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August 30, 2023

VIA FEDERAL EXPRESS

Nancy Probst, Planning Board Secretary
Raritan Borough Planning Board
22 First Street
Raritan, New Jersey 08869

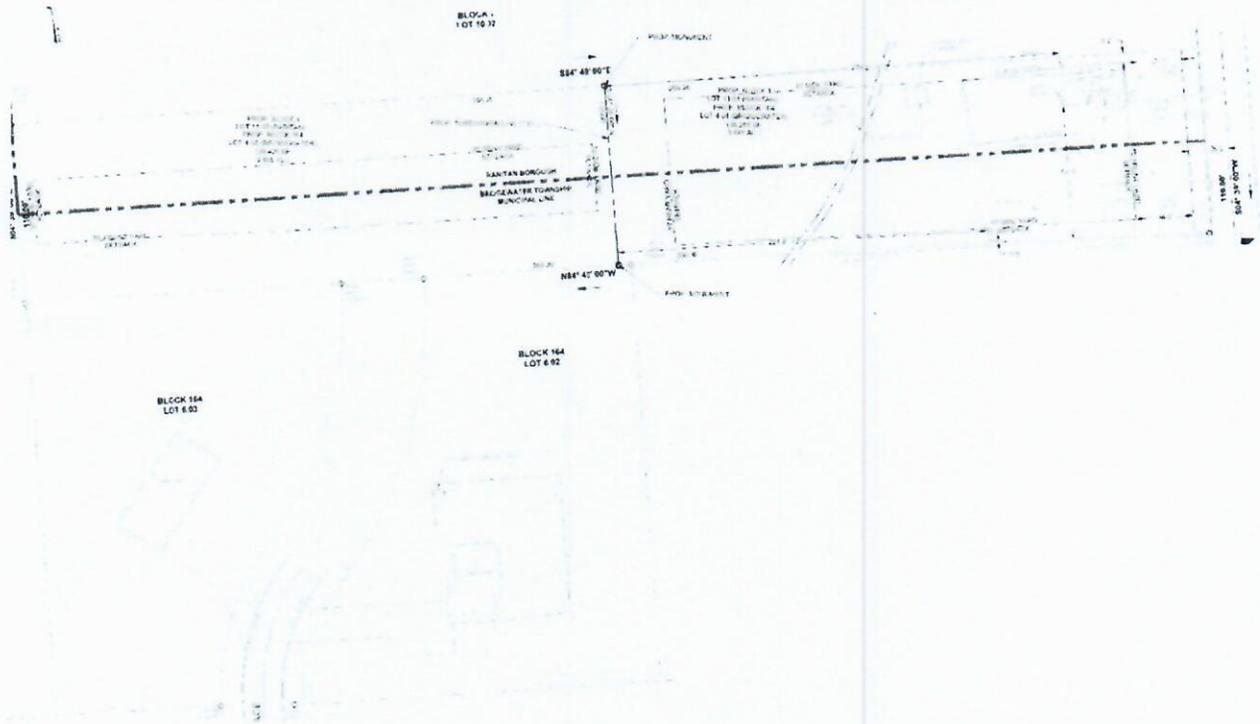
Re: Extension and Modification of Minor Subdivision Approval
Property: 21 Vones Lane; Block:1, Lot 11 (Raritan Borough); Block 164, Lot 4 (Bridgewater Township)
Applicant: Jonathan Baczewski

Dear Ms. Probst:

As you may recall, this firm represents the Applicant with respect to the referenced matter. As detailed in this letter, the Applicant is respectfully requesting an extension and modification of the minor subdivision approval the Applicant obtained on August 24, 2022.

