

RESOLUTION

OLD TAPPAN PLANNING BOARD

WHEREAS, the Old Tappan Planning Board hereby states the following by way of preface:

1. By Resolutions of various dates, the Old Tappan Planning Board has granted planned residential development conditional use approval and site plan approval to a development commonly referred to as The Village (previously referred to as Woods Edge) on property shown as Block 303, Lot 8; Block 602, Lot 9; and Block 603, Lots 1 and 2 on the Old Tappan Tax Map.
2. The Village at Old Tappan, LLC as applicant, has applied to the Planning Board for amended PRD conditional use approval and amended preliminary site plan and final site plan approval in connection with its proposal to relocate the low and moderate income units in the complex to buildings which are to be constructed in later phases of the development.
3. The application, plans and supporting documents have been reviewed by the Planning Board and the Board's professionals, including the Borough Engineer and Borough Planner, from whom the Planning Board has received reports.
4. The Planning Board has conducted a public hearing on the application with proper notice in accordance with law.
5. The Planning Board has received and reviewed documents introduced into evidence by the developer relating to the proposed

changes in the location of said low and moderate income units.

6. The Planning Board has reviewed and considered the plans, reports and documents submitted by the applicant, the evidence, both testimonial and documentary, presented by the applicant, the reports of the Board's consultants, and the evidence, questions, arguments and objections, presented at the public hearings by members of the public, as well as the pertinent ordinances of the Borough.

7. At its meeting of June 18, 1997, the Planning Board acted to approve the within application subject to the adoption of a memorialization resolution and, by the within resolution, the Planning Board proposes to so memorialize its decision and determination.

NOW THEREFORE, BE IT RESOLVED by the Old Tappan Planning Board, that based upon the evidence and information presented at the public hearing, it hereby makes the following findings of fact:

1. By the adoption of Ordinance No. 605-97, on March 31, 1997, by the Mayor and Council of the Borough of Old Tappan, the Borough amended its Land Use Ordinances to allow for deviations in the phasing schedule of a planned residential development as proposed by the applicant.

2. By resolution also adopted on March 31, 1997, the Mayor and Council permitted a change in the phasing schedule of this project consistent with said Ordinance No. 605-97. This resolution provides that, under any circumstances, the Village shall not construct more than one pair (over and under) of

affordable housing units in any one building, nor shall it construct affordable housing units immediately adjacent to one another.

3. By resolution dated May 7, 1997, the Council on Affordable Housing (COAH) approved of the applicant's proposed change in its phasing schedule to allow relocation of the low and moderate income units to the later stages of the development of this project. This resolution was adopted in connection with a motion seeking such relief filed by the Borough of Old Tappan.

4. The changes proposed by the application are entirely consistent with the ordinance and resolutions referred to above.

5. At the hearing on this application considerable opposition was expressed to the relocation of several units to the buildings fronting on Orangeburg Road, including Buildings 4, 5 and 6.

At the recommendation of the Planning Board and to address these objections, the applicant agreed to relocate the unit proposed for Building 5 (adjacent to Orangeburg Road) into Building 8 (more to the interior of the development).

6. The proposed changed locations as shown on the aforementioned site plan will comply with all Land Use Ordinances of the Borough and rulings and resolutions of COAH and at the same time permit the applicant to explore other proposals which might eventually permit it to relocate the low and moderate income units to another site or sites within the Borough and thereby to convert the Mt. Laurel units on site to market rate units.

BE IT FURTHER RESOLVED by the Old Tappan Planning Board, that

based upon the findings, determinations and conclusions contained herein it hereby grants approval to the amended PRD conditional use and amended preliminary and final site plan applications filed by the applicant as previously referred to and as shown on the plats specifically described herein:

"Site Plan - Relocated Low & Moderate Income Units, The Village, Borough of Old Tappan, Bergen County, N.J." prepared by Michael J. Spillane, P.E. & L.S., dated February 24, 1997 and revised to June 19, 1997

subject however to the following conditions:

1. Continued compliance with any and all conditions set forth in the Board's prior Resolutions of approval. All such conditions are expressly incorporated herein by reference.
2. Amended approval, if required, by the Bergen County Planning Board, of the site plan aspects of the application with respect to all areas as to which the BCPB has jurisdiction.
3. Amended approval, if required, by the New Jersey Department of Environmental Protection, of any and all matters within its jurisdiction.
4. Continued compliance by the developer with the provisions of law requiring the approval of soil conservation and sediment control authorities.
5. The developer shall post additional deposits for all planning, engineering and legal expenses of the Borough incurred in connection with this amended application, including but not limited to those with respect to the satisfaction of all conditions set forth herein.

6. Amendment of the Developer's Agreement, Master Deed, condominium documents and by-laws and any and all other documentation with respect to the project as may be necessary and appropriate to reflect any aspects of the amended plan, which amendments shall meet the approval of the Board Attorney and Borough Attorney.

BE IT FURTHER RESOLVED that the Board Secretary shall publish notice of this action in the manner provided by law, and that copies hereof shall be forwarded to the Mayor and Council, the Borough Construction Code Official, the Borough Attorney and the applicant's attorney, Mark Bellin, Esq.

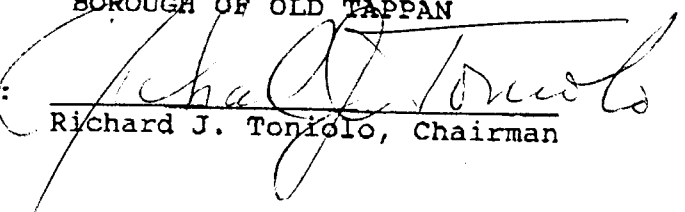
ADOPTED: July 16, 1997 on a roll call vote as follows:

AYES: 3

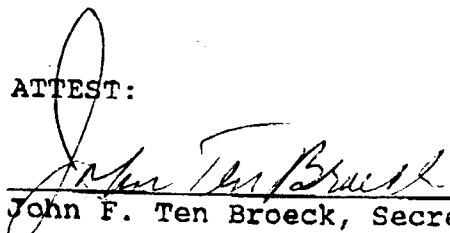
NAYS: 2

APPROVED:

PLANNING BOARD OF THE
BOROUGH OF OLD TAPPAN

By: 
Richard J. Toniolo, Chairman

ATTEST:


John F. Ten Broeck, Secretary

c:\wp\lotpb\woodsedge\resolution.006