

26-007

**RESOLUTION OF MEMORIALIZATION GRANTING PRELIMINARY
AND FINAL MAJOR SUBDIVISION APPROVAL AND BULK VARIANCE
FOR BLOCK 39, LOT 8.01**

**Approved: June 24, 2026
Memorialized: August 26, 2026**

WHEREAS, Knolls HG 7, LLC (the “Applicant”) is the contract purchaser for Lot 8.01 in Block 39 (“Property”) as noted on the Tax Map for the Borough of Mount Arlington with a street address of 469 Windemere Avenue; and

WHEREAS, the Applicant submitted an Application for Development with the Borough of Mount Arlington Land Use Board (Board), dated February 18, 2026, seeking to subdivide the Property into four (4) single-family dwelling lots and a fifth lot that is to provide for beach access to Lake Hopatcong as well as associated site improvements; and

WHEREAS, the Applicant requires preliminary and major subdivision approval in accordance with the requirements set forth in the RA-30 zone district relating to, among other things, compliance with the minimum lot area, minimum lot width, and minimum front, side and rear yard setbacks. The proposal shall require bulk variance relief from the Borough’s steep slope ordinances. Specifically, Ordinance 17-30.8d(2) requires on slopes between 10% and 15% that no more than 40% of the sloped area be disturbed and 78.6% is proposed. Ordinance 17-30.8d(3) limits disturbance on slopes between 15% and 25%, to no more than 30% and 63.8% was expected. Finally, Ordinance 17-30.8d(4) limits disturbance on slopes 25% or greater to 15% and 53.3% was proposed; and

WHEREAS, the Applicant included with its application 16 sheets of a Preliminary and Final Subdivision Plan entitled, “Mount Arlington Knolls, Block 39, Lot 8.01, #469 Windemere Avenue, Borough of Mount Arlington, Morris County, New Jersey,” prepared by Dykstra Walker Design Group, PA, and dated February 20, 2026, and last revised May 14 , 2026; one (1) sheet of a Boundary and Topographic Survey entitled, “Block 39, Lot 8.01, #469 Windemere Avenue, Borough of Mount Arlington, Morris County, New Jersey,” prepared by Dykstra Walker Design Group, PA, and dated July 24, 2025; a report entitled, “Environmental Impact Statement for Mount Arlington Knolls, Preliminary and Final Subdivision Plans, Block(s) 39, Lot(s) 8.01, Situated in the Borough of Mount Arlington, Morris County, New Jersey,” prepared by Dykstra Walker Design Group, dated February 20, 2026 and last revised May 14, 2026; and

WHEREAS, the Applicant submitted with its Application the appropriate fees and escrow deposit; and

WHEREAS, the Application was deemed administratively complete by the Board's Engineer on March 31, 2026, and public hearings were subsequently scheduled and held on May 27 and June 24, 2026, notice being required and lawfully provided; and

WHEREAS, the Board Engineer, David A. Clark, P.E., issued reports regarding the Application dated March 31 and May 27, 2026;

WHEREAS, the Board's Planner, Jessica C. Caldwell, P.P., also issued reports, dated April 21 and May 27, 2026; and

WHEREAS, at the conclusion of the public hearing on June 24, 2026, the Board rendered a decision on the Application in accordance with the requirements set forth in N.J.S.A. 40:55D-10(g);

WHEREAS, the Board received as part of the hearing process the following testimony and documentary evidence:

Bernd Hefe, Esq. introduced the Application and identified the Applicant as a contract purchaser of the Property which is owned by Kadel Associates, LLC. He explained that the Property was a four-acre tract in the RA-30 zone district. He noted that the Property was vacant and extended from Windemere Avenue to Lake Hopatcong.

Mr. Hefe discussed the Property's unique history. He said that it was a part of a much larger tract that was formerly owned by the Borough and was transferred to Henry Kadel. He introduced Exhibit A-1, which was a map of the large tract of land that was transferred to Mr. Kadel in 1961. Mr. Hefe told the Board that Mr. Kadel was a prominent developer at that time and intended to subdivide the land and build homes, which he ultimately did.

