



**Borough of Manville**  
**Ordinance #2021-1259**  
**An Ordinance By The Borough Of Manville Granting An**  
**Encroachment Easement At 266 North 6th Avenue, Manville, NJ**

**WHEREAS**, the granting of an easement requires the approval, by Ordinance, of the Mayor & Council, pursuant to N.J.S.A. 40A:12-13; and

**WHEREAS**, an easement can be transferred to a contiguous property owner pursuant to N.J.S.A. 40A:12-13(b)(5) and, as applicable, 40A:12-13(b)(4); and

**WHEREAS**, Applicants Pawel and Justina Zajkowski (the “Property Owners”) applied to the Borough of Manville Planning Board (joint land use board) for final site plan approval and bulk variances for lot area and width and front yard, side yard, and parking space setbacks for Block 31, Lot 1-3, 266 North 6th Avenue, and

**WHEREAS**, the Borough of Manville Planning Board adopted a Resolution of Approval on February 2, 2021, and

**WHEREAS**, condition number four stated that the applicant shall obtain an easement for the encroachment of the porch/stairs on the Borough’s right of way, and

**WHEREAS**, the Borough Attorney and Borough Engineer have reviewed the easement and recommend that the Encroachment Easement be granted by the Borough of Manville,

**NOW THEREFORE, BE IT ORDAINED**, by the Mayor & Council of the Borough of Manville in the County of Somerset, State of New Jersey, as follows:

SECTION 1: The Encroachment Easement for 266 North 6th Avenue, in the form annexed to

this Ordinance, is hereby authorized.

SECTION 2: The Mayor and Municipal Clerk are hereby authorized to execute the attached encroachment easement for 266 North 6th Avenue, and to transfer said encroachment easement rights to the Property Owners for Consideration paid of \$1.00.

SECTION 3: Repealer: Any prior Ordinance of the Borough of Manville, or any article, section, paragraph, subsection, clause, or other provision of any such prior Ordinance, which is inconsistent with the provisions of this Ordinance, is hereby repealed to the extent of such inconsistency.

SECTION 4: Severability: In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by any Court of competent jurisdiction, such adjudication shall apply only to the section,

paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective; such holding shall not affect any other provision or application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

SECTION 5: Inconsistency with other Ordinances: Should any provision of this ordinance be inconsistent with the provisions of any other prior ordinances, or shall be inconsistent with any article, section, paragraph, subsection, clause, or other provision of any prior ordinances, the inconsistent provisions of such other prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

SECTION 6: Effective Date: This ordinance shall be effective immediately after final adoption and publication, in accordance with law.

Borough of Manville,



Richard M.

Onderko, Mayor

**ORDINANCE #2021-1259**

**FIRST READING:  
ROLL CALL**

Attest:



Wendy Barras,  
Borough Clerk

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		Petrock	•			
	•	Lukac	•			
		Maeder	•			
		Magnani	•			
•		Szabo	•			
		Zamorski	•			
		Onderko				

**INTRODUCED** this 8<sup>th</sup> day of March, 2021

**SECOND READING AND FINAL ADOPTION:  
ROLL CALL**

*Wendy Barras*

Attest:  
Wendy Barras,  
Borough Clerk

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		Petrock	•			
	•	Lukac	•			
		Maeder	•			
		Magnani	•			
		Szabo	•			
		Zamorski	•			
		Onderko				

**[ADOPTED]** [DEFEATED]