

BOROUGH OF HILLSDALE
RESOLUTION 16143

**AUTHORIZING THE AGREEMENT WITH CALIBER BUILDERS, INC. /
GOLDEN ORCHARDS ASSOCIATES, L.P.**

WHEREAS, Caliber Builders Inc. made application to the Planning Board of the Borough of Hillsdale ("Planning Board") for preliminary site plan approval and conditional use approval pertaining to property owned by Golden Orchards Associates, L.P. (Caliber Builders Inc. and Golden Orchards Associates, L.P. are collectively referred to herein as "Caliber") known as Block 506, Lot 1 on the current tax assessment map of the Borough of Hillsdale and Block 2101, Lots 3 and 7, on the current tax assessment map of the Township of Washington (the "Property"), which Property is located at the corner of Ell Road and Pascack Road, for a project that involves a 37 unit active adult community, with 31 of the units proposed wholly within the Borough of Hillsdale and the remaining 6 units located in both the Borough of Hillsdale and Washington Township ("Project"); and

WHEREAS, by Resolution adopted January 29, 2008, the Planning Board of the Borough of Hillsdale granted preliminary site plan approval and conditional use approval; and

WHEREAS, on or about July 2015, the Applicant filed an application for final site plan approval, which, the Planning Board approved and memorialized a Resolution on May 23, 2016 (the "Resolution"); and

WHEREAS, Caliber's NJDEP Stream Encroachment Permit, and related NJDEP permits, for the Project will expire on June 30, 2016 unless Caliber completes the tree clearing on the Property in accordance with and subject to the Final Site Plans approved by the Planning Board and NJDEP; and

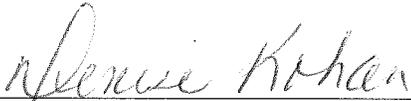
WHEREAS, Caliber has posted a letter of credit with the Borough Clerk to secure performance of Caliber's compliance with the Resolution, the Borough's Ordinances, and to provide for maintenance and stabilization of the Property in the event of the failure of the overall Project to proceed in a timely manner as a result of appeal or any other reason whatsoever; and

WHEREAS, the Mayor and Council have determined the need for a formal Agreement permitting Caliber to immediately commence and complete tree clearing on the Property subject to the specific terms and conditions.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of Hillsdale, County of Bergen, State of New Jersey, that Mayor Frank is hereby authorized to sign said Agreement and all other appropriate Borough professionals, employees, elected, and appointed officials are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of said Agreement.

Council member	Motion	Second	Yes	No	Absent	Abstain	Recuse
DeRosa, Anthony			X				
Karcich, Scott	X		X				
Looes, Chrisoula		X	X				
Lundy, Abby			X				
Pizzella, Frank					X		
Ruocco, John					X		
Frank, Douglas							

Adopted: June 8, 2016

Attest: 
Denise Kohan
Acting Municipal Clerk


Douglas E. Frank
Mayor