

RESOLUTION NO. 2021-171

**TOWNSHIP OF COLTS NECK RESOLUTION APPROVING THE
EXECUTION OF THE AMENDMENT TO THE SETTLEMENT
AGREEMENT WITH COLTS NECK BUILDING ASSOCIATES, LLC TO
PROVIDE FOR THE DELIVERY OF PUBLIC WATER SERVICE BY
GORDON'S CORNER WATER COMPANY TO PROPERTY
IDENTIFIED AS BLOCK 22, LOT 18 (F/K/A LOTS 11, 12, 13, AND 14)
AND CONSENTING TO SEWERAGE TREATMENT BY AN ONSITE
PACKAGE TREATMENT PLANT**

WHEREAS, Colts Neck Township ("Township"), is seeking compliance with its Mount Laurel constitutional obligation to provide its fair share of housing to those families with low and moderate incomes in the Declaratory Judgment Action docketed at MON-L-2234-15 ("DJ Action"); and

WHEREAS, the Township has agreed to satisfy a portion of its affordable housing obligation through the construction of a multi-family development on real property located at Block 22, Lot 18 (f/k/a Lots 11, 12, 13, and 14) on the Official Tax Map of the Township (the "Project Site"), which Project Site is owned by Colts Neck Building Associates, LLC ("CNBA"); and

WHEREAS, the Township entered into a settlement agreement with CNBA dated March 19, 2020 ("Settlement Agreement"), wherein the Township agreed that its Affordable Housing Plan will include the Project Site, which will be developed at a density that will permit a total of up to three hundred sixty (360) residential units, two hundred eighty-eight (288) to be market rate units, and a twenty percent (20%) affordable housing set-aside equating to seventy-two (72) multi-family rental units affordable to very low, low and moderate income households (hereinafter the "Project"); and

WHEREAS, the Project requires public water service for potable water and fire protection to support the Project; and

WHEREAS, in addition to the means provided for within the Settlement Agreement, CNBA seeks sanitary sewer service via an on-site treatment plant, as well as delivery of public water service to the Project from Gordon's Corner Water Company ("Gordon's Corner"), an existing public water utility regulated by the New Jersey Board of Public Utilities ("NJBPU") and the New Jersey Department of Environmental Protection ("NJDEP") with a franchise area in Marlboro Township adjacent to the Project; and

WHEREAS, it is the Township's intent to permit the Project to receive public water service from Gordon's Corner Water Company necessary for construction of the Project, and will take such actions as may be reasonably necessary and legally required to permit said service; and

WHEREAS, the Township acknowledges, consents, and supports the Developer's pursuit of sewerage treatment by an onsite package treatment plant, and will take such actions required to support and facilitate approvals;

WHEREAS, the Township has adopted a Resolution concurrently with this Resolution in order to consent and authorize the limited expansion of the Gordon's Corner franchise area into the Township exclusively to the Project Site and solely for the Project by virtue of a water service line, the diameter of which shall be minimized to the greatest extent possible, to deliver public water to the Project; and

WHEREAS, the Parties wish to enter into an Amendment to the Settlement Agreement in substantially the form attached as Exhibit A, setting forth the terms, conditions, responsibilities and obligations of the Parties, and to seek the Court's approval of this Agreement.

NOW THEREFORE, BE IT RESOLVED, that:


- 1) The recitals above are incorporated herein.
- 2) The Mayor and/or his designee are hereby authorized and directed to execute the

Amendment to the Settlement Agreement between the Township and Colts Neck Building Associates, LLC, in substantially the form attached as Exhibit A.

- 3) The Mayor, his designee, and the Township’s professionals, employees, and agents are hereby authorized and directed to take any and all actions necessary to effectuate the Amendment to the Settlement Agreement.
- 4) The Township, through its attorneys, are hereby authorized and directed to seek the Court’s approval of the Amendment to the Settlement Agreement.

I, Trina Lindsey, do hereby certify that the foregoing is a true and correct copy of the Resolution adopted by the Township Committee of Colts Neck Township, County of Monmouth, State of New Jersey, at a regular meeting of said Committee on September 8, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of Colts Neck Township in the County of Monmouth and the State of New Jersey, on this 8th day of September, 2021.



TRINA LINDSEY, RMC
Municipal Clerk

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