

RESOLUTION OF APPROVAL
PLANNING BOARD OF THE TOWNSHIP OF WEST ORANGE

Decided: May 2, 2018
Memorialized: June 6, 2018

VALLEY ROAD RESIDENTIAL, LLC
Extension of Site Plan Approval
With “c” Variance
22-26 Central Avenue & 9-15 Mitchell Street
Block 9, Lots 1, 7, 44, 50 & 56
PB-18-02

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 which was previously extended through May 7, 2018; and

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

WHEREAS the Board having received a memo from Board Planner Paul Grygiel, PP dated April 30, 2018; and

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. Applicant obtained Final Site Plan approval by Resolution adopted on May 7, 2014.
2. The West Orange Ordinance at Section 25-48.10(a) provides that site plan approval shall expire after two years and one day unless a construction permit has issued. No construction permit has issued as of this date.
3. Patrick McNamara, Esq. appeared on behalf of the Applicant.
4. The Board received a letter from William J. Sullivan, Esq. dated April 16, 2018 on behalf of the Applicant in which he stated “due to unanticipated delays related to the completion of those (construction) plans and contracting” the Applicant was requesting an extension.
5. 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 constitute good cause, namely, a delay in finalizing construction drawings.

7. The review memo from Paul Grygiel, PP indicates that Applicant's professionals have submitted updated plans over the past year which he reviewed to confirm compliance with conditions of approval relating to landscaping and lighting as well as building materials and colors. He further noted that Applicant completed a companion development project on the portion of the site which is located in the City of Orange.
8. The Applicant has represented that it will be "able to secure construction permits shortly."
9. The Board notes that Municipal Land Use Law §52(a) permits the Board to grant three one (1) year extensions for final site plan approval and the extension herein represents the final extension allowed.

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 one year from May 7, 2018 to May 7, 2019.

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.

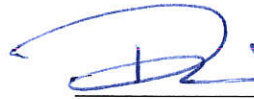
4. All construction, use and development of the property shall be in conformance with the plans approved herein, all representations of the Applicant and its

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 in full force and effect.

Certified to be a true copy of the Resolution adopted on the 6th day of June 2018.



Robin Miller, Secretary

Vote on the Action Taken by the Board

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

Vote on the Memorializing Resolution

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