

**A RESOLUTION OF THE BOROUGH OF  
BARRINGTON PLANNING BOARD**

**MEMORIALIZING EXTENSION OF  
PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL**

**TO AACCTPRO, LLC**

**RESOLUTION NO. 2024-02**

**WHEREAS**, AACCTPro, LLC (the "Applicant"), has made an application to the Planning Board of the Borough of Barrington (the "Board") seeking an extension of time to perfect a conditional use and preliminary and final site plan approval to develop 1301 Clements Bridge Rd, identified as Block 1, Lot 1.04 on the Borough of Barrington ("Borough") Tax Map (the "Subject Property"), located in the Borough's M-1 Zoning District ("M-1 Zone"), in accordance with THE Municipal Land Use Law, N.J.S.A. 40:55D-52 et seq., and Chapter 128 "Zoning" of the Code of the Borough of Barrington ("Borough Code"); and

**WHEREAS**, at the Applicant's public hearing, the Applicant was represented by counsel and its professional architect; counsel for the Applicant introduced and summarized the history of the Application, explaining the Applicant was previously granted conditional use and site plan approval by the Board on or about February 27, 2022, later memorialized by Resolution No. CS#22-001, adopted on March 28, 2022; and that the Applicant now requires an extension of the previously-approved application due to delays outside the control of the Applicant related to the Applicant securing all necessary outside agency approvals; and

**WHEREAS**, the Applicant confirmed that it has otherwise promptly applied for and diligently sought all required outside agency approvals necessary to perfect the approval; and

**WHEREAS**, the Board discussed the Application with the Board Solicitor, Stephen J. Boraske, Esq., who explained that the MLUL permits the Board to grant an extension of the Applicant's approval if the Applicant has shown that he has followed the standards prescribed for final approval, and that the Board may extend such period of protection for extensions of one year but not to exceed three extensions; N.J.S.A. 40:55D-52a; and

**WHEREAS**, the Board Solicitor further explained the MLUL permits the Board to grant an additional extension if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued these approvals; N.J.S.A. 40:55D-52d; and

**WHEREAS**, the Applicant further testified that the Applicant has followed the standards prescribed for final approval, and has been extensively barred and prevented from proceeding with

development because of delays in obtaining legally required approvals from other governmental entities despite promptly and diligently applying for and pursuing those approvals; and

**WHEREAS**, the meeting was opened to the public for testimony and no members of the public appeared to testify; and

**WHEREAS**, the Board finds the Applicant has shown that he has followed all standards of final approval and has been barred from proceeding with development due to delays in obtaining outside agency approvals despite diligently and promptly applying for and pursuing same. N.J.S.A. 40:55D-52; and therefore is entitled to the requested extension of approval from March 25, 2024 to March 25, 2025; and

**WHEREFORE**, upon motion duly made and seconded, the Board voted to approve the extension of the previously granted conditional use and site plan approval through March 25, 2025 in accordance with N.J.S.A. 40:55D-52, with the understanding that all conditions of the prior approvals and extensions remain in effect; and a roll call vote was duly recorded as follows:

<b>MEMBERS</b>	<b>IN FAVOR</b>	<b>OPPOSED</b>	<b>ABSTAIN</b>
CHAIRMAN J. RINK	X		
VICE-CHAIR CILURSO	X		
MR. HARRELL	X		
MR. LISS	X		
MR. ORLANDO	X		
MR. FERGUSON	X		
MS. SCHREYER	X		

**NOW, THEREFORE BE IT RESOLVED**, the Board concludes that the Applicant has demonstrated that the Application will not have a deleterious effect upon the Borough, and has satisfied the standards necessary for approval, and the Application is therefore approved and granted subject to the conditions stated herein and on the record.

**IT IS FURTHER RESOLVED**, the entirety of the Applicant's approval is subject to the following conditions:

1. All conditions of the Applicant's prior approval remain in full force and effect to the extent not previously satisfied by the Applicant.
2. The Applicant shall obtain approvals from any and all other governmental and/or public agencies as required by the Borough Code, MLUL, or other applicable law, whether federal, state, county or local, over which the Board has no control but which are necessary in order to finalize and/or implement the relief being granted herein, as well as any resulting construction that may be a part of said relief. The Applicant is solely responsible for determining from which governmental and/or public agencies, if any, such approvals are required. The Applicant shall

submit satisfactory evidence of all required outside agency approvals to the Board Secretary, Board Solicitor, and Board Engineer prior to finalizing, perfecting, and/or recording the relief granted herein.

