

RESOLUTION

Township of West Orange

Planning Board

PB 25-10 Trader Joe's East, Inc./457 Mount Pleasant Avenue

Block: 157 Lot: 5; Zone: B-2

Decided on February 4, 2026

Memorialized on February 25, 2026

Application for Preliminary and Final Major Site Plan Approval, Soil Removal Permit, and "c" Variances to refit and reoccupy approximately 18,767 square feet of existing tenant space for use as a "Trader Joe's" retail store, as well as improvements to the associated parking and circulation areas.

WHEREAS, Trader Joe's East, Inc. (hereinafter the "Applicant") has made an application for Preliminary and Final Major Site Plan approval with Variances to refit and reoccupy approximately 18,767 square feet of existing tenant space, including the approximately 1,522 square foot mezzanine, within the approximately 29,187 square foot, one-story commercial building ("Main Building") for use as a Trader Joe's Retail Store which is a permitted use in the B-2 General Business Zone located at 457 Mount Pleasant Avenue, also known as Block: 157; Lot 5 (the "Property"); and

WHEREAS, in connection therewith, the approximately 8,980 square foot former "Metropolitan Plan Exchange" greenhouse area to the west would be replaced with additional parking and associated circulation; thereby increasing the total parking supply for the Property, which currently contains 165 parking spaces, by approximately 11.5% (or 19 parking spaces), for a total of 184 parking spaces (188 with EV credits factored in); and

WHEREAS, ancillary improvements such as curbing, paving, landscaping, lighting, an 8-foot concrete masonry unit screen wall behind the Main Building, and two new trash enclosures are also proposed, as is new facade signage; and

WHEREAS, a properly noticed public hearing was conducted on January 7, 2026 and February 4, 2026; and

WHEREAS, the Applicant was represented by Howard D. Geneslaw, Esq. of FBT Gibbons LLP; and

WHEREAS, the Applicant provided testimony from Tung-To Lam, P.E. of Bohler Engineering, as an expert professional engineer; Paul B. Going, P.E. of Traffic Planning & Design, Inc., as an expert professional traffic engineer, Justin E. Auciello, PP, AICP., as an expert professional planner; and Jeffrey Taylor, R.A., AIA, of Taylor Associates Architects as an expert registered architect; and

WHEREAS, the Applicant submitted the following documents to the Board in the form of the application package:

ITEM	SIGNED BY	DATE/REVISION
Traffic Statement	Paul B. Going, P.E. David W. Fahim, P.E.	9/19/2025 (Revised 12/12/2026)
Stormwater Management Report	Tung-To Lam, P.E.	8/2025 (Revised 12/2025)
Stormwater Management Facilities Operations & Maintenance Manual	Tung-To Lam, P.E.	8/2025
Civil Engineering Plans (initially 19, then 20, Sheets)	Tung-To Lam, P.E.	8/14/2025 (last Revised 12/10/2025)
ALTA/NSPS Land Title Survey	James D. Sens, P.L.S	11/20/2023 (last Revised 8/05/2025)
Architectural Plans (5 Sheets)	Jeffrey Taylor, AIA	12/12/2025

WHEREAS, members of the public were provided with an opportunity to pose questions of the expert witnesses for the Applicant and also had an opportunity to offer comments on the Application; and

WHEREAS, the Board reviewed and considered the Application, and the documents submitted therewith, as well as the testimony of the expert witnesses and the questions and comments from the members of the public in attendance for the public hearings on the Application; and

WHEREAS, the Board reviewed and considered the following exhibits presented by the Applicant at the public hearing:

Exhibit A-1 : Aerial Exhibit prepared by Bohler Engineering, dated January 7, 2026 (Sheet C-01);

Exhibit A-2 : Site Plan (colored) prepared by Bohler Engineering dated August 14, 2025, rev #2 December 10, 2025 (Sheet C-301);

Exhibit A-3 : Proposed Floor Plan prepared by Jeffrey Taylor Architects dated December 12, 2025, revised January 6, 2026 (Sheet A-101A.00);