Mr. Hefe presented Exhibit A-2, which was a copy of the Deed from the Borough to Mr. Kadel. He directed the Board's attention to a restriction in the Deed that read: "[g]rantee, his heirs, administrators or assigns....covenants (sic) that all subsequent Grantees of the property herein to be developed shall have the right to use the beach front property of the aforesaid tract." Based on the title search, Mr. Hefe advised that 77 lots were developed and this right of access is included in their chain of title. Importantly, he told the Board that beachfront property referred to in the deed is part of the Property that the Applicant was intending to subdivide. He stated that the current application was not altering that access and would actually enhance it. One Board member asked why the beach access was being discussed. Mr. Hefe advised that the issue was important because it helped explain why the subdivision included a separate lot just for the beach.

Mr. Hefe indicated that since the 1960's the maintenance and control of the beach was handled by the homeowners through the Mt. Arlington Knolls Property Owners Association (MAKPOA) which had a lease with the owner. He stated that while the Applicant had no relationship with MAKPOA, it did work closely with it when crafting

the Application. He presented Krista Anderson who resides at 41 Richard Drive. Mrs. Anderson testified that she is a 50-year resident of the Borough and a member of MAKPOA. She stated that she has been its president for 20 years. She described MAKPOA as a voluntary organization that had about 22 members. In the past, it had maintained the beach.

Mrs. Anderson explained that recently a dispute over maintenance arose between MAKPOA and the current owner of the Property, Kadel Associates. She said that Kadel Associates decided to lock the residents out of the property in 2023. She asserted that members have not been able to access the beach since then. She informed the Board that a lawsuit had been filed and the litigation was pending. However, she stated that the matter had been stayed pending the outcome of the Application which the parties hoped would resolve their outstanding differences.

Ms. Anderson states that MAKPOA believed that the proposed plan would be beneficial to the residents having deeded beach access because it would protect the rights of those residents and assist MAKPOA with maintenance. She claimed that it would allow for a permanent easement to the beach, along with new restrooms and parking. When asked who would own the lot with the beach, Mr. Hefe said that a homeowners' association for the 4 new single-family lots would be established that would, among other things, own the beach lot. He added that MAKPOA would be a part of the HOA and be responsible for maintaining the beach. He stated that this would eliminate the lease and provide a permanent easement to the residents who took title to those lots developed and sold by Kadel, whether they are members of MAKPOA or not.

Mr. Hefe next introduced Tom Graham P.E. Mr. Graham was accepted as an expert in the field of civil engineering. He presented Exhibit A-3 which was a map he prepared dated May 27, 2026 showing existing conditions on the Property. He said that the Property is an irregularly shaped lot in the RA-30 Single-Family Zone with approximately 3.477 acres of vacant land. He noted that there are residential uses surrounding the Property and Lake Hopatcong on the northerly side. He informed the Board that it has 280 feet of frontage on Windemere Avenue and there are 2 existing streets that end at the property line of Hillard Road and Logan Way.

Mr. Graham noted that there is an easement that conveys stormwater from Windemere Avenue to Lake Hopatcong. He noted that the Property was impacted by a flood hazard area at 928.0 feet in elevation and a riparian zone at 150 feet. He opined that the Property was not impacted by any wetlands.

Mr. Graham also introduced Exhibit A-4 which was a colored site layout dated May 27, 2026 that illustrated the proposed subdivision and site improvements. He said that the proposal included 4 residential lots that would be conforming with respect to size, lot width and setbacks. He believed that each lot could support a four-bedroom dwelling with driveway access and required parking. Mr. Graham said that the fifth lot to be created would be the beach lot that would comprise approximately two-thirds of an acre. He agreed that the Applicant would consent to a deed restriction so that none of the lots could be further subdivided. He explained that access to the five lots would be via a

24-foot-wide extension of Hillard Road that would end in a cul-de-sac designed to allow emergency vehicles access. He added that existing sewer and water lines would also be extended within Hillard Road. It was his opinion that there was adequate water to serve the 4 future homes.

Mr. Graham testified that the project would qualify as a major development under the DEP's stormwater management rules. He assured the Board that the system was designed in accordance with all applicable DEP rules and will include water quality inlets. He stated that the HOA will operate and maintain the storm water management system and the Borough will be granted a right of access in the event the HOA fails to properly maintain it.

