

RESOLUTION

Township of West Orange

Planning Board

PB-26-04 Orange Prospect, LLC

111 Prospect Avenue

Block: 151 Lot: 17.01; Zone: B-2 (General Business Zone)

Decided on June 24, 2026

Memorialized on August 12, 2026

Amended Preliminary and Final Site Plan Approval with “c” Variances, Waivers, Soil Movement Permit, Stormwater Management Permit, Tree Removal and Replacement Permit, and Extension of Time for Tree Planting

WHEREAS, Orange Prospect, LLC (hereinafter the “Applicant”) has made an application for Amended Preliminary and Final Major Site Plan approval with “c” Variances, Waivers, Soil Movement Permit, Stormwater Management Permit, Tree Removal and Replacement Permit, and Extension of Time for Tree Planting to renovate portions of the existing banquet hall and restaurant buildings, reconstruction of the rear parking lot and related landscape improvements at the existing restaurant/banquet facility located at 111 Prospect Avenue, also known as Block: 151 Lot: 17.01 (the “Property”), in the Township’s B-2 General Business Zone (the “Application”); and

WHEREAS, a properly noticed special meeting and public hearing on the Application was conducted by the Board via the Zoom streaming platform on June 24, 2026; and

WHEREAS, the Applicant was represented by Kenneth D. McPherson, III, Esq., of FBT Gibbons, LLP; and

WHEREAS, the Applicant provided testimony of J. Michael Petry, P.E., P.P., AIA, of Petry Engineering, LLC, and J. Michael Petry, AIA Design Services, a licensed Civil Engineer,

Architect and Professional Planner in the State of New Jersey, whose expert credentials for each licensure were accepted by the Board; and

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

ITEM	SIGNED/PREPARED BY	DATE/REVISION
Amended Site Plan Set (32 Sheets)	J. Michael Petry, P.E., P.P., A.I.A.	12/19/2025, last revised 05/21/2026
Floor Plans and Elevations (Restaurant Building) (8 Sheets)	J. Michael Petry, P.E., P.P., A.I.A.	12/19/2025, last revised 05/20/2026
Boundary Survey (1 Sheet)	Zdravko Lucin, P.L.S.	02/29/2012
Stormwater Management Report	J. Michael Petry, P.E., P.P., A.I.A.	12/27/2024, last revised 12/19/2025
Soil Movement Permit Request	J. Michael Petry, P.E., P.P., A.I.A.	Submitted 04/22/2026 (undated)
Architectural Floor Plans and Elevations (Main Building) (3 Sheets)	J. Michael Petry, P.E., P.P., A.I.A.	12/19/2025, last revised 05/20/2026
Environmental Impact Statement	Petry Engineering, LLC	02/27/2026
Township of West Orange Stormwater Permit Application	Petry Engineering, LLC	Submitted 04/22/2026 (undated)
Tree Removal and Replacement Permit Application	Petry Engineering, LLC	Submitted 04/22/2026 (undated)

WHEREAS, representatives of the public had an opportunity to question the Applicant's expert witness, Mr. Petry, and offer statements regarding the Application; and

WHEREAS, the Board reviewed and considered the Application, Applicant's testimony, the questions and statements of the public and the documents submitted with the Application; and

WHEREAS, at the June 24, 2026 public hearing of the Application, the Board also considered the testimony of its professionals including: (i) Malvika Apte, P.P., AICP of Heyer Gruel & Associates (Board Planning Consultant) and the associated Board Planner reports dated May 15, 2026 (Completeness Review #1), May 29, 2026 (Completeness Review#2), June 5, 2026 (Planning Review #1), June 9, 2026 (SPRAB Meeting Summary), June 17, 2026 (Addendum to Planning Review #1); and (ii) Ryan MacNeil, P.E. of Artheon (Board Engineering Consultant) and the associated Board Engineer's report dated June 4, 2026; and

NOW THEREFORE, the Board makes the following findings of fact, based upon the evidence presented at the June 24, 2024 public hearing of the Application, at which a record was made:

1. The Property, identified as Block 151, Lot 17.01 in the Township tax records, is located at 111 Prospect Avenue, being a L-shaped corner lot fronting Woodland Avenue and Prospect Avenue.
2. The Property, which is located in the Township's B-2 (General Business) Zone is developed with several structures and site improvements, which are remnants of the Property's prior, and to be continued, permitted use as a catering / banquet hall and restaurant facility formerly known as The Manor.
3. The Applicant most recently was granted preliminary and final major site plan approval with "c" variance relief and waivers pursuant to Planning Board Resolution PB-25-02, memorialized June 4, 2025 (the "Prior Approval"). The Prior Approval permitted reconstruction of the driveway, walking path and valet parking area; renovations to the main building; construction of a porte-cochere; creation of a Community Garden;

impervious coverage of 60.53% where 60% is permitted (reduced from 61.75%); total occupancy of 1,515 persons; and 471 parking spaces, including EV credits.