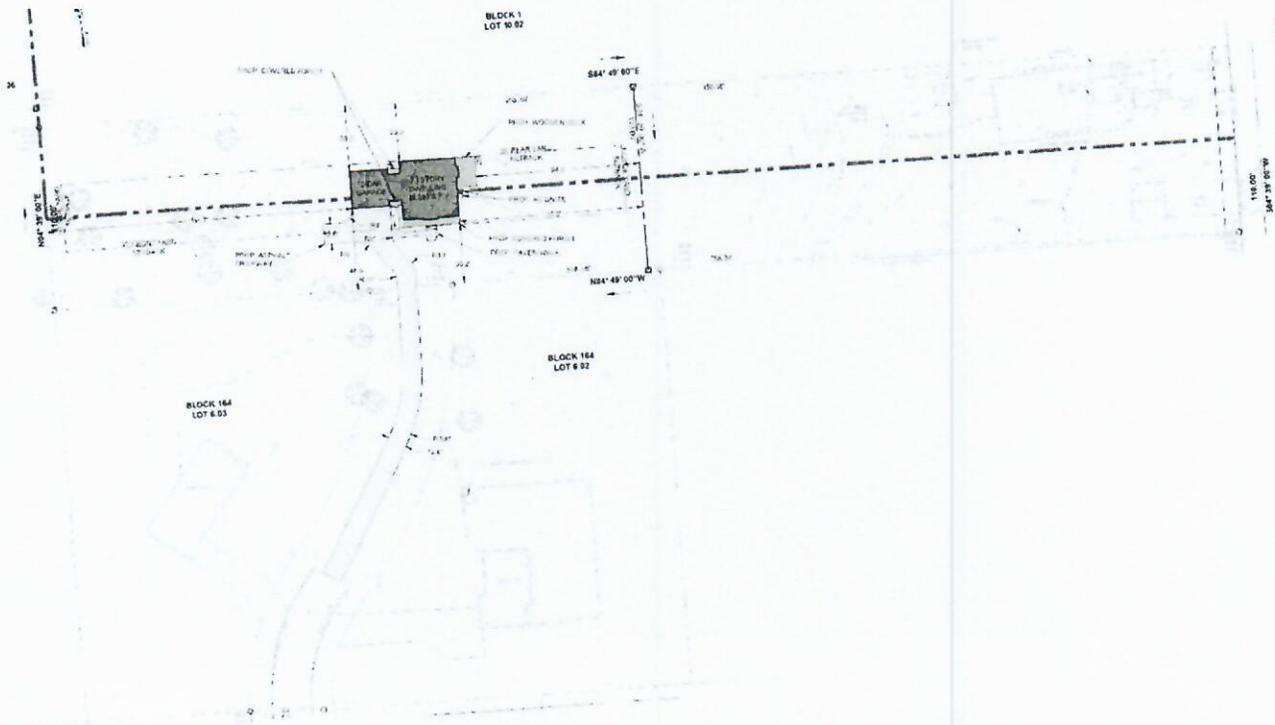
I. Background

By way of background, the subject Property consists of two lots. The municipal boundary line between Raritan and Bridgewater separates the two lots. One lot is situated in Raritan; the other lot is situated in Bridgewater. The property and boundary line as both currently exist are depicted below.



In 2017 the respective governing bodies of Raritan and Bridgewater adopted resolutions pursuant to which both municipalities agreed that the Bridgewater Lot would be governed by Raritan Borough pursuant to NJSA 40:55D-77, among other statutes. The Joint Administration Agreement provides that Raritan has both taxing authority and land use jurisdiction over the Property, among other things.¹

The Applicant obtained approval for the minor subdivision of the Property from the Raritan Planning Board on August 24, 2022. A copy of the resolution memorializing that approval is enclosed as **Exhibit A**. The proposed post-subdivision lots and proposed improvements to the right-of-way are depicted below.



¹ Because the Joint Administration Agreement vested land use authority in Raritan, the Applicant did not need to obtain separate subdivision approval from Bridgewater. NJSA 40:55D-77; *see also, Ferraro v. Holmdel Zoning Bd.*, 119 N.J. 61 (1990) (stating that the conferral of the land use power must be expressly granted in an agreement between two municipalities); Paragraph 4 of the Agreement (expressly stating that Raritan has land use jurisdiction over the Property). The Agreement also, among other things, conferred the power to Raritan to issue licenses and permits pursuant to NJSA 40A:13-20 and to assess taxes pursuant to NJSA 54:4-25. The Applicant did, however, require Bridgewater Council approval for improvements and use of the Right of Way, as detailed later.

Because the Right-of-Way is situated entirely in Bridgewater and not within the confines of the two lots, it is not subject to the Joint Administration Agreement and remains under the jurisdiction of Bridgewater. As a condition of the subdivision approval, the Applicant was required to obtain approval from the "Planning Board and/or any other governmental entity of Bridgewater Township" because the newly created lot was required to be serviced by an existing, but unimproved right-of-way situated in Bridgewater Township. The minor subdivision approval was valid for 190 days pursuant to N.J.S.A. 40:55D-47(d), expiring on or about March 2, 2023.

