

IN THE MATTER OF  
APPLICATION NO. PB-753  
OF COUNTRYSIDE DEVELOPERS INC  
D/B/A CHARLESTON MEADOWS  
BLOCK 42, LOT 4

RESOLUTION GRANTING  
FINAL SUBDIVISION AND SITE  
PLAN APPROVAL

**WHEREAS, COUNTRYSIDE DEVELOPERS INC., D/B/A/ CHARLESTON MEADOWS** hereinafter the "Applicant", has proposed the development of property located at Stone Hill Road, in the Township of Colts Neck, County of Monmouth, and State of New Jersey, which property is further known and designated as Block 42, Lot 4 on the Tax Map of the Township of Colts Neck; and

**WHEREAS**, in compliance with New Jersey Supreme Court's decision In re adoption of N.J.A.C. 5:96 & 5:97 by NJ Council on Affordable Housing 221 N.J. (2015) on or about July 5, 2015, the Township of Colts Neck filed an action in the Superior Court of New Jersey entitled In the Matter of application of the Township of Colts Neck, County of Monmouth Docket No. MON-L-2234-15 seeking a judgment of Compliance and Repose approving its housing element and Fair Share Plan in addition to related relief and simultaneously filed a motion for temporary immunity which was subsequently granted by the Court and is still in full force and effect; and

**WHEREAS**, the applicant intervened in the Township Compliance Action and thereafter the Township entered into a Settlement Agreement with the Applicant in March of 2020. This Settlement Agreement was the subject of a Fairness Hearing and was approved by the Superior Court pursuant to an Order dated August 13, 2020. The Settlement Agreement included the development of the subject property with a 68 Unit Inclusionary Development with 54 lots consisting of (a) 52 lots for attached fee simple townhouse units, (b) one lot containing 15 affordable housing apartments and one market rate apartment and (c) one common element lot; and

**WHEREAS**, the Township in evaluating properties appropriate for inclusionary development determined that the subject property presents an available, approvable, developable and suitable opportunity for the creation of an inclusionary development pursuant to N.J.A.C 5:93-1.3; and

**WHEREAS**, the Township acknowledged that in order for the Applicant to construct the proposed development they will be required to obtain approvals and permits from public entities, municipalities and utilities and the Township agreed to cooperate with the Applicant and act in good faith with continuity of purpose to assist the Applicant in facilitating the provision of public water and sewer to the project site by tying into existing sewer and water service including the incorporation of such improvements into an approved Monmouth County Water Quality Management Plan ("WQMP") and the Townships Waste Water Management Plan ("WWMP"); and

**WHEREAS**, the Applicant applied to the Planning Board of the Township of Colts Neck for Preliminary Subdivision and Site Plan Approval to develop the subject property with a 68 Unit Inclusionary Development consisting of 54 lots of which 52 will be attached fee simple townhouse units, one lot will contain 15 affordable housing apartments and one market rate apartment and there will also be one common element lot. The 15 affordable housing apartment units will be designated for very low, low and moderate-income rentals with 12 two-bedroom units and 3 three-bedroom units which approvals required two Design Standard Waivers and the first is a proposed stormwater basin within a 300 foot Riparian Buffer (Section 102-79B), the second is for proposed fee simple lots fronting on a private rather than a public street (Section 102-96C); and

**WHEREAS**, the Applicant appeared before the Township of Colts Neck on November 2, 2022, due notice of said meeting having been given in accordance with New Jersey Statutes, the Open Public Meetings Act and the Municipal Land Use Law and a quorum of the Planning Board being present the application was heard; and

**WHEREAS**, the Applicant presented testimony and exhibits in support of the Application at the conclusion of which the Planning Board found that the Applicant has submitted plans and such other information as is reasonably necessary to make an informed decision as to whether the requirements necessary for Preliminary approval have been met and the Planning Board having found that Preliminary approval was appropriate and by Resolution adopted December 6, 2022 granted the approval with the aforesaid Design Standard Waivers; and

**WHEREAS**, the subject property is located in the A-1 Agricultural Residential Zone District and the proposed inclusionary development is a permitted use in the zone; and

**WHEREAS**, the Applicant has now applied to the Planning Board of the Township of Colts Neck for Final Subdivision and Site Plan Approval to develop the subject property as previously set forth herein with the referenced Design Standard Waivers; and