4. The existing restaurant/banquet facility is a mixed-use type building permitted in the B-2 Zone; however, the proposed amended development requires certain variance relief from the Chapter 25 of the Township's Code.
5. The Property is improved with a large commercial building, which houses a restaurant/banquet facility, as well as a two-story accessory building, which is located to the north of the main building and contains existing residential space on the second floor (which had been utilized by employees and staff of the prior catering / banquet hall and restaurant facility formerly known as The Manor).
6. Both the main and accessory buildings are surrounded by existing surface parking lots located to the north and south. The area to the west of the main and accessory buildings is landscaped to the western property line. The landscaped area previously included a large fountain at the rear of the main building and smaller fountains, and an existing gazebo located to the north. A series of paved brick sidewalks extended throughout the landscaped area, connecting the fountains and gazebo.
7. Under this Application amendment, the Applicant proposes to relocate the gazebo and rebuild the fountain, renovate the interior of the existing main building and move the entire restaurant operation into the accessory building
8. The scope of work proposed also includes the renovation of parking lot "C" in the rear, with the addition of landscaped islands to the parking lots and expanding the Community Garden to wrap around the carriage house.

9. Applicant's engineering, architectural and planning expert, Michael Petry, testified that the current maximum occupancy limit (including the residential component) is 1,563 persons which requires 488 parking spaces, whereas 486 are proposed.
10. The Applicant will also be creating an indoor dining area in the courtyard with a lounge and further proposes to replace the existing grass in the outdoor ceremony area with turf or similar material so that the area can be more safely maintained and utilized by patrons.
11. The fountain will be replaced in the same location as it presently stands.
12. With respect to parking lot illumination, the Applicant will continue with the same type of light fixtures that were approved with the site plan application decided in 2025 and install them into the other parking lot areas. Applicant has requested a variance from the required lighting levels as the Applicant's expert testimony submitted that the current lighting levels at the Property are sufficient for purposes of safety without any light spillage onto adjacent properties.
13. Ten trees are being replaced in the approach area to make the venue more formal in appearance and the Applicant testified that they are committed to maintaining the extensive prior-approved and proposed landscaping, though, due to the construction of the approved and proposed parking area grading and circulation improvements to take place on the Property, planting of the replacement trees must be delayed so that the new trees can take root without suffering any damage from ongoing construction.
14. The site has always exceeded the applicable impervious coverage limits in the Code and with the revisions provided with this Application, impervious coverage will be reduced to 59.76%, which is compliant with the Code.

15. The Board finds that there is a direct public benefit created by the reduction of impervious coverage and the Applicant's stormwater improvements that will be installed which will improve stormwater drainage on the site, which justifies the Board's granting of variance relief from a specific subsection of the Township's storm water management standards as the Board finds that the revised impervious coverage, along with the proposed stormwater management plan, satisfies the intent of the applicable Ordinance subsection.

16. The second-floor area of the accessory building will be renovated to include a small locker room, bathroom and lounge area for employees (525 square feet) separate from the two-bedroom residential space that is accessed from its own entrance in the rear of the accessory building.

17. The residential space has two bedrooms, a study, living room, kitchen and bathroom and is approximately 1,844 sq. feet in area. The testimony provided by the Applicant established that the residential space has historically been reserved for use by employees/chefs/owners of the prior facility and Applicant accepted a condition that the residential space would be deed restricted for use by only those persons who were employees of the proposed same use to be known as The Estate, or such other name as Applicant may designate for the business at the Property.

18. Applicant requested relief under this Application to allow the trees that are required to be planted on site to be planted after construction is substantially completed during a planting season. The Board suggested that the landscaping and trees be planted by June 25, 2027 and this date was acceptable to the Applicant

19. The Board's Planner, Ms. Apte, in her report dated June 5, 2026, indicated that the reconstructed gazebo in the rear yard intersects the required 50 ft. residential buffer line

and Applicant agreed to a condition that a landscape buffer screening this area of the Property from view from the adjacent properties behind it will be installed and maintained in perpetuity.

20. Cathy Dent, a resident owner of the property located at 5 Deerfield Drive (Block 151.03, Lot 16) advised the Board that she lives behind the Applicant's Property and expressed concern regarding landscaping changes in the rear of the Property and the presence of certain accumulated dirt. In response, the Applicant's expert, Mr. Petry, testified that certain trees in the area had been previously permitted for removal by the Township Forester due to their proximity to the existing building with evergreens replanted in that location. The Applicant's attorney, Mr. McPherson, represented that the Applicant would immediately investigate the stated condition and address any issue to the satisfaction of the Code Official, as deemed necessary by the Township.