The beach lot would include ten parking spaces, as per Mr. Graham. He indicated that the Applicant also proposed a bike rack and a pedestrian access easement that would run along the southwesterly side of the Property enabling people to walk from Windemere Avenue to the beach. This access would be included in the easement for the stormwater line that the Applicant was to grant the Borough to allow it access to make repairs to the line. Mr. Clark interjected that there is room within the easement to construct the walkway without going over the storm pipe. The Board attorney stated that before the HOA is created, the Borough attorney or he will review the documents. He suggested that the HOA documents should include a provision that will force the HOA to assume responsibility for the maintenance of the easement should MAKPOA default.

Board members questioned the adequacy of the ten proposed parking spaces. Mr. Graham noted that the Borough did not have an ordinance regulating parking for outdoor recreational areas. He introduced Exhibit A-5 that identified beaches around Lake Hopatcong and their nearby parking areas and Exhibit A-6 which were photographs of the beaches and recreational areas referenced on Exhibit A-5. Based on the existing parking areas, Mr. Graham estimated that on average there are 13.6 spaces per acre. He believed with the 10 spaces being proposed and the available parking on the street, there should be sufficient parking for the beach lot. He also noted that one of the spaces would be handicapped accessible.

In response to a question from the Board about the use of the spaces and the access easement, Ms. Anderson stated that MAKPOA members will monitor same. Mr. Hefele agreed that all 77 lots that are afforded beach access in their deeds will be entitled to use the access easement. He agreed that any resolution of approval must reference all of the deeded lots and the same will be recorded to confirm the present and future owners' access to the beach.

Questions arose about how safe access would be given the topography of the Property. Mr. Graham acknowledged that there were some steep slopes impacting the Property and that the easement would need stairs in certain areas. Mr. Hefele stated that the HOA would be responsible for the maintenance. Board members inquired as to the nature of the walkway, its construction and future maintenance. In response the Board attorney recommended that there must be a written plan regulating the use and maintenance of the access easement and revised engineering plans to how it is to be

built. The Applicant agreed.

Mr. Graham testified that the Hillard Road extension would need to be accepted by the Borough as a public street. He said that since the Property is within a regulated flood hazard zone, the DEP would not allow the extension to be treated as a private road. He believed that this was the only viable access into the Property since Morris County would not allow access from Windemere Avenue and Logan Way is too narrow.

Although the construction of dwellings was not part of this Application, Mr. Graham acknowledged that regardless of the size or type of home, steep slope variances would be needed. He stated that approximately 60% of the Property is steeply sloped. He stated as per Ordinance 17-30.8d(2), on slopes between 10% and 15%, no more than 40% of the sloped area could be disturbed and 78.6% was proposed. He added that on slopes between 15% and 25%, Ordinance 17-30.8d(3) limited disturbance to no more than 30% and 63.8% was expected. Finally, Mr. Graham said that Ordinance 17-30.8d(4) limited disturbance on slopes 25% or greater to 15% and 53.3% was proposed.

Mr. Graham reviewed the Board engineer's report. He stated that the Applicant intended to comply with all comments. He said that water service to adjacent Lot 1 in Block 39 would be maintained throughout construction and will be granted an easement to provide access in the event repairs or maintenance is necessary. He also advised that the Applicant will abide by the comments in the report from the Lake Hopatcong Commission. He elaborated by telling the Board that the Applicant would follow all stormwater management rules; install soil erosion control measures prior to development; construct detention basins as per the Borough Ordinances; and plant grass, native plantings and street trees. He stated that these conditions would be incorporated in the HOA documents.

When Mr. Graham concluded, the Board opened the matter for public comment. Jeff Weinakker from 42 Kadel Drive alleged Exhibit A-1 did not represent every owner who has the deed restriction allowing access to the beach and that there are some MAKPOA members who do not have the right in their deeds. Debra Levine and Andrea Levine at 477 Windemere Avenue asked the Applicant to confirm that their water service access will continue uninterrupted through development. The Applicant's attorney assured them that there will be no interruption of water service during development that there will be an easement granted to them.

