as the entirety of the property in the A-9 Overlay Residential District.

G. Affordable housing.

(1) In accordance with the Fair Housing Act, and the Uniform Housing Affordability Controls ("UHAC", N.J.A.C. 5:80-26.1), and the Township's affordable housing regulations (§102-97.1), 20% of all residential dwelling units built within this district shall be set aside for very-low, low, and moderate income households. Should there be any conflict between the Township ordinance and UHAC, the UHAC standard shall apply.

(2) At least half of the affordable units shall be affordable to very low and low income households; and the remaining affordable units shall be affordable to moderate income households. The very low income units shall equal at least 13% of the total affordable units. A typical percentage of affordable housing shall be 13% very low, 37% low and 50% moderate income units.

(3) Each rental affordable dwelling unit shall be deed restricted for at least 40 years from the date of initial occupancy of the unit, as set forth in UHAC (N.J.A.C. 5:8-26.12.). Each for-sale affordable unit shall be deed-restricted for at least 30 years from the date of initial occupancy of the unit, as set forth in UHAC (N.J.A.C. 5:8-26.6.).

H. Bulk, area, and building requirements.

Requirements	**Standard**
Minimum tract area	150 acres
Minimum tract frontage	250 feet
Minimum tract depth	1,500 feet
Maximum dwelling units	263
Minimum tract boundary setbacks	
C.R. 537	150 feet
Side tract boundary	50 feet
Rear tract boundary	100 feet
Requirements for single-family homes	
Minimum lot size	6,600 s.f.
Minimum lot width	55 feet
Principal building setbacks	

Requirements	Standard
Front yard setback	20 feet
Setback from parking (excluding driveway spaces)	10 feet
Side yard	5 feet, provided the minimum distances between adjacent principal structures shall be 15 feet.
Rear yard	20 feet
Maximum building coverage	50%
Maximum lot coverage	60%
Requirements for stacked townhouses and townhouses	
Minimum unit width	20 feet
Principal building setbacks	
Minimum front yard setback	20 feet
Minimum setback to parking (excluding driveway spaces)	10 feet
Minimum distance between principal buildings	
Side to side	15 feet
Side to rear	30 feet
Rear to rear	30 feet
Requirements for multi-family buildings	
Minimum lot size	120,000 s.f.
Minimum principal building setbacks	
Front yard	20 feet
Side yard	15 feet
Rear yard	25 feet
Minimum setback to parking	10 feet
Minimum distance between principal buildings	40 feet
Maximum lot coverage	60%
Maximum dwellings per building	
Townhouses	8
Stacked townhouses	18
Multi-family	36

Requirements	Standard
Maximum building height	
Single-family homes	2.5 stories / 35 feet
Townhouses	2.5 stories / 35 feet
Stacked townhouses	3 stories / 45 feet
Multi-family	3 stories / 45 feet
Clubhouse	1 story / 30 feet
Accessory buildings, excluding clubhouse	1 story / 20 feet

I. Building height.

(1) The term "building height" for stacked townhouses, townhouses and multi-family housing in the A-9 Overlay Residential District shall be defined as follows: The vertical distance measured to the highest point of a building from the average finished grade, measured at five-foot intervals along and five feet away from the foundation along the side(s) of the building facing a street.

(2) The term "building height" for single-family homes shall be defined as follows: The vertical distance measured to the highest point of a building from the average finished grade, measured at five-foot intervals along and five feet away from the foundation along the side(s) of the building facing a street. If the average finished grade consists of fill, the grading shall transition at maximum slope of 5:1 to the front and side property lines. (Retaining walls shall not be used within this 5:1 transition, except for walls that are perpendicular to the structure and designed for basement/cellar garages or walkout basements/cellars.)

J. Minimum open space. A minimum of 30% of the tract shall be open space, defined for this purpose as lands consisting of common open space, undevelopable environmentally constrained areas (wetlands and associated buffers, etc.), tract buffers, and park areas. Land utilized for stormwater management and drainage is excluded.

K. Maintenance buildings. Maintenance buildings may be subdivided from the tract with a maximum lot size of 6,000 s.f. The building design shall be complementary to the surrounding on-tract buildings.