The Applicant promptly and diligently pursued obtaining approval from the Bridgewater Planning Board and/or the Township Council for the improvements and use of the referenced right-of-way. A summary of those efforts with relevant dates is as follows:

- The Applicant obtained subdivision approval from Raritan Borough on August 24, 2022;
- The Applicant submitted an application for Site Plan approval to the Bridgewater Planning Board on or about October 28, 2022 in an attempt to satisfy the referenced condition of approval;
- The Bridgewater Planning Board responded on December 20, 2022, determining that it did not have jurisdiction over the property and that the Bridgewater Council was the appropriate authority to seek approval from for the right-of-way;
- The Applicant approached Bridgewater Township administration in early January 2023, seeking approval for the right-of-way;
- The right-of-way improvements were listed as a "Closed Session" item on the January 19, 2023 Bridgewater Township Council Agenda;
- Township Administration contacted the Applicant directly on or about February 10, 2023 to discuss the right-of-way improvements;
- The undersigned contacted Bridgewater Legal Counsel on or about February 16, 2023 and discussed the right-of-way improvements and the Applicant's request from the Bridgewater Township Council;
- The Applicant and the undersigned attempted to continue communication with relevant Bridgewater parties throughout the remainder of February and March, 2023;
- The Applicant and the undersigned appeared before the Bridgewater Council at its April 20, 2023 meeting and requested its approval for the improvements and use of the right-of-way during the public portion of the meeting;

- Members of the Bridgewater Administration office approached the Applicant after the April 20, 2023 meeting and requested additional information from the Application;
- The Applicant provided that information on April 21, 2023 via email;
- The Bridgewater Administration office and Township legal counsel responded on May 4, 2023, and May 10, 2023, respectively;
- The Applicant negotiated resolutions and agreements approving the right-of-way improvements with Bridgewater Township legal counsel from May 22, 2023 through to approximately July 28, 2023;
- Bridgewater Township approved the right-of-way use and improvements at its August 3, 2023 meeting. Copies of the resolutions and amended agreements are attached hereto as **Exhibit B**.

As noted in the documents attached as **Exhibit B**, the Bridgewater approval of the Right-of-Way improvements is subject to the condition, among other things, that the Applicant obtain approval from the Bridgewater Planning or Zoning Board for any relief required for any improvements to be situated on the Bridgewater Lot post-subdivision. As also noted in the documents attached as **Exhibit B**, the Bridgewater approval further contemplates that Raritan and Bridgewater governing bodies will each sign an amended joint administration agreement returning the “Bridgewater Lot” (as defined in the **Exhibit B** documents) to Bridgewater, and with Raritan no longer having responsibility or jurisdiction over such lot. Finally, the Bridgewater approval requires the Applicant to undertake responsibility for the maintenance, repair, and liability of the right-of-way, which will be confirmed in the subdivision deed.

II. Justification for the Modification Request

The Minor Subdivision approval should be modified because Bridgewater Council’s approval of the right-of-way improvements is subject to approval from the Bridgewater Planning and/or Zoning Board for any improvements on the Bridgewater Lot. Accordingly, the Applicant is requesting that the condition requiring the Applicant to coordinate stormwater management for the newly created lot with Raritan’s engineering department be deleted since Bridgewater will now have land use jurisdiction over the Bridgewater Lot following the subdivision and ratification of the amended Joint Agreement.

Second, the Minor Subdivision approval should be modified to reflect that the Applicant has obtained the requisite approvals from Bridgewater or to eliminate such conditions since such approvals were obtained.

III. Justification for the Extension of Approval Request

The Municipal Land Use Law permits an applicant to request extensions of minor subdivision approval under two circumstances.

First, under N.J.S.A. 40:55D-47(f), an extension is appropriate if the applicant “proves to the reasonable satisfaction of the planning board (1) that the [applicant] was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities and (2) that the [applicant] applied promptly for and diligently pursued the required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the planning board. The [applicant] may apply for the extension either before or after what would otherwise be the expiration date.”

Second, under N.J.S.A. 40:55D-47(g), the board “shall grant an extension of minor subdivision approval for a period determined by the board but not exceeding one year from what would otherwise be the expiration date, if the [applicant] proves to the reasonable satisfaction of the board that the [applicant] was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the [applicant] applied promptly for and diligently pursued the required approvals. [The applicant] shall apply for the extension before (1) what would otherwise be the expiration date of minor subdivision approval or (2) the 91st day after the developer receives the last legally required approval from other governmental entities, whichever occurs later.”

The Applicant is requesting a one (1) year extension of the minor subdivision approval under N.J.S.A. 40:55D-47(g). As demonstrated above, the Applicant promptly and diligently pursued the Bridgewater approval. The additional time will afford the Applicant the ability to draft and submit a subdivision deed for the Board’s approval and otherwise satisfy any further conditions of approval. However, the Applicant also states that an extension of time is also appropriate under N.J.S.A. 40:55D-47(f).

Please advise of any relevant application and escrow fees required in connection with this matter and the Applicant will promptly supply your office with such funds.

Please do not hesitate to contact me should you have any questions or require anything further.

