

**WILLIAM C. SULLIVAN, JR.** | Counsel

wsullivan@sh-law.com

Direct Phone: 201-896-7215

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W.O. PLANNING DEPT.

January 17, 2024

**BY EMAIL and REGULAR MAIL**

Robert Bagoff, Chair  
Planning Board  
Township of West Orange  
66 Main Street  
West Orange, New Jersey 07052

**Re: Alpert Group, LLC  
8-10 and 18 Central Avenue  
Block 9, Lots 32 and 36  
Application No.: PB-20-03  
Request for Extension of Approval  
Our File No.: 10578.2000**

Dear Mr. Bagoff:

As you know, this office represents The Alpert Group, LLC, an applicant that received bulk variances and preliminary and final major final site plan approval by Resolution adopted May 5, 2021 to construct 94 residential units and commercial space at 8-10 and 18 Central Avenue, also known as Block 9, Lots 32 and 36 in the Central Avenue Redevelopment Area Zone. By Resolution adopted April 12, 2023, this Board granted an extension of these approvals until May 5, 2024. By this letter, the applicant is requesting an additional one-year extension on this approval. Ordinance section 25-48.10a provides that, "for good cause shown and upon written application, the Planning Board or Zoning Board of Adjustment may extend the time period for any of the time limits set forth in this section."

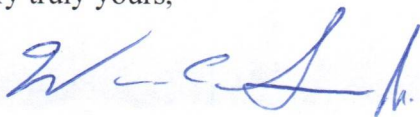
The extension is requested due to the length of time required to complete the investigation and remediation of soil and groundwater contamination on this property, which is currently owned by the Township. Pursuant to grants received by the Township, the firm of Matrix New World Engineering ("Matrix") is conducting that investigation and remediation. Matrix has completed the investigation phase and is about to undertake remedial action. The remedial action includes hot spot soil excavations, post excavation soil sampling, removal of an underground storage tank, in-situ bioremediation, and post-soil remediation groundwater sampling. The Biddelman building must be

demolished to remediate some areas. The remedial action activities are projected to take approximately 16 to 18 weeks. Other work will be completed during redevelopment.

The Alpert Group is working closely with Matrix and the Township to accomplish the remediation so that the Alpert Group can purchase the property from the Township and commence construction. However, at this time, we must request an extension of these approvals from May 5, 2024 to May 5, 2025.

Please place this matter on an upcoming agenda. Thank you for your assistance.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'W.C. Sullivan, Jr.', is written over a light blue horizontal line.

WILLIAM C. SULLIVAN, JR.  
For the Firm

cc: Diana McGovern, Esq. (By email)  
Jamilet Baquerizo Vite (By email)  
Paul Grygiel (By email)  
Samantha Hennessey (By email)

**RESOLUTION**

**Township of West Orange**

**Planning Board**

**PB 20-03 In the Matter of the Alpert Group, LLC**

**8-10 and 18 Central Avenue**

**Block: 9 Lots: 32 and 36; Zone: Central Avenue Redevelopment Area Zone**

**Decided on April 12, 2023**

**Memorialized on April 12, 2023**

**Extension of Time for Previously Granted Site Plan and Variance Approval**

**WHEREAS**, The Alpert Group received bulk variances and preliminary and final major site plan approval by Resolution adopted May 5, 2021 to construct 94 residential units and commercial space at 8-10 and 18 Central Avenue, also known as Block 9, Lots 32 and 36 in the Central Avenue Redevelopment Area Zone ; and

**WHEREAS**, a properly noticed public hearing was conducted on April 12, 2023; and

**WHEREAS**, the Applicant was represented by William C. Sullivan, Esq.; and

**WHEREAS**, pursuant to West Orange Township Ordinance Section 25-48.10 the approval would expire two years and one day from the publication of the Board's decision; and

**WHEREAS**, the Applicant having submitted a letter detailing the reasons for a request for an extension of time presented by the Applicant's attorney; and

**WHEREAS**, the Board reviewed and considered the request for an extension of time documents submitted therewith;

**NOW THEREFORE**, the Board makes the following findings of fact, based upon the evidence presented at its public hearing, at which a record was made:

1. The extension of time is requested due to the length of time required to complete the investigation and remediation of soil and groundwater contamination on the property which is currently owned by the Township of West Orange.
2. Pursuant to grants received by the Township of West Orange, the firm of Matrix New World Engineering is conducting the investigation and remediation.
3. Currently Matrix has completed its investigation and is preparing to undertake remedial action including contaminated soil removal, groundwater monitoring and capping and a Deed Notice in conjunction with project construction.
4. As of this time, the efforts at investigation and remediation have not progressed to the point where construction can commence.
5. Applicant requests an extension of approvals from May 5, 2023 to May 5, 2024

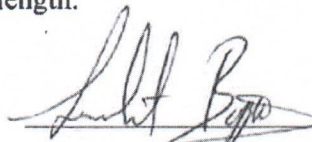
**NOW, THEREFORE**, based upon the foregoing findings of fact, the Board reaches the following conclusions of law:

1. N.J.S.A. 40:55D-52 d. provides that a planning board shall grant an extension of final approval for a period determined by the board but not exceeding one year from what would otherwise be the expiration date, 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 the approvals.
2. Remediation of soil and groundwater is subject to the approval of the Department of Environmental Protection.

**NOW, THEREFORE**, be it resolved by the Planning Board of the Township of West Orange that an extension of time is granted for the approvals previously given for preliminary and final site plan and variance relief for one year from the date of the expiration of the previous approval or until May 5, 2024.

**AND IT IS FURTHER RESOLVED** that the above approval is subject to the following terms and conditions:

1. All terms and conditions set forth in the original resolution memorialized on May 5, 2021 shall be enforced as if set forth herein at length.



Janilet Baquerizo Vite

Planning Board Secretary

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APR 29 2023

SCARINCI HOLLENBECK

Vote Action Taken by the Board on April 12, 2023:

| Board Member | Motion | Second | Aye | Nay | Abstain | Absent |
|--------------|--------|--------|-----|-----|---------|--------|
| K. Alper     |        |        | X   |     |         |        |
| J. Guarino   |        |        | X   |     |         |        |
| L. Klein     |        |        | X   |     |         |        |
| S. McCartney |        |        | X   |     |         |        |
| C. Morgan    |        |        | X   |     |         |        |
| P. Smeraldo  |        | X      | X   |     |         |        |
| W. Wilkes    |        |        |     |     |         | ----   |
| T. Williams  |        |        | X   |     |         |        |
| S. Jensen    |        |        |     |     |         | ----   |
| J. Cardoza   |        |        | X   |     |         |        |
| R. Bagoff    | X      |        | X   |     |         |        |

Vote on Memorialization on April 12, 2023:

| Board Member | Motion | Second | Aye | Nay | Abstain | Absent |
|--------------|--------|--------|-----|-----|---------|--------|
| K. Alper     |        |        | X   |     |         |        |
| J. Guarino   |        |        | X   |     |         |        |
| L. Klein     |        |        | X   |     |         |        |
| S. McCartney |        |        | X   |     |         |        |
| C. Morgan    |        |        | X   |     |         |        |
| P. Smeraldo  |        |        | X   |     |         |        |
| W. Wilkes    |        |        |     |     |         | ----   |
| T. Williams  | X      |        | X   |     |         |        |
| S. Jensen    |        |        |     |     |         | ----   |
| J. Cardoza   |        |        | X   |     |         |        |
| R. Bagoff    |        | X      | X   |     |         |        |