L. Accessory buildings and structures.

(1) Accessory buildings and structures, attached or detached from the principal building, are not permitted in the tract setbacks. This shall not apply to utility structures, site entrance, stormwater management and drainage facilities, or permitted project identification signs.

(2) Accessory buildings or structures as part of principal buildings. Any accessory buildings or structures attached to a principal building or structure shall, for purposes of determining yard requirements only, be considered part of the principal building, and the total structure shall adhere to the yard requirements for the principal building regardless of the technique of connecting the principal and accessory buildings or structures. The above shall also apply to a ground-level patio surfaces adjacent to a building.

(3) Accessory buildings and structures detached from principal buildings, excluding fences, walls, mailboxes, light fixtures or similar structures.

(a) Structures for private residential use (sheds, etc.) shall not be located in the front yard and shall have a minimum side and rear yard setback of 5 feet. Private pools shall be a minimum of 12 feet from principal and accessory buildings.

(b) Minimum setback from roads: 20 feet.

(c) Minimum setback to parking: 10 feet.

M. Lands within 3,000 feet of Naval Weapons Station Earle or Normandy Road shall not be developed with townhouse, stacked townhouse or multi-family housing, except as may be reasonably required to permit up to 263 units.

N. Tract setback requirements.

(1) Buildings and structures shall not be located within tract setbacks, with the exception of site access, permitted project identification signs, utility structures and stormwater management and drainage facilities.

O. Site access, off-street parking, and loading requirements.

(1) A maximum of 2 site access points shall be permitted from C.R. 537. Driveways serving individual buildings, townhouses or stacked townhouses are prohibited from C.R. 537.

(2) A minimum of 20 feet shall be provided for any private driveway depth, measured from the garage to the sidewalk or cartway, as may be applicable.

(3) The number of parking spaces and roadway standards shall be consistent with the requirements of N.J.A.C. 5:21-1.1 et seq., known as the Residential Site Improvements Standards ("RSIS").

(4) The number of parking spaces required for a club house or amenity space shall be 1 parking space per 500 square feet of gross floor area.

(5) No loading spaces are required.

P. Landscape and fencing requirements.

(1) Landscaping and plantings shall be provided pursuant to §102-71. except as stated herein.

(2) Shade trees shall be planted with average spacing of one tree every 55 feet along all public and private streets. Shade trees shall be a maximum of 15 feet from the curbline.

(3) To enhance privacy and screening, a row of trees, consisting of evergreen, shade and ornamental trees, shall be planted along the rear yard of any townhouse, stacked townhouse or multi-family building, excluding those whose rear yard directly abuts a tract boundary. The trees shall be planted with average spacing of one tree every 30 feet and may be clustered.

(4) Landscape buffers.

(a) A 50 foot landscaped buffer shall be provided along the C.R. 537 frontage. A planted berm of 5 to 7 feet in height shall be provided within the landscape buffer and/or tract boundary. The berm shall have gently curving, naturalistic forms with vertical and horizontal variation. Berm slopes shall not exceed 3:1, with an average slope of between 4:1 and 5:1. The berm shall include a variety of plant materials with a predominance of evergreen trees planted generally along the ridge to maximize the buffer screening. Existing vegetation may satisfy all or a portion of this requirement where it provides a suitable screen. A berm may utilize a retaining wall, provided the retaining wall does not face an existing street or off tract residence, and shall not exceed 75% of the berm height for which it is associated.

(b) A 30 foot landscaped buffer shall be provided along the side and rear tract boundaries. A planted berm of 4 to 6 feet in height shall be provided within the landscape buffer and/or tract boundary where an adjacent single family home is within 300 feet of the tract boundary. The berm shall have gently curving, naturalistic forms with vertical and horizontal variation. Berm slopes shall not exceed 3:1, with an average slope of between 4:1 and 5:1. The berm shall

include a variety of plant materials with a predominance of evergreen trees planted generally along the ridge to maximize the buffer screening. Existing vegetation may satisfy all or a portion of this requirement where it provides a suitable screen. A berm may utilize a retaining wall, provided the retaining wall does not face an existing street or off tract residence, and shall not exceed 75% of the berm height for which it is associated.