Very truly yours,

/s/ Justin R. Calta

JUSTIN R. CALTA

JRC/sp
Encl.

cc: Client (via email)
Nino A. Coviello, Esq. (via email)
Development Team (via email)

Exhibit A

Resolution of Approval – Raritan Borough

RESOLUTION 22- 10

RESOLUTION APPROVING MINOR SUBDIVISION FOR JONATHAN
BACZEWSKI, BLOCK 1, LOT 11

WHEREAS, Jonathan Baczewski ("Applicant") has made application to the Planning Board of the Borough of Raritan, Somerset County, New Jersey, for a minor subdivision involving premises known as Block 1, Lot 11, as shown on the Tax Maps for the Borough of Raritan; and

WHEREAS, said lot encompasses property located in the Township of Bridgewater, known as Block 164, Lot 4; and

WHEREAS, there exists a Joint Services Agreement between the Township of Bridgewater and the Borough of Raritan concerning services to be rendered to this property, which was marked as Exhibit A; and

WHEREAS, the property fronts on a roadway known as Vones Lane, which traverses from both the Township of Bridgewater and the Borough of Raritan; and

WHEREAS, the property contains approximately two acres, and the Applicant is proposed a subdivision of the property so there will be one lot in the westerly portion of the property containing approximately one acre, and one lot in the easterly portion of the property containing approximately one acre; and

WHEREAS, said application was deemed complete, and the requisite notices were served on surrounding properties, and proper publication was made of the application; and

WHEREAS, a public hearing was held on said application before the Planning Board on July 27, 2022, wherein the Applicant was represented by Justin Calta, Esq., of the Saiber Law Firm; and

WHEREAS, the Applicant had testimony from the following witnesses: Jonathan Baczewski, the Applicant, and Christopher Nusser, a professional engineer; and

WHEREAS, the subdivision plan, dated October 8, 2021, was reviewed; and

WHEREAS, as a result of the testimony of said witnesses, and the exhibits presented, the Planning Board does hereby make the following findings of fact:

1. The property contains approximately two acres and fronts on Vones Lane.
2. The property is bisected in a north-south direction by the boundary line of the Borough of Raritan and the Township of Bridgewater.
3. Applicant is proposing to subdivide the property so that there will be an easterly section fronting on Vones Lane containing approximately one acre, which property already has located on it an existing single-family home and garage.

4. Applicant is proposing on the westerly subdivided side of the property to be able to construct another single-family home, which is in conformance with the zoning ordinances of both the Borough of Raritan and the Township of Bridgewater.
5. Applicant is proposing that the existing single-family home on the easterly lot will continue to front Vones Lane and be serviced by access from Vones Lane. The proposed new westerly lot will be serviced and accessed from Edgewater Terrace, an existing roadway, which is approximately 180 feet from the property line. Applicant has the right to construct a driveway from the property line to the northerly terminus of Edgewater Terrace in the Township of Bridgewater, within the right-of-way of Edgewater Terrace.
6. The existing house will continue to be serviced by Raritan Borough and the proposed new house to be constructed on the subdivided lot would be serviced by Bridgewater Township.
7. The proposed dwelling on the westerly lot fronts the paper road extension of Edgewater Terrace for 50 feet, which is in conformance with the Bridgewater Township requirement.
8. The drainage and grading were discussed by Mr. Nusser. Roof drains would be serviced by a drywell system and the Borough Engineer asked that the drywell be relocated for the proposed westerly lot; and

WHEREAS, the Planning Board does conclude that the proposed subdivision meets all the requirements of the zoning ordinances for the Borough of Raritan; and

WHEREAS, the Applicant will have to obtain the approval from the Planning Board of the Township of Bridgewater for the same subdivision, since the property bisects both municipalities.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Raritan, Somerset County, New Jersey, that the subdivision application of Jonathan Baczewski as shown on the plot plan dated October 8, 2021, is hereby granted, subject to the following conditions:

1. Subject to approval of the same plot plan by the Planning Board and/or any other governmental entity of Bridgewater Township, with the understanding that if Bridgewater Township requires a change in any of the dimensions, locations, or conditions of the subdivision, same will have to be reviewed by the Planning Board of the Borough of Raritan.
2. The drainage for the house to be constructed on the new proposed lot would be reviewed and approved by the Borough Engineer.

WITNESSETH, the Planning Board of the Borough of Raritan duly adopted this Resolution at its meeting of 8/24/22, 2022.

CERTIFICATION

I, Robert Thomas for the Planning Board of the Borough of Raritan, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Planning Board at their 8/24/22, 2022 meeting.

