

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 March 6, 2024

Memorialized on February 12, 2025

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 March 6, 2024; 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, Applicant having been granted a one-year extension as set forth in a resolution memorialized on April 12, 2023 extending the approvals until May 5, 2024;

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 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 in the midst of performing the 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, 2024 to May 5, 2025

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, 2025.

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.

Jamilet Baquerizo Vite

Planning Board Secretary

Vote Action Taken by the Board on March 6, 2024:

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

Vote on Memorialization on February 12, 2025:

Board Member	Motion	Second	Aye	Nay	Abstain	Absent
K. Alper						
J. Guarino						
L. Klein						
S. McCartney						
B. Rutherford						
C. Morgan						
P. Smeraldo						
W. Wilkes						---
L. Kapferer						
J. Cardoza						
R. Bagoff						