(c) The landscaped buffers shall meet the standards set forth in §102-90 except as stated herein. No structures are permitted within the buffer with the exception of site entrances and permitted project identification signs. Up to 10% of each required buffer may be occupied by stormwater management and drainage facilities.

(5) Fences.

(a) Fences shall be provided as per §102-73, except as stated herein.

(b) Fences within tract setbacks shall have a maximum height of 4 feet.

(c) Fences within side and rear yards shall have a maximum height of 6 feet.

(d) Fences within the front yard, or between a property line and the principal building, shall have a maximum height of 4 feet.

Q. Lighting requirements.

(1) Section 102-117 shall not apply.

(2) Light fixtures shall have a maximum mounting height of 20 feet.

(3) All lighting shall be shielded to minimize any glare, spillage, or light pollution.

(4) The maximum level of illumination measured at any tract boundary line shall be 0.1 foot candles, except for any ingress or egress driveways, where additional lighting for safety shall be permitted.

(5) All lighting shall be dark sky compliant.

(6) All lighting shall be LED with a maximum color temperature of 3,000 K.

R. Signs.

(1) Except as provided for herein, all signs shall be in accordance with the requirements of § 102-106.

(2) One monument or freestanding project identification sign at each site entrance is permitted in accordance with the following standards:

(a) Signs shall be non-illuminated or externally illuminated.

(b) Signs shall be landscaped and may identify the community project name, developer, and logo.

(c) The maximum sign area containing text and logos shall not exceed 40 square feet for each side of the sign if two-sided.

(d) The maximum sign height, including the structure and sign area, shall not exceed 6 feet.

(e) The minimum sign setbacks shall be 10 feet from the public right-of-way.

(3) Ground mounted wayfinding signs shall be permitted to identify specific locations and/or buildings, areas, or recreational facilities. No sign shall exceed 4 square feet in area and 4.5 feet in height.

(4) Seasonal decorations are permitted in accordance with the requirements of § 102-106C.

S. Ordinance Exceptions.

(1) The inclusionary development shall be exempt from the following sections of the Township code: Section 102-98 (Multifamily Provisions); Section 102-63 (Natural Features); Sections 102-71(C-E) Shade Trees, Wooded Areas and Landscaping; Sections 102-77 (Streets); Section 102-83 (Yards); Section 102-88 (Bikeways); and Section 102-94 (Design Standards in Stream Corridors), and Section 102-105 (Slope Regulations).

(2) The inclusionary development shall also be exempt from Section 102-80.1(A-F) (Tree Replacement). The inclusionary development shall be permitted to remove trees, provided that the developer replaces trees with a DBH of 10 inches or more with 2 replacement trees with a DBH of at least 3 inches. Replacement trees required by this section shall be in addition to any other landscaping required in this zone.

T. Soil Erosion and Sedimentation Control review shall be based on the conclusions of the Freehold Soil Conservation District rather than Section 102-75 of the Colts Neck Ordinance. The review of streets shall be governed by the New Jersey Residential Site Improvement Standards (RSIS), rather than the Colts Neck Ordinance. Conflicts.

(1) To the extent there is a conflict between this ordinance and any other section of the Township's ordinances, this ordinance shall apply. To the extent there is a conflict between this and any other Township ordinances and the New Jersey Uniform Housing Affordability Controls standards (UHAC), the UHAC standards shall apply, subject to any order of the court.

(2) To the extent there is a conflict between this ordinance or any other section of the Township's ordinances and RSIS, RSIS standards shall apply.

SECTION 3. Remainder. Except as hereby amended and supplemented, all other parts of Chapter 102 of the Code of the Township of Colts Neck shall remain in full force and effect.

SECTION 4. Referral to Planning Board. Upon introduction, this Ordinance shall be referred to the Planning Board of the Township of Colts Neck for its review and comment.

SECTION 5. Repealer. All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflict.

SECTION 6. Severability. If any Section, part of any Section or clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this Ordinance. The Township Committee of the Township of Colts Neck declares that it would have passed the Ordinance and each Section thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

SECTION 7. Effective Date. This Ordinance shall take effect immediately upon final passage and publication according to law.

