

ORDINANCE 2025-17

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

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

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

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

WHEREAS, N.J.S.A. 40:55D-2(1) states one of the purposes of the Municipal Land Use Law is to promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources, and

WHEREAS, natural riparian buffers play a critical role in maintaining water quality by filtering pollutants reducing erosion, moderating stream temperatures and supporting habitat for aquatic and terrestrial species; and

WHEREAS, natural riparian buffers absorb excess stormwater runoff, stabilize stream banks, prevent erosion and reduce the risk of flooding, thereby protecting water quality of potable water supplies and aquatic habitats, and

WHEREAS, maintaining riparian buffers in their natural vegetated state significantly reduces the transport of pollutants, nutrients, and sediments into potable water supplies, thereby protecting the integrity of drinking water supplies, and

WHEREAS, preserving riparian buffers along Category 1 streams aligns with state and federal regulations aimed at protecting water resources, including but not limited to the New Jersey Flood Hazard Area Control Act, New Jersey Freshwater Wetlands Protection Act and Clean Water Act, and

WHEREAS, the Township Committee of Colts Neck recognizes the ecological, hydrological and public health importance of protecting riparian buffers and finds it is in the best interest of the general public to preserve riparian buffers in their natural vegetated state.

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

SECTION I That Section 102-4 Definitions is hereby amended and supplemented to add the following definition.

§102-4 Definitions.

Riparian Buffer Easement

Grant or grants to the Township sufficient to permit the Township to fulfill the intent and purposes of this easement as provided for in §102-69 Public use, service areas and easements in Part 3 of this chapter.

SECTION II That Section 102-69 Public use, service areas and easements is hereby amended and supplemented in the following parts only.

§102-69 Public use, service areas and easements.

B. Conservation, open space, drainage and utility right-of-way easements. Where a minor or major development is traversed by a watercourse, open drainageway, swale, channel, stream, wetland, transition area or special water resource protection area; where the Master Plan, Official Map or Natural Resources Inventory of the Township of Colts Neck or Chapter 127, Flood Damage Prevention, delineates a floodplain or conservation easement; or for the purpose of preserving trees and other natural growth of special significance, wetlands, ponds, steep slopes and gully areas or to prevent erosion and/or for preserving and providing a buffer along lot lines as applicable and desirable for specific subdivision and site plan locations and layouts, a conservation, open space, drainage or utility right-of-way easement shall be furnished to the Township by the developer. See also §102-77C.

1. The easement shall extend on both sides and shall follow the general course of the watercourse, open drainageway, wetlands and wetland buffers, channel or stream and other areas subject to this type of easement and shall extend from the center line of said course and a line approximately parallel to the top of the bank or edge of environmentally sensitive area, a minimum of 25 feet distance back from it. Required wetland transition areas and special water resource protection areas shall be included in this easement.
2. This easement is granted for the purposes provided for and expressed in this section and in the definition of the term "conservation, open space, drainage and utility right-of-way easement and drainage and utility easement."
3. This easement prohibits the removal of trees and ground cover except for the following purposes: the installation and maintenance of municipal drainage facilities and public utilities and the removal of dead or diseased trees. Existing grass areas shown on an approved plat may be mowed; existing agricultural areas shown on an approved plat may be used for agricultural production of straw, pasture but not agricultural production requiring tilling; but areas covered with other forms of natural growth shall not be mowed or disturbed. Nothing shall be done in these areas that will allow soil erosion to occur.
4. The easements shall be indicated on the sketch, preliminary and final plats and shall be shown in such a manner that the boundaries thereof can be accurately determined should the necessity arise in the future. In some cases, additional landscaping and trees may be required to complete the coverage.
5. The boundary line of any easement shall be monumented at its intersection with all existing or proposed street lines with standard in-ground monuments. Intersections with all side and rear lot lines and at all major deflection points shall be marked with greenway-type monuments as defined in § 102-91B(5)(h) herein. Such monuments shall be at a maximum spacing of 600 feet. In addition to the aforementioned permanent monuments, supplemental markers shall be installed along all greenway and aforementioned easement lines internal to the development where construction, grading or construction traffic may encroach on such areas. All of the above are to be installed prior to the issuance of any construction permit or the start of any landscaping work and are to be maintained until the maintenance bond is released.
6. Such easement dedication shall be expressed on the plat as follows:
"Conservation, open space, drainage and utility right-of-way easement to which the indicated area is hereby made subject to is that provided for in Chapter 102, Development Regulations, of the Code of the Township of Colts Neck."
7. No relocation, construction or reconstruction shall take place within the area of the easement, nor shall any structures be located within such area, nor shall any action be taken which will alter or impair the effectiveness of present or future drainage facilities or cause soil erosion without prior approving authority or Township Committee approval, in writing. Exceptions are that approved drainage and public utilities structures; approved development entranceway sign structures

