ADOPTED: FEBRUARY 4, 2025

APPROVED: _____ MAYOR

DATE: 2/4/2025

ATTEST: _____ MUNICIPAL CLERK

Ordinance No. 4-2025
Introduced: January 21, 2025
Adoption: February 4, 2025

ORDINANCE NO. 4-2025
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SALE OF A PORTION OF THE PROPERTY KNOWN AS HOLSTER COURT IN BLOOMINGDALE, NEW JERSEY

WHEREAS, pursuant to a Planning Board application by Mr. Neil Holster, Application # 486, for subdivision approval for Block 92A, Lots 9, 14, 15 and 16, a right-of-way road dedication of Holster Court to the Borough was anticipated; and

WHEREAS, this conveyance is being made in accordance with a Resolution of Approval of a minor subdivision issued by the Bloomingdale Planning Board dated August 20, 1987; and

WHEREAS, at a subsequent Planning Board meeting on December 17, 1987, the dedication of the road by Mr. Holster was confirmed as reflected in the meetings of that meeting and the revised Resolution of Approval (attached hereto as Exhibit C); and

WHEREAS, On April 19, 1988, map 3199 depicting the road known as Holster Court was received and recorded with the Register of Deeds; and

WHEREAS, a recorded map is legally an offer of dedication and said dedication was accepted by the Borough of Bloomingdale by Ordinance No. 17-2024, adopted on October 1, 2024; and

WHEREAS, by virtue of the above, the Borough of Bloomingdale is the owner of said property known as Holster Court in the Borough of Bloomingdale; and

WHEREAS, the Mayor and Borough Council do hereby determine that a portion of said property is no longer needed for public use and should be sold in accordance with the appropriate statutes of the State of New Jersey, specifically N.J.S.A. §40A:12-13(b)(5); and

WHEREAS, the Mayor and Borough Council desire to sell a portion of said property (as depicted on the attached map and legal description) to the residents of the contiguous property known as 39 Rafkind Road for the total sum of $10,000; and

WHEREAS, the Borough makes no representations as to the title or any other aspects of the property being sold, including utility, sewer, environmental conditions or easements.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Bloomingdale, in the County of Passaic, and State of New Jersey, as follows:

SECTION 1. The Borough of Bloomingdale hereby authorizes the sale of a portion of the property known as Holster Court, as depicted on the attached map and legal description, to Beth Katz and Thomas Czajkowski, the owners of contiguous property known as 39 Rafkind Road, Block 5066, Lot 20, for the total sum of $10,000.

SECTION 2. The Mayor and Borough Clerk and all other proper officers and employees of the Borough are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Ordinance.

SECTION 3. No debt is to be authorized by the enactment and passage of this Ordinance.

SECTION 4. All ordinances of the Borough of Bloomingdale, which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

SECTION 6. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

BOROUGH OF BLOOMINGDALE
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ATTEST:

Breeanna Smith, Clerk

By: John D'Amato, Mayor

DMCAssociates, Inc. Land Surveyors
6 Carey Avenue, Butler,NJ07405
Tel (973) 838-9187
Email info@dmcsurveying.com
www.dmcsurveying.com

October 16, 2023

RE: Portion of Holster Court to be annexed to Lot 20 Block 5066
Borough of Bloomingdale, County of Passaic, State of New Jersey
DMC No. 2308041

The purpose of this description is to describe a portion of Holster Court, an unimproved variable width right of way as created on a Map Entitled "Proposed Subdivision for Neil Holster, Bloomingdale, Passaic County, N.J." to be annexed to Lot 20 in Block 5066, lands of Thomas Czajkowski & Beth Katzas.

All that certain tract of land and premises situated and lying in the Borough of Bloomingdale, County of Passaic, State of New Jersey being more particularly described as follows:

Beginning at a set cap and rebar at the point of intersection formed by the westerly R.O.W. line of Rafkind Road, a variable width R.O.W. and the southerly R.O.W. line of Holster Court, an unimproved variable width R.O.W. and running thence;

(1) Along the southerly R.O.W. line of Holster Court, South 86 degrees 51 minutes 40 seconds West for a distance of 41.17 feet to a set cap and rebar, thence;

(2) Continuing along the southerly R.O.W. line of Holster Court, South 63 degrees 36 minutes 55 seconds West for a distance of 103.41 feet to a set cap and rebar, thence;