The foregoing Ordinance was introduced and passed on the first reading at the meeting of the Township Committee of Colts Neck Township on the September 9, 2026 and will be considered for final passage and adoption on September 23, 2026, 5:30 p.m. Town Hall, 1 Veterans Way at which time and place a public hearing will be held for all persons desiring to be heard thereon will be given full opportunity.

Kathleen Capristo, Municipal Clerk

RECORD OF VOTE										
	First Reading					Second Reading				
	September 9, 2026					September 23, 2026				
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Viola			X									
Deputy Mayor Buzzetta			X									
Rizzuto		S	X									
Torchia Buss		M	X									
Tobia				X								
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent												

ORDINANCE #2026-18

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 102, "DEVELOPMENT REGULATIONS" OF THE CODE OF THE TOWNSHIP OF COLTS NECK, ARTICLE VIII, "ZONING REQUIREMENTS," "PART 4. ZONING AND DESIGN REQUIREMENTS FOR RESIDENTIAL DISTRICTS," SECTION 102-85.4, "A-10 OVERLAY RESIDENTIAL DISTRICT" UNDER PROTEST

Block 11, Lot 3.02 (151 Dutch Lane Road)

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024, c.2 into law, establishing a new framework for determining and enforcing municipalities' affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the New Jersey Fair Housing Act (the "FHA") (N.J.S.A. 52:27D-301 et al.); and

WHEREAS, the Amended FHA requires the Department of Community Affairs ("DCA") to calculate the Fourth Round Present and Prospective Need Obligation of municipalities within the state and establishing the New Jersey Affordable Housing Dispute Resolution Program; and

WHEREAS, pursuant to the FHA, Administrative Directive No. 14-24, and Resolution No. 2025-43, the Township filed a Declaratory Judgment Action under Docket Number MON-L-422-25 seeking approval and confirmation by the Affordable Housing Alternative Dispute Resolution Program (the "Program") of its affordable housing obligations;

WHEREAS, on March 27, 2025, the Hon. Linda Grasso Jones, J.S.C. issued an order finding in favor of the Township's identified affordable housing obligation and authorizing the Township to proceed with preparation and adoption of a Fourth Round Housing Element and Fair Share Plan by June 30, 2025;

WHEREAS, the Township's Planning Board adopted the Fourth Round Housing Element and Fair Share Plan ("Fourth Round HEFSP") on June 9, 2025, which was endorsed by the Township Committee on June 11, 2025; and

WHEREAS, the Township submitted the Fourth Round HEFSP to the Program in accordance with the FHA and Directive #14-24; and

WHEREAS, on August 28, 2025 and September 2, 2025, Fair Share Housing Center, Active Acquisitions, LLC and 68 Obre Owner LLC filed challenges to the Fourth Round HEFSP; and

WHEREAS, on March 4, 2026, the Program issued its Decision Recommendation Housing Element and Fair Share Plan: Denial of Certification of Compliance Pending Action by Township ("Program Decision Recommendation") whereby it found that the Fourth Round HEFSP does not comply with the FHA and the Mount Laurel Doctrine and ordered that to maintain immunity and receive a Certification of Compliance the Township must adopt an Amended HEFSP designating the properties located at 68 Obre Road (Block 50, Lot 7), 318-22 Route 537 (Block 48, Lots 25.01, 26 & 27), and 151 Dutch Lane (Block 11, Lot 3.02) for inclusionary zoning by April 8, 2026 and adopt enabling zoning ordinances to permit development of the three (3) projects proposed by 68 Obre Owner LLC and Active Acquisitions, LLC by May 13, 2026; and

WHEREAS, on March 9, 2026, the Hon. Linda Grasso Jones, J.S.C. entered an Order accepting the Program Decision Recommendation and ordering the Township to adopt an Amended HEFSP by April 8, 2026 and the enabling zoning ordinances by May 13, 2026 ("March 9 Order"); and

WHEREAS, in accordance with the March 9 Order, Colts Neck Township Planning Board, under protest, adopted on April 7, 2026 an Amendment to the Fourth Round HEFSP in compliance with the March 9 Order and as meeting the requirements of N.J.S.A. 40:55D-28 and N.J.S.A. 52:27D-310, which was endorsed, under protest, by the Township Council on April 8, 2026; and

WHEREAS, on June 23, 2026, the Hon. Linda Grasso Jones, J.S.C. entered an order (the "June 23 Order") providing as follows in relevant part:

It is anticipated that issues involving the 68 Obre Owner, LLC site will be resolved prior to the August 12, 2026 Township Committee meeting, and resolution of issue(s) involving development by 68 Obre Owner will be addressed with adoption of a resolution by the governing body at that meeting.