After he concluded his testimony, Mr. Graham fielded questions from the public. Charlie Posegate who resides at 37 Kadel Drive, asked if there will be the proper turning radius for emergency vehicles in the proposed cul-de-sac. Mr. Graham confirmed that it was designed to do so. Trisha Sweeney from 5 Richard Drive expressed concerns about her beach rights and was advised that MAKPOA members would still have their rights to access. She was also assured that the beach would not be open to the public.

Joseph Good, a resident at 31 Hillard Road, inquired about the availability of

parking at the proposed 4 residential lots, because he was worried about cars parking along Hillard Road which was very narrow. Mr. Graham told him that each lot will have space to park four (4) vehicles.

Darlene Kadel from 32 Hillard Road questioned Mr. Graham about drainage. He said that the drainage was designed to tie into the already existing drainage and there will be additional detention basins built. She also asked about proposed clearing, as there is wildlife that exists on the Property. Mr. Graham admitted that there will be some removal of trees and grading of the Property.

Melaney Lesueur lives at 467 Windemere Avenue and her lot will be adjacent to the pedestrian easement. She wanted to know if the Applicant was proposing any screening. Mr. Graham said that there will be plantings on the side of the easement that will offer screening.

Donna Good, a resident at 31 Hillard Road wanted to know why Morris County would not allow access from Windemere Avenue. Mr. Graham replied that it was because of the topography. Julie Zawacki from 10 Hillard Road was given assurances that her access to the beach was not going to be taken away.

Based on the comments received from the Board's professional staff and the public, Mr. Graham did revise the subdivision plans. At the meeting in June, he presented Exhibit A-7 which was a color rendering of the subdivision plan that illustrated the revisions. He testified that they included the installation of a fence and gate for the pedestrian walkway with signage. He believed this would deter members of the public using the walkway who did not have the right to access the beach. He explained that his revisions also included screening along the walkway and Logan Way. He said that there would be no lighting provided. The easement would also include an ADA ramp to ensure handicap accessibility to the beach.

Mr. Graham also presented Exhibit A-8 which was a copy of an email from the Morris County Planning Board indicating that the County would not approve the construction of a road off Windemere Avenue because of the steep slopes on the Property. Mr. Graham also stated that he would revise the Stormwater Report to correct the errors noted by the Board engineer and that green infrastructure improvements would be incorporated into the plan. Mr. Graham told the Board that the Applicant would agree that the stormwater plan would be subject to the review and approval of the Borough engineer. He also confirmed that the extension of Hillard Road would need to be accepted by the Borough as a public road as per DEP regulations. He opined that the cul-de-sac was designed as per the Residential Site Improvement Standards.

Melaney Lesueur questioned Mr. Graham again about when the landscape buffer along the access easement would be planted. He advised that it would be done when the initial site work began.

John McDonough, P.P. testified after Mr. Graham concluded. He was accepted as

an expert in the field of professional planning. He began his testimony by advising that the 5 proposed lots were fully compliant and consistent with the Borough's ordinances. He agreed that the only variance relief needed was for the disturbance in the steep slope areas of the Property. He presented Exhibit A-9 which consisted of 4 sheets. The first sheet was a current map of the Property. The second sheet was a copy of the Property showing the proposed subdivision. Sheets 3 and 4 were aerial photographs taken from Lake Hopatcong and Windemere Avenue, respectively.

Mr. McDonough stated that the photos showed the topography of the Property and why the Applicant needed the requested variance relief. The relief was from Ordinance § 17-30.8d(2), which on slopes between 10% and 15%, limited disturbance to no more than 40%; Ordinance § 17-30.8d(3), which on slopes between 15% and 25%, limited disturbance to no more than 30%; and Ordinance § 17-30.8d(4), which on slopes 25% or greater, limited disturbance to no more than 15%.

Mr. McDonough opined that the bulk variance relief was warranted under either the c(1) or c(2) analysis. He testified that the unique shape of the Property, its steep topography and the location of the 4 proposed dwellings imposed a hardship on the Applicant and presented it with peculiar and exceptional practical difficulties in constructing the homes in a conforming manner. In his estimation, this satisfied the analysis under the c(1) standard.

Mr. McDonough contended that under the c(2) approach the proposal preserved and improved beach access for those who enjoyed that privilege. This served the general welfare under purpose a of the New Jersey Municipal Land Use Law (MLUL). He also believed that the proposal would provide space for recreational use which satisfied purpose (g) of the MLUL. Finally, he thought that the proposal would represent a more efficient use of the Property in accordance with purpose (m).