(3) Along the westerly R.O.W. line of Holster Court, North 12 degrees 08 minutes 35 seconds West for a distance of 8.43 feet to a set cap and rebar, thence;

(4) Along a newly created line through the unimproved R.O.W. of Holster Court, North 63 degrees 36 minutes 55 seconds East for a distance of 142.23 feet to a set pk/disc on the westerly R.O.W. line of Rafkind Road, thence;

(5) Along the westerly R.O.W. line of Rafkind Road, South 19 degrees 14 minutes 05 seconds East for a distance of 24.61 feet to the point and place of beginning herein described.

- Containing 1,490+/- sq. ft. or 0.034+/- ac.

Being known and designated as a portion of Holster Court, an unimproved variable width right of way as created on a Map Entitled "Proposed Subdivision for Neil Holster, Bloomingdale, Passaic County, N.J.". Said map being filed in the Passaic County Register's Office on April 19, 1988 as Map No. 3199.

The above description is in accordance with an "Exhibit of Lands to be Annexed to Tax Lot 20, Block 5066, A.K.A. 39 Rafkind Road, Borough of Bloomingdale, Passaic County, New Jersey" prepared by DMC Associates, Inc. Professional Land Surveyors dated October 16, 2023.

10/17/2023

obert J. Engel, P.L.S.
; e;.. ;[;;;$04026100
Certificate of Authorization No. 24GA27919000

LOT 24
BLOCK 5066
TAX MAP

LANDS NOW OR FORMERLY OF
BOROUGH OF BLOOMINGDALE

N 12°08'35" W
8.43'

N 12°08'35" W 52.96'

FOUND SET STONE
0.08' S
0.70' E

SET CAP/REBAR

SET CAP/REBAR

FOUND CAP/REBAR
0.13' N
0.33' E

FOUND CAP/REBAR
0.78' S
3.57' E

PORTION OF HOLSTER COURT TO BE ANNEXED TO LOT 20 (AREA = 1,490± SQ. FT.)

S 63°36'55" W

N 63°36'55" E

98.64'

103.41'

142.23'

S 86°51'40" W
41.17'

SET CAP/REBAR

SET CAP/REBAR
72.58'

SET PK/DISC

S 19°14'05" E

P.O.B.
(SURVEY)

S 19°14'05" E
24.61'

S 7°53'05" W

LOT 21
BLOCK 5066
TAX MAP

LANDS NOW OR FORMERLY OF
LEE & VALERIE KOVACS

LOT 20
BLOCK 5066
TAX MAP

LANDS NOW OR FORMERLY OF
THOMAS CZAJKOWSKI & BETH KATZ
(AREA = 9,968± SQ. FT.)

HOLSTER COURT
(UNIMPRIVED VARIABLE WIDTH R.O.W.)

RAFKIND ROAD
(R.O.W. WIDTH VARIES)

LOT 18
BLOCK 5066
TAX MAP

LOT 19
BLOCK 5066
TAX MAP

REF. RECORDS

GRAPHIC SCALE
0 10 20 40 60
1 inch = 20 ft.

MAP REFERENCE:

· Map Entitled "Proposed Subdivision for Neil Holster, Bloomingdale, Passaic County, N.J.". Said map being filed in the Passaic County Register's Office on April 19, 1988 as Map No. 3199.

EXHIBIT OF LANDS TO BE ANNEXED

TO TAX LOT 20, BLOCK 5066, A.K.A. 39 RAFKIND ROAD,
BOROUGH OF BLOOMINGDALE,
PASSAIC COUNTY, NEW JERSEY

DMC ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
6 CAREY AVENUE, BUTLER, NJ 07405
TEL: (973) 838-9187 FAX: (973) 838-4389 INFO@DMCSURVEYING.COM

ROBERT L. CIGOL, N.J.P.L.S. No. 24GS04026100
CERTIFICATE OF AUTHORIZATION No. 24GA27919000

DRAWN BY:	SCALE:	DATE:	SHEET No.:	DMC No.:
ZM	1" = 20'	10/16/2023	1 OF 1	2308041

EXHIBIT C

RESOLUTION

BLOOMINGDALE PLANNING BOARD
Application No. 486

WHEREAS, application has been made by Neil Holster, owner, to the Planning Board of the Borough of Bloomingdale, with respect to property located at Block 92.02, Lots 6.01, 9, 14, 15, and 16, located between Reeve Avenue and Rafkind Road near the intersection of Knolls Road, in the Borough of Bloomingdale, for final major subdivision approval in order to permit the creation of four conforming lots in an R-20 Zone with a small portion extending into the R-10 Zone; and