The Township and Active Acquisitions, LLC will continue their discussions regarding the potential for development by Active Acquisitions within Colts Neck.

Immunity from Round IV builder's remedies suits continues to be extended to Colts Neck through September 17, 2026

; and

WHEREAS, in light of the foregoing, and to comply with the March 9 Order consistent with the terms of the June 23 Order, the Township Committee seeks to rezone the property located at Block 11, Lot 3.02 (151 Dutch Lane Road) to permit the development of the inclusionary project proposed by Active Acquisitions LLC; and

WHEREAS, the Township adopts this re-zoning ordinance for Block 11, Lot 3.02 (151 Dutch Lane Road) under protest as directed by the March 9 Order and with the intent to appeal the Program Decision Recommendation and the March 9 Order once the matter is deemed final for appellate purposes and it reserves all rights and positions in connection with any appeal, and based upon the same, any applicant intending to pursue land use approvals in conjunction with this rezoning shall be on notice that the submission of such an application or the granting of any land use approvals prior to a final non-appealable adjudication of an appeal of the Program Decision Recommendation and the March 9 Order shall be contingent upon resolution of such appellate practice.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of Colts Neck Township, Monmouth County, New Jersey, that the Code of the Township of Colts Neck is hereby amended, under protest, as follows:

SECTION 1. Chapter 102, "Development Regulations," Article VIII, "Zoning Requirements," Section 102-85.4 "A-10 Overlay Residential District," shall be amended and supplemented as follows:

Section 102-85.4(C) – A-10 Overlay Residential District

A. Under protest, the Township adopts this re-zoning ordinance for Block 11, Lot 3.02 (151 Dutch Lane Road) as directed by the March 9 Order. The Township is rezoning the site as directed by the Program Decision Recommendation and March 9 Order. The Township reserves the right, and expresses its intent, to exercise an appeal from these orders once the matter is deemed final, pursuant to its statutory right under N.J.S.A. 52:27D-304.1 and in turn Administrative Directive #14-24. Any land use approvals sought pursuant to this Ordinance prior to the exhaustion of appellate practice shall be made contingent upon a final non-appealable adjudication.

B. Purpose. The purpose of the A-10 Residential District is to create the opportunity for the development of an inclusionary affordable housing project in accordance with the March 9 Order. It is the intent of this ordinance to permit an inclusionary residential development of up to 389 dwelling units provided that 20 percent of the units are set-aside, affordable to and occupied by, very-low, low and moderate income households.

C. Principal permitted uses on land and in buildings. The following shall be permitted as principal uses:

(1) Townhouses.

(2) Stacked townhouses containing not more than 3 dwellings each.

(3) Agricultural uses.

(4) Conservation areas and open space.

(5) Multiple principal uses and principal buildings shall be permitted on the tract.

A. Accessory uses. The following shall be permitted as accessory uses (subject to §§ 102-48 and 102-87, except as stated herein.):

(1) Off-street parking facilities and parking lots.

(2) Mailboxes, lampposts, flagpoles, driveways, paths, sidewalks.

(3) Common facilities and amenities including: tot lots, clubhouse with a fitness center and reception facilities, swimming pools, hot tubs, grilling stations and other on-site recreational areas and facilities, common walkways, gazebos, sitting areas, picnic areas and gardens, and other similar uses.

(4) Patios, decks, terraces, and balconies.

(5) Fences and walls. See §102-57 and §102-73 for requirements.

(6) Satellite dishes and solar energy panels. Ground mounted solar energy panels shall be screened from view of public streets and neighboring properties by screening, planting, fencing or a combination of these techniques, in order to provide proper screening after 2 growing seasons. Roof mounted solar energy panels shall be mounted flush, or nearly flush, with building sides or roofs.

(7) Bike racks

(8) Signs.

(9) Emergency generators.

