

BLOOMINGDALE PLANNING BOARD
101 HAMBURG TURNPIKE
BLOOMINGDALE, NJ 07403
973-838-0330

July 27, 2010

Dear Ms. Hirsch,

Enclosed please find a signed copy of the Resolution for Application #618, Bloomingdale Joint Venture and Meer Estates. This Resolution was adopted and memorialized at our July 15, 2010 public meeting.

If I can be of any further assistance please feel free to contact me.

Sincerely,



Barbara Neinstedt
Bloomingdale Planning Board

Resolution
Bloomingtondale Planning Board
Application No. 618

WHEREAS, Bloomingtondale Joint Venture for and on behalf of themselves and Meer Bloomingtondale Estates, LP as owner of property known as Block 59, Lot 1.04 and Block 60, Lots 9.02, 16.01, 21.02, 21.03, 45, 46, 47, 48.02, 60.01 & 60.02 on the tax map of the Borough of Bloomingtondale have applied to the Planning Board of the Borough of Bloomingtondale for a minor amendment to the preliminary and final major site plan approval of this inclusionary development project consisting of 360 multi-family condominium units inclusive of 72 units of low and moderate for sale housing granted by the Board on May 22, 2008 and memorialized under Resolution duly adopted on June 19, 2008 so as to correct and accurately depict the location of the existing easement on the subject property in favor of P.S.E.&G.; and

WHEREAS, the Applicants have further requested that the Board grant an extension of the aforementioned preliminary and final site plan approval for a period of three (3) year pursuant to N.J.S.A. 40:55D-52(b); and

WHEREAS, the Board did fully consider this application at its duly constituted public hearing held on June 17, 2010 together with the report of its Engineer, William R. Gregor, P.E. dated June 15, 2010; all exhibits presented to the Board and duly marked by it inclusive of the complete set of revised plans consisting of fifty-four (54) sheets dated February 15, 2008 with the

latest revision date of April 26, 2010 (Exhibit "A-1"); Sheets 1 and 19 of Exhibit "A-1" (Exhibits "A-2" and "A-3", respectively); the documents creating the subject easement in favor of P.S.E.& G. on the property (Exhibit "A-4"); the curriculum vitae of Joseph Miller (Exhibit "A-5") and the schedule of all permits and other governmental approvals obtained by the Applicant relative to this project (Exhibit "A-6"); as well as with the testimony presented on behalf of the Applicants and no one appearing in opposition thereto;

NOW THEREFORE, the Bloomingdale Planning Board does hereby grant this application for a minor revision to the approved Preliminary and Final Site Plan and the extension of said approval, pursuant to N.J.S.A. 40:55D-52(b), for a three (3) year period and in connection therewith makes the following findings of fact:

1. Applicant, Meer Bloomingdale Estates, LP is the owner of the property known as Block 59, Lot 1.04 and Block 60, Lots 9.02, 16.01, 21.02, 21.03, 45, 46, 47, 48.02, 60.01 & 60.02 on the tax map of the Borough of Bloomingdale. Co-Applicant, Bloomingdale Joint Venture has been duly authorized to proceed with the subject application with the consent of the said owner; and
2. Applicants presented the testimony of Rocco Palmieri, P.E. who is employed by the engineering firm of Birdsall Services Group which has assumed responsibility for the design of this project. Mr. Palmieri was qualified before the Board in

the field of civil engineering. Mr. Palmieri testified that the Applicants have diligently pursued the required permits and other governmental approvals necessary to bring this development to fruition and, in connection therewith, did present to the Board a detailed chronology of same which was marked as Exhibit "A-6". Mr. Palmieri further presented a copy of the Indenture recorded in the office of the Passaic County Register in 1970 under which Applicants' predecessors in title granted an easement for utility service across the property to P.S.E.&G. Mr. Palmieri testified that the easement had been inadvertently mislocated on the site plan approved by the Board. He related that, utilizing data recently provided by the Borough's Surveyor, Robert L. Cigol, L.S., this minor error has been corrected and this easement is now accurately reflected on the revised plans before the Board. Mr. Palmieri also testified that he had been in contact with the Borough's Engineers who concurred that relocation of this easement, which is now correctly plotted, may be necessary at the time of construction to accommodate the proposed retaining wall proximate to it. With the concurrence of said professionals, detailed notes have been added to the revised plans addressing this issue.

3. The Applicants further presented the testimony of Mr. Joseph Miller relative to the request for the three (3) year extension of the site plan approval. Mr. Miller's credentials were fully detailed in Exhibit "A-5" marked by the Board and entered into the record. The Board was fully satisfied that, given Mr. Miller's extensive background in the acquisition and marketing of major development sites, he was fully qualified to address the issue of the extension of the existing approval for this project.

