

**MINUTES
TOWNSHIP OF WEST ORANGE
PLANNING BOARD MEETING
May 6, 2026, 6:30 P.M.**

The Township of West Orange Planning Board held its regular meeting on May 6, 2026, at 6:30 P.M. via virtual ZOOM videoconference and in person (Council Chambers of Town Hall).

Chairman Bagoff called the meeting to order at approximately 6:30 P.M. He announced that notification of the meeting was given to the Township Clerk, and posted on the Township Bulletin Board, sent to the West Orange Chronicle and the Star Ledger, and posted on the Township's website calendar. This meeting has been properly noticed to the public in accordance with the Open Public Meetings Act. No new matters will start after 10:30 P.M.

PLEDGE OF ALLEGIANCE

- *Chairman Bagoff* requested all persons stand for the Pledge of Allegiance.

ANNOUNCEMENTS

- The next Planning Board special meeting will be held on **Wednesday, June 3, 2026 at 7:30 p.m** via Zoom.

ROLL CALL

PRESENT: Chairman Robert Bagoff; Mr. Jerry Guarino;
Mr. Ken Alper; Mr. John Cardoza;
Mayor Susan McCartney; Mr. Christopher Morgan, Sr.;
Councilwoman Susan Scarpa; Mr. Lee Klein;
Ms. Lori Kapferer; Mr. Frank Noborine;

ABSENT: Mr. William Wilkes

ALSO PRESENT: Diana P. McGovern, Esq., Planning Board Attorney;
Jamilet Baquerizo Vite, Planning Board Secretary
Ryan MacNeill, Board Engineer
Malvika Apte, Board Planner

MINUTES & RESOLUTIONS

PB-24-05-Yerrr-Canna-Draft-Extension-of-Time-Resolution

Motion: Chairman Bagoff

Second: Mr. Guarino

Alper:	Y	Mayor McCartney:	Y
Bagoff:	Y	Morgan:	Y
Cardoza (Alt.2):	Y	Noborine:	Y

Guarino:	Y	Scarpa:	Y
Kapferer:	Y	Wilkes:	----
Klein:	Y		

2-4-26-WO-PB-Draft-Minutes

Motion: Chairman Bagoff

Second: Mayor McCartney

Alper:	Y	Mayor McCartney:	Y
Bagoff:	Y	Morgan:	Y
Cardoza (Alt.2):	Y	Noborine:	Y
Guarino:	---	Scarpa:	Y
Kapferer:	---	Wilkes:	----
Klein:	---		

SWEARING IN

- The Township Professionals: Mr. Ryan MacNeil (Consultant Engineer) and Ms. Malvika Apte (Consultant Planner) were sworn under oath.

APPLICATIONS

- **PB-23-04 Redwood LLC**
200 Pleasant Valley Way
Block: 151 Lot: 33 Zone: IHO-2

Applicant proposes to construct a four (4) story/142-unit residential rental community with luxury amenities and on-site parking for 338 vehicles.

-Attorney William Dimin entered on the record on behalf of the applicant. Mr. Dimin requested an extension of time, and it was granted by the board until July 5, 2026.

Motion: Chairman Bagoff

Second: Mr. Guarino

Alper:	Y	Mayor McCartney:	Y
Bagoff:	Y	Morgan:	Y
Cardoza (Alt.2):	Y	Noborine:	Y
Guarino:	Y	Scarpa:	Y
Kapferer:	Y	Wilkes:	----

Klein:	Y	
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• **PB-24-01 West Essex Highlands, Inc**

Block: 179 Lot: 32 Zone: IH-1

Warner Road

The applicant is proposing to develop a 496-unit inclusionary multifamily residential development on a vacant 120-acre property in the northwest corner of the Township.

***The transcript below of the hearing dated May 6, 2026, is the full record of the hearing and is attached hereto as the minutes of the meeting. ***

PB-24-01 West Essex Highlands - Transcript 5-6-26 Compressed

Motion: Mr. Guarino

Second: Mr. Klein

Alper:	N	Mayor McCartney:	Y
Bagoff:	Y	Morgan:	---
Cardoza (Alt.2):	N	Noborine:	---
Guarino:	Y	Scarpa:	N
Kapferer:	N	Wilkes:	----
Klein:	Y		

• **PB-25-11 525 Northfield Ave LLC**

525 Northfield Avenue

Block: 159.04 Lot: 1.01 Zone: B-2

The applicant is proposing a 4-story mixed-use building containing 1,200 sq. ft commercial space on the ground floor and 95 residential units on the upper floors, and 165 off-street parking spaces.

-Attorney Marsha Moore, on behalf of the applicant, entered on the record and has requested to be adjourned to the June 3, 2026, Planning Board regular meeting without further notice.

• **PB-25-12 262 & 270 Main Street Realty LLC**

262 & 270 Main Street

Block: 114 Lot: 50 & 55 Zone: B-1

The applicant proposes to construct a two-story supermarket building consisting of 13,934 square feet on the first floor and 5,810 square feet on the second floor, for a total of 19,744 square feet. *(The applicant has requested to be adjourned to the June 3, 2026, Planning Board regular meeting)*

• **PB-26-01 15 Ridgeway LLC**

15 Ridgeway LLC

Block: 158 Lot: 28.01 Zone: R4

The applicant is seeking a minor subdivision with bulk variance approval to create an additional building lot from an oversized lot.

PUBLIC COMMENT

- Andrew Ellman, of 9 Ridgeway Court, stated that the notice he received referred to an existing structure on the property, but that structure had already been demolished.
 - o He questioned whether the township attorney had determined if the application should be classified as a minor subdivision or a major subdivision.
 - o He also asked what the process of the application actually was.
- Chairman Bagoff responded that the board would first hear testimony from the applicant and its experts.
 - o The board planner and engineer would review the application and provide opinions.
 - o The zoning official would be asked to explain the discrepancy between the existence and apparent removal of the building.
- Michaela Bennett of Old Indian Road stated that there was an active emergency situation on the property and that the board should not hear the application while the issue remained unresolved.
 - o Excavation activity had apparently struck a spring or otherwise created a substantial body of water on the site
 - o A lake had formed on the property
- Ms. McGovern explained the board is generally obligated to hear applications that have already been deemed complete.
- The zoning official, Ms. Gary-Adams, stated she became aware of water on the property after receiving a phone call. She notified the construction official.
 - o An email was sent directing the applicant to install fencing around the area.
- Mr. Ellman pointed out that the notice described an existing two-story dwelling on the property, even though the structure had already been removed.

PRESENTATION

- Attorney Frank J. Materia appeared on behalf of 15 Ridgeway LLC
- He explained the property is an oversized lot.
- The application is to subdivide it into two lots, and to create a subdivided, buildable lot.
- Regarding the water issue, he acknowledged that a stop-work order had been issued.
- He suggested that the order limited what the applicant could currently do on the property.
- The property owner, Amoghene Francis Umude, entered on the record; he was sworn under oath. He testified to the following:
- Mr. Umude stated that portions of the structure still existed. The foundation of the existing garage is still present.

BOARD QUESTIONS

- Ms. McGovern asked Mr. Materia whether the original proposal intended to preserve the existing house or whether demolition had always been part of the plan. Mr. Materia replied that he will have to ask the applicant.
- Chairman Bagoff asked Mr. Materia if there are 2 buildings on the property or 1 building. Mr. Materia said there is only one building.

- Chairman Bagoff asked Mr. Materia if the building is physically gone now. Mr. Materia said he has never been to the property.

The board took a brief recess of approximately five minutes

PROFESSIONAL COMMENTS

- After the recess, Ms. McGovern reviewed the language of the public notice, which stated that:
 - o One resulting lot would contain the existing two-story single-family dwelling.
 - o That dwelling was proposed to be renovated.
- Ms. McGovern concluded:
 - o A reasonable neighbor reading the notice would expect the existing house to remain.
 - o The actual situation was different because the structure was no longer present in the manner described.
 - o The difference affected how neighbors might evaluate the project.
 - o Therefore, the notice was defective.
- Ms. McGovern stated that the applicant should issue a new notice and restart the hearing process.
- Ms. Apte requested that the applicant grant an extension of time for the board's decision.
- She noted the minor subdivision application had been conditionally deemed complete on March 3.
 - o She would like to avoid any issues with deadlines while the notice defect was being corrected.
- Ms. McGovern stated if they didn't get their notice done correctly, the time wouldn't be running
- Ms. McGovern requested confirmation from Mr. Materia that the applicant is allowed to re-notice. Mr. Materia stated they will re-notice.

BOARD COMMENTS

- Chairman Bagoff explained the application could not move forward that evening.
 - o Nearby property owners would receive new notice describing the revised application.
 - o The matter would return to the board after proper notice had been provided.

GENERAL DISCUSSION

- Mr. Ellman clarified that no conclusion should be drawn regarding whether the application qualified as a minor subdivision, emphasizing that the issue still required a formal determination.
 - o Chairman Bagoff explained that the consulting planner's earlier reference to a "minor subdivision" was only intended to address the timeline for board action, not to make a binding legal determination.
 - o He stated that when the application returns, it will evaluate every aspect of the proposal, with input from the township planner, land use attorney, zoning official, and engineer.

- Mr. MacNeil clarified that the proposal is a minor subdivision because it creates only two lots under the municipal code.
 - o The confusion stems from the fact that it is considered a major development only for stormwater management purposes, which is a separate classification.
- **PB-25-09 Perez**
68 Whittlesey Avenue
Block: 129 Lot: 58 Zone: R-T
 The applicant proposes to subdivide the property into two 50-foot lots, convert the existing single-family dwelling to a two-family dwelling, and construct a new two-family dwelling on the subdivided lot.

PRESENTATION

- Attorney Alan Trembulak appeared on behalf of the applicant, Johny Perez.
- Mr. Trembulak explained that the existing parcel is 100 feet wide.
- The application is to subdivide the property into two 50-foot lots to expand the one family house into a 2 family house.
- Additionally, to construct a new two-family house on this subdivided 50-foot lot.
- Mr. Trembulak explained that the RT zoning district permits 50-foot lots and two-family dwellings.
 - o However, the ordinance also requires 75 feet of lot width for two-family homes, creating the need for C variances.
- He argued that the proposal fits the established neighborhood character because:
 - o Many nearby properties sit on similarly small lots.
 - o The surrounding area already contains numerous two-family homes and even some three-family buildings.
- The applicant, Johny Perez, entered on the record; he was sworn under oath. He testified to the following:
 - He owns 68 Whittlesey Avenue and has owned the property since 2008.
 - It currently contains a single-family home.
 - Mr. Perez stated he has lived in West Orange since 1995.
 - His family moved into 66 Whittlesey Avenue, immediately next door, in 1995.
 - His parents still own and live in that neighboring single-family home.
 - o His younger brother also lives there.
 - Mr. Perez explained that he is currently separated from his spouse.
 - o His children live out of state.
 - o He travels frequently between states.
 - o When he is in New Jersey, he stays at 68 Whittlesey Avenue.
 - Mr. Perez's relatives currently live in the house as tenants.
 - Mr. Perez testified that his goals are to:
 - o Remain in the neighborhood where he grew up.
 - o Improve and beautify the area.
 - o Continue living close to his parents and his special-needs brother.
 - He intends to move into one unit of the converted two-family home.
 - As well to convert the existing single-family house into a two-family residence.
 - Regarding the new subdivided lot, Mr. Perez explained that:
 - o He has two sons.
 - o His long-term plan is to create two comparable homes that can eventually be passed on to each son.

- He hopes his sons will someday live in the homes.
- Mr. Perez said his father's wish is to have three neighboring "Perez" households together.
- He testified that he does not intend to sell either property.
- The homes may be rented temporarily for income, but the long-term goal is family occupancy.
- Mr. Perez acknowledged that, if approved, both properties would have to comply with all zoning regulations, building codes, and municipal ordinances.
 - Any new construction would meet setback and other zoning requirements.
 - Construction would satisfy all building permit requirements.
- Mr. Perez stated that he is an electrical engineer, giving him familiarity with construction permitting processes.
- He also confirmed that he understands and intends to comply with:
 - Tree removal regulations.
 - The ordinance requiring each apartment to contain at least 1,100 square feet.
 - Architectural design standards preventing nearby houses from appearing substantially similar.
- Mr. Perez testified that required on-site parking will be provided.
 - The final number depends on the bedroom count.
- The anticipated layout discussed was:
 - New two-family building: two bedrooms in each unit.
 - Existing converted house: one three-bedroom unit and one two-bedroom unit.
- This would result in:
 - Three two-bedroom units.
 - One three-bedroom unit.
 - Approximately 6 1/2 to 7 required parking spaces, which Mr. Perez believes can be accommodated on site.
- Mr. Perez confirmed that the rear yard has a 6-foot fence and the side yard has a 4-foot fence.
- He also testified that a shed exists near the rear property line.
 - The shed was already on the property when he purchased it in 2008.
- Mr. Perez testified that the existing shed on the property is in fair condition.
- He agreed that, if required as a condition of approval, he would remove or relocate the shed.

BOARD QUESTIONS

- Mayor McCartney asked where vehicles for both two-family homes would park and how cars would access the lots once the new dwelling was constructed. Mr. Perez explained parking for the new building would be located in the front yard, consistent with the proposed 30-foot front setback. Parking for the existing house would be located along the side, where he believed sufficient space existed.
- Chairman Bagoff asked whether the architect would be able to show the board diagrams to illustrate the proposal. Mr. Perez responded that he had intentionally not hired an architect yet, preferring to obtain Planning Board approval before investing in detailed architectural plans.

PROFESSIONAL COMMENTS

- Ms. Apte noted that one of the problems in the letter was that the board needs to see floor plans, especially for the conversion of the current building into two units, as well as the new building that's going to come.

PROFESSIONAL QUESTIONS

- Ms. McGovern asked the zoning official, Ms. Gary-Adams, whether front-yard parking was permissible. Ms. Gary-Adams explained that parking areas must remain at least 5 feet from side property lines. Parking cannot occupy more than 30% of the front yard.
- Ms. McGovern questioned whether a 50-foot-wide lot could realistically accommodate the required parking.
 - o It was estimated that the proposed two-family dwelling would require four parking spaces, which appeared difficult to fit within the ordinance's limitations.

GENERAL DISCUSSION

- Several possible solutions regarding parking were discussed:
 - o Parking in the rear of the property
 - o A common driveway
 - o Returning for a parking variance if necessary
- Chairman Bagoff noted that a common driveway would require:
 - o A permanent easement.
 - o Ongoing maintenance obligations that would remain in effect if ownership changed.
- Mr. Perez indicated there was space in the rear, but the board emphasized that more detailed plans would be necessary before evaluating the proposal.
- Board members agreed that the applicant should provide:
 - o A plot plan showing driveway locations
 - o Parking layouts
 - o Vehicle circulation
- Mr. Trembulak argued that preparing complete architectural plans at this stage would be an unnecessary expense because the application concerned subdivision approval.
- Ms. Apte asked who determines whether two nearby houses are "substantially similar," as prohibited by the ordinance.
 - o She characterized the standard as subjective.
- The board explained that:
 - o The ordinance requires meaningful architectural differences beyond simply changing colors or creating a mirror-image design.
 - o Differences could include porches, window arrangements, rooflines, and other architectural features.
- Chairman Bagoff discussed separating the application into phases:
 - o Approving the subdivision and conversion of the existing home first.
 - o Leaving the new dwelling on the vacant lot to be reviewed later with complete building plans.
- They explained that if the future house could not meet parking or other zoning requirements, the applicant would need to return for additional variances.
- Another option discussed was approving only:
 - o The subdivision.
 - o The variance to convert the existing single-family home into a two-family dwelling.

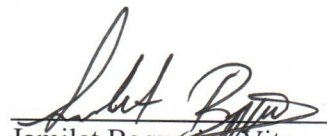
- The future development of the second lot would then be determined in a later application.
- Ms. McGovern emphasized that they could not grant a blanket approval for an unspecified future two-family dwelling because too many design and compliance issues remained unresolved.
- The board reviewed the parking requirements based on the applicant's testimony:
 - o The converted existing house would require four parking spaces.
 - o The proposed new building would also require parking based on its two-bedroom units.
- Discussion focused on:
 - o Whether parking would be arranged beside the existing house.
 - o Whether tandem parking might be necessary.
 - o Whether two separate driveways would ultimately work better than a shared driveway because of property line constraints.
- Several members noted that the conversation would be much easier if a basic site plan showing driveways and parking locations were submitted.
- Mr. Trembulak agreed to submit:
 - o A plot plan
 - o Parking layout
 - o Impervious coverage calculations
- Chairman Bagoff stated that while complete architectural plans were unnecessary, the planner needed sufficient information to determine compliance with zoning standards.
- Ms. Apte asked about the size of the existing home.
- Mr. Trembulak stated that township tax records list it at approximately 1,700 square feet.
- Ms. Apte noted that since each apartment must contain at least 1,100 square feet, the existing structure would require an addition.
 - o Mr. Trembulak confirmed that the building would indeed be expanded.
- Mr. Trembulak identified planner Matt Flynn as the applicant's expert witness.
- Chairman Bagoff recommended postponing the planner's testimony until additional plans and calculations were prepared, since additional variances might ultimately be necessary.
- Mr. Alper raised concern that the new house should be positioned far enough away from the existing house to satisfy fire department spacing requirements.
- Mr. Trembulak responded that they intended to design the new house with greater setbacks to provide sufficient separation.

NO PUBLIC QUESTIONS

NO PUBLIC COMMENTS

- **The application will be carried to the next Planning Board regular meeting on June 3, 2026, without further notice, starting at 7:30 pm via Zoom.**

ADOPTED: 7/1/26


 Jamilet Baquerizo Vite
 Planning Board Secretary