

**BITTIGER ELIAS  
TRIOLO & DIEHL**  
*Attorneys at Law*

**Priscilla J. Triolo, Esq.**  
ptriolo@bittigerelias.com

*Please reply to New Jersey office*

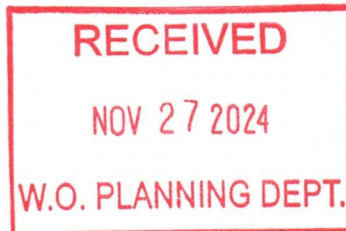
12 Route 17 North, Suite 206  
Paramus, New Jersey 07652

P: 201.438.7770 F: 201.438.5726

November 27, 2024

**Via Hand Delivery**

Planning Board Secretary, Jamilet Baquerizo Vite  
Planning Board Chairperson, Dr. Robert Bagoff  
Township of West Orange  
66 Main Street, Room 214  
West Orange, New Jersey 07052



**Re: 40 Eagle Ridge Way  
Block 106 Lot 20.03  
Final Major Site Plan Application – Default Approval**

Dear Secretary Vite and Chairperson Bagoff:

This firm represents THE WAYMAKER, LLC with respect to the above captioned matter. Our client is seeking default approval of its final major site plan application by reason of the failure of the Planning Board to grant or deny approval within the statutory time.

Enclosed please find the original and two (2) copies of the following:

1. Affidavit of Mailing and Publication;
2. Request to Administrative Office for Certificate of Default Approval; and
3. Certificate of Default Approval.

Should you have any questions or concerns, please let me know. Thank you for your attention to this matter.

Very truly yours,

  
PRISCILLA J. TRIOLO, ESQ.

PJT/bpa  
Enclosures

BITTIGER ELIAS TRIOLO & DIEHL P.C.  
12 ROUTE 17 NORTH, SUITE 206  
PARAMUS, NEW JERSEY 07652  
TELEPHONE: (201) 438-7770  
FACSIMILE: (201) 438-5726  
Attorneys for Applicant, The Waymaker, LLC

In the Matter of the Application for  
Preliminary and Final Major Site Plan Approval  
to Township of West Orange Planning Board  
RE: 40 Eagle Ridge Way  
Block 106, Lot 20.03

TOWNSHIP OF WEST ORANGE

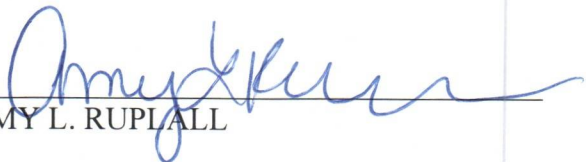
**AFFIDAVIT OF MAILING  
AND PUBLICATION**

STATE OF NEW JERSEY    }  
                                          } SS:  
COUNTY OF BERGEN        }

AMY L. RUPLALL, of full age, being duly sworn according to law upon her oath,  
deposes and says:

1. I am a paralegal employed by Bittiger Elias Triolo & Diehl P.C. attorneys for the Applicant in the above-entitled matter.
2. On November 22, 2024, I provided the Notice of Default Approval to all property owners located within two-hundred (200) feet of the property affected by this Application, as well as to all utility companies providing service to the Township of West Orange. Said notice was provided by mailing the Notice of Default Approval (a true and correct copy of which is annexed hereto as "Exhibit A") to the parties set forth in the Buffer Report and Utility Listing provided by the Tax Assessor of the Township of West Orange (a true and correct copy of which is annexed hereto as "Exhibit B") by certified mail, return receipt requested, with required postage thereon. Annexed as "Exhibit C" are the certified mail receipts demonstrating the certified mailing to the property owners and utility companies in the Township of West Orange.

3. On November 22, 2024, at least ten (10) days before the hearing, we published the Notice of Default Approval in the Star Ledger. A copy of the Affidavit of Publication has not yet been provided, but will be furnished to the Township upon our receipt of same. However, a copy of the Notice that was published on the Star Ledger's website with a publish date of November 22, 2024 is annexed hereto as "Exhibit D."

  
AMY L. RUPLALL

Sworn and subscribed to before me on this  
21<sup>st</sup> day of November, 2024.



Evdoxia Hatzioannou  
Notary Public, State of New Jersey  
My Commission Expires  
October 9, 2026

# **EXHIBIT A**

**NOTICE OF DEFAULT APPROVAL  
TOWNSHIP OF WEST ORANGE  
ESSEX COUNTY, NEW JERSEY  
(N.J.S.A. 40:55D-10.4)**

BITTIGER ELIAS TRIOLO & DIEHL P.C.  
12 ROUTE 17 NORTH, SUITE 206  
PARAMUS, NEW JERSEY 07652  
TELEPHONE: (201) 438-7770  
FACSIMILE: (201) 438-5726  
Attorneys for Applicant, THEWAYMAKER, LLC

---

|                                                                                                                                        |                                       |
|----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| <b>IN RE: APPLICATION FOR<br/>PRELIMINARY AND FINAL<br/>MAJOR SITE PLAN APPROVAL<br/>TO TOWNSHIP OF WEST ORANGE<br/>PLANNING BOARD</b> | <b>NOTICE OF<br/>DEFAULT APPROVAL</b> |
|----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|

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**PLEASE TAKE NOTICE** that in accordance the provisions of N.J.S.A. 40:55D-10.4, **THEWAYMAKER LLC** claims approval of its application for Preliminary and Final Major Site Plan without variances affecting 40 Eagle Ridge Way, Lot 20.03, Block 106, in the Township of West Orange, Essex County, New Jersey by reason of the failure of the Township of West Orange Planning Board to grant or deny approval within the statutory time period after submission of its complete application as set forth in N.J.S.A. 40:55D-50 (b).

BITTIGER ELIAS TRIOLO & DIEHL, P.C.  
Attorneys for the Applicant

By: Priscilla J. Triolo, Esq.  
PRISCILLA J. TRIOLO, ESQ.