Exhibit A-4 : Proposed Elevations prepared by Jeffrey Taylor Architects dated December 12, 2025, revised January 6, 2026 (Sheet A-104A.00);

WHEREAS, the Board also considered the questions, testimony and filed review letters of its own appointed professionals at the public hearing, including review letters dated December 29, 2025 from Ryan MacNeill, P.E. of CME Associates (Township Consulting Engineer), a Planner's Report by Malvika Apte, PP, AICP, of Heyer, Gruel & Associates (Township Consulting Planner) dated November 12, 2025 and addendum to the report by Malvika Apte, PP, AICP dated December 30, 2025.

NOW THEREFORE, the Board makes the following findings of fact, based upon the evidence presented at the Board's public hearing on the Application, at which a record was made:

1. The Applicant is requesting approval for Preliminary and Final Major site plan approval with "c" variances and a soil removal permit to refit and reoccupy approximately 18,767 square feet of existing tenant space, including the approximately 1,522 square foot mezzanine, within the Main Building for use as a Trader Joe's Retail Store, which is a permitted principal use in the B-2 General Business zone, wherein multiple principal uses are permitted. Applicant also seeks a tree removal and replacement permit, which is issued by the Township Forester, but §28-5.c. requires submission of a tree replacement plan to the Board, which the Applicant submitted as part of the Application.
2. Ancillary improvements such as curbing, paving, landscaping, lighting, an 8-foot concrete masonry unit screen wall behind the Main Building, and two new trash enclosures are also proposed, as is new facade signage
3. The Property is irregularly shaped with approximately 524.6' of frontage along Mount Pleasant Avenue (which is also known as New Jersey State Highway Route 10), 50.2' of frontage along Pleasant Valley Way (which is also known as Essex County Road 636) and 101.6' of frontage along Mount Pleasant Place.
4. The Property measures approximately 3.7 acres in area, and a section of the South Branch of the Rahway River runs along the eastern side of the Property.
5. The Property is currently developed with the Main Building, the relevant portion of which was previously occupied by a "Metropolitan Plant Exchange" garden center which had an 8,980 square foot canopy/greenhouse area that was removed and will be

used by the Applicant for additional parking and associated circulation, thereby increasing the total parking supply for the Property, which currently contains 165 parking spaces, by approximately 11.5% (or 19 parking spaces), for a total of 184 parking spaces (188 with EV credits factored in). This will eliminate an existing parking variance on the Property. A former martial arts studio consisted of the remainder of the Applicant's proposed tenant space.

6. In addition to the Main Building there is a smaller retail building that is approximately 3,254 square feet in area which presently contains two personal service establishments, and a bagel and pizza store.
7. There are three (3) driveways located along all three street frontages that provide access to the existing shopping complex. There is a driveway along Mount Pleasant Avenue which is the main entrance to the site, a driveway located along Pleasant Valley Way and a third driveway located along Mount Pleasant Place. The access to the site from Pleasant Valley Way is via a bridge over the Rahway River.
8. Surrounding the site are additional commercial establishments near the intersection of Mount Pleasant Avenue and Pleasant Valley Way and single-family residential neighborhoods are located north, east and south of the commercial complex. Directly south of the Property is the Francis A. Byrne Golf Course.
9. Trader Joe's will occupy approximately 18,767 square feet of existing tenant space, including the approximately 1,522 square foot mezzanine, of the Main Building. There will be no expansion of the existing building envelope.
10. Currently the parking lot provides 165 parking spaces including 6 ADA accessible parking spaces.

