

BOROUGH OF RIVER EDGE MUNICIPAL LAND USE BOARD

RESOLUTION

**GRANTING ONE-YEAR EXTENSION TO ILBJ, LLC
FOR ITS APPROVALS ON 335 JOHNSON AVENUE, RIVER EDGE, NJ
BLOCK 1405, LOT 3**

WHEREAS, ILBJ, LLC (the "Applicant") received preliminary and final site plan approval, bulk variances and major soil movement approval to permit a salon/office building at 335 Johnson Avenue, River Edge, New Jersey, also known as Block 1405, Lot 3, as granted by the Borough of River Edge Planning Board, which is now consolidated as the Borough of River Edge Municipal Land Use Board (the "Board"), at its February 7, 2018 meeting and memorialized by a Resolution dated August 13, 2018; and

WHEREAS, pursuant to the Resolution, the Applicant, the Borough of River Edge (the "Borough") and the Board entered into a Developer's Agreement, which was executed by all parties on October 10, 2018; and

WHEREAS, the Developer's Agreement provides that all of the Developer's obligations must be completed within two (2) years of the date of the Developer's Agreement and that an extension may be granted to the Developer by the Board; and

WHEREAS, Section 350-17 of the Borough's general ordinances states that "site plan approval shall expire two years after the same was issued if no site plan construction was performed during said period"; and

WHEREAS, on or about September 5, 2018, a Bond was filed by the Applicant with the municipality; and

WHEREAS, on February 19, 2020, the Applicant submitted architectural and engineering plans to the municipality for review; and

WHEREAS, on or about April 10, 2020, the Applicant received comments to its architectural and engineering plans from the Borough's professionals and the Applicant submitted revised plans; and

WHEREAS, the Applicant is awaiting the issuance of a Building Permit, which has been delayed due to the COVID-19 pandemic; and

WHEREAS, the two-year deadlines under the Developer's Agreement and the Borough's general ordinances are approaching; and

WHEREAS, the Applicant has requested a one-year extension to have sufficient time, once all required permits are issued, to obtain the necessary financing for the project; and

WHEREAS, the Board has considered the Applicant's request for an extension and finds that the Applicant, although diligently pursuing completion, has been unable to finish this project due to unforeseen difficulties; and

WHEREAS, the Board finds that the Applicant has provided a basis for the grant of a one-year extension and that the grant of such extension will have no detrimental impact upon the zone, land use ordinance of the Borough or the Borough's Master Plan.

NOW THEREFORE, BE IT RESOLVED that the Borough of River Edge Municipal Land Use Board hereby grants an extension of the site plan approvals, variances and major soil movement permit in connection with the subject application for a period of one (1) year from August 5, 2020; and

BE IT FURTHER RESOLVED that this extension is conditioned on the Applicant's payment of any and all delinquent property taxes prior to the issuance of a Building Permit; and

BE IT FURTHER RESOLVED that this extension will expire on August 5, 2021, unless further extension is timely requested by the Applicant and granted by the Board; and

BE IT FURTHER RESOLVED that the Applicant, through its counsel, shall provide the Board, through its counsel, with periodic updates as to the renewal status of the subject approvals and permits; and

BE IT FURTHER RESOLVED that the Chairman and Secretary of the Board are hereby authorized to affix their signatures to this Resolution granting a one (1) year extension of the variances, and the Land Use Clerk is authorized to send certified copies of this Resolution to the Construction Official and to the Applicant through the Applicant's counsel, Francis, J. DeVito, Esq.

Vote On the Application

<u>MEMBER</u>	<u>M</u>	<u>2D</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>	<u>INELG</u>
Mayor Thomas Papaleo							
Councilman Chinigo							
James Arakelian							
Eileen Boland							
Louis Grasso							
Alphonse Bartelloni							
Michael Krey							
Richard Mehrman							
Chris Caslin							
Ryan Gibbons [Alternate #1]							
Gary Esposito [Alternate #2]							

Vote on the Memorialization

<u>MEMBER</u>	<u>M</u>	<u>2D</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>	<u>INELG</u>
Mayor Thomas Papaleo							
Councilman Chinigo							
James Arakelian							
Eileen Boland							
Louis Grasso							
Alphonse Bartelloni							
Michael Krey							
Richard Mehrman							
Chris Caslin							
Ryan Gibbons [Alternate #1]							
Gary Esposito [Alternate #2]							

BE IT FURTHER RESOLVED that the Resolution adopted on this 5th day of August, 2020 memorialized the action taken by the Board in accordance with N.J.S.A. 40:55D-10.g, as set forth above, at its August 5, 2020 meeting, and that a copy of this Resolution be provided to the Applicants, the Construction Code Official of the Borough of River Edge, and a notice of this decision shall be published in the official newspaper of the Borough of River Edge.

James Arakelian, Chairman
Borough of River Edge
Municipal Land Use Board

Dated: _____

CERTIFICATION

I, Louis Grasso, Secretary of the Board, do hereby certify that the above Resolution was adopted by the Board at its meeting held on August 5, 2020. This Resolution memorializes the Board's approval of this matter at its meeting held on August 5, 2020.

Louis Grasso, Secretary
Borough of River Edge
Municipal Land Use Board