

**ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF WEST ORANGE**

MPB REALTY, LLC
Block 153, Lot 38
470 Eagle Rock Avenue
Case No. ZB-22-13
Resolution No. _____

**RESOLUTION MEMORIALIZING
DISMISSAL OF APPLICATION WITHOUT PREJUDICE**

WHEREAS, on December 23, 2022 MPB Realty, LLC (the "Applicant"), made an application to the Zoning Board of Adjustment of the Township of West Orange (the "Board") for relief under N.J.S.A. 40:55D-70(c) and (d) to permit two drive-through restaurants on the property identified on the Official Tax Map of the Township of West Orange (the "Township") as Lot 38 within Block 153, more commonly known as 470 Eagle Rock Avenue, West Orange (the "Property"); and

WHEREAS, the application has been adjourned from the February 7, 2023 Board meeting, to the May 18, 2023 Board meeting, to the July 20, 2023 Board meeting, and to the March 21, 2024 Board meeting; and

WHEREAS, Section 5.02 of the 2024 Rules of the Board provides the Board with authority to dismiss applications for failure to prosecute said application; and

WHEREAS, the application before the Board meets the standards for Section 5.02 dismissal without prejudice; and

WHEREAS, counsel for the Applicant has stated his agreement with this procedure.

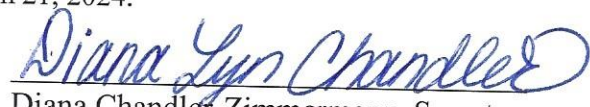
NOW, THEREFORE, BE IT RESOLVED, that the application of **MPB REALTY, LLC** is hereby dismissed without prejudice, subject to the following condition:

The Applicants shall post sufficient funds with the Township to satisfy any deficiency in the Applicant's escrow account. Any remaining escrow balance shall be returned to the Applicant within 30 days of the adoption and memorialization of this resolution.

ROLL CALL VOTE:

Adoption and Memorialization of Resolution Date: March 21, 2024						
Member	Motion	2nd	Aye	Nay	Abstain	Absent
Neuer	X					
Schwarzbaum		X				
Barbee			X			
Eben						X
Ricci						X
Scott					X	
Weiss			X			
Dannemiller			X			
Scalora			X			
Sussman			X			

The foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Township of West Orange at its meeting of March 21, 2024.


Diana Chandler-Zimmermann, Secretary
ZONING BOARD OF ADJUSTMENT
OF THE TOWNSHIP OF WEST ORANGE,
COUNTY OF ESSEX,
STATE OF NEW JERSEY

Dated: March 21, 2024