11. Applicant is providing 188 on-site parking spaces, including a 4-stall credit for electric vehicle supply equipment stalls.
12. Applicant is installing porous pavement for the new parking lot area outside of Trader Joe's.
13. All of the new parking spaces will be 9' x 18' parking stalls. (Some of the pre-existing parking spaces are 8' x 14.8').
14. Some of the existing drive-aisles are less than the required 24' width and Applicant will re-stripe the parking lot so that the drive aisles comply with the 24' width.
15. The 4 EV parking spaces will be relocated far from the buildings and close to Mt. Pleasant Avenue as requested by the Fire Department.
16. Applicant is self-certified with the NJDEP as while they are in a flood hazard area, they are above the flood elevation.
17. Currently there is one loading zone space (where 4 loading spaces are required.) Applicant is creating one additional loading space at Trader Joe's for a total of 2 loading spaces on site.
18. Applicant also seeks to replace the current eight (8') foot fence which is damaged and in disrepair.
19. Proposed lighting will be new LED lighting; however, Applicant did a light study and is proposing 0.5 foot-candles (as opposed to the 2.0 FC required by Code) as they propose they are safer and reduce light bleeding over into the residential areas.
20. Applicant is removing 5 trees and replacing them with 10 trees and will work with the township engineer and forester for other plantings suggested. Applicant's plans are in

compliance with Township Code subsection 25-12.1.o. relative to proposed plantings in the parking areas on site.

21. It is anticipated that approximately 526 CY of soil will be moved and reused on site. The proposed soil movement is not in connection with a proposed subdivision. The soil movement is proposed to accommodate the parking lot reconfiguration that accompanies Applicant's proposed retail tenant use. Additionally, the proposed layout will result in a decrease in impervious area on site.
22. Applicant has obtained a Letter of No Interest ("LONI") letter from NJDOT dated September 18, 2025 showing that the NJDOT has no interest in the project.
23. The hours of operation for the Trader Joe's will be 9AM to 9PM, seven days a week. Deliveries will take place 7:00AM to 9:00PM with 2-3 deliveries per day expected. Deliveries to Trader Joe's will be to the rear loading zone.
24. Applicant requested a waiver from the Site Plan requirement of environmental site analysis as they have provided all the information to date required with the exception of a colored steep slope exhibit which they will provide as a post approval condition.
25. Applicant's architect, Jeffrey Taylor, testified that the entrance to the store will be through the corner of the building. All new sidewalks surrounding the building will be installed and barrier bollards will be constructed to protect pedestrians.
26. The entire exterior facade of the Main Building will be replaced, and the interior of the space to be occupied by Trader Joe's will be completely renovated. All mechanicals serving Trader Joe's will be replaced, and because the building has a barrel vault truss roof, no mechanicals will be located on the roof.

27. The loading area will have an 8ft. high screening wall and a canopy to shelter the area from rain and snow.
28. The indoor trash room and compost area are refrigerated, and all trash and compost are kept indoors until picked up for better rodent control. Applicant is also proposing an 8' high sound barrier to screen the condenser.
29. The existing paver sidewalk will be replaced with an all-new concrete sidewalk, and the entire facade of the Main Building will be re-finished and four new columns will be added as an aesthetic enhancement.
30. The lettering proposed for the left side sign is 18" which requires a variance but is necessary for store identification.
31. Applicant's traffic expert, Paul Going, presented trip generation estimates which demonstrated that based on Institution of Transportation Engineers (ITE) methodology, there will be no increase in trips since there will be no change in floor area of the Main Building. For a particularly conservative analysis, he also compared the trips which would be generated by the proposed Trader Joe's if considered a stand-alone supermarket use, to the number of trips that the prior garden center and martial arts uses generated. This alternate analysis demonstrated that while there will be an increase in trips to and from the site relating to the supermarket use as compared to the former garden center and martial arts uses, the increase is no more than thirty (30) trips in any peak hour and therefore will not have an impact on traffic.
32. No parking variance is necessary as the Applicant demonstrated they have 188 parking stalls (which includes 4 EV credits) and 188 parking spaces are required for the project.