Robert Thomas

Dated: 8/24/22

**BOROUGH OF RARITAN PLANNING BOARD
LEGAL NOTICE**

PLEASE TAKE NOTICE THAT that on August 24, 2022, the Borough of Raritan Planning Board adopted a Memorializing Resolution on the following matter:

Applicant: Jonathan Baczewski
Location: Block 1, Lot 11 (21 Vones Lane)
Relief granted: Minor Subdivision (approved with conditions)
Decided: July 27, 2022

A copy of the Resolution and related documents are on file and available for public inspection upon request in the Office of the Borough Clerk.

By Order of the Planning Board
Nancy Probst, Planning Board Secretary

Exhibit B

Bridgewater Approvals



THE TOWNSHIP OF BRIDGEWATER

100 COMMONS WAY / BRIDGEWATER, NJ 08807

908/725-6300 / FAX 908/707-1235

TDD 908/725-6300 / 908/722-4111

June 30, 2023

TO: Thomas Genova, Director of Municipal Services

FROM: Grace Njuguna, Deputy Township Clerk

RE: AUTHORIZING IMPROVEMENTS TO AND THE USE OF A RIGHT-OF-WAY SITUATED WITHIN BRIDGEWATER TOWNSHIP SITUATED NEAR EDGEWATER TERRACE, FOR INGRESS, EGRESS, AND SERVICES TO PROPERTY KNOWN AS BLOCK 164, LOT 4.02 ON THE TAX MAP OF THE TOWNSHIP OF BRIDGEWATER AND BLOCK 1, LOT 11.02 ON THE TAX MAP OF THE BOROUGH OF RARITAN

Attached is a certified copy of the above referenced resolution adopted by Council on August 3, 2023, authorizing improvements to and the use of right of way located within Bridgewater Township, situated near Edgewater Terrace for ingress, egress and services as referenced above.

cc: M. Pappas
C. Corsini
A. Fisher

AN EQUAL OPPORTUNITY EMPLOYER

RESOLUTION

AUTHORIZING IMPROVEMENTS TO AND THE USE OF A RIGHT-OF-WAY SITUATED WITHIN BRIDGEWATER TOWNSHIP SITUATED NEAR EDGEWATER TERRACE, FOR INGRESS, EGRESS, AND SERVICES TO PROPERTY KNOWN AS BLOCK 164, LOT 4.02 ON THE TAX MAP OF THE TOWNSHIP OF BRIDGEWATER AND BLOCK 1, LOT 11.02 ON THE TAX MAP OF THE BOROUGH OF RARITAN

WHEREAS, the property known as 21 Vones Lane ("the Property") is divided between the Township of Bridgewater and the Borough of Raritan at Block 164, Lot 4 and Block 1, Lot 11, respectively, and a survey demarcating said property attached hereto as Schedule A; and

WHEREAS, the Borough of Raritan and the Township of Bridgewater entered into a Jurisdictional and Joint Administration Agreement dated July 6, 2017, pursuant to which Raritan Borough had land use jurisdiction over the Property, among other things;

WHEREAS, Jonathan Baczewski, owner of the Property, applied to and obtained approval from the Raritan Borough Planning Board on August 24, 2022 for the subdivision of the Property, and a survey depicting the subdivided Property is attached hereto as Schedule B;

WHEREAS, following the subdivision, the parcels identified as Block 164, Lot 4.01 in the Borough of Raritan and Block 1, Lot 11.01 in the Township of Bridgewater (collectively, the "Raritan Property") are currently and are proposed to continue to be served by the 21 Vones Lane situated in the Borough of Raritan, with the existing home situated at 21 Vones Lane proposed to remain;

WHEREAS, following the subdivision, the parcels identified as Block 164, Lot 4.02 in the Borough of Raritan and Block 1, Lot 11.02 in the Township of Bridgewater (collectively, the "Bridgewater Property") are proposed to be serviced by an existing, but unimproved right-of-way situated adjacent to Edgewater Terrace in the Township of Bridgewater; with the proposed new single family residence on the Bridgewater Property to be serviced by said right-of-way, subject to receipt of all land use approvals from the Planning or Zoning Board of the Township of Bridgewater;

WHEREAS, Mr. Baczewski has requested that the Township of Bridgewater approve certain improvements to the Right of Way as depicted on Schedule C attached hereto (the "Improvements");

WHEREAS, subject to the following Conditions (as hereafter defined), the Township of Bridgewater approves the Improvements;

WHEREAS, subject to the Conditions, which include the requirement to obtain all Bridgewater land use approvals, the Township of Bridgewater approves the use of the Right of Way for ingress, egress, and services by Mr. Baczewski and/or his successors in interest

for the Bridgewater Property and the improvements thereon, including, without limitation for the purpose of constructing the improvements (the "Use");