**WHEREAS**, the Applicant appeared before the Planning Board of the Township of Colts Neck on June 11, 2024, due Notice of said meeting having been given in accordance with New Jersey Statutes, the Open Public Meetings Act and the Municipal Land Use Law and a quorum of the Planning Board being present the request for final approval was heard; and

**WHEREAS**, the Applicants witnesses were sworn and the Planning Board having heard the testimony of the Applicants witnesses and having examined the exhibits submitted by the Applicant and having considered all of the evidence presented in favor of or in opposition to the application, the Planning Board has made the following findings of fact:

1. The Planning Board has received and reviewed the following documents, exhibits and reports:

1.1 Development Application of Charleston Meadows, dated April 25, 2024, marked as Exhibit A-1 in evidence.

1.2 Area-Wide Water Quality Management Plan Site Specific Amendment, dated April 11, 2024, marked as Exhibit A-2 in evidence.

1.3 Developers Agreement undated with Form of Deed and Restrictive Covenants, marked as Exhibit A-3 in evidence.

1.4 Proposed Master Deed, marked as Exhibit A-4 in evidence.

- 1.5 Proposed Declaration of Covenants, Easements and Restrictions for Charleston Meadows, marked as Exhibit A-5 in evidence.
- 1.6 By-Laws for Master Association, marked as Exhibit A-6 in evidence.
- 1.7 By-Laws for proposed Condominium Association, marked as Exhibit A-7 in evidence.
- 1.8 Stormwater Management Report, prepared by Eastern Civil Engineering, LLC, dated March 5, 2022 revised April 2, 2024, marked as Exhibit A-8 in evidence.
- 1.9 Final Subdivision and Site Plan, prepared by Eastern Civil Engineering, LLC, dated March 25, 2022 revised April 2, 2024, marked as Exhibit A-9 in evidence.
- 1.10 Report of Planning Board Engineer Glenn Gerken of T&M Associates, dated May 21, 2024, marked as Exhibit A-10 in evidence.
- 1.11 Report of Township Planner Tim Anfuso, dated June 6, 2024, marked as Exhibit A-11 in evidence.
- 1.12 Resolution granting Preliminary Subdivision and Site Plan Approval, dated December 6, 2022, marked as Exhibit A-12 in evidence.
- 1.13 Shade Tree Committee Report, dated June 6, 2024, marked as Exhibit A-13 in evidence.
- 1.14 Health Department Report, dated May 2, 2024, marked as Exhibit A-14 in evidence.
- 1.15 Fire Council Report, dated May 3, 2024, marked as Exhibit A-15 in evidence.
- 1.16 Architectural Review Committee Report, dated March 12, 2024, marked as Exhibit A-16 in evidence.

1.17 Emails of Planner McManus, dated May 20, 2024 and May 21, 2024 respectively, marked as Exhibit A-17 in evidence.

1.18 Emails between Planner Anfuso and Board Attorney Steib, dated May 23, 2024, marked as Exhibit A-18 in evidence.

1.19 Correspondence from Applicant dated June 3, 2024, marked as Exhibit A-19 in evidence.

1.20 Undated Aerial Photograph of Subject Property, marked as Exhibit A-20 in Evidence.

1.21 Architectural Elevation and Floor Plan Drawings, marked as Exhibit A-21 in evidence.

1.22 Color Scheme Exhibit dated May 2022, marked as Exhibit A-22 in evidence.

2. The premises in question are located at 198 Stone Hill Road, in the Township of Colts Neck, County of Monmouth and State of New Jersey, which property is further known and designated as Block 42, Lot 4 on the Tax Map of the Township of Colts Neck.

3. The subject property is located in the A-4 Mixed Housing District Zone and the proposed multi-family inclusionary development is a permitted use in the zone.

4. The Subject Property has approximate dimensions of 448.61 ft. x 570.21 ft. x 198.08 ft. x 93.00 ft. x 82.96 ft. x 395.86 ft. x 277.20 ft. x 129.98 ft. x 165.52 ft. and is substantially irregular in shape with an approximate area of 15.217 acres. The property is presently developed with a number of existing farm buildings, paddock, fencing, structures and site improvements all of which are to be removed. The Applicant proposes to develop the property into a 68 Unit Inclusionary Development. The project will subdivide the tract into 54 lots consisting of 52 attached Fee Simple Townhouse Units, one lot containing 15 Affordable Housing Apartments as well as one Market Rate Apartment and one Common Element Lot. The 15 Affordable Housing Units will be designated for very low, low and moderate income rentals. The

Affordable Housing bedroom mix will consist of 12 two-bedroom units and 3 three-bedroom units. The project will be serviced by a "P" loop access road extending from Stone Hill Road directly opposite Colts Neck Boulevard. The project will be serviced by public water and sanitary sewer facilities extended from Freehold Township.