Dated: November 18, 2024

# **EXHIBIT B**

# Buffer Report

## THE TOWNSHIP OF WEST ORANGE

Office of the Assessor

66 Main Street

West Orange, New Jersey 07052

Telephone: (973) 325-4060

Facsimile: (973) 669-4859

### Highlighted feature(s)

#### Parcel Limits (1)

| Municipality         | Block | Lot   | Qualifier | Parcel Address     | Owner Name    | Owner Street       | Owner CityState | Owner Zip | Property Mailing                           |
|----------------------|-------|-------|-----------|--------------------|---------------|--------------------|-----------------|-----------|--------------------------------------------|
| West Orange Township | 106   | 20.03 |           | 40 EAGLE RIDGE WAY | WAYMAKER LLC, | 40 EAGLE RIDGE WAY | WEST ORANGE, NJ | 07052     | 40 Eagle Ridge Way, West Orange, NJ, 07052 |

§

### List of adjoining feature(s) that intersect 200 foot buffer from Parcel Limits.

#### Adjoining Properties (9)

| Municipality         | Block | Lot   | Qualifier | Parcel Address          | Owner Name                       | Owner Street            | Owner CityState   | Owner Zip | Property Mailing                                |
|----------------------|-------|-------|-----------|-------------------------|----------------------------------|-------------------------|-------------------|-----------|-------------------------------------------------|
| West Orange Township | 104   | 10    |           | 45 MOUNTAIN AVENUE      | SCHINMAN, RYAN (TR)              | 45 MOUNTAIN AVENUE      | WEST ORANGE, NJ   | 07052     | 45 Mountain Avenue, West Orange, NJ, 07052      |
| West Orange Township | 104   | 10.31 |           | 29 MOUNTAIN AVENUE REAR | KESSLER, ANDREW & JANE NEWMAN    | 29 MOUNTAIN AVENUE      | WEST ORANGE, NJ   | 07052     | 29 Mountain Avenue Rear, West Orange, NJ, 07052 |
| West Orange Township | 104   | 10.32 |           | 25 MOUNTAIN AVENUE      | 66FGP LLC                        | 1967 WEHRLE DR, #1 #086 | BUFFALO, NY       | 14221     | 25 Mountain Avenue, West Orange, NJ, 07052      |
| West Orange Township | 104   | 11    |           | LLEWELLYN PARK          | TRUSTEES LLEWELLYN PARK          | 1 PARK WAY              | WEST ORANGE, N.J. | 07052     | Llewellyn Park, West Orange, NJ, 07052          |
| West Orange Township | 106   | 20.01 |           | 38 EAGLE RIDGE WAY      | DMITRIEV, DENIS KONSTANTINOVITCH | 38 EAGLE RIDGE WAY      | WEST ORANGE, NJ   | 07052     | 38 Eagle Ridge Way, West Orange, NJ, 07052      |
| West Orange Township | 106   | 20.02 |           | 41 EAGLE RIDGE WAY      | 41 ERW WO LLC                    | 41 EAGLE RIDGE WAY      | WEST ORANGE, NJ   | 07052     | 41 Eagle Ridge Way, West Orange, NJ, 07052      |
| West Orange Township | 106   | 20.03 |           | 40 EAGLE RIDGE WAY      | WAYMAKER LLC,                    | 40 EAGLE RIDGE WAY      | WEST ORANGE, NJ   | 07052     | 40 Eagle Ridge Way, West Orange, NJ, 07052      |
| West Orange Township | 106   | 24.01 |           | 42 EAGLE RIDGE WAY      | WAYSTONE REALTY LLC              | 40 EAGLE RIDGE WAY      | WEST ORANGE, NJ   | 07052     | 42 Eagle Ridge Way, West Orange, NJ, 07052      |
| West Orange Township | 107   | 1.04  |           | BOLAND DRIVE            | THE POINTE AT CRYSTAL LAKE       | BOLAND DRIVE            | WEST ORANGE, NJ   | 07052     | Boland Drive, West Orange, NJ, 07052            |

**PUBLIC UTILITIES**

**ELECTRIC & GAS**

Public Service Electric & Gas Company  
Manager - Corporate Properties  
80 Park Plaza, T6B  
Newark, NJ 07102

**WATER**

New Jersey American Water Company  
167 John F. Kennedy Parkway  
Short Hills, NJ 07078

**CABLE TV**

Comcast Cablevision  
800 Rahway Avenue  
Union, NJ 07083

**TELEPHONE**

Verizon  
1 Verizon Way  
Basking Ridge, New Jersey 07920-1025

**SEWER**

Township of West Orange  
Municipal Building  
66 Main Street  
West Orange, NJ 07052

# **EXHIBIT C**

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Ryan Schinman  
45 Mountain Ave  
West Orange, NJ 07052

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Trustees  
Llewellyn Park  
1 Park Way  
West Orange NJ 07052

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Andrew Kessler &  
Jane Newman  
29 Mountain Ave Rear  
West Orange, NJ 07052

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Denis Dmitriev  
38 Eagle Ridge Way  
West Orange, NJ 07052

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66FGP LLC  
1967 Wehrle Dr #1 #086  
Buffalo, NY 14221

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West Orange, NJ 07052

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**Waymaker LLC  
40 Eagle Ridge Way  
West Orange, NJ 07052**

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**Waystone Realty LLC  
40 Eagle Ridge Way  
West Orange, NJ 07052**

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**The Pointe at Crystal Lake  
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**Waymaker LLC  
40 Eagle Ridge Way  
West Orange, NJ 07052**

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**New Jersey American Water Company  
167 John F. Kennedy Parkway  
Short Hills, NJ 07078**

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**Comcast Cablevision  
800 Rahway Avenue  
Union, NJ 07083**

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 1 Verizon Way  
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 Municipal Building  
 66 Main Street  
 West Orange, NJ 07052

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Instructions

# **EXHIBIT D**

The Star-Ledger, Newark

**The Star-Ledger**

Publication Name:

**The Star-Ledger, Newark**

Publication URL:

**www.nj.com/starledger**

Publication City and State:

**Newark , NJ**

Publication County:

**Essex**

Notice Popular Keyword Category:

Notice Keywords:

**eagle ridge**

Notice Authentication Number:

**202411261608250343344**

**1614391562**

Notice URL:

**Back**

Notice Publish Date:

**Friday, November 22, 2024**

**Notice Content**

NOTICE OF DEFAULT APPROVAL TOWNSHIP OF WEST ORANGE ESSEX COUNTY, NEW JERSEY (N.J.S.A. 40:55D-10.4) BITTIGER ELIAS TRIOLO & DIEHL P.C. 12 ROUTE 17 NORTH, SUITE 206 PARAMUS, NEW JERSEY 07652 TELEPHONE: (201) 438-7770 FACSIMILE: (201) 438-5726 Attorneys for Applicant, THEWAYMAKER, LLC IN RE: APPLICATION FOR PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL TO TOWNSHIP OF WEST ORANGE PLANNING BOARD NOTICE OF DEFAULT APPROVAL PLEASE TAKE NOTICE that in accordance the provisions of N.J.S.A. 40:55D-10.4, THEWAYMAKER LLC claims approval of its application for Preliminary and Final Major Site Plan without variances affecting 40 Eagle Ridge Way, Lot 20.03, Block 106, in the Township of West Orange, Essex County, New Jersey by reason of the failure of the Township of West Orange Planning Board to grant or deny approval within the statutory time period after submission of its complete application as set forth in N.J.S.A. 40:55D-50 (b). BITTIGER ELIAS TRIOLO & DIEHL, P.C. Attorneys for the Applicant By: /S/ PRISCILLA J. TRIOLO, ESQ PRISCILLA J. TRIOLO, ESQ Dated: November 18, 2024 11/22/24 \$72.98

**Back**

**REQUEST TO ADMINISTRATIVE OFFICE  
FOR CERTIFICATE OF DEFAULT APPROVAL**

To: Planning Board Secretary, Jamilet Baquerizo Vite  
Planning Board Chairperson, Dr. Robert Bagoff  
as per N.J.S. 40:55D-10.4c)  
Township of West Orange  
66 Main Street, Room 214  
West Orange, N.J.

**Re: 40 Eagle Ridge Way  
Block 106 Lot 20.03  
Final Major Site Plan Application – Default Approval**

Dear Secretary Vite and Chairperson Bagoff:

This office represents THEWAYMAKER LLC with respect to the above captioned matter. Please be advised that our client claims approval of its application by reason of the failure of the Planning Board to grant or deny approval within the statutory time.

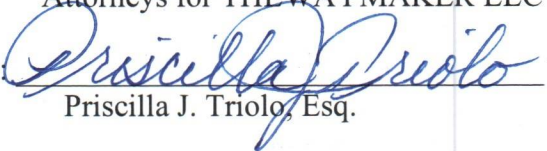
In accordance with the provisions of N.J.S. 40:55D-50b, we are hereby requesting that your office issue a certificate as to the failure of the planning board to act within the required time period. Enclosed is a draft of such a certificate and we request that you sign the same and return it to this office at this time.

Pursuant to N.J.S. 40:55D-10.4c, I have enclosed for filing an affidavit of Proof of Service of a Notice of Default Approval and an Affidavit of Publication of the Notice of Default Approval.

Very truly yours,

BITTIGER ELIAS TRIOLO & DIEHL, P.C.  
Attorneys for THEWAYMAKER LLC

By:

  
Priscilla J. Triolo, Esq.

Dated: November 27, 2024

# **CERTIFICATE OF DEFAULT APPROVAL**

**Township of West Orange**

**County of Essex**

November 27, 2024

Re: Certificate of Failure as to the Planning Board to act on the Application of

**THEWAYMAKER LLC for**

**Preliminary and Final Major Site Plan Approval**

**With No Variances**

**Affecting 40 Eagle Ridge Way**

**Lot 20.03 Block 106 , as shown on the Township Tax Map.**

To Whom It May Concern:

I hereby certify that the Planning Board of the Township of West Orange did not act to approve, grant or deny the application of **THEWAYMAKER LLC** for Preliminary and Final Major Site Plan affecting 40 Eagle Ridge Way, **Lot 20.03 Block 106** as shown on the tax Map of said Township of West Orange, within 45 days of the submission of complete application contrary to N.J.S. 40:55D-50b.

In accordance with N.J.S. 40:55D-50b this Preliminary and Final Major Site Plan with No Variances is deemed approved and this letter serves as certification of failure of the Planning Board to act in accordance with the statutory time frames and shall serve as sufficient authority in lieu of the written endorsement or other evidence of approval and shall be so accepted by all Township officials and, where appropriate, by the county recording officer for purposes of filing.

Very truly yours,

Jamilet Baquerizo Vite  
Planning Board Secretary

BITTIGER ELIAS TRIOLO & DIEHL P.C.  
12 ROUTE 17 NORTH, SUITE 206  
PARAMUS, NEW JERSEY 07652  
TELEPHONE: (201) 438-7770  
FACSIMILE: (201) 438-5726  
Attorneys for Applicant, The Waymaker, LLC

In the Matter of the Application for  
Preliminary and Final Major Site Plan Approval  
to Township of West Orange Planning Board  
RE: 40 Eagle Ridge Way  
Block 106, Lot 20.03

TOWNSHIP OF WEST ORANGE

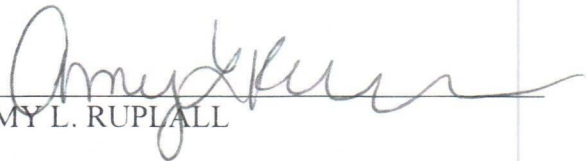
**AFFIDAVIT OF MAILING  
AND PUBLICATION**

STATE OF NEW JERSEY    }  
                                              }  
                                              } SS:  
COUNTY OF BERGEN        }

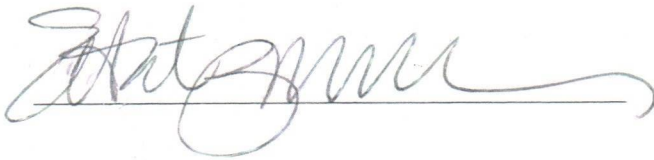
AMY L. RUPLALL, of full age, being duly sworn according to law upon her oath,  
deposes and says:

1. I am a paralegal employed by Bittiger Elias Triolo & Diehl P.C. attorneys for the Applicant in the above-entitled matter.
2. On November 22, 2024, I provided the Notice of Default Approval to all property owners located within two-hundred (200) feet of the property affected by this Application, as well as to all utility companies providing service to the Township of West Orange. Said notice was provided by mailing the Notice of Default Approval (a true and correct copy of which is annexed hereto as "Exhibit A") to the parties set forth in the Buffer Report and Utility Listing provided by the Tax Assessor of the Township of West Orange (a true and correct copy of which is annexed hereto as "Exhibit B") by certified mail, return receipt requested, with required postage thereon. Annexed as "Exhibit C" are the certified mail receipts demonstrating the certified mailing to the property owners and utility companies in the Township of West Orange.

3. On November 22, 2024, at least ten (10) days before the hearing, we published the Notice of Default Approval in the Star Ledger. A copy of the Affidavit of Publication has not yet been provided, but will be furnished to the Township upon our receipt of same. However, a copy of the Notice that was published on the Star Ledger's website with a publish date of November 22, 2024 is annexed hereto as "Exhibit D."

  
AMY L. RUPLALL

Sworn and subscribed to before me on this  
21<sup>st</sup> day of November, 2024.



Evdoxia Hatzioannou  
Notary Public, State of New Jersey  
My Commission Expires  
October 9, 2026

# **EXHIBIT A**

**NOTICE OF DEFAULT APPROVAL  
TOWNSHIP OF WEST ORANGE  
ESSEX COUNTY, NEW JERSEY  
(N.J.S.A. 40:55D-10.4)**

BITTIGER ELIAS TRIOLO & DIEHL P.C.  
12 ROUTE 17 NORTH, SUITE 206  
PARAMUS, NEW JERSEY 07652  
TELEPHONE: (201) 438-7770  
FACSIMILE: (201) 438-5726  
Attorneys for Applicant, THEWAYMAKER, LLC

|                                                                                                                                        |                                       |
|----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| <b>IN RE: APPLICATION FOR<br/>PRELIMINARY AND FINAL<br/>MAJOR SITE PLAN APPROVAL<br/>TO TOWNSHIP OF WEST ORANGE<br/>PLANNING BOARD</b> | <b>NOTICE OF<br/>DEFAULT APPROVAL</b> |
|----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|

**PLEASE TAKE NOTICE** that in accordance the provisions of N.J.S.A. 40:55D-10.4, **THEWAYMAKER LLC** claims approval of its application for Preliminary and Final Major Site Plan without variances affecting 40 Eagle Ridge Way, Lot 20.03, Block 106, in the Township of West Orange, Essex County, New Jersey by reason of the failure of the Township of West Orange Planning Board to grant or deny approval within the statutory time period after submission of its complete application as set forth in N.J.S.A. 40:55D-50 (b).

BITTIGER ELIAS TRIOLO & DIEHL, P.C.  
Attorneys for the Applicant

By: Priscilla J. Triolo, Esq.  
PRISCILLA J. TRIOLO, ESQ.

Dated: November 18, 2024

# **EXHIBIT B**

# Buffer Report

## THE TOWNSHIP OF WEST ORANGE

Office of the Assessor

66 Main Street

West Orange, New Jersey 07052

Telephone: (973) 325-4060

Facsimile: (973) 669-4859

### Highlighted feature(s)

#### Parcel Limits (1)

| Municipality         | Block | Lot   | Qualifier | Parcel Address     | Owner Name    | Owner Street       | Owner CityState | Owner Zip | Property Mailing                           |
|----------------------|-------|-------|-----------|--------------------|---------------|--------------------|-----------------|-----------|--------------------------------------------|
| West Orange Township | 106   | 20.03 |           | 40 EAGLE RIDGE WAY | WAYMAKER LLC, | 40 EAGLE RIDGE WAY | WEST ORANGE, NJ | 07052     | 40 Eagle Ridge Way, West Orange, NJ, 07052 |

§

### List of adjoining feature(s) that intersect 200 foot buffer from Parcel Limits.

#### Adjoining Properties (9)

| Municipality         | Block | Lot   | Qualifier | Parcel Address          | Owner Name                       | Owner Street            | Owner CityState   | Owner Zip | Property Mailing                                |
|----------------------|-------|-------|-----------|-------------------------|----------------------------------|-------------------------|-------------------|-----------|-------------------------------------------------|
| West Orange Township | 104   | 10    |           | 45 MOUNTAIN AVENUE      | SCHINMAN, RYAN (TR)              | 45 MOUNTAIN AVENUE      | WEST ORANGE, NJ   | 07052     | 45 Mountain Avenue, West Orange, NJ, 07052      |
| West Orange Township | 104   | 10.31 |           | 29 MOUNTAIN AVENUE REAR | KESSLER, ANDREW & JANE NEWMAN    | 29 MOUNTAIN AVENUE      | WEST ORANGE, NJ   | 07052     | 29 Mountain Avenue Rear, West Orange, NJ, 07052 |
| West Orange Township | 104   | 10.32 |           | 25 MOUNTAIN AVENUE      | 66FGP LLC                        | 1967 WEHRLE DR, #1 #086 | BUFFALO, NY       | 14221     | 25 Mountain Avenue, West Orange, NJ, 07052      |
| West Orange Township | 104   | 11    |           | LLEWELLYN PARK          | TRUSTEES LLEWELLYN PARK          | 1 PARK WAY              | WEST ORANGE, N.J. | 07052     | Llewellyn Park, West Orange, NJ, 07052          |
| West Orange Township | 106   | 20.01 |           | 38 EAGLE RIDGE WAY      | DMITRIEV, DENIS KONSTANTINOVITCH | 38 EAGLE RIDGE WAY      | WEST ORANGE, NJ   | 07052     | 38 Eagle Ridge Way, West Orange, NJ, 07052      |
| West Orange Township | 106   | 20.02 |           | 41 EAGLE RIDGE WAY      | 41 ERW WO LLC                    | 41 EAGLE RIDGE WAY      | WEST ORANGE, NJ   | 07052     | 41 Eagle Ridge Way, West Orange, NJ, 07052      |
| West Orange Township | 106   | 20.03 |           | 40 EAGLE RIDGE WAY      | WAYMAKER LLC,                    | 40 EAGLE RIDGE WAY      | WEST ORANGE, NJ   | 07052     | 40 Eagle Ridge Way, West Orange, NJ, 07052      |
| West Orange Township | 106   | 24.01 |           | 42 EAGLE RIDGE WAY      | WAYSTONE REALTY LLC              | 40 EAGLE RIDGE WAY      | WEST ORANGE, NJ   | 07052     | 42 Eagle Ridge Way, West Orange, NJ, 07052      |
| West Orange Township | 107   | 1.04  |           | BOLAND DRIVE            | THE POINTE AT CRYSTAL LAKE       | BOLAND DRIVE            | WEST ORANGE, NJ   | 07052     | Boland Drive, West Orange, NJ, 07052            |

**PUBLIC UTILITIES**

**ELECTRIC & GAS**

Public Service Electric & Gas Company  
Manager - Corporate Properties  
80 Park Plaza, T6B  
Newark, NJ 07102

**WATER**

New Jersey American Water Company  
167 John F. Kennedy Parkway  
Short Hills, NJ 07078

**CABLE TV**

Comcast Cablevision  
800 Rahway Avenue  
Union, NJ 07083

**TELEPHONE**

Verizon  
1 Verizon Way  
Basking Ridge, New Jersey 07920-1025

**SEWER**

Township of West Orange  
Municipal Building  
66 Main Street  
West Orange, NJ 07052

# **EXHIBIT C**

9589 0710 5270 1847 2413 01

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**Ryan Schinman**  
45 Mountain Ave  
West Orange, NJ 07052

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**Andrew Kessler &  
Jane Newman**  
29 Mountain Ave Rear  
West Orange, NJ 07052

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**66FGP LLC**  
1967 Wehrle Dr #1 #086  
Buffalo, NY 14221

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**Trustees**  
Llewellyn Park  
1 Park Way  
West Orange NJ 07052

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**Denis Dmitriev**  
38 Eagle Ridge Way  
West Orange, NJ 07052

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**41 ERW WO LLC**  
41 Eagle Ridge Way  
West Orange, NJ 07052

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**Waymaker LLC**  
**40 Eagle Ridge Way**  
**West Orange, NJ 07052**

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**Public Service Electric & Gas Company**  
**Manager - Corporate Properties**  
**80 Park Plaza, T6B**  
**Newark, NJ 07102**

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**Waystone Realty LLC**  
**40 Eagle Ridge Way**  
**West Orange, NJ 07052**

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**New Jersey American Water Company**  
**167 John F. Kennedy Parkway**  
**Short Hills, NJ 07078**

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**The Pointe at Crystal Lake**  
**Boland Drive**  
**West Orange, NJ 07052**

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**Comcast Cablevision**  
**800 Rahway Avenue**  
**Union, NJ 07083**

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Basking Ridge, New Jersey 07920

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Township of West Orange  
Municipal Building  
66 Main Street  
West Orange, NJ 07052

PS Form 3800, 8-10

For Instructions

# **EXHIBIT D**

The Star-Ledger, Newark

**The Star-Ledger**

Publication Name:  
**The Star-Ledger, Newark**

Publication URL:  
**www.nj.com/starledger**

Publication City and State:  
**Newark , NJ**

Publication County:  
**Essex**

Notice Popular Keyword Category:

Notice Keywords:  
**eagle ridge**

Notice Authentication Number:  
**202411261608250343344**  
**1614391562**

Notice URL:

[Back](#)

Notice Publish Date:  
Friday, November 22, 2024

**Notice Content**

NOTICE OF DEFAULT APPROVAL TOWNSHIP OF WEST ORANGE ESSEX COUNTY, NEW JERSEY (N.J.S.A. 40:55D-10.4) BITTIGER ELIAS TRIOLO & DIEHL P.C. 12 ROUTE 17 NORTH, SUITE 206 PARAMUS, NEW JERSEY 07652 TELEPHONE: (201) 438-7770 FACSIMILE: (201) 438-5726 Attorneys for Applicant, THEWAYMAKER, LLC IN RE: APPLICATION FOR PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL TO TOWNSHIP OF WEST ORANGE PLANNING BOARD NOTICE OF DEFAULT APPROVAL PLEASE TAKE NOTICE that in accordance the provisions of N.J.S.A. 40:55D-10.4, THEWAYMAKER LLC claims approval of its application for Preliminary and Final Major Site Plan without variances affecting 40 Eagle Ridge Way, Lot 20.03, Block 106, in the Township of West Orange, Essex County, New Jersey by reason of the failure of the Township of West Orange Planning Board to grant or deny approval within the statutory time period after submission of its complete application as set forth in N.J.S.A. 40:55D-50 (b). BITTIGER ELIAS TRIOLO & DIEHL, P.C. Attorneys for the Applicant By: /S/ PRISCILLA J. TRIOLO, ESQ PRISCILLA J. TRIOLO, ESQ Dated: November 18, 2024 11/22/24 \$72.98

[Back](#)

**REQUEST TO ADMINISTRATIVE OFFICE  
FOR CERTIFICATE OF DEFAULT APPROVAL**

To: Planning Board Secretary, Jamilet Baquerizo Vite  
Planning Board Chairperson, Dr. Robert Bagoff  
as per N.J.S. 40:55D-10.4c)  
Township of West Orange  
66 Main Street, Room 214  
West Orange, N.J.

**Re: 40 Eagle Ridge Way  
Block 106 Lot 20.03  
Final Major Site Plan Application – Default Approval**

Dear Secretary Vite and Chairperson Bagoff:

This office represents THEWAYMAKER LLC with respect to the above captioned matter. Please be advised that our client claims approval of its application by reason of the failure of the Planning Board to grant or deny approval within the statutory time.

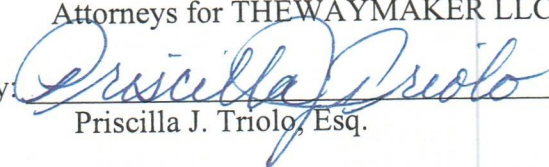
In accordance with the provisions of N.J.S. 40:55D-50b, we are hereby requesting that your office issue a certificate as to the failure of the planning board to act within the required time period. Enclosed is a draft of such a certificate and we request that you sign the same and return it to this office at this time.

Pursuant to N.J.S. 40:55D-10.4c, I have enclosed for filing an affidavit of Proof of Service of a Notice of Default Approval and an Affidavit of Publication of the Notice of Default Approval.

Very truly yours,

BITTIGER ELIAS TRIOLO & DIEHL, P.C.  
Attorneys for THEWAYMAKER LLC

By:

  
Priscilla J. Triolo, Esq.

Dated: November 27, 2024

# **CERTIFICATE OF DEFAULT APPROVAL**

**Township of West Orange  
County of Essex**

November 27, 2024

Re: Certificate of Failure as to the Planning Board to act on the Application of  
**THEWAYMAKER LLC for  
Preliminary and Final Major Site Plan Approval  
With No Variances  
Affecting 40 Eagle Ridge Way  
Lot 20.03 Block 106 , as shown on the Township Tax Map.**

To Whom It May Concern:

I hereby certify that the Planning Board of the Township of West Orange did not act to approve, grant or deny the application of **THEWAYMAKER LLC** for Preliminary and Final Major Site Plan affecting 40 Eagle Ridge Way, **Lot 20.03 Block 106** as shown on the tax Map of said Township of West Orange, within 45 days of the submission of complete application contrary to N.J.S. 40:55D-50b.

In accordance with N.J.S. 40:55D-50b this Preliminary and Final Major Site Plan with No Variances is deemed approved and this letter serves as certification of failure of the Planning Board to act in accordance with the statutory time frames and shall serve as sufficient authority in lieu of the written endorsement or other evidence of approval and shall be so accepted by all Township officials and, where appropriate, by the county recording officer for purposes of filing.

Very truly yours,

Jamilet Baquerizo Vite  
Planning Board Secretary

BITTIGER ELIAS TRIOLO & DIEHL P.C.  
12 ROUTE 17 NORTH, SUITE 206  
PARAMUS, NEW JERSEY 07652  
TELEPHONE: (201) 438-7770  
FACSIMILE: (201) 438-5726  
Attorneys for Applicant, The Waymaker, LLC

In the Matter of the Application for  
Preliminary and Final Major Site Plan Approval  
to Township of West Orange Planning Board  
RE: 40 Eagle Ridge Way  
Block 106, Lot 20.03

TOWNSHIP OF WEST ORANGE

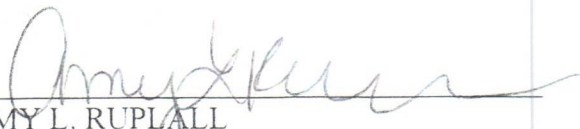
**AFFIDAVIT OF MAILING  
AND PUBLICATION**

STATE OF NEW JERSEY    }  
                                              } SS:  
COUNTY OF BERGEN        }

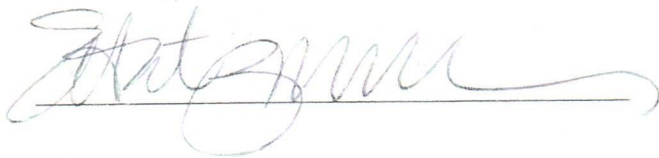
AMY L. RUPLALL, of full age, being duly sworn according to law upon her oath,  
deposes and says:

1. I am a paralegal employed by Bittiger Elias Triolo & Diehl P.C. attorneys for the Applicant in the above-entitled matter.
2. On November 22, 2024, I provided the Notice of Default Approval to all property owners located within two-hundred (200) feet of the property affected by this Application, as well as to all utility companies providing service to the Township of West Orange. Said notice was provided by mailing the Notice of Default Approval (a true and correct copy of which is annexed hereto as "Exhibit A") to the parties set forth in the Buffer Report and Utility Listing provided by the Tax Assessor of the Township of West Orange (a true and correct copy of which is annexed hereto as "Exhibit B") by certified mail, return receipt requested, with required postage thereon. Annexed as "Exhibit C" are the certified mail receipts demonstrating the certified mailing to the property owners and utility companies in the Township of West Orange.

3. On November 22, 2024, at least ten (10) days before the hearing, we published the Notice of Default Approval in the Star Ledger. A copy of the Affidavit of Publication has not yet been provided, but will be furnished to the Township upon our receipt of same. However, a copy of the Notice that was published on the Star Ledger's website with a publish date of November 22, 2024 is annexed hereto as "Exhibit D."

  
AMY L. RUPLALL

Sworn and subscribed to before me on this  
21<sup>st</sup> day of November, 2024.



Evdoxia Hatzioannou  
Notary Public, State of New Jersey  
My Commission Expires  
October 9, 2026

# **EXHIBIT A**

**NOTICE OF DEFAULT APPROVAL  
TOWNSHIP OF WEST ORANGE  
ESSEX COUNTY, NEW JERSEY  
(N.J.S.A. 40:55D-10.4)**

BITTIGER ELIAS TRIOLO & DIEHL P.C.  
12 ROUTE 17 NORTH, SUITE 206  
PARAMUS, NEW JERSEY 07652  
TELEPHONE: (201) 438-7770  
FACSIMILE: (201) 438-5726  
Attorneys for Applicant, THEWAYMAKER, LLC

---

|                                                                                                                                                                         |                                                                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| <p style="text-align:center"><b>IN RE: APPLICATION FOR<br/>PRELIMINARY AND FINAL<br/>MAJOR SITE PLAN APPROVAL<br/>TO TOWNSHIP OF WEST ORANGE<br/>PLANNING BOARD</b></p> | <p style="text-align:center"><b>NOTICE OF<br/>DEFAULT APPROVAL</b></p> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|

---

**PLEASE TAKE NOTICE** that in accordance the provisions of N.J.S.A. 40:55D-10.4, **THEWAYMAKER LLC** claims approval of its application for Preliminary and Final Major Site Plan without variances affecting 40 Eagle Ridge Way, Lot 20.03, Block 106, in the Township of West Orange, Essex County, New Jersey by reason of the failure of the Township of West Orange Planning Board to grant or deny approval within the statutory time period after submission of its complete application as set forth in N.J.S.A. 40:55D-50 (b).

BITTIGER ELIAS TRIOLO & DIEHL, P.C.  
Attorneys for the Applicant

By: Priscilla J. Triolo, Esq.  
PRISCILLA J. TRIOLO, ESQ.

Dated: November 18, 2024

# **EXHIBIT B**

# Buffer Report

## THE TOWNSHIP OF WEST ORANGE

Office of the Assessor

66 Main Street

West Orange, New Jersey 07052

Telephone: (973) 325-4060

Facsimile: (973) 669-4859

### Highlighted feature(s)

#### Parcel Limits (1)

| Municipality         | Block | Lot   | Qualifier | Parcel Address     | Owner Name    | Owner Street       | Owner City/State | Owner Zip | Property Mailing                           |
|----------------------|-------|-------|-----------|--------------------|---------------|--------------------|------------------|-----------|--------------------------------------------|
| West Orange Township | 106   | 20.03 |           | 40 EAGLE RIDGE WAY | WAYMAKER LLC, | 40 EAGLE RIDGE WAY | WEST ORANGE, NJ  | 07052     | 40 Eagle Ridge Way, West Orange, NJ, 07052 |

§

### List of adjoining feature(s) that intersect 200 foot buffer from Parcel Limits.

#### Adjoining Properties (9)

| Municipality         | Block | Lot   | Qualifier | Parcel Address          | Owner Name                       | Owner Street            | Owner City/State  | Owner Zip | Property Mailing                                |
|----------------------|-------|-------|-----------|-------------------------|----------------------------------|-------------------------|-------------------|-----------|-------------------------------------------------|
| West Orange Township | 104   | 10    |           | 45 MOUNTAIN AVENUE      | SCHINMAN, RYAN (TR)              | 45 MOUNTAIN AVENUE      | WEST ORANGE, NJ   | 07052     | 45 Mountain Avenue, West Orange, NJ, 07052      |
| West Orange Township | 104   | 10.31 |           | 29 MOUNTAIN AVENUE REAR | KESSLER, ANDREW & JANE NEWMAN    | 29 MOUNTAIN AVENUE      | WEST ORANGE, NJ   | 07052     | 29 Mountain Avenue Rear, West Orange, NJ, 07052 |
| West Orange Township | 104   | 10.32 |           | 25 MOUNTAIN AVENUE      | 66FGP LLC                        | 1967 WEHRLE DR, #1 #086 | BUFFALO, NY       | 14221     | 25 Mountain Avenue, West Orange, NJ, 07052      |
| West Orange Township | 104   | 11    |           | LLEWELLYN PARK          | TRUSTEES LLEWELLYN PARK          | 1 PARK WAY              | WEST ORANGE, N.J. | 07052     | Llewellyn Park, West Orange, NJ, 07052          |
| West Orange Township | 106   | 20.01 |           | 38 EAGLE RIDGE WAY      | DMITRIEV, DENIS KONSTANTINOVITCH | 38 EAGLE RIDGE WAY      | WEST ORANGE, NJ   | 07052     | 38 Eagle Ridge Way, West Orange, NJ, 07052      |
| West Orange Township | 106   | 20.02 |           | 41 EAGLE RIDGE WAY      | 41 ERW WO LLC                    | 41 EAGLE RIDGE WAY      | WEST ORANGE, NJ   | 07052     | 41 Eagle Ridge Way, West Orange, NJ, 07052      |
| West Orange Township | 106   | 20.03 |           | 40 EAGLE RIDGE WAY      | WAYMAKER LLC,                    | 40 EAGLE RIDGE WAY      | WEST ORANGE, NJ   | 07052     | 40 Eagle Ridge Way, West Orange, NJ, 07052      |
| West Orange Township | 106   | 24.01 |           | 42 EAGLE RIDGE WAY      | WAYSTONE REALTY LLC              | 40 EAGLE RIDGE WAY      | WEST ORANGE, NJ   | 07052     | 42 Eagle Ridge Way, West Orange, NJ, 07052      |
| West Orange Township | 107   | 1.04  |           | BOLAND DRIVE            | THE POINTE AT CRYSTAL LAKE       | BOLAND DRIVE            | WEST ORANGE, NJ   | 07052     | Boland Drive, West Orange, NJ, 07052            |

**PUBLIC UTILITIES**

**ELECTRIC & GAS**

Public Service Electric & Gas Company  
Manager - Corporate Properties  
80 Park Plaza, T6B  
Newark, NJ 07102

**WATER**

New Jersey American Water Company  
167 John F. Kennedy Parkway  
Short Hills, NJ 07078

**CABLE TV**

Comcast Cablevision  
800 Rahway Avenue  
Union, NJ 07083

**TELEPHONE**

Verizon  
1 Verizon Way  
Basking Ridge, New Jersey 07920-1025

**SEWER**

Township of West Orange  
Municipal Building  
66 Main Street  
West Orange, NJ 07052

# **EXHIBIT C**

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**NOV 22 2024**

**07822**

**Ryan Schinman**  
**45 Mountain Ave**  
**West Orange, NJ 07052**

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**07822**

**Trustees**  
**Llewellyn Park**  
**1 Park Way**  
**West Orange NJ 07052**

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**NOV 22 2024**

**07822**

**Andrew Kessler &**  
**Jane Newman**  
**29 Mountain Ave Rear**  
**West Orange, NJ 07052**

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**07822**

**Denis Dmitriev**  
**38 Eagle Ridge Way**  
**West Orange, NJ 07052**

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**66FGP LLC**  
**1967 Wehrle Dr #1 #086**  
**Buffalo, NY 14221**

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**NOV 22 2024**

**07822**

**41 ERW WO LLC**  
**41 Eagle Ridge Way**  
**West Orange, NJ 07052**

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40 Eagle Ridge Way  
West Orange, NJ 07052

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Manager - Corporate Properties  
80 Park Plaza, T6B  
Newark, NJ 07102

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167 John F. Kennedy Parkway  
Short Hills, NJ 07078

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Boland Drive  
West Orange, NJ 07052

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800 Rahway Avenue  
Union, NJ 07083

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Verizon  
1 Verizon Way  
Basking Ridge, New Jersey 07920

PS Form 3800, 11-1-2013

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Municipal Building  
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West Orange, NJ 07052

PS Form 3800, 11-1-2013

Use for Instructions

# **EXHIBIT D**

The Star-Ledger, Newark

## The Star-Ledger

Publication Name:

**The Star-Ledger, Newark**

Publication URL:

**www.nj.com/starledger**

Publication City and State:

**Newark, NJ**

Publication County:

**Essex**

Notice Popular Keyword Category:

Notice Keywords:

**eagle ridge**

Notice Authentication Number:

**202411261608250343344**

**1614391562**

Notice URL:

[Back](#)

Notice Publish Date:

Friday, November 22, 2024

### Notice Content

NOTICE OF DEFAULT APPROVAL TOWNSHIP OF WEST ORANGE ESSEX COUNTY, NEW JERSEY (N.J.S.A. 40:55D-10.4) BITTIGER ELIAS TRIOLO & DIEHL P.C. 12 ROUTE 17 NORTH, SUITE 206 PARAMUS, NEW JERSEY 07652 TELEPHONE: (201) 438-7770 FACSIMILE: (201) 438-5726 Attorneys for Applicant, THEWAYMAKER, LLC IN RE: APPLICATION FOR PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL TO TOWNSHIP OF WEST ORANGE PLANNING BOARD NOTICE OF DEFAULT APPROVAL PLEASE TAKE NOTICE that in accordance the provisions of N.J.S.A. 40:55D-10.4, THEWAYMAKER LLC claims approval of its application for Preliminary and Final Major Site Plan without variances affecting 40 Eagle Ridge Way, Lot 20.03, Block 106, in the Township of West Orange, Essex County, New Jersey by reason of the failure of the Township of West Orange Planning Board to grant or deny approval within the statutory time period after submission of its complete application as set forth in N.J.S.A. 40:55D-50 (b). BITTIGER ELIAS TRIOLO & DIEHL, P.C. Attorneys for the Applicant By: /S/ PRISCILLA J. TRIOLO, ESQ PRISCILLA J. TRIOLO, ESQ Dated: November 18, 2024 11/22/24 \$72.98

[Back](#)

**REQUEST TO ADMINISTRATIVE OFFICE  
FOR CERTIFICATE OF DEFAULT APPROVAL**

To: Planning Board Secretary, Jamilet Baquerizo Vite  
Planning Board Chairperson, Dr. Robert Bagoff  
as per N.J.S. 40:55D-10.4c)  
Township of West Orange  
66 Main Street, Room 214  
West Orange, N.J.

**Re: 40 Eagle Ridge Way  
Block 106 Lot 20.03  
Final Major Site Plan Application – Default Approval**

Dear Secretary Vite and Chairperson Bagoff:

This office represents THEWAYMAKER LLC with respect to the above captioned matter. Please be advised that our client claims approval of its application by reason of the failure of the Planning Board to grant or deny approval within the statutory time.

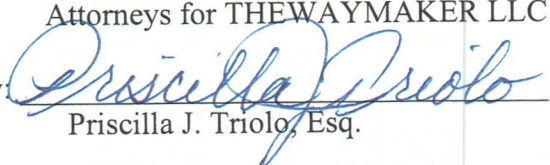
In accordance with the provisions of N.J.S. 40:55D-50b, we are hereby requesting that your office issue a certificate as to the failure of the planning board to act within the required time period. Enclosed is a draft of such a certificate and we request that you sign the same and return it to this office at this time.

Pursuant to N.J.S. 40:55D-10.4c, I have enclosed for filing an affidavit of Proof of Service of a Notice of Default Approval and an Affidavit of Publication of the Notice of Default Approval.

Very truly yours,

BITTIGER ELIAS TRIOLO & DIEHL, P.C.  
Attorneys for THEWAYMAKER LLC

By:

  
Priscilla J. Triolo, Esq.

Dated: November 27, 2024

# **CERTIFICATE OF DEFAULT APPROVAL**

**Township of West Orange  
County of Essex**

November 27, 2024

Re: Certificate of Failure as to the Planning Board to act on the Application of  
**THEWAYMAKER LLC for  
Preliminary and Final Major Site Plan Approval  
With No Variances  
Affecting 40 Eagle Ridge Way  
Lot 20.03 Block 106 , as shown on the Township Tax Map.**

To Whom It May Concern:

I hereby certify that the Planning Board of the Township of West Orange did not act to approve, grant or deny the application of **THEWAYMAKER LLC** for Preliminary and Final Major Site Plan affecting 40 Eagle Ridge Way, **Lot 20.03 Block 106** as shown on the tax Map of said Township of West Orange, within 45 days of the submission of complete application contrary to N.J.S. 40:55D-50b.

In accordance with N.J.S. 40:55D-50b this Preliminary and Final Major Site Plan with No Variances is deemed approved and this letter serves as certification of failure of the Planning Board to act in accordance with the statutory time frames and shall serve as sufficient authority in lieu of the written endorsement or other evidence of approval and shall be so accepted by all Township officials and, where appropriate, by the county recording officer for purposes of filing.

Very truly yours,

Jamilet Baquerizo Vite  
Planning Board Secretary