not exceeding six feet in height; and approved fences, other than cyclone wire or similar fence, which are found to be in keeping with the character of the associated development by the approving authority, but not walls, may be permitted in this easement area if shown on an approved plat or approved by the Township Committee. The Township Committee reserves the right to amend the terms of said easement as may be deemed reasonable and necessary in the future.

H. Riparian Buffer Easements

Where a minor or major development is traversed by a watercourse, open drainageway, swale, channel, stream, wetland, transition area, special water resource protection area, category one waterbody, trout production stream or trout maintenance stream, where the Master Plan, Official Map or Environmental Resources Inventory of the Colts Neck Township or Chapter 127, Flood Damage Prevention delineates a floodplain, or for the purpose of enhancing the water quality of streams, promoting groundwater infiltration and overland flow of stormwater, preserving trees and other natural growth, wetlands, ponds, steep slopes and gully areas or to prevent erosion and/or for preserving and providing a buffer along lot lines as applicable and desirable for specific subdivision and site plan locations and layouts, a riparian buffer shall be furnished to the Township by the developer. See also §102-77C.

1. The easement shall extend on both sides and shall follow the general course of the riparian buffer associated with a category one waterbody, trout production stream, trout maintenance stream or special water resource protection area.
2. This easement is granted for the purposes provided for and expressed in this section and in the definition of the term "riparian buffer easement."
3. This easement prohibits the removal of trees and ground cover except for the following purposes: the installation and maintenance of municipal drainage facilities and public utilities and the removal of dead or diseased trees. Existing grass areas shown on an approved plat may be mowed; existing agricultural areas shown on an approved plat may be used for straw production, pasture but not for agricultural production requiring tilling; but areas covered with other forms of natural growth shall not be mowed or disturbed. Nothing shall be done in these areas that will allow soil erosion to occur.
4. The easements shall be indicated on the sketch, preliminary and final plats and shall be shown in such a manner that the boundaries thereof can be accurately determined should the necessity arise in the future. In some cases, additional landscaping and trees may be required to complete the coverage.
5. The boundary line of any easement shall be monumented at its intersection with all existing or proposed street lines with standard in-ground monuments. Intersections with all side and rear lot lines and at all major deflection points shall be marked with greenway-type monuments as defined in § 102-91B(5)(h) herein. Such monuments shall be at a maximum spacing of 600 feet. In addition to the aforementioned permanent monuments, supplemental markers shall be installed along all greenway and aforementioned easement lines internal to the development where construction, grading or construction traffic may encroach on such areas. All of the above are to be installed prior to the issuance of any construction permit or the start of any landscaping work and are to be maintained until the maintenance bond is released.
6. Such easement dedication shall be expressed on the plat as follows: "riparian buffer easement to which the indicated area is hereby made subject to Chapter 102, Development Regulations, of the Code of the Township of Colts Neck."
7. No relocation, construction or reconstruction shall take place within the area of the easement, nor shall any structures be located within such area, nor shall any action be taken which will remove vegetation, alter or impair the effectiveness of present or future drainage facilities or cause soil erosion without prior approving authority or Township Committee approval, in writing. Exceptions are that approved drainage and public utilities structures; and approved fences, other than cyclone wire or similar fence, which are found to be in keeping with the character of the associated development by the

RECORD OF VOTE											
		First Reading					Second Reading				
		August 13, 2025					September 10, 2025				
		M S	Yes	No	NV	Ab	M S	Yes	No	NV	Ab
Mayor Torchia Buss			X								X
Deputy Mayor Viola		M	X					X			
Buzzetta		S	X				M	X			
Fitzpatrick			X					X			
Rizzuto			X				S	X			
M - Moved	S - Seconded	X - indicates vote			NV - Not Voting			Ab - Absent			