

Applicant: Hovbros Berlin LLC
(Formerly Montebello/PINEDGE)
Amendment to Final Site Plan
Age Restricted Residential Development
Property: Cooper Road and Taunton Avenue

Application for amended site plan to redesign basin #2 and relocation of the trash containers.

RESOLUTION OF THE BERLIN TOWNSHIP PLANNING/ZONING BOARD
GRANTING AMENDMENT TO SITE PLAN

WHEREAS. The applicant is before the Board seeking an Amendment to final site plan approval for property known as and described above, and

WHEREAS. The applicant's amended site plan having been prepared by James J. Maddonni P.E.P.L.S., C.M.E. and submitted to the Board. All documents and plans have been reviewed by KEI Associates, Charles J. Riebel Jr. P.E., P.L.S., P.P. the Engineer for the Board. The report of the Board's Engineer is dated March 10th 2011 and has been reviewed by the Board. The applicant appeared before the Board on March 22nd 2011. The applicant was represented by the law office of Gerstein, Grayson & Cohen LLP, and

WHEREAS. The Board has received and reviewed all reports filed by the applicant and the Board engineer, and

Following a review of the application, and the receipt of testimony, the Board determined;

1. The applicant is properly before the Board having provided sufficient notice and publication.

2. The applicant seeks amended final site plan to change the grading of storm basin # 2 and to wildflower ground planting and to remove the approved dumpsters and to permit trash cans to be located and contained inside the cabana building.

3. The applicant stated that the trash is minimal, and stated that the collection will include trash as well as recyclables.

4. At the Board Engineer request, the applicant agreed to provide a floor plan for the cabana building showing the location of the trash containers. The applicant also testified that the responsibilities for the trash collection and disposal will remain with the Home Owners Association through a private waste collection contractor.

5. The applicant presented testimony that the storm water basin at issue is located along Taunton Avenue and requires a grading amendment resulting from a NJDEP regulations. The change results from the NJDEP observing the endangered swamp pink down stream across Taunton Avenue. The grading change specifically results from the DEP request to change from a detention basin to a retention basin. The applicant also proposes wildflowers for ground planting.

6. As part of the DEP request for regarding, the DEP also request that the applicant redesign the restoration of the area across Taunton Avenue. The

the applicant redesign the restoration of the area across Taunton Avenue. The applicant has agreed and also agrees to provide the Board engineer with a copy of the restoration plan and any right of entry that may be needed.

7. There was discussion on the basin grade change having some impact on the neighboring home basements. The applicant present discussion and the Board was satisfied that the change would have no effect on flooding and neighboring home owners basement problems. The proposed redesign also results in the saving of additional trees on the site.

8. There was also discussion on the possible required expansion of the basin due to this redesign. The applicant presented testimony that an expansion is possible and would be accomplished if determined necessary.

9. All comments and recommendation contained in the Board engineer's report dated March 10th 2011 is made a part of this approval.

NOW THEREFORE, BE IT RESOLVED, by the Planning/Zoning Board of the Township of Berlin that the application for amendment to final site plan approval, be and is hereby Granted.

BE IT FURTHER RESOLVED, that the following conditions apply,

1. The applicant agrees that if the proposed redesign does not function properly, the applicant will design an expansion to the basin as presented to the Board and with the Board's engineer review and approval. This designed expansion will require the applicant to return to the Board for approval.

2. The redesign and planting of the wildflowers are to be part of the applicant's storm water management plan.

3. The amended trash containers will be enclosed in the cabana and a private contractor will remove trash.

ATTEST:

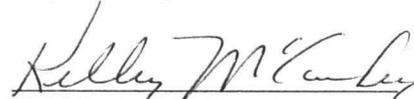

KELLY McCAULEY
Secretary

BERLIN TOWNSHIP
PLANNING/ZONING BOARD


Andrew Simone
Chairman

CERTIFICATION

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution adopted by the Berlin Township Planning/Zoning Board at a meeting held on March 22nd 2011.


KELLY McCAULEY, Secretary