Mr. McDonough testified that in his opinion the proposal also addressed the negative criteria. He believed that it would not be a substantial detriment to the public good, because the future residential uses were permitted in the zone and the lots themselves conformed with the applicable bulk requirements. He also believed the plan would foster the Master Plan goal of maintaining residential communities, especially around Lake Hopatcong. The addition would help preserve the residential character of the Borough.

After Mr. McDonough concluded, the Board planner stated that she agreed with his testimony and did not see any reason not to grant the variance relief.

The matter was then opened to the public. Jeff Weinacker who lives at 42 Kadel Drive, testified. He introduced as Exhibit O-2 a copy of a newspaper article from 1961 that discussed the Property, the neighborhood and the sale to Mr. Kadel. He claimed that the article showed that more people enjoyed beach rights than the Applicant alleged. He introduced as Exhibit O-2 a copy of a deed which he contended supported his argument further. He finally produced Exhibit O-4 which were copies of the MAKPOA lease and

by-laws. Mr. Weinacker believed that these also called into question whether MAKPOA could negotiate with the Applicant on behalf of the property owners.

Debra and Andrea Levine live at 477 Windemere Avenue and receive water through a line that runs through the Property. They expressed concerns about a possible disruption of their service during construction. The Applicant's representatives assured them that there would be no disruption. Also, their line would be put into an easement to ensure continued service in the future.

James Perugini from 6 Robert Terrace said that he has been a long time member of the beach and that the beach was maintained by MAKPOA. Similarly, Kim Meeth, who lives at 25 Kadel Drive stated that she grew up in Mt. Arlington and has been a member of MAKPOA for many years. Kimberly Hipwell resides at 38 Lakeshore Drive and believes that the Applicant's proposal is the best solution for the problems at the beach. Joseph Kadel from 35 Kadel Drive also supported the proposed development.

Charlie Posegate from 37 Kadel Drive expressed concerns about fire truck access and Joseph Good who resides on Heller Drive complained about the congestion and parking that would occur in front of his home.

Denis Keenan is a resident at 5 Kadel Drive for many years and has been a longtime member of MAKPOA. He claimed that of the 77 properties that have deeded rights to the beach, approximately 23 homeowners are members. He supported the proposal and thought it was the best outcome for the residents.

Melanie Luesuer lives at 467 Windemere Avenue adjacent to the pedestrian easement. She wanted to know the height of the retaining wall and screening.

WHEREAS, the Board after hearing the testimony delivered and the documentary evidence provided, made the following findings of fact and conclusions of law:

1. The Applicant is seeking to subdivide the Property into four (4) single-family dwelling lots and a fifth lot for beach use as well as associated site improvements. The proposal will require preliminary and final major subdivision approval in accordance with the requirements set forth in the RA-30 zone district. The Board finds that the proposed subdivision is compliant with the minimum lot area, minimum lot width, and minimum front, side and rear yard setbacks in the RA-30 zone.
2. The Board does find that the Applicant will require bulk variance relief from the Borough's steep slope ordinances. Specifically, Ordinance 17-30.8d(2) requires on slopes between 10% and 15% that no more than 40% of the sloped area be disturbed and 78.6% is proposed. Ordinance 17-30.8d(3) limits disturbance on slopes between 15% and 25% to no more than 30% and 63.8% was proposed. Finally, Ordinance 17-30.8d(4) limits disturbance on slopes 25% or greater to 15% and 53.3% is proposed.

