

RESOLUTION

**TOWNSHIP OF EDISON PLANNING BOARD
RESOLUTION OF MEMORIALIZATION
MIDDLESEX COUNTY, NEW JERSEY
EXTENSION OF TIME**

**Approved: July 18, 2022
Memorialized: August 15, 2022**

MATTER OF: PAGODA HOMES, LLC

APPLICATION NO. P-5232

WHEREAS, an application for a second extension of minor subdivision approval has been made to the Edison Township Planning Board (hereinafter referred to as the “Board”) by Pagoda Homes, LLC (hereinafter referred to as the “Applicant”) on lands known and designated as Block 593-D, Lots 1, 2 and 3-5 as depicted on the Tax Map of the Township of Edison (hereinafter “Township”), and more specifically located at 225-231 Plainfield Road; and

WHEREAS, a public hearing was held before the Board on July 18, 2022 with regard to this application; and

WHEREAS, a complete application has been filed, the fees as required by Township Ordinance have been paid, and it otherwise appears that the jurisdiction and powers of the Board have been properly invoked and exercised.

NOW, THEREFORE, does the Edison Township Planning Board make the following findings of fact and conclusions of law with regard to this application:

1. The Applicant previously received minor subdivision approval permitting the creation of two (2) conforming lots pursuant to N.J.S.A. 40:55D-47.
2. The Applicant received a six (6) month extension of time in a Resolution memorialized on March 14, 2022.

3. The Municipal Land Use Law requires minor subdivision approvals be perfected within 190 days. An Applicant may apply to an approving land use board for an extension of time where the developer: "was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities". N.J.S.A. 40:55D-47e.

4. The Applicant in the instant matter immediately applied to the Middlesex County Planning Board for subdivision approval. The application is still pending.

5. There were no members of the public expressing an interest in this application.

6. The Board has received, reviewed and considered various exhibits and reports with regard to this application. Those exhibits and reports are set forth on the attached Exhibit List, and all exhibits and reports as set forth on said Exhibit List have been incorporated herein in their entirety.

WHEREAS, the Edison Township Planning Board, having reviewed the proposed application and having considered the impact of the proposed application on the Township and its residents to determine whether it is in furtherance of the Municipal Land Use Law; and having considered whether the proposal is conducive to the orderly development of the site and the general area in which it is located pursuant to the land use and zoning ordinances of the Township of Edison; and upon the imposition of specific conditions to be fulfilled, hereby determines that the Applicant's request for an extension of time pursuant to N.J.S.A. 40:55D-47e should be granted for six (6) months.

The Board finds that the Applicant diligently applied to the Middlesex County Planning Board for subdivision approval. Despite the Applicant's best efforts to complete the application process, the application remains pending. The Board therefore finds the Applicant has satisfied

the statutory criteria to be granted a second six (6) month extension of minor subdivision approval.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Edison on this 15th of August 2022, that the action of the Board taken on July 18, 2022 granting Application No. P-5232 of Pagoda Homes, LLC a second six (6) month extension of minor subdivision approval pursuant to N.J.S.A. 40:55D-47e is hereby memorialized as follows:

The application is granted subject to the following conditions:

1. All terms of the previous approval remain in full force.
2. The Applicant is granted a six (6) month extension of time.
3. The Applicant shall provide a certificate that taxes are paid to date of approval.
4. Payment of all fees, costs, escrows due or to become due. Any monies are to be paid within twenty (20) days of said request by the Board Secretary.
5. Subject to all other applicable rules, regulations, ordinances and statutes of the Township of Edison, County of Middlesex, State of New Jersey or any other jurisdiction.

BE IT FURTHER RESOLVED that the Board secretary is hereby authorized and directed to cause a notice of this decision to be published in the official newspaper at the Applicant's expense and to send a certified copy of this Resolution to the Applicant and to the Township clerk, engineer, attorney and tax assessor, and shall make same available to all other interested parties.


Leonard Sendelsky, Chairman
Edison Township Planning Board

ON MOTION OF:

SECONDED BY:

ROLL CALL:

YES:

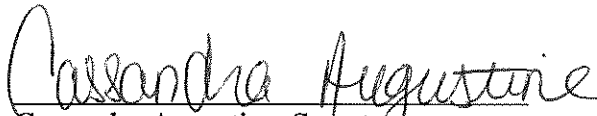
NO:

ABSTAINED:

ABSENT:

DATED:

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Edison Township Planning Board, Middlesex County, New Jersey at a public meeting held on August 15, 2022.


Cassandra Augustine, Secretary
Edison Township Planning Board