WHEREAS, as a condition of the Township of Bridgewater approving the Improvements and the Use, Mr. Baczewski, on behalf of himself and his successors and assigns, agrees as follow: (1) Mr. Baczewski shall assume the ongoing maintenance and repair responsibility for the Right of Way; (2) Mr. Baczewski shall assume liability for the Use of the Right of Way; (3) Mr. Baczewski shall indemnify and save harmless the Township of Bridgewater from and against all claims, losses, demands, liability, costs, lawsuits, and the like associated with the Improvements and the Use of the Right of Way (collectively, "the Conditions");

WHEREAS, as a further condition of the Township of Bridgewater approving the Improvements and the use, Mr. Baczewski shall be required to apply to the Planning or Zoning Board of the Township, as may be required, to obtain any variance or other land use approval necessitated by the Property's non-compliance with the Township of Bridgewater's zoning ordinance (including, but not limited to deficient bulk standards);

WHEREAS, Mr. Baczewski shall confirm the Conditions by causing them to be included in the Subdivision Deed perfecting the Subdivision of the Property.

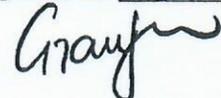
WHEREAS, the approval of the Improvements and the Use shall become effective upon the receipt of all approvals from Bridgewater Township's Planning or Zoning Board and the filing of the Subdivision Deed.

NOW THEREFORE BE IT RESOLVED that the Township Council of the Township of Bridgewater hereby authorizes the Improvements to and the Use of the Right of Way subject to the Conditions.

Introduced	Seconded	Council	Aye	Nay	Abstain	Absent
	✓	Kurdyla	✓			
✓		Norgalis	✓			
		Pedroso	✓			
		Ring	✓			
		Kirsh	✓			

Adopted: August 3, 2023

I, Grace Njuguna, RMC, Deputy Municipal Clerk of the Township of Bridgewater, County of Somerset, and the State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Bridgewater Township Council at a duly convened meeting held on August 3, 2023

Signed: 

RESOLUTION

AUTHORIZING THE EXECUTION OF AN AMENDED JURISDICTIONAL AND JOINT AGREEMENT, FOR THE PURPOSES OF UNIFYING THE ADMINISTRATION OF THE PROPERTY KNOWN AS 21 VONES LANE, ALSO KNOWN AS BLOCK 164, LOT 4 ON THE TAX MAP OF THE TOWNSHIP OF BRIDGEWATER AND BLOCK 1, LOT 11 ON THE TAX MAP OF THE BOROUGH OF RARITAN PRIOR TO SUBDIVISION; AND AS BLOCK 164, LOTS 4.01 AND 4.02 ON THE TAX MAP OF THE TOWNSHIP OF BRIDGEWATER AND BLOCK 1, LOTS 11.01 AND 11.02 ON THE TAX MAP OF THE BOROUGH OF RARITAN

WHEREAS, the property known as 21 Vones Lane ("the Property") is divided between the Township of Bridgewater and the Borough of Raritan at Block 164, Lot 4 and Block 1, Lot 11, respectively, and a survey demarcating said property attached hereto as Schedule A; and

WHEREAS, the Borough of Raritan and the Township of Bridgewater entered into a Jurisdictional and Joint Administration Agreement dated July 6, 2017, pursuant to which Raritan Borough had land use jurisdiction over the Property, among other things;

WHEREAS, Jonathan Baczewski, owner of the Property, applied to and obtained approval from the Raritan Borough Planning Board on August 24, 2022 for the subdivision of the Property, and a survey depicting the subdivided Property is attached hereto as Schedule B;

WHEREAS, the resolution approving the subdivision, as a condition of approval, required the owner of the property to obtain land use approvals from the Township of Bridgewater;

WHEREAS, the owner has not yet obtained land use approvals from the Township of Bridgewater, which will be necessary prior to any construction on the Bridgewater portion of the Property;

WHEREAS, following the subdivision, the parcels identified as Block 164, Lot 4.01 in the Borough of Raritan and Block 1, Lot 11.01 in the Township of Bridgewater (collectively, the "Raritan Property") are currently and are proposed to continue to be served by the 21 Vones Lane situated in the Borough of Raritan, with the existing home situated at 21 Vones Lane proposed to remain;

WHEREAS, following the subdivision, the parcels identified as Block 164, Lot 4.02 in the Borough of Raritan and Block 1, Lot 11.02 in the Township of Bridgewater (collectively, the "Bridgewater Property") are proposed to be serviced by an existing, but unimproved right-of-way situated adjacent to Edgewater Terrace in the Township of Bridgewater; with the proposed new single-family residence on the Bridgewater Property to be serviced by said right-of-way;