Mr. Miller related that this project has been marketed for the past two (2) years with some limited interest. He stated, that there is an existing economic downturn which, regrettably, began almost simultaneously with the approval herein and is continuing to worsen. As such, there are significant inventories of newly constructed residential dwellings and an extremely soft market.

He went on to relate that in this economic climate builders are seeking "shovel ready" projects that have all necessary approvals in place and lack time constraints relative thereto such that the necessity for returning to Boards and/or public bodies in the midst of construction is obviated. In referencing Exhibit "A-6", Mr. Miller confirmed that the Applicants had proceeded with due diligence to shepherd

this development project. In response to inquiry from the Board, Mr. Miller confirmed that no further major permits are required with the exception of local building permits.

4. Applicants stipulated on the record before the Board the following in the knowledge that same would constitute express conditions of this approval:
 - (A) The relocation of the P.S.E.&G. easement, more fully detailed above, at the time of construction to accommodate retaining walls or as otherwise may be necessitated will occur with input from the Borough's Engineers, on behalf of the Borough of Bloomingdale and at no cost to the Borough; and
 - (B) The terms and provisions of the Developer's Agreement prepared by the Borough Attorney, which was and continues to be an express condition of this approval, have been fully agreed upon by and between the Borough of Bloomingdale and the Applicants and, with the incorporation of this Resolution as an Exhibit thereto, will be finalized; and
5. The Board is satisfied that the subject correction to the site plan previously approved by this Board is minor in nature. Same is necessary to rectify an inadvertent error and accurately depict an existing condition; and
6. The Board is satisfied that the testimony and proofs submitted by the Applicants are sufficient to warrant the

three (3) year extension of the preliminary and final site plan approval heretofore granted by this Board; and

7. The Board is satisfied that the extension period requested by the Applicants; namely, three (3) years is reasonable given the prevailing economic conditions and the nature of this project; and
8. The Board is satisfied that the granting of this application is in keeping with the mandate of the Court relative to the development of this property and the terms of Ordinance No. 13-2007 which was adopted by the Borough of Bloomingdale in furtherance thereof; and
9. The Board is satisfied that the granting of this application will promote the general welfare and public good.

NOW THEREFORE, the Planning Board of the Borough of Bloomingdale does hereby grant this application for minor amendment to the preliminary and final site plan approval previously granted by the Board and for an extension of same for a three (3) year period pursuant to N.J.S.A. 40:55D-2(b) expressly subject to and conditioned upon all of the following:

- (1) This property shall be developed in accordance with the revised plans consisting of fifty-four (54) sheets dated February 15, 2008 with latest revision of date of April 26, 2010 marked by the Board on June 17, 2010 as Exhibit "A-1"; and

- (2) All stipulations of the Applicants set forth on the record and/or as detailed above, as well as all conditions contained in this Resolution are hereby made express conditions of this approval; and
- (3) Except as expressly modified by the terms of these presents and any subsequent Orders of the Court pertaining thereto, all terms and provisions of the Resolution of the Board relative to this application, as well as all stipulations of Applicants and conditions of approval more fully detailed therein, which was adopted on May 22, 2008 and memorialized on June 19, 2008 shall be binding and shall remain in full force and effect; and
- (4) Subject to the terms hereof, the preliminary and final site plan approval granted to the Applicants pursuant to the Resolution of the Board referenced in paragraph "3" above, is hereby extended for a period of three (3) years from July 15, 2010; and
- (5) All costs and expenses relative to this application, inclusive of review of revised plans or any additional documents pertaining this application, by the Board's professionals or any professionals of the Borough of Bloomingdale shall be borne by the Applicants and paid from an adequate escrow account to be maintained by them with the Borough of Bloomingdale upon submissions of the bills for same; and

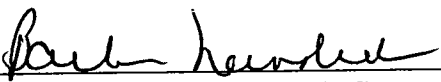
- (6) Applicants shall fully comply with all codes and ordinances of the Borough of Bloomingdale, inclusive of the zoning ordinances, together with all municipal, county and state statutes, ordinances, codes, rules and regulations.

This approval is granted in accordance with a Resolution which was voted upon by the Planning Board of the Borough of Bloomingdale at the duly constituted public meeting held on June 17, 2010 by an 8 to 1 vote in favor of approval.

Motion Introduced By: Commissioner Crum

Motion Seconded By: Commissioner Croop

Bloomingdale Planning Board



BARBARA NEINSTEDT, Secretary

By: 

ALAN GUNDERSEN, Chairman

I certify that the aforementioned Resolution was memorialized at a duly constituted public meeting of the Planning Board of the Borough of Bloomingdale held on July 15, 2010.



BARBARA NEINSTEDT, Secretary