WHEREAS, the Board had previously voted to grant conditional preliminary subdivision approval at its July 16, 1987, meeting subject to four conditions outlined in the letter submitted to the Borough of Bloomingdale Planning Board by Richard A. Alaimo Engineering Associates, Board Engineers, dated November 11, 1987; and

WHEREAS, a public meeting was held on November 16, 1987, at which time the application was deemed complete; and

WHEREAS, the applicant, was represented by Thomas Melani, Esq.; and

WHEREAS, the Board received a status report from its attorney dated November 11, 1987, regarding the four conditions which had previously been imposed during the July 16, 1987, conditional preliminary subdivision approval; and

WHEREAS, the Planning Board also reviewed and accepted recommendations made by Dennis G. Lindsay, P.E., Borough Engineer, in his memorandum dated November 10, 1987, regarding the radius of the proposed road, corrections on the road profile, connection of the water line, and the dedication of a 15 inch RCP drain pipe; and

WHEREAS, the applicant testified that he would be willing to comply with all recommendations set out in the Planning Board Engineer's letter of November 11, 1987, which is attached hereto as Exhibit A, and with certain conditions set out in the memorandum of November 10, 1987, from the Borough Engineer, Rittic Associates, Dennis G. Lindsay, P.E., which is attached hereto as Exhibit B; and

WHEREAS, discussion took place regarding two items of the November 10th memorandum which involved the installation of a dry sanitary sewer line and the use of an engery dissipater; and

WHEREAS, after further discussion, the Board ascertained that these items could be addressed either through the Borough Board of Health, or through recommendations of the Planning Board Engineer; and

WHEREAS, two witnesses testified expressing their objection to the taking of the neighbor's driveway by the right-of-way given to the town; and

WHEREAS, the Board, after further consideration of the applicant's testimony, as well as consideration of both engineering reports which the Board hereby incorporates into its

final action on this application, as well as testimony from the public, has found as follows:

1. The requested major subdivision approval is located in an R-20 Zone with one small portion extending into the R-10 Zone. This property is presently owned by Neil Holster.

2. The applicant expressed his willingness to comply with all recommendations set forth by the Borough Engineer and by the Planning Board Engineer in the letters outlined above and which are made a part of this resolution.

3. The requested approval could be given without substantially impairing the intent and purpose of the Zoning Ordinance of the Borough of Bloomingdale, and would in fact enhance the area and support the goals set out in the master plan for the Borough of Bloomingdale.

NOW, THEREFORE, the Planning Board of the Borough of Bloomingdale, after due and full consideration of the materials presented, and of all of the testimony as well, hereby approves the application of Neil Holster for a major subdivision final approval, subject to the following conditions:

1. The applicant shall specifically comply with all recommendations set forth in the November 11, 1987, letter provided by Richard A. Alaimo Engineering Associates, William Gregor, P.E.

2. The applicant shall comply with the following recommendations which are further sent forth in the letter sent to the Bloomingdale Planning Board by Rittic Associates, P.C., Dennis G. Lindsay, P.E., Borough Engineer:

file

BARBARULA, McCRACKEN & MASESSA
ATTORNEYS AT LAW
23 PROFESSIONAL BUILDING
1242 ROUTE 23 NORTH
BUTLER, NEW JERSEY 07405

(201) 492-1190

JOHN M. BARBARULA *
CAROL WEAVER McCRACKEN
ROBERT C. MASESSA

* N.J. & N.Y. BAR
U.S. TAX COURT

December 15, 1987

Borough of Bloomingdale
Hamburg Turnpike
Bloomingdale, NJ 07403

Attn: Planning Board Secretary

RE: Holster Resolution

Dear Madam:

Enclosed herewith please find an original and two copies of a revised Resolution in the above matter.

Thank you for your kind cooperation.

Very truly yours,

BARBARULA, McCRACKEN & MASESSA

By _____
Carol W. McCracken

CWM/lm
enc.