3. The Board further finds that the bulk variance relief for the steep slope disturbances is warranted under either the c(1) or c(2) analysis. The Property is uniquely shaped with a steep topography. There is little that can be done without triggering the need for this relief. Therefore, the Board finds that this condition imposes a hardship on the Applicant and presents it with peculiar and exceptional practical difficulties in constructing the homes in a conforming manner.
4. In addition, the Board finds that the variance relief warrants approval under c(2) approach. The project will preserve and improve beach access for those who enjoy that privilege which serves the general welfare under purpose a of the MLUL. It will also provide space for a recreational use in the Borough which satisfies purpose (g) of the MLUL. Finally, the Board believes the proposal represents a more efficient use of the Property in accordance with purpose (m).
5. The Board finds the Application satisfies the negative criteria. It will not be a substantial detriment to the public good, because the future residential uses are permitted in the zone and the lots will conform with the applicable bulk requirements. Moreover, the Board finds that the Application will preserve the continued use and enjoyment of the beach area that the Borough deemed appropriate and necessary for its residents 65 years ago. The Application advances the Master Plan goal of maintaining residential communities, especially around Lake Hopatcong. The addition would help preserve the residential character of the Borough.
6. For the above reasons, the Board concludes that the Application is deserving of bulk variance relief and preliminary and final major subdivision approvals subject to the conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Mt. Arlington, County of Morris, State of New Jersey does hereby approve the grant of bulk variance relief and the subdivision of the Property into four (4) single-family dwelling lots and a fifth lot for beach access as well as associated site improvements as per the Preliminary and Final Subdivision Plan entitled, "Mount Arlington Knolls, Block 39, Lot 8.01, #469 Windemere Avenue, Borough of Mount Arlington, Morris County, New Jersey," prepared by Dykstra Walker Design Group, PA, and dated February 20, 2026, and last revised May 14 , 2026, subject to the following conditions:

1. The Applicants shall comply with the technical comments and recommendations set forth in the report prepared by Board Engineer, David A. Clark, P.E., dated March 31 and May 27, 2026 and the reports from the Board Planner Jessica C. Caldwell, P.P., dated April 21 and May 27, 2026.
2. Prior to the recording of the subdivision map, the Applicant must offer the dedication of the proposed extension of Hillard Road and the Borough Council shall formally accept the offer of dedication and agree further to maintain the

inlets to be installed in the proposed road.

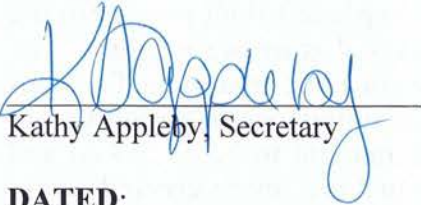
3. Prior to the issuance of building permits, the Applicant must lawfully establish a not-for-profit New Jersey corporation that shall serve as the homeowner's association for the 4 lots to be created. The association must include and allow MAKPOA, its successors and assigns as a voting member. The Master Deed and the By-Laws for the association must be reviewed and approved by the Board attorney. The Master Deed shall include, among other things, a provision that obligates the association to maintain the proposed subsurface infiltration basins and the Rapterra filters. The Master Deed must also include a provision that MAKPOA shall maintain the pedestrian access easement. If MAKPOA fails to maintain this easement or should it cease to exist in the future, the Association shall be obligated to assume this maintenance obligation.
4. Prior to the issuance of any building permit for any of the 4 newly-created lots, the Applicant's engineer shall provide a grading plan to identify the expected slope disturbance on each individual lot, on a percentage basis.
5. The Applicant shall install or supplement the buffer zone between the beach lot and the adjacent residential properties so that it is a minimum of six (6) feet in height and produces year-round screening within two (2) years.
6. The Applicant shall comply with state-mandated affordable housing requirements and with Borough Ordinance § 17-94 which establishes the Residential Development Fees and imposes a fee of 1.5% of the equalized assessed value for each new residence built on the proposed lots.
7. The Applicant shall revise the subdivision plat to include an easement to preserve the existing water line that runs through the Property to Lot 1 in Block 39, having an address of 477 Windemere Avenue. Subsequent to the filing of the plat, but prior to the issuance of building permits, the Applicant will also record a quitclaim deed that specifically identifies by metes and bounds description for the easement area and includes, among other things, provisions allowing access by the owners of 477 Windemere and the Borough in the event maintenance or repair of the water line is necessary. The easement shall be reviewed and approved by the Board attorney and engineer prior to recording.
8. The Applicant shall revise the subdivision plat to include the pedestrian access easement extending from Windemere Avenue to Lake Hopatcong. Subsequent to the recording of the plat, but prior to the issuance of building permits, the Applicant shall record a written easement that identifies the 77 properties that enjoy beach access as per the Deed recorded in Deed Book 1799, Page 1031 and reaffirms that right. The easement shall identify by a metes and bounds description the easement area, state that MAKPOA will be responsible for maintaining the easement, and that the Association will assume this responsibility if MAKPOA does not do so. The easement shall be reviewed