(10) Utility structures, including but not limited to, stormwater management basins and facilities, pump stations, on-site waste treatment facilities, wells, junction boxes, and the like. Existing stormwater management basins and facilities may be utilized in new development.

(11) Maintenance building and pump station maintenance building, not to exceed 1,500 square feet of coverage each and 25 feet in height.

(12) Temporary construction and sales trailers. See §102-80 for requirements.

(13) Other uses which are customarily incidental to a permitted principal use.

A. Housing types.

(1) Residences may be family housing and/or restricted as senior housing to those 55 years or older.

(2) Not more than 80% of the total dwellings may be stacked townhouses.

(3) Stacked townhouses shall not be located along a tract boundary shared with an off-tract single-family home. This requirement shall not apply to off-tract single-family homes located across a public street or to stacked townhouses located 300 feet or more from the tract boundary.

B. Tract Area. The term "tract", as applied to the A-10 Overlay Residential District shall be defined as the entirety of the property in the A-10 Overlay Residential District.

C. Affordable housing.

(1) In accordance with the Fair Housing Act, and the Uniform Housing Affordability Controls ("UHAC", N.J.A.C. 5:80-26.1), and the Township's affordable housing regulations (§102-97.1), 20% of all residential dwelling units built within this district shall be set aside for very-low, low, and moderate income households. Should there be any conflict between the Township ordinance and UHAC, the UHAC standard shall apply.

(2) At least half of the affordable units shall be affordable to very low and low income households; and the remaining affordable units shall be affordable to moderate income households. The very low income units shall equal at least 13% of the total

affordable units. A typical percentage of affordable housing shall be 13% very low, 37% low and 50% moderate income units.

(3) Each rental affordable dwelling unit shall be deed restricted for at least 40 years from the date of initial occupancy of the unit, as set forth in UHAC (N.J.A.C. 5:8-26.12.). Each for-sale affordable unit shall be deed-restricted for at least 30 years from the date of initial occupancy of the unit, as set forth in UHAC (N.J.A.C. 5:8-26.6.).

A. Bulk, area, and building requirements.

Requirements	**Standard**
Minimum tract area	30 acres
Minimum tract frontage	1,100 feet
Maximum dwelling units	389
Minimum width of townhouse or stacked townhouse	20 feet
Minimum setbacks	
Principal building	
Setback from Dutch Lane Road	100 feet
Setback from other tract boundaries	75 feet
Setback from internal roads	20 feet
Setback from parking (excluding driveway spaces)	10 feet
Minimum distance between principal buildings	
Side to side	15 feet
Side to rear	30 feet
Rear to rear	30 feet
Maximum dwellings per building	
Townhouses	8
Stacked townhouses	18
Maximum building height	
Townhouses	3 stories / 45 feet
Stacked townhouses	3 stories / 45 feet
Clubhouse	1 story / 30 feet
Accessory buildings, excluding clubhouse	1 story / 20 feet
Maximum lot coverage (coverage of tract)	60%

B. Building height.

(1) The term "building height" shall be defined as follows: The vertical distance measured to the highest point of a building from the average finished grade,

measured at five-foot intervals along and five feet away from the foundation along the side(s) of the building facing a street.

C. Minimum open space. A minimum of 30% of the tract shall be open space, defined for this purpose as lands consisting of common open space, undevelopable environmentally constrained areas (wetlands and associated buffers, etc.), tract buffers, stormwater facilities, and park areas.

D. Maintenance buildings. Maintenance buildings may be subdivided from the tract with a maximum lot size of 6,000 s.f. The building design shall be complementary to the surrounding on-tract buildings.

E. Accessory buildings and structures.

(1) Accessory buildings and structures, attached or detached from the principal building, are not permitted in the tract setbacks. This shall not apply to utility structures, site entrance, stormwater management and drainage facilities, or permitted project identification signs.

(2) Accessory buildings or structures as part of principal buildings. Any accessory buildings or structures attached to a principal building or structure shall, for purposes of determining yard requirements only, be considered part of the principal building, and the total structure shall adhere to the yard requirements for the principal building regardless of the technique of connecting the principal and accessory buildings or structures. The above shall also apply to a ground-level patio surfaces adjacent to a building.

