

Resolution of the Demarest Governing Body

Resolution No. 078-24

March 25, 2024

Council Member	Motion	Second	Yes	No	Abstain	Absent
Jiang			✓			
Fox						✓
Marks		✓	✓			
Slowikowski	✓		✓			
Reiss					✓	
Collins			✓			

TITLE: RESOLUTION AUTHORIZING EXECUTION OF DEVELOPER'S AGREEMENT WITH 95 COUNTY DEMAREST LLC

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WHEREAS, 95 COUNTY DEMAREST LLC (the "Developer") is the present owner of a tract of land designated as Block: 145, Lot: 5 as set forth on the Tax Map of the Borough of Demarest and commonly known as 95 County Road, (referred to as the "Property"); and

WHEREAS, the Developer having applied to the Demarest Planning Board for Site Plan Approval is desirous of converting a two (2) family dwelling, detached barn, driveways and associated improvements to eight (8) units townhomes/flats within two (2) buildings. Building "A" will contain two (2) affordable housing units in accordance with the Borough's Ordinance and Settlement Agreement. The remainder of Building "A" and Building "B" will contain six (6) townhouse market-rate townhouse units at 95 County Road (the "Project"), as shown on a set of drawings approved by the Planning Board, and more thoroughly described hereof; and

WHEREAS, in conformity with the Borough's Planning Ordinance, Building Code, and Health Code of the Borough, as well as other applicable statutes, ordinances, laws, rules and regulations, the

Planning Board Resolution of Approval, adopted on March 22, 2023, and the report of Craig Zimmermann, P.E., of Colliers Engineering & Design, dated October 25, 2022, December 5, 2022, December 29, 2022 and last revised February 24, 2023 and the report of Darlene A. Green, P.P., AICP, Consulting Planner of Colliers Engineering & Design, dated July 25, 2022, September 22, 2022, October 5, 2022, October 25, 2022, December 2, 2022, December 21, 2022 and February 27, 2023, the Developer is desirous of entering into a Developer's Agreement with the Borough with respect to the development of the Property in furtherance of the provisions of the Borough's Ordinances which, among other things, require that prior to the granting of a building permit, the Developer shall have installed or shall have furnished performance guarantees for the ultimate installation of the several improvements therein mentioned, and that no Certificate of Occupancy shall be issued by the Construction Code Official until the completion of all such required improvements has been certified to the Board by the Board or Borough Engineer or unless satisfactory performance guarantees to cover the cost of all such improvements or the incomplete portions thereof and deposits for Borough professional costs are filed by the Developer; and

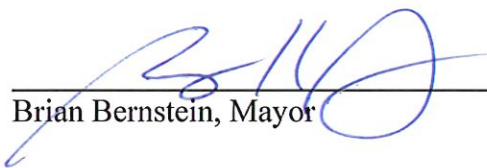
WHEREAS, in conformity with the affordable housing obligations of the Borough under the laws of the State of New Jersey the parties hereto acknowledge that there are two (2) residential units which shall be deed-restricted as affordable housing rental units and shall be administered by a qualified Administrative Agent.; and

WHEREAS, the Developer, the Borough of Demarest Planning Board's legal counsel and the Borough of Demarest's legal counsel have negotiated the terms of the Developer's Agreement, a copy of which is on file with the Borough Clerk; and

WHEREAS, it is in the best interest of the Borough to execute the Developer's Agreement by and between the Borough of Demarest and the Borough of Demarest Planning Board with 95 County Demarest LLC., subject to any language modifications approved by both the developer's counsel and the Borough's counsel; and

NOW THEREFORE, BE IT RESOLVED, by the Borough of Demarest that the Mayor is hereby authorized to execute the Developer's Agreement by and between the Borough of Demarest and the Borough of Demarest Planning Board with 95 County Demarest LLC.

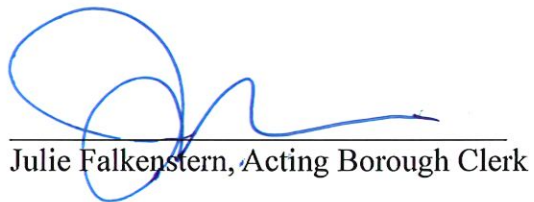
APPROVED:



Brian Bernstein, Mayor

CERTIFICATION

I, Julie Falkenstern, Acting Borough Clerk, of the Borough of Demarest, in the County of Bergen and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting on March 25, 2024.



Julie Falkenstern, Acting Borough Clerk