5. The Applicant presented the testimony of Terry Sherman, a principal of Countryside Developers, Inc. who testified as to the Preliminary approvals granted to the project and the conditions of approval contained in the Resolution granting Preliminary approval. He further reviewed the reports of the Township Planner and Township Engineer as well as the various municipal subcommittees. The Planning Board notes that the report of the Shade Tree Committee indicated no requested revisions to the plans. The Board of Health noted that the project will be serviced by Public Water and Sewer that the Architectural Review Committee Report had no comments and that the Applicant agreed to comply with the recommendation of the Fire Counsel to insure adequate clearance around structures for accessibility of fire apparatus.

6. Mr. Sherman went through, in detail, the report of the Planning Board's Planner and agreed as a condition of Final approval to comply with the comment paragraphs 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 of that report.

7. Mr. Sherman also testified with respect to the Planning Board Engineer's report and agreed as a conditional Final approval to comply with Zoning Requirements in paragraph 4, stormwater management paragraphs 1, 2, 3 a, b, c, d, e and f, 4 a, b, and c, 5 a, b, c, d and e, 6, 7, a, b, and c, 8 a, 9 a, 10 and 11, Sanitary Sewer paragraph 2, Water System paragraph 2, Subdivision Map paragraphs 2, 3 and 4 and additional site plan comment paragraphs 2, 3, 4, 5, 6, 7, 8 and 9.

8. Mr. Sherman further testified as to the proposed association structure for this development and that there will be a Master Association governing the entire complex along with a Condominium Association for the Affordable Units. Mr. Sherman agreed that the Applicant will provide confirmation that the Final Association Structure will not result in a situation where the Affordable Unit cumulative association fees exceed those of the Townhouse Units of the Master Association.

9. The Planning Board notes that pursuant to N.J.S.A. 40:55D-50.a. the Planning Board shall grant Final approval if the detailed drawings, specifications and estimates of the application for Final approval conform to the standards established by Ordinance for Final approval and the conditions of Preliminary approval. The Planning Board accepted the testimony of its Planner, Tim Anfuso, and its Engineer, Glenn Gerken, that the Applicant's submission meets these required standards and that it is appropriate to grant Final approval at this time subject to conditions set forth subsequently herein. The Planning Board agrees with the testimony of its Planner and Engineer and finds that it is appropriate at this time to grant Final approval.

**NOW THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Colts Neck on this 9<sup>th</sup> day of July, 2024 that the Application of **COUNTRYSIDE DEVELOPERS INC. D/B/A CHARLESTON MEADOWS** be and is hereby approved, which approval shall be and is hereby expressly conditioned upon compliance with the following terms and conditions:

**GENERAL CONDITIONS --**

- 1) This approval is subject to the accuracy and completeness of the submissions, statements, Exhibits and other testimony filed with, or offered to, the Board in connection with this application, all of which are incorporated herein by reference and specifically relied upon by the Board in granting this approval. This condition shall be a continuing condition subsequent which shall be deemed satisfied unless and until the Board determines (on Notice to the Applicant) that a breach hereof has occurred.
- 2) In the event that any documents require execution in connection with the within approval, such documents will not be released until all of the conditions of this approval have been satisfied unless otherwise expressly noted.
- 3) No taxes or assessments for local improvements shall be due or delinquent on the subject property.

4) The Applicant shall pay to the municipality any and all sums outstanding for fees incurred by the municipality for services rendered by the municipality's professionals for review of the application for development, review and preparation of documents, inspections of improvement and other purposes authorized by the Municipal Land Use Law. The Applicant shall provide such further escrow deposits with the municipality as are necessary to fund anticipated continuing municipal expenses for such professional services, if any, in connection with the Application for Development as may be authorized by the Municipal Land Use Law.