WHEREAS, pursuant to N.J.S.A. 40A:13-19 adjoining municipalities may designate, by resolution approved by respective governing bodies of said municipalities, which municipality shall have sole supervision of the lands and buildings of properties bisected by municipal boundary lines; and

WHEREAS, pursuant to N.J.S.A. 40A:13-20, a municipality assuming sole supervision of any lands or buildings under N.J.S.A. 40A:13-19 shall furnish those lands and buildings the same services as are furnished to the lands and buildings located wholly within its boundaries; and

WHEREAS, further pursuant to N.J.S.A. 40A:13-20, the municipality assuming sole supervision of any lands or buildings under N.J.S.A. 40A:13-19 shall have sole power to issue all licenses

and permits required for same; and

WHEREAS, pursuant to N.J.S.A. 54:4-25, the governing body of a municipality may, by resolution, request that the entirety of a tract of land divided between that municipality and another be assessed by the second municipality; and

WHEREAS, pursuant to N.J.S.A. 40:55D-77, a governing body of a municipality may by resolution enter into a joint agreement with another municipality for the joint administration of any or all of the powers conferred upon each municipality pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq; and

WHEREAS, the Township of Bridgewater and the Borough of Raritan have undertaken discussions to determine the best means to simplify administration of the Property and are in agreement that it is in the best interests of both municipalities to unify administration of the Property following the subdivision and all required land use approvals from Bridgewater, with the Township of Bridgewater having administrative power over the Bridgewater Property, including Block 164 Lot 4.02 situated in the Borough of Raritan; and with the Borough of Raritan having administrative power over the Raritan Property, including Block 1 Lot 11.01 situated in the Township of Bridgewater; and

WHEREAS, both municipalities desire to execute an agreement to achieve pursuant to the aforementioned statutory authority to unify administration of the Property under the control of the Borough of Raritan; and

WHEREAS, the Township of Bridgewater does not intend this Agreement to constitute any type of land use approval, all of which must be obtained from the Township of Bridgewater Zoning or Planning Board, as appropriate.

NOW THEREFORE BE IT RESOLVED that the Township Council of the Township of Bridgewater hereby authorizes the Mayor and Township Clerk to execute the Amended Jurisdictional and Joint Administration Agreement attached hereto as Schedule C, such agreement permitting the Township of Bridgewater to exercise primary administrative control over the Bridgewater Property and the Borough of Raritan to exercise primary administrative control over the Raritan Property.

Introduced	Seconded	Council	Aye	Nay	Abstain	Absent
	✓	Kurdyla	✓			
✓		Norgalis	✓			
		Pedroso	✓			
		Ring	✓			
		Kirsh	✓			

Adopted: August 3, 2023

I, Grace Njuguna, RMC, Deputy Municipal Clerk of the Township of Bridgewater, County of Somerset, and the State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Bridgewater Township Council at a duly convened meeting held on August 3, 2023

Signed:



**AMENDED JURISDICTIONAL AND JOINT ADMINISTRATION AGREEMENT
BETWEEN BRIDGEWATER TOWNSHIP AND RARITAN BOROUGH**

THIS AGREEMENT is made as of _____ 2023, between:

THE TOWNSHIP OF BRIDGEWATER, in the County of Somerset, a Municipal Corporation of the State of New Jersey, having offices at 100 Commons Way, Bridgewater, New Jersey 08807 (hereinafter referred to as "Bridgewater"); and

THE BOROUGH OF RARITAN, in the County of Somerset, a Municipal Corporation of the State of New Jersey, having offices at 22 First Street, Raritan, NJ 08869 (hereinafter referred to as "Raritan").

WITNESSETH

WHEREAS, the property known as 21 Vones Lane ("the Property") is divided between the Township of Bridgewater and the Borough of Raritan at Block 164, Lot 4 and Block 1, Lot 11, respectively, and a survey demarcating said property attached hereto as Schedule A; and

WHEREAS, the Borough of Raritan and the Township of Bridgewater entered into a Jurisdictional and Joint Administration Agreement dated July 6, 2017, pursuant to which Raritan Borough had land use jurisdiction over the Property, among other things;

WHEREAS, Jonathan Baczewski, owner of the Property, applied to and obtained approval from the Raritan Borough Planning Board on August 24, 2022 for the subdivision of the Property, and a survey depicting the subdivided Property is attached hereto as Schedule B;

WHEREAS, the Raritan Planning Board's resolution of approval required the owner to obtain land use approvals from the Township of Bridgewater Planning or Zoning Board, as appropriate;

