

RESOLUTION OF APPROVAL
PLANNING BOARD OF THE TOWNSHIP OF WEST ORANGE

Decided: April 6, 2017
Memorialized: May 3, 2017

VALLEY ROAD RESIDENTIAL, LLC
Extension of Site Plan Approval PB-14-03
With "c" Variances
22-26 Central Avenue & 9-15 Mitchell Street
Block 9, Lots 1, 7, 44, 50 & 56
PB 17-02

WHEREAS Valley Road Residential, LLC ("Applicant") was granted Final Site Plan approval by Resolution adopted on May 7, 2014; and

WHEREAS Applicant now seeks to extend said approval; and

WHEREAS the Board has jurisdiction by reason of notice filed in accordance with statutory requirements;

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. Applicant obtained Final Site Plan approval by Resolution adopted on May 3, 2014.
2. The West Orange Ordinance at Section 25-48.10a provides that site plan approval shall expire after two years and one day unless a construction permit has issued. No permit has issued as of this date.
3. William Sullivan, Esq. appeared on behalf of the Applicant and submitted the history of issues which have prevented Applicant from proceeding toward obtaining a permit, including that the original source of "Superstorm Sandy" funding for the project was terminated, and that a DEP permit had to be renewed under newly adopted regulations.
4. Applicant has now offered to include additional affordable housing in the project which will enable contribution from the Township's affordable housing trust fund as well as help the Township meets its affordable housing obligations.
5. That the Ordinance permits the time frame for issuance of a permit to be extended "for good cause shown."
6. The Board finds that the reasons for the delay as expressed at the hearing by Mr. Sullivan and as expressed in his letter to the Board dated March 21, 2017 constitute good cause, namely, the loss of anticipated funding, the expiration of a DEP permit and a change in regulations applicable to renewal of said permit.

THE DECISION

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Township of West Orange that the application for extension of the Final Site Plan approval is hereby extended for two (2) years nunc pro tunc, i.e. the extension is for two years from the date of original expiration. The expiration date is now May 7, 2018.

1. The Applicant shall comply with all applicable Township, County, State and Federal laws, ordinances, regulations and directives, including without limitation, obtaining all applicable local, state and federal approvals and/or permits. Without limitation of the foregoing, prior to the signing of the approved site plans, and prior to the commencement of any land disturbance or construction, the Applicant shall submit to this Board, with a copy to the Board Engineer, proof that it has obtained all required governmental approvals.

2. If another governmental entity or agency grants a waiver or variance affecting the plans and/or exhibits submitted by the Applicant, this approval or the conditions attached to it, then the Applicant shall re-apply to this Board respecting the same and this Board shall have the right to view that issue as it relates to this approval and these conditions and modify and amend same, if appropriate.

3. In the event that any other required regulatory approval conflicts with the terms and conditions hereof, or materially alters the same, or the terms and conditions hereof are materially altered by any change in applicable law or regulation other than those municipal regulations for which change is prohibited by the Municipal Land Use Law (MLUL), or in the event Applicant or its successors or assigns construct or attempt to construct any improvement in conflict with or in violation of the terms of this approval, the Board hereby reserves the right to withdraw, amend or supplant the instant approval.

4. All construction, use and development of the property shall be in conformance with the plans approved herein, all representations of the Applicant and its witnesses during the public hearing, all exhibits introduced by the Applicant, and all terms and conditions of this resolution.

5. The Applicant shall pay all outstanding taxes, tax liens, application fees and technical review fees, as well as any inspection fees that may be required hereunder. The Applicant shall pay any additional fees or escrow deposits which may be due and owing within thirty (30) days of notification or this approval shall be deemed withdrawn.

6. All of the other terms and conditions of the original approval remain unchanged.

Certified to be a true copy of the Resolution adopted on the 3rd day of May 2017.

 5/12/17
Rose DeSena, Secretary

Vote on the Action Taken by the Board

Board Member	Motion	Second	Aye	Nay	Abstain	Absent
Cardoza (2 nd Alt.)						
Eben		*	*			
Ghebremicael			*			
Keigher			*			
Klein (Vice Chair)			*			
McCartney			*			
Trenk			*			
Wegner (1 st Alt.)						
Weston	*		*			
Wilkes			*			
Bagoff (Chair)			*			

Vote on the Memorializing Resolution

Board Member	Motion	Second	Aye	Nay	Abstain	Absent
Cardoza (2 nd Alt.)						
Eben			*			
Ghebremicael						
Keigher			*			
Klein (Vice Chair)		*	*			
McCartney			*			
Trenk			*			
Wegner (1 st Alt.)						
Weston						
Wilkes						
Bagoff (Chair)	*		*			