and approved by the Board attorney and engineer prior to recording. The Applicant shall present written confirmation from a reputable title company that the recording of this easement shall be incorporated into the chain of title for the 77 lots identified on Schedule A attached hereto as well as the 5 lots created by virtue of this subdivision approval. for the 77 lots identified on Schedule A attached hereto which were originally afforded beach access as per the Deed recorded in Deed Book 1799, Page 1031.

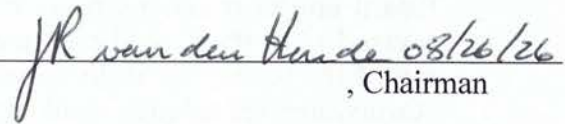
9. All construction shall cease if water service to the lot located at 477 Windemere Avenue is interrupted or terminated during the development of any of the four (4) proposed residential lots.
10. Prior to the issuance of building permits, the Applicant shall record a quit claim deed that includes a deed restriction that precludes the further subdivision of any of the five (5) newly created lots.
11. Subsequent to the recording of the subdivision plat and prior to the issuance of building permits, the Applicant shall record the subject resolution to ensure that is recorded and incorporated into the chain of title for the 77 lots identified on Schedule A attached hereto as well as the 5 newly created lots reaffirm the beach access previously conveyed to these lots as per the Deed recorded in Deed Book 1799, Page 1031, as amended herein.
12. Prior to the issuance of any building permits, the Applicant shall present to the Board engineer for his review and approval a revised stormwater plan. The revised plan shall, to the greatest extent possible, provide treatment facilities out of the municipal right-of-way. The care and maintenance of the agreed-to stormwater techniques shall be incorporated in a manual to be reviewed and approved by the Board Engineer and recorded against the newly-created lots in a deed restriction to be reviewed and approved by the Board attorney. The restriction shall further include a prohibition on the use of fertilizers at the Property as per the recommendation from the Lake Hopatcong Commission.
13. Prior to the issuance of any building permit, the Applicant shall revise its engineering plans to provide construction details for the walkway to be constructed within the pedestrian access easement. These details must be reviewed and approved by the Board Engineer.
14. The Applicant shall comply with and adhere to rules, regulations or ordinances of the Borough of Mount Arlington applicable to the proposed development, including but not limited to Section 17-94 of the Borough's Land Development Ordinances that governs the payment of residential development fees.
15. The Board's approval is conditional upon approvals required by the Application from all outside Governmental Agencies exercising jurisdiction over the development of the property, including those identified on the Applicant's NJDEP Permitting Plan.

16. The Applicant shall further amend its plans as per the representations made at the public hearings and the comments from the Board Planner, Board Secretary, and Board Members.
17. The Applicant shall enter into a Developer's Agreement with the Borough prior to the issuance of building permits.
18. No construction permits of any type shall be issued by the Construction Code Official of the Borough of Mount Arlington until all Board escrow fees have been paid, a Resolution of Approval has been memorialized and appropriately signed by the Board, and the Construction Code Official has received final plans appropriately signed by the Board Chairman, Board Secretary, and Board Engineer.
19. Pursuant to the provisions of N.J.S.A. 40:55D-39 and 55D-65, the Applicant shall provide proof that no taxes or assessments for local improvements are due on the Property.
20. The Secretary of the Board shall file a copy of this Resolution with all governmental bodies as shall be deemed necessary and appropriate.

ATTEST:


Kathy Appleby, Secretary

BOROUGH OF MOUNT ARLINGTON
LAND USE BOARD

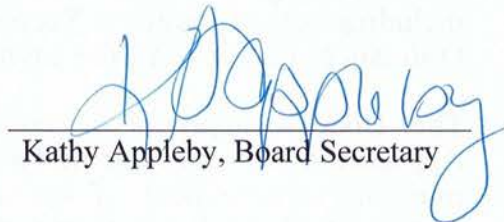
By:  08/26/26
Chairman

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 August 26, 2026.


Kathy Appleby, Board Secretary