(3) Accessory buildings and structures detached from principal buildings, excluding fences, walls, mailboxes, light fixtures or similar structures.

(a) Structures for private residential use (sheds, private pools, etc.) shall not be located in the front yard and shall have a minimum side and rear yard setback of 5 feet.

(b) Minimum setback from roads: 20 feet.

(c) Minimum setback to parking: 10 feet.

F. Tract setback requirements.

(1) Buildings and structures shall not be located within tract setbacks, with the exception of site access, permitted project identification signs, utility structures and stormwater management and drainage facilities.

G. Site access, off-street parking, and loading requirements.

(1) A maximum of 1 site access point each shall be permitted from Dutch Lane Road and Boundary Road. Driveways serving individual buildings, townhouses or stacked townhouses are prohibited from Dutch Lane Road and Boundary Road.

(2) A minimum of 20 feet shall be provided for any private driveway depth, measured from the garage to the sidewalk or cartway, as may be applicable.

(3) The number of parking spaces and roadway standards shall be consistent with the requirements of N.J.A.C. 5:21-1.1 et seq., known as the Residential Site Improvements Standards ("RSIS").

(4) The number of parking spaces required for a club house or amenity space shall be 1 parking space per 500 square feet of gross floor area.

(5) No loading spaces are required.

H. Landscape and fencing requirements.

(1) Landscaping and plantings shall be provided pursuant to §102-71., except as stated herein.

(2) Shade trees shall be planted with average spacing of one tree every 55 feet along all public and private streets. Shade trees shall be a maximum of 15 feet from the curbline.

(3) To enhance privacy and screening, a row of trees, consisting of evergreen, shade and ornamental trees, shall be planted along the rear yard of any residential

building, excluding those whose rear yard directly abuts a tract boundary. The trees shall be planted with average spacing of one tree every 30 feet and may be clustered.

(4) Landscape buffers.

(a) A 50 foot landscaped buffer shall be provided along the Dutch Lane Road and Boundary Road frontages. and horizontal variation is encouraged within the landscape buffer. A planted berm of 5 to 7 feet in height shall be provided within the landscape buffer and/or tract boundary. A planted berm shall not be required where the distance of the road to a building in the district exceeds 300 feet. The berm shall have gently curving, naturalistic forms with vertical and horizontal variation. Berm slopes shall not exceed 3:1, with an average slope of between 4:1 and 5:1. The berm shall include a variety of plant materials with a predominance of evergreen trees planted generally along the ridge to maximize the buffer screening. Existing vegetation may satisfy all or a portion of this requirement where it provides a suitable screen. Existing vegetation may satisfy all or a portion of this requirement where it provides a suitable screen. A berm may utilize a retaining wall, provided the retaining wall does not face an existing street or off tract residence, and shall not exceed 75% of the berm height for which it is associated.

(b) A 40 foot landscaped buffer shall be provided along the side and rear tract boundaries. A planted berm of 4 to 6 feet in height shall be provided within the landscape buffer and/or tract boundary. A planted berm shall not be required where the distance of the applicable tract boundary to a building in the district exceeds 300 feet. The berm shall have gently curving, naturalistic forms with vertical and horizontal variation. Berm slopes shall not exceed 3:1, with an average slope of between 4:1 and 5:1. The berm shall include a variety of plant materials with a predominance of evergreen trees planted generally along the ridge to maximize the buffer screening. Existing vegetation may satisfy all or a portion of this requirement where it provides a suitable screen. A berm may utilize a retaining wall, provided the retaining wall does not face an existing street or off tract residence, and shall not exceed 75% of the berm height for which it is associated.

(c) The landscaped buffers shall meet the standards set forth in§102-90 except as stated herein. No structures are permitted within the buffer with the exception of site entrances and permitted project identification signs. Up to 10% of each required buffer may be occupied by stormwater management and drainage facilities.

(5) Fences.

(a) Fences shall be provided as per §102-73, except as stated herein.

(b) Fences within tract setbacks shall have a maximum height of 4 feet.

(c) Fences within side and rear yards shall have a maximum height of 6 feet.

(d) Fences within the front yard, or between a property line and the principal building, shall have a maximum height of 4 feet.

I. Lighting requirements.

(1) Section 102-117 shall not apply.