3. The Applicant shall comply with all Federal, State and Borough laws and requirements, including without limitation, all provisions and requirements of the Code of the Borough of Barrington applicable to this Application and approval.

4. That the Application, all exhibits, testimony, map, and other documents submitted and relied on by the Applicant, are true and accurate representations of the facts relating to the Applicant's request for approval. In the event that it is determined by the Board, on non-arbitrary, non-capricious, and reasonable grounds, that the Application, exhibits, testimony, maps, and other documents submitted are not accurate, are materially misleading, or are the result of mistake, and the same had been relied upon by the Board as they bear on facts which were essential to the granting of the relief sought by the Applicant, the Board may review its approval and rehear the Application, if circumstances so require, or where a rehearing is necessary and appropriate in the interests of justice.

5. Upon discovery by the Board of clear and convincing evidence of a materially misleading submission, material misstatement, materially inaccurate information, or a material mistake made by the Applicant, the Board reserves the right to conduct a hearing with the Applicant present for the purpose of fact-finding regarding the same. Should the facts at said hearing confirm that there had been a material fault in the Application, the Board shall take whatever action it deems appropriate at that time, consistent with the MLUL and applicable law, including but not limited to, a reconsideration of its prior approval, a rehearing, a modification of its prior approval, or such other action as appropriate.

6. At any time within forty-five (45) days after the adoption of this resolution, a party of interest may appeal to the Superior Court for an order vacating or modifying any term or condition as set forth herein.

7. The Applicant shall indemnify and hold the Borough harmless from any claims whatsoever which may be made as a result of any deficiency in the Application, or as to any representations made by the Applicant, including but not limited to the Applicant's representation that proper service and notice upon interested parties had been made in reliance upon the certified list of property owners and other parties entitled to notice, said list having been provided to the Applicant by the Borough pursuant to N.J.S.A. 40:55D-12(c), and publication of the notice of the Applicant's public hearing in this matter having been made in accordance with law.

8. The relief as granted herein is subject to the discovery of any and all deed restrictions upon the Subject Property which had not been known or had not been disclosed to the Board, but which would have had a materially negative impact upon the Board's decision in this matter had they been so known, or so disclosed.

9. The Applicant must pay the costs of all professional review and other fees required to act on the Application, pursuant to the applicable sections of the Borough's land development ordinances, zone codes and any other applicable municipal codes, and the MLUL.

10. The Applicant assumes all risks should the Applicant fail to obtain any other construction or other municipal permits required with respect to the relief as granted herein during the statutory appeal period associated with the language of this resolution.

11. The Applicant must obtain any other construction or other Borough permits as required with respect to the relief as granted herein.

12. The Applicant shall comply with all of the representations and stipulations as contained in the Application and as represented through testimony in support of the Application.

13. The Applicant shall meet and otherwise comply with any and all affordable housing and/or COAH and/or Fair Share Housing Obligations req the Application, as applicable.

14. The Applicant shall make a non-residential development fee payment in an amount determined in accordance with the Borough Code and/or applicable law.

15. The Applicant shall post all applicable performance and maintenance bonds as may be required by State Law and the Borough Code.

16. The conditions of this approval may be enforced by the appropriate Borough officials as zoning violations or in any other manner as may be permitted by law.

ATTEST:

BARRINGTON BOROUGH  
PLANNING BOARD:

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CAROL FULTANO, SECRETARY

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JOHN RINK, CHAIRMAN

### CERTIFICATION

I HEREBY CERTIFY that this resolution of memorialization being adopted by action of the Board on this 25th day of March 2024 represents a true and correct copy of a resolution adopted by the Barrington Borough Planning Board consistent with its decision at a meeting held on the 26th day of February 2024.

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CAROL FULTANO, SECRETARY