5) The Applicant shall furnish such Performance Guarantees, Temporary Certificate of Occupancy Guarantees, Safety and Stabilization Guarantees, Maintenance Guarantees, Inspection Fees and such other Guarantees or fees as may be required pursuant to the Municipal Land Use Law and the Ordinances of this Municipality for the purpose of assuring the installation and maintenance of on-tract/off-tract and private site improvements.

6) No site work shall be commenced or plans signed or released or any work performed with respect to this approval until such time as all conditions of the approval have been satisfied or otherwise waived by the Board.

7) Any and all notes, drawings or other information contained on any approved plans shall be conditions of this approval.

8) Nothing herein shall excuse compliance by the Applicant with any and all other requirements of this municipality or any other governmental entity. This approval is conditioned upon compliance by the Applicant with all Ordinances and Regulations of this Municipality.

9) In the event any de minimis exception has been granted from the Residential Site Improvement Standards Regulations in connection with this application, a copy of this resolution shall be sent to the New Jersey Department of Community Affairs, Division of Codes and Standards, 101 South Board Street, CN 802, Trenton, New Jersey 08625-0802 within thirty (30) days of the date hereof.

Said copy of this resolution shall be clearly marked on its face with the words "SITE IMPROVEMENT EXCEPTIONS".

10) In the event that the Applicant and the approving authority have agreed that exceeding a standard of the Residential Site Improvement Standards is desirable under the specific circumstances of the proposed development, such Agreement to Exceed RSIS Standards shall be placed, in writing, by the developer and transmitted forthwith to the New Jersey Department of Community Affairs, Division of Codes and Standards, 101 South Broad Street, CN 802, Trenton, New Jersey 08625-0802.

11) The Applicant shall comply with the contribution requirements of the Municipal Affordable Housing Fund as applicable to this application.

12) In the event that this Application involves a subdivision or site plan, such subdivision or site plan shall expire at the conclusion of the period of protection from zoning changes provided for in N.J.S.A. 40:55D-49 or 40:55D-52.a, as applicable, and in no event shall extend beyond the fifth anniversary of the date of adoption of this resolution.

13) In the event that this approval involves the approval of a subdivision, the Applicant shall provide to the Board Engineer and attorney for review and approval, deeds for each of the lots created and shall file such deeds simultaneously with the recording of any subdivision plat.

14) All special conditions shall be included as notes on the plans.

15) All general and special conditions set forth in this Resolution shall be placed as notes on the approved plans as a Resolution compliance requirement.

16) The Applicant shall comply with the requirements of the Municipal Ordinances with respect to its Affordable Housing obligation by either providing the required affordable housing on-site, providing affordable housing off-site or making a contribution of an Affordable Housing fee

pursuant to the applicable Municipal Ordinances. This approval is subject to the Applicant paying all applicable fees, including any fee due and owing to the Municipality's Affordable Housing Trust Fund.

17) This Resolution does not constitute a permit for the construction of the approved improvements. The Applicant shall be responsible for obtaining any and all permits and approvals required prior to the commencement of any development activities including, but not limited to, N.J.D.O.T., N.J.D.E.P., Monmouth County Planning Board, Freehold Soil Conservation District, Regional and/or Municipal Utility Authority approval, in addition to any and all building and construction permits, required by the Municipality. All work performed shall be in accordance with, and shall not deviate from, the approved plans and all applicable Federal, State, County and Local laws, rules and regulations.

18) As an essential and non-severable condition of this approval, the Applicant shall comply with all Mount Laurel obligations and shall comply with the Municipality's approved Housing Element and Fair Share Plan including but not limited to, any associated implementing Ordinances.

19) The scope of the review of this application is necessarily limited to planning, zoning and land use review of the site as compared to the requirements of the Municipality. The grant of this approval and of any permit or approval in connection therewith shall not constitute a representation, guarantee or warranty of any kind or nature by the Municipality or by any Municipal official or employee thereof with respect to the practicability or safety of any structure, use or other plan proposed and shall create no liability upon or cause of action against the Board, the Municipality or any officials or employees of the Municipality for any damage or injury that result from the construction of the improvements for which this Zoning approval is granted.

#### **SPECIAL CONDITIONS –**

1. Except as modified by this Resolution, all conditions of the Resolution granting Preliminary Subdivision and Site Plan approval dated December 6, 2022 shall be continuing conditions of this approval.