33. Applicant's planning expert, Justin Auciello, testified that while the proposed Application was in excess of the 60% maximum impervious coverage permitted by ordinance, the Applicant was reducing the impervious coverage from the existing 83.8% to 82.1%.
34. There are a number of pre-existing conditions that necessitate variances for parking. The parking spaces located in the front yard, 27 parking spaces are within 10 feet of the front lot line, 25 existing parking spaces are within 10 feet of the side lot line which brings the total to 52 parking stalls that are within the required 10 foot buffer which are pre-existing.
35. The trash enclosure is considered in the front yard, bordering Mt. Pleasant Place; however, the Property has multiple front yards (bordering on three streets). The trash enclosure will be screened by vegetation, a fence wall and trees that will be planted. The trash enclosure will result in a clean-up of the hap-hazard dumpsters currently on the Property.
36. The proposed fence height of 8 feet is pre-existing and will provide screening for the loading space and enhance visual screening to the houses to the east.
37. The 8 foot screen around the utilities is offered to screen the ground utilities and because the utilities must be set on a concrete pad, landscape screening will not be possible.
38. Applicant's proposed illumination of the site is below the required footcandles; however, the Applicant offers the lessened footcandles to limit spillover into the residential area.

39. Applicant is proposing a canopy sign height of 1' 6" where 8" is the limit for safety and navigation to the site. There is an insufficient wall area on the side of the building so the only place that a sign may be placed is the canopy. If there was a side wall then no variance would be have been required.

40. The Application requires the following variance relief from the Board:

SECTION/REQUIREMENT	PERMITTED/REQUIRED	PROPOSED
25.8.4(d) Height of Fences and Walls used for screening	6 feet	8 feet
25- 14.3 Minimum Illumination of Foot Candle Levels	2.0 Foot-candles	0.5 Foot-candles
25-15.4.1 Maximum Canopy Sign Height	8 inches	1 foot 6 inches (1'6")
25-7.1 Maximum Impervious Coverage	60% (83.8% existing)	82.1%
25-8.1.a Location of Accessory Uses	Not within front or side yard	Parking within front and side yards
25-8.1.b. Minimum Setback of Accessory Use (Parking abutting residential district)	10 feet (0 existing)	5 feet
25-8.2 Yard Encroachments	Not permitted	Trash enclosure in front yard (Mt. Pleasant Place)
25-8.4.c Fence Height (in side and rear yards of nonresidential districts)	6 feet	Existing 8 foot fence along loading area to be replaced in kind
25-8.15 Screening of Utility Structures	Screened on 3 sides	Transformer on pad not screened
25-12.3.a.1 Number of Loading Spaces	4 (1 existing)	2
25-15.4.1 Canopy Projection	6'-0" (8'- 0" existing)	8'7"

41. N.J.S.A. 40:55D-46a. and b. and N.J.S.A. 40:55D-50a. govern the Board's review of the preliminary and final site plan application. N.J.S.A. 40:55D-46a provides that an "ordinance requiring site plan review and approval shall require the developer submit to the administrative officer a site plan and such other information as is reasonably necessary to make an informed decision as to whether the requirements necessary for preliminary site plan approval have been met." N.J.S.A. 40:55D-46a further provides that "The site plan and any engineering documents to be submitted shall be required in tentative form for discussion purposes for preliminary approval. If any architectural plans are required to be submitted for site plan approval, the preliminary plans and elevations shall be sufficient." N.J.S.A. 50:55D-46b provides that "if the planning board required any substantial amendment in the layout of improvements proposed by the developer that have been the subject of a hearing, an amended application for development shall be submitted and proceeded upon, as in the case of the original application for development" and "the planning board shall, if the proposed development complies with the ordinance and this act, grant preliminary site plan approval." N.J.S.A. 40:55D-50a. provides that final site plan approval "shall" be granted if the detailed drawings, specifications, and estimates of the application conform to the standards of all applicable ordinances and the conditions of preliminary approval. As such if the applicant meets the standards set forth in the ordinances, the planning board lacks the authority to deny approval of the site plan and subdivision. N.J.S.A. 40:55D-50a; PRB Enters., Inc. v. S. Brunswick Planning Bd., 105 N.J. 1, 7 (1987); Dunkin' Donuts of N.J., Inc. v. Twp. of N. Brunswick Planning Bd., 193 N.J. Super. 513, 515 (App. Div. 1984).