WHEREAS, following the subdivision, the parcels identified as Block 164, Lot 4.01 in the Borough of Raritan and Block 1, Lot 11.01 in the Township of Bridgewater (collectively, the "Raritan Property") are currently and are proposed to continue to be served by the 21 Vones Lane situated in the Borough of Raritan, with the existing home situated at 21 Vones Lane proposed to remain;

WHEREAS, following the subdivision, the parcels identified as Block 164, Lot 4.02 in the Borough of Raritan and Block 1, Lot 11.02 in the Township of Bridgewater (collectively, the "Bridgewater Property") are proposed to be serviced by an existing, but unimproved right-of-way situated adjacent to Edgewater Terrace in the Township of Bridgewater; with the proposed new single family residence on the Bridgewater Property to be serviced by said right-of-way;

WHEREAS, pursuant to N.J.S.A. 40A:13-19 adjoining municipalities may designate, by resolution approved by respective governing bodies of said municipalities, which municipality shall have sole supervision of the lands and buildings of properties bisected by municipal boundary lines; and

WHEREAS, pursuant to N.J.S.A. 40A:13-20, a municipality assuming sole supervision of any lands or buildings under N.J.S.A. 40A:13-19 shall furnish those lands and buildings

the same services as are furnished to the lands and buildings located wholly within its boundaries; and

WHEREAS, further pursuant to N.J.S.A. 40A:13-20, the municipality assuming sole supervision of any lands or buildings under N.J.S.A. 40A:13-19 shall have sole power to issue all licenses and permits required for same; and

WHEREAS, pursuant to N.J.S.A. 54:4-25, the governing body of a municipality may, by resolution, request that the entirety of a tract of land divided between that municipality and another be assessed by the second municipality; and

WHEREAS, pursuant to N.J.S.A. 40:55D-77, a governing body of a municipality may by resolution enter into a joint agreement with another municipality for the joint administration of any or all of the powers conferred upon each municipality pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq; and

WHEREAS, the Township of Bridgewater and the Borough of Raritan have undertaken discussions to determine the best means to simplify administration of the Property and are in agreement that it is in the best interests of both municipalities to unify administration of the Property following the subdivision with the Township of Bridgewater having administrative power over the Bridgewater Property, including Block 164 Lot 4.02 situated in the Borough of Raritan; and with the Borough of Raritan having administrative power over the Raritan Property, including Block 1 Lot 11.01 situated in the Township of Bridgewater;

WHEREAS, nothing in this Agreement shall obviate the need for the owner to obtain all land use approvals required by the Township of Bridgewater prior to construction on Block 1, Lot 11.01;

NOW, THEREFORE, the parties agree to the Amended Jurisdiction and Joint Administration Agreement, such that, from and after the Effective Date:

1. Raritan shall have sole supervision of the lands and buildings located on the Raritan Property pursuant to N.J.S.A. 40A:13-19, with Raritan furnishing the same services to the Property as are furnished to lands and buildings located wholly within Raritan's boundaries.

2. Bridgewater shall have sole supervision of the lands and buildings located on the Bridgewater Property pursuant to N.J.S.A. 40A:13-19, with Bridgewater furnishing the same services to the Property as are furnished to lands and buildings located wholly within Bridgewater's boundaries.

3. Raritan shall have the sole power to issue all licenses and permits related to the Raritan Property as required under the authority granted pursuant to N.J.S.A. 40A:13-20.

4. Bridgewater shall have the sole power to issue all licenses and permits related to the Bridgewater Property as required under the authority granted pursuant to N.J.S.A. 40A:13-20.

5. Raritan shall have authority to assess taxes for the entirety of the Raritan Property pursuant to N.J.S.A. 54:4-25.

6. Bridgewater shall have authority to assess taxes for the entirety of the Bridgewater Property pursuant to N.J.S.A. 54:4-25.

7. Raritan shall have jurisdiction and administration over all powers conferred under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. pertaining to the Raritan Property, such authority being conferred by Bridgewater to Raritan pursuant to N.J.S.A. 40:55D-77.

8. Bridgewater shall have jurisdiction and administration over all powers conferred under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. pertaining to the Bridgewater Property, such authority being conferred by Raritan to Bridgewater pursuant to N.J.S.A. 40:55D-77.

9. Notwithstanding any authority delegated to Raritan or to Bridgewater, respectively, herein pursuant to N.J.S.A. 54:4-25, the authority created hereby shall become effective upon the approval by resolution of the adoption of this agreement by the Township Council of Bridgewater and the Borough Council of Raritan and the execution of said agreement by the mayors of each municipality.

10. In addition to the provisions of the preceding Paragraph 9, this Agreement shall become effective on the Effective Date, and shall run with the land.

[Signature Page to Follow]