2. The Applicant shall provide a Declaration of Covenants and Restrictions providing that the "stub road" to be extended into adjacent Howell Township from Charleston Court will not serve more than three single family lots to be developed on contiguous Howell Township block 172 lot 15.
3. The Riparian Buffer shall be placed within a Conservation Easement which will permit the inclusion of the access drive and stormwater management retention basin.
4. Sight Triangle Easements shall be placed at the intersection of the access road and Stone Hill Road.
5. Two potable wells on site shall be sealed by a licensed driller prior to the issuance of building permits.
6. Septic systems on the property shall be placed by a licensed contractor prior to the issuance of permits.
7. Additional plantings in the disturbed area of the 300-foot Riparian Buffer in rear yards next to the Conservation Easements shall be planted.
8. The solid waste refuse area shall be screened with a solid vinyl fence and bollards.
9. Applicant shall comply with the comments set forth in the reports of Township Planner McManus dated October 5, 2022, May 20, 2024 and May 21, 2024.
10. There shall be no decks on the Townhouses or Apartments.
11. Buildings facing one another and those facing Stone Hill Road shall be provided with enhanced facades. The Planning Board notes that the Applicant decided to enhance all facades of the building to provide continuity within the development.

12. The Applicant shall provide irrigation for all landscaped areas.
13. The Applicant shall provide an additional 18 trees along the rear lot lines of the fee simple units.
14. The Applicant shall comply with the May 3, 2024 report of the Fire Council requiring adequate clearance around structures for access by fire apparatus.
15. The Applicant shall comply with the May 2022 color scheme marked as Exhibit A-22 in evidence.
16. The Applicant shall comply with the technical recommendations in the Planners report dated June 6, 2024 marked as Exhibit A-11 in evidence including comment paragraphs 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13 14, 15, 16, and 17.
17. The Applicant shall comply with the technical recommendations set forth in the Planning Board Engineer's report dated May 21, 2024 including paragraph 4 under Zoning Requirements paragraphs 1, 2, 3 a, b, c, d, e and f, 4 a, b, and c, 5 a, b, c and d, 6, 7 a, b and c, 8 a, 9 a, 10 and 11 under Stormwater Management paragraph 2 under Sanitary Sewer, paragraph 2 under Water System, paragraphs 2, 3. And 4 under Subdivision Map, paragraphs 2, 3, 4, 5, 6, 7, 8 and 9 under Additional Sight Plan Comments.
18. The Applicant shall provide documentation confirming that the proposed Association Structure with a Master Association and Condominium Association will not result in association fees to the Affordable Units that exceed the association fees to be paid by the townhouse units.

**BE IT FURTHER RESOLVED**, that any Variances granted herein pursuant to Section 102 8.B.II.(c) shall expire one (1) year from the date of this resolution unless the Applicant complies with the provisions of Article IV, Section 102-8.E. of the Colts Neck Township Development Regulations Ordinance.

**BE IT FURTHER RESOLVED** that nothing herein shall excuse compliance by the Applicant with any and all other requirements of this Municipality or any other governmental entity.

**BE IT FURTHER RESOLVED** that a written copy of this Resolution certified by the Secretary of the Planning Board to be a true copy be forwarded to the Applicant, to the Construction Code Official of the Township of Colts Neck and to the Code Enforcement Official of the Township of Colts Neck. A written copy of the certified Resolution shall also be filed in the office of the Administrative Officer of the municipality, which copy shall be made available to any interested party and available for public inspection during normal business hours.

**BE IT FURTHER RESOLVED** that a proper notice of this decision be published once in the official newspaper of the municipality or in a newspaper in general circulation within the Township.

OFFERED BY: Lutkewitte

SECONDED BY: Corsi

ROLL CALL:

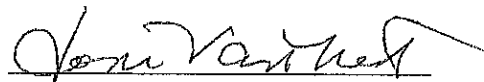
YES: Tobia, Lukowitz, Torchia Buss, Rizzuto, Corsi, Taeschler, and  
Lutkewitte,

NO: None

ABSTAIN: Sullivan

ABSENT: Bader, Penczak, and Visci

I certify that the above is a true and exact copy of the Resolution adopted by the Planning Board of the Township of Colts Neck at its meeting held on July 9, 2024.



**Joni VanNest, Secretary  
Planning Board  
Township of Colts Neck**