Conversely, if the application does not comply with all ordinance requirements, the Board must deny approval. Cortesini v. Hamilton Planning Board, 417 N.J. Super. 201, 215 (App. Div. 2010). However, there are two exceptions: (1) The first exception is where an application does not comply with all ordinance requirements but the Board grants relief in terms of variances or exceptions. In that case, the Board then must review the application against all remaining ordinance requirements and grant approval if the application complies with all such remaining requirements.

42. N.J.S.A. 40:55D-60 permits a planning board to grant variances from the bulk regulations of a zoning ordinance and other zoning deviations that do not require a “d” variance as part of site plan or subdivision review. The variance proofs are the same as for “c” variances as set forth in N.J.S.A. 40:55D-70. A c (2) variance may be granted when the purposes of zoning are advanced and the benefits of deviating from the ordinance requirements outweigh any detriments. The benefits derived from granting a “c (2)” variance must include benefits to the community as a whole, not just the applicant or property owner. A “c” variance must address the “negative criteria,” and affirmatively demonstrate that the variance can be granted “without substantial detriment to the public good” and “without substantial impairment to the intent and purpose of the zone plan and zoning ordinance” of the municipality.

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

1. The requested variances for the trash enclosure in the front yard satisfy the c (1) criteria as the Property has three front yards

2. The variances for maximum impervious coverage, location of accessory uses, minimum setback of parking abutting residential district, fence height in side and rear yards of nonresidential districts, height of walls and fences for screening, screening of utility structures, number of loading spaces, minimum parking area illumination, canopy projection, and canopy sign height satisfy the c (2) criteria because the proposed project is: eliminating a long vacant retail space without disturbing the surrounding area, providing an essential retail service within a walkable distance of the adjacent residential neighborhood and is easily accessed by motorists, improving the site function and circulation while adding a loading space and EV spaces, eliminating an existing parking variance, enhancing the overall appearance through building design and striping of the parking lot and enhancing the general welfare by refurbishing the space for an adaptive re-use. The proposed variances satisfy several purposes of the MLUL, specifically N.J.S.A. 40:55D-2a., g., i., j., and m.
3. The benefits of the project outweigh any negatives and present no substantial detriment to the public good as almost all of the requested variances are pre-existing or are being lessened by the project. Taken as a whole, the project represents a better planning alternative than if strict compliance with the Code were required.
4. A Soil Movement Permit is warranted and is in accord with the standards and requirements of Chapter 30 of the Township Code.

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Township of West Orange that approval for Preliminary and Final Major site plan with c variances and Soil Movement Permit is hereby granted to Trader Joe's East, Inc.; and

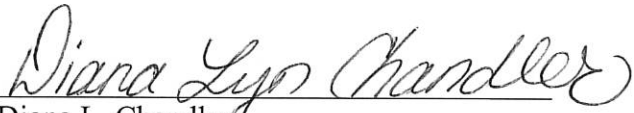
IT IS FURTHER RESOLVED that the approval granted to Trader Joe's East, Inc., is subject to the following terms and conditions:

1. The Applicant shall comply with all applicable Township, County, State and Federal laws, ordinances, regulations, and directives, including without limitation, obtaining all applicable local, state, and federal approvals, or permits. If another governmental entity or agency grants a waiver or a variance affecting the plans and/or exhibits submitted by the Applicant, this approval or the conditions attached to it, then the Applicant shall re-apply to this Board respecting the same and this Board shall have the right to view that issue as it relates to this approval and these conditions and modify and amend same, if appropriate.
2. In the event that any other required regulatory approval conflicts with the terms and conditions hereof, or materially alters the same, or the terms and conditions hereof are materially altered by any change in applicable law or regulation other than those municipal regulations for which change is prohibited by the Municipal Land Use Law (MLUL), or in the event Applicant or its successor or assigns construct or attempt to construct any improvement in conflict with or in violation of the terms of this approval, the Board hereby reserves the right to withdraw, amend or supplant the instant approval.
3. All construction, use and development of the Property shall be in conformance with the plans approved herein, all representations of the Applicant and its witnesses during the public hearing, all exhibits introduced by the Applicant, and all terms and conditions of this resolution.

4. The Applicant shall pay all outstanding application fees and technical review fees, board attorney fees for preparation of the resolution, as well as any inspection fees that may be required hereunder. The Applicant shall pay any additional fees or escrow deposits which may be due and owing within thirty (30) days of the notification or this approval shall be deemed withdrawn..
5. All notes included in the approved plans, including notes required by this Resolution, shall be deemed conditions of approval having the same force and effect as conditions expressly set forth in this Resolution.
6. Applicant will comply with the recommendations and directives of the CME review letter dated December 29, 2025, except for Item C.4., concerning submission of an Environmental Site Analysis per §25-29.10.c.2. of the Land Use Regulations (the Board granted a partial waiver and require that the Applicant submit a colored steep slope exhibit as a condition of approval, as reflected in Condition #8 below).
7. Applicant will supply the calculations for the area of disturbance to Township Engineer and Planning Department.
8. Applicant will supply a colored steep slope exhibit to Township Engineer and Planning Department.
9. Applicant will comply with the Fire Department requirements that the fire lane will be striped and marked "No Parking Fire Lane."
10. Applicant agrees to work with the Township Engineer to formulate traffic calming devices where necessary, including crosswalks for pedestrians and bollards along the entrance..

11. The Township Senior Citizen transport bus/jitney will be permitted to utilize the fire lane area for short stops for pick-up and delivery of senior citizens in accordance with the testimony provided as to the agreement with the Fire Official.
12. Applicant will install a bench or benches for senior citizens to sit while they wait for the Senior transport.
13. Applicant will mark the compact space at the bridge area as one would enter the site.
14. Applicant shall install a solar panel lighted stop sign and paint a stop bar for traffic entering the site from the bridge that is located at the entrance from Pleasant Valley Way.
15. Applicant will comply with the Township noise ordinance as to trash pick-up.
16. Composted trash will be kept inside in a refrigerated area and removed twice a week by private hauler.
17. Applicant will install, with the advice and consent of the Essex County Planning Board, an LED lighted stop sign at the exit onto Pleasant Valley Way.
18. No truck deliveries to or from Trader Joe's onto or from Mt. Pleasant Place are permitted.
19. Applicant will improve, with the advice and consent of the Essex County Planning Board, the sidewalk and ADA curb ramp onto Pleasant Valley Way and will work with the County of Essex with respect to those improvements.
20. The Applicant shall list all conditions of approval onto a final site plan submission prior to the submission of the building permit.

The undersigned secretary certifies the decision set forth herein was made by this Board on February 4, 2026, and memorialized herein pursuant to N.J.S.A. 40:55D10(g) on February 25, 2026.


Diana L. Chandler
Acting Planning Board Secretary

Vote Action Taken by the Board on February 4, 2026:

Board Member	Motion	Second	Aye	Nay	Abstain	Absent
K. Alper		X	X			
J. Guarino						
L. Klein						
S. McCartney			X			
S. Scarpa			X			
C. Morgan						
F. Noborine			X			
W. Wilkes						
L. Kapferer						
J. Cardoza						
R. Bagoff	X		X			

Vote on Memorialization on February 25, 2026:

Board Member	Motion	Second	Aye	Nay	Abstain	Absent
K. Alper			X			
J. Guarino						
L. Klein						
S. McCartney		X	X			
S. Scarpa			X			
C. Morgan						
F. Noborine						
W. Wilkes						
L. Kapferer						
J. Cardoza						
R. Bagoff	X		X			