

018-004

**BOROUGH OF MOUNT ARLINGTON LAND USE BOARD
RESOLUTION APPROVING AMENDMENT TO SITE PLAN FOR
PROPERTY KNOWN AS LOT 17, BLOCK 61**

**Approved: April 25, 2018
Memorialized: May 23, 2018**

WHEREAS, Bertrand Island Development, Inc. had previously received preliminary and final major site plan approval on August 13, 2003 for Lot 17 in Block 61 (“Property”) which said approval permitted the construction of an age-restricted community consisting of sixty (60) single family homes and ninety-six (96) multi-family units with a community club house and tennis courts; and

WHEREAS, construction on the Property commenced in 2004 by Bertrand Island Development, Inc.; and

WHEREAS, prior to the completion of the development of the Property, Bertrand Island Development went bankrupt; and

WHEREAS, the Property was subsequently purchased by the current Applicant Brookland Partners, LLC; and

WHEREAS, Brookland Partners resumed the construction on the Property and completed the project; and

WHEREAS, it was subsequently discovered that Brookland Partners did not abide by the landscape plan that had been incorporated in the site plan drawings approved in 2003; and

WHEREAS, Brookland Partners subsequently made an application to the Mount Arlington Land Use Board (“Board”) for an amended site plan approval seeking specifically to amend the previously-approved landscape plan; and

WHEREAS, the application was filed on or about October 9, 2017; and

WHEREAS, the Applicant included with its application plans entitled “Landscaping Plan-Preliminary and Final Major Site Plan for Nolan’s Ridge”, dated September 15, 2003 last revised June 27, 2017 consisting of four (4) sheets prepared by French & Parrello which said plans illustrated those plantings that were not done as per the approved plans; and

WHEREAS, the Applicant submitted with its application the appropriate fees and escrow deposits; and

WHEREAS, the application was deemed complete on December 18, 2017 and a public hearing was scheduled; and

WHEREAS, public hearings were held by the Board on February 28 and April 25, 2018, notice being required and lawfully provided; and

WHEREAS, the Applicant was represented by Eric McCullough, Esq.; and

WHEREAS, at the conclusion of the public hearing on April 25, 2018, the Board rendered a decision on the application in accordance with the requirements of N.J.S.A. 40:55D-10(g); and

WHEREAS, the Board received as part of the hearing process testimony offered by the Applicant's landscape architect, Michael Piga and its civil engineer, Denis F. Keenan, P.E. who testified as to the plantings that were not made in accordance with the previously approved landscape plan, as well as describing alternative planting locations; and

WHEREAS, the Applicant also introduced exhibits that were identified A-1 through A-17; and

WHEREAS, at the Board's public hearing on April 25, 2018, the Applicant introduced plans identified as "Amended Landscaping Plan" dated March 30, 2018, last revised April 20, 2018, which identified the additional plantings that were proposed and the locations for same; and

WHEREAS, the Board also received testimony and reports from its own engineer, Thomas Lemanowicz and its landscape architect John McDonough, both of whom expressed no objections to the proposed amended landscape plans; and

WHEREAS, at the meeting on February 28, 2018, the Board received comments from various homeowners now living in the project, complaining about the landscaping on the Property; and

WHEREAS, the Applicant and its representatives met with homeowners following the meeting on February 28, 2018 and prior to the meeting April 25, 2018, to receive input and recommendations with respect to the proposed landscape plan. Those comments and recommendations were subsequently reflected in the aforesaid Amended Landscaping Plan; and

WHEREAS, at the conclusion of the public hearing on April 25, 2018, the Board made the following finds and conclusions of law:

The Board finds that the Applicant did not abide by the landscaping plan that was incorporated in the plans approved on August 13, 2003. However, upon hearing the testimony and reviewing the exhibits submitted, the Board finds that the Applicant's amended landscape plan is reasonable, appropriate and consistent with the objectives of the prior approval. The Board also finds that these plans are acceptable because the Applicant cooperated with the homeowners and took into consideration their comments when preparing the amended plan. The Board does not object to the elimination of the plantings and the proposed walking path as shown in "Landscaping Plan" prepared by French & Parrello, last revised on March 28, 2018. The Board further finds that the proposed Amended Landscaping Plan last revised April 20, 2018, is reasonable and should be incorporated in the previously approved site plan drawings.

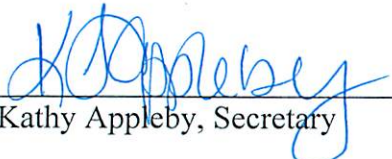
NOW, THEREFORE, BE IT RESOLVED that the Borough of Mt. Arlington Land Use Board does hereby approve the "Amended Landscaping Plan" prepared by French &

Parrello, bearing a date of March 30, 2018, last revised April 20, 2018 subject to the following terms and conditions:

1. The Applicant shall install the plantings as proposed in the "Amended Landscaping Plan" and shall not be obligated to install those plantings and walking path that were shown to be eliminated on the "Landscape Plan" originally dated September 15, 2003, last revised March 28, 2018.
2. The Applicant will comply with all comments and recommendations set forth in the most recent reports from John McDonough, dated April 25, 2018 and from Thomas Lemanowicz, dated April 25, 2018.
3. The Applicant will continue to be bound by the terms and conditions set forth in the Resolution of Memorialization dated August 13, 2003.
4. The Applicant shall comply with and adhere to all regulations and ordinances of the Borough of Mt. Arlington which continue to remain applicable to the development of the Property.
5. The Secretary for the Board shall file a copy of this Resolution with all governmental bodies as shall be necessary and appropriate. The Secretary shall also include and attach the within Resolution to the original Resolution of Memorialization dated August 13, 2003 to reflect the approved amendments to the site plan drawings.
6. This approval is conditional upon approvals required by the Applicant from any other outside governmental agencies that may continue to exercise jurisdiction over the development of the property.

ATTEST:

BOROUGH OF MOUNT ARLINGTON
LAND USE BOARD


Kathy Appleby, Secretary

By:  , Chairman

DATED:

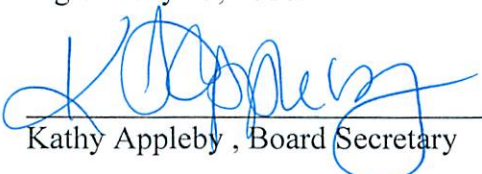
THE VOTE:

IN FAVOR: 7

OPPOSED: 0

ABSTENTIONS: 0

I hereby certify that the above is a true copy of the Resolution adopted by the Borough of Mount Arlington Land Use Board at its meeting on May 23, 2018.


Kathy Appleby, Board Secretary