(2) Light fixtures shall have a maximum mounting height of 20 feet.

(3) All lighting shall be shielded to minimize any glare, spillage, or light pollution.

(4) The maximum level of illumination measured at any tract boundary line shall be 0.1 foot candles, except for any ingress or egress driveways, where additional lighting for safety shall be permitted.

(5) All lighting shall be dark sky compliant.

(6) All lighting shall be LED with a maximum color temperature of 3,000 K.

J. Signs.

(1) Except as provided for herein, all signs shall be in accordance with the requirements of § 102-106.

(2) One monument or freestanding project identification sign at each site entrance is permitted in accordance with the following standards:

(a) Signs shall be non-illuminated or externally illuminated.

(b) Signs shall be landscaped and may identify the community project name, developer, and logo.

(c) The maximum sign area containing text and logos shall not exceed 40 square feet for each side of the sign if two-sided.

(d) The maximum sign height, including the structure and sign area, shall not exceed 6 feet.

(e) The minimum sign setbacks shall be 10 feet from the public right-of-way.

(3) Ground mounted wayfinding signs shall be permitted to identify specific locations and/or buildings, areas, or recreational facilities. No sign shall exceed 4 square feet in area and 4.5 feet in height.

(4) Seasonal decorations are permitted in accordance with the requirements of § 102-106C.

K. Ordinance Exceptions.

(1) The inclusionary development shall be exempt from the following sections of the Township code: Section 102-98 (Multifamily Provisions); Section 102-63 (Natural Features); Sections 102-71(C-E) Shade Trees, Wooded Areas and Landscaping; Sections 102-77 (Streets); Section 102-83 (Yards); Section 102-88 (Bikeways); Section 102-94 (Design Standards in Stream Corridors); and Section 102-105 (Slope Regulations).

(2) The inclusionary development shall also be exempt from Section 102-80.1(A-F) (Tree Replacement). The inclusionary development shall be permitted to remove trees, provided that the developer replaces trees with a DBH of 10 inches or more with 2 replacement trees with a DBH of at least 3 inches. Replacement trees required by this section shall be in addition to any other landscaping required in this zone.

(3) Soil Erosion and Sedimentation Control review shall be based on the conclusions of the Freehold Soil Conservation District rather than Section 102-75 of the Colts Neck Ordinance. The review of streets shall be governed by the New Jersey Residential Site Improvement Standards (RSIS), rather than the Colts Neck Ordinance.

L. Conflicts.

(1) To the extent there is a conflict between this ordinance and any other section of the Township's ordinances, this ordinance shall apply. To the extent there is a conflict between this and any other Township ordinances and the New Jersey Uniform Housing Affordability Controls standards (UHAC), the UHAC standards shall apply, subject to any order of the court.

(2) To the extent there is a conflict between this ordinance or any other section of the Township's ordinances and RSIS, RSIS standards shall apply.

SECTION 2. Remainder. Except as hereby amended and supplemented, all other parts of Chapter 102 of the Code of the Township of Colts Neck shall remain in full force and effect.

SECTION 3. Referral to Planning Board. Upon introduction, this Ordinance shall be referred to the Planning Board of the Township of Colts Neck for its review and comment.

SECTION 4. Repealer. All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflict.

SECTION 5. Severability. If any Section, part of any Section or clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this Ordinance. The Township Committee of the Township of Colts Neck declares that it would have passed the Ordinance and each Section thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

SECTION 6. Effective Date. This Ordinance shall take effect immediately upon final passage and publication according to law.

The foregoing Ordinance was introduced and passed on the first reading at the meeting of the Township Committee of Colts Neck Township on the September 9, 2026 and will be considered for final passage and adoption on September 23, 2026, 5:30 p.m. Town Hall, 1 Veterans Way at which time and place a public hearing will be held for all persons desiring to be heard thereon will be given full opportunity.

_____
Kathleen Capristo, Municipal Clerk

RECORD OF VOTE										
	First Reading					Second Reading				
	September 9, 2026					September 23, 2026				
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Viola			X									
Deputy Mayor Buzzetta				X								
Rizzuto		S	X									
Torchia Buss		M	X									
Tobia				X								
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent												