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In the Matter of the Application of the Borough of Alpine, A Municipal Corporation of the State of New Jersey

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

DOCKET NO. BER-L-6286-15

CIVIL ACTION

ORDER

THIS MATTER, having been opened to the Court by Beattie Padovano, LLC and Schepisi & McLaughlin, P.A., co-counsel to F.E. Alpine, Inc., Sylco Investments #4, LLC, Sylco Investments 854, LLC; 850 Closter Dock Road, LLC; 842 Closter Dock Road, LLC; and Sylco Investments #5, LLC (Antimo A. Del Vecchio, Esq. and John A. Schepisi, Esq., appearing) and on notice to Huntington Bailey, LLP and Surenian Edwards Buzak & Nolan LLC, co-counsel to the Borough of Alpine (Levi Kool, Esq., and Edward Buzak, Esq., appearing); Bern & Associates, LLC, counsel to the Borough of Alpine Planning Board (Douglas Bern, Esq. appearing); and Fair Share Housing Center (Joshua Bauers, Esq., appearing), for an Order that (1) rescinds a condition of approval contained within a Resolution adopted by the Borough of Alpine Planning Board on October 28, 2008; and (2) terminates a deed restriction contained within a deed recorded on July 28, 2008 or otherwise confirms that the limitations in said deed restriction do not affect the ability of Block 55, Lot 25.01 in the Borough of Alpine from being developed in accordance with the Settlement Agreement between the Borough of Alpine and F.E. Alpine, Inc., Sylco Investments #4, LLC, Sylco Investments 854, LLC; 850 Closter Dock

Road, LLC; 842 Closter Dock Road, LLC; and Sylco Investments #5, LLC, and the Court having considered the papers filed by the parties regarding this application and the arguments of counsel, and for good cause shown,

IT IS on this _____ day of January, 2024

ORDERED as follows:

1. The condition of approval contained within a Resolution adopted by the Borough of Alpine Planning Board on October 28, 2008 that restricts the use of the property formally known and designated as Block 55, Lot 25.01 on the Tax Assessment Maps of the Borough of Alpine to one single-family dwelling is rescinded.
2. The restriction contained within a deed recorded at Book 9581, Page 115 in the Bergen County Clerk's Office on July 28, 2008 that prohibits subdivision of the property formally known and designated as Block 55, Lot 25.01 on the Tax Assessment Maps of the Borough of Alpine is hereby terminated.
3. The development of Block 55, Lot 25.01 on the Tax Assessment Maps of the Borough of Alpine may be effectuated in accordance with the Settlement Agreement between the Borough of Alpine and F.E. Alpine, Inc., Sylco Investments #4, LLC, Sylco Investments 854, LLC; 850 Closter Dock Road, LLC; 842 Closter Dock Road, LLC; and Sylco Investments #5, LLC without regard for the limitation on future subdivision contained within the deed recorded at Book 9581, Page 115 in the Bergen County Clerk's Office on July 28, 2008.

4. A copy of this Order shall be served upon counsel to all parties in both actions, as well as the Special Master in BER-L-6286-15, Mary Beth Lonergan, P.P., within _____ days of the entry hereof

J.S.C.

Opposed []

Unopposed []