

WILLIAM C. SULLIVAN, JR. | Counsel
wsullivan@sh-law.com
Direct Phone: 201-896-7215

February 13, 2025

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 Dr. 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 Resolutions adopted April 12, 2023 and March 20, 2024, this Board granted extensions of these approvals until May 5, 2025. (See attached Resolutions). 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. The following is the status of that effort, which includes two parcels: 1) Block 9, Lot 32 (“the Biddelman Property”); and 2) Block 9, Lot 36 (the “Select-O-Flash Property”).

- A. **Biddelman Property.** In order to complete the soil remediation at this property, the building must be demolished because the soil impacts extend under the building foundation. Before the building can be demolished, it needed to be sampled for hazardous materials (asbestos and lead, etc.). Sampling was conducted in July 2024, January 8, 2025 and February 3, 2025. Matrix is currently waiting for the data from the February sampling event to determine if the delineation is complete so that abatement methods can be selected

In addition, the building material (i.e., concrete, brick, cinder block) needed to be sampled to determine if the material can be crushed and reused on site or if it needs to be disposed of off-site. That investigation was completed on January 8, 2025. The analytical data is being evaluated and a report and recommendations will be provided.

Groundwater monitoring wells are being installed currently. These wells are needed to determine the downgradient extent of the groundwater plume identified earlier in this investigation.

Future remedial action on the Biddelman property, after the demolition of the building includes targeted soil excavation in areas of contamination, disposal of impacted soils, in-situ bioremediation, relocation of monitoring wells and the start of groundwater sampling from the new wells – work which can continue while the residential project is under development.

B. Select-O-Flash Property

With respect to the Select-O-Flash Property, an underground storage tank (UST) was removed in September 2024 and post-excavation soil samples did not identify any further contamination.

In the coming year, remedial action on this property will include targeted soil excavation in areas of contamination, disposal of impacted soils, relocation of monitoring wells and the start of groundwater sampling from the new wells – work which can continue while the residential project is under development.

The Alpert Group, Matrix and the Township are working diligently to complete this work so that the Alpert Group can purchase the property from the Township and commence construction of this residential project. However, under the current circumstances, we must request an extension of these approvals from May 5, 2025 to May 5, 2026.

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

Very truly yours,

/s/ William C. Sullivan, Jr.

WILLIAM C. SULLIVAN, JR.
For the Firm

cc: Diana McGovern, Esq.
Jamilet Baquerizo Vite
Joseph Alpert
Samantha Hennessey

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 March 20, 2024

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

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

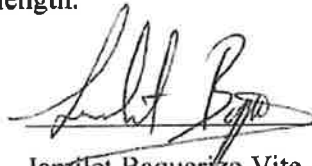
NOW, THEREFORE, based upon the foregoing findings of fact, the Board reaches the following conclusions of law:

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.



Jamilet Baquerizo Vite

Planning Board Secretary

RECEIVED

APR 23 2023

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			

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			X			
J. Guarino		X	X			
L. Klein			X			
S. McCartney			X			
S. Scarpa					----	
C. Morgan						---
P. Smeraldo						---
W. Wilkes			X			
L. Kapferer						---
J. Cardoza			X			
R. Bagoff	X		X			