21. The Application requires the following variance or waiver relief from the Board:

SECTION/REQUIREMENT	REQUIRED	EXISTING	PROPOSED
25.29.4.S.2 Stormwater Requirements for Major Development (Stormwater runoff quantity standards)	On-site retention of 1/2 of the projected two-year storm.	N/A (Amended 5-20-2025 by Ord. No. 2918-25)	Application reduces impervious coverage at the Property to a Code compliant 59.76%, which will in turn reduce total stormwater runoff volume at the Property.
25-12.2 Minimum Number of Off-Street Parking Spaces	488	471 (PB-25-02)	486
25-12.1 Length of Parking Row	Maximum length of a single row of parking spaces shall be 20 spaces, at which point a landscaped area	Lot C- 28 & 22 Lot B- 27	Lot C- 28 & 22 Lot B- 27 Lot D- 30 & 33

	with a minimum width of eight feet shall be provided	Lot D- 30 & 33	(existing conditions with additional proposed landscaped islands)
25-14.3 Minimum Illumination at Pedestrian Walkways	0.9 Footcandles (FC)	0.5 FC	0.5 FC
25-14.3 Minimum Illumination at Parking Areas	2.0 Footcandles (FC)	1.2 FC	1.2 FC
25-14.3 Minimum Illumination at Streets	1.2 Footcandles	1.0 FC	1.0 FC
25-11.3(a) Buffer Strips in all Nonresidential Districts	In all nonresidential zones, where a side or rear property line abuts a residential district or a residential use in a residential zone, a 50-foot-wide landscaped buffer strip must be provided and maintained in perpetuity. The buffer must contain trees and shrubbery sufficient to screen the nonresidential development from the adjoining residential properties	Location of existing Gazebo is approximately 2 feet beyond the required 50-foot residential buffer required.	Proposed new location of Gazebo is approximately 6 feet beyond the required 50-foot residential buffer required.

22. N.J.S.A. 40:55D-46b and 50a are the focal points for consideration of amended preliminary and final site plan applications. N.J.S.A. 40:55D-46b provides that if “any substantial amendment in the layout of improvements proposed by the developer that have been subject of a hearing” is

proposed, "an amended application for development shall be submitted and proceeded upon, as in the case of the original application for development." N.J.S.A. 40:55D-46b further provides that the Board "shall" grant amended preliminary site plan approval if the proposed development complies with all provisions of the applicable ordinances. Similarly, 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. 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. (2) The second exception is where the application does not comply with all ordinance requirements, but a condition can be imposed requiring a change that will satisfy the ordinance requirement. In that case, the Board can either grant approval on the condition that the application is revised prior to signing the plan to comply with the ordinance requirement or the Board can adjourn the hearing to permit the applicant the opportunity to revise the plans to comply with the ordinance requirement prior to the Board granting approval.

23. 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 Application requires Amended Preliminary and Final Major Site Plan approval with "c" variances, waivers, a Soil Movement Permit, a Stormwater Management Permit, a Tree Removal and Replacement Permit, and an extension of time for replacement tree planting pursuant to Section 28-8 of the Township's Tree Protection, Removal and Replacement Ordinance.
2. The requested variance for stormwater relief satisfies the c(2) criteria for the variance because the Applicant has demonstrated an overall reduction in impervious coverage that is in keeping with the intent and spirit of the stormwater ordinance and will improve stormwater management as the Board's Engineering Consultant concurred that the variance from the on-site retention requirement of Section 25-29.4.S.2 is appropriate given the overall reduction in impervious coverage and resulting decrease in both stormwater

peak flow and total volume; the requested variance for the number of off-street parking spaces required is also satisfied under a c(2) criteria because the proposed 2 space variance is related to the two-bedroom residential space on the second floor of the accessory building which because the residential space is restricted to use solely by the employees of the proposed business use is subsumed by the actual overall parking needs of the site; the proposed lighting variances are all appropriate as the testimony established that the lighting was sufficient for safety and will be an aesthetic improvement to the site as a whole without any resulting light spillage onto adjacent properties; the requested variance from the length of the parking space rows is appropriately given the condition itself will be improved by the addition of several planting islands and thus improves upon the previous parking configuration; the requested variance for the proposed relocation of the gazebo within the required 50 foot additional residential buffer is appropriate given the Applicant's testimony as to the aesthetic improvements that will derive from it and the Board's condition that the Applicant install a suitable landscaping buffer between the new location of the gazebo and the applicable residential buffer area to screen the gazebo's visibility from adjacent properties.

3. The request for a soil movement permit is justified as per the testimony of the Applicant's expert as confirmed by the Board experts that the soil moving activities will be in relation to the reconstruction of the rear parking areas and for the construction of the new walkways on the Property.
4. Relief by way of an extension of time for replacement tree planting pursuant to Section 28-8 of the Township's Tree Protection, Removal and Replacement Ordinance is justified as on- going construction activities will impede safe and viable planting of the required trees

and landscaping. extension of time for replacement tree planting pursuant to Section 28-8 of the Township's Tree Protection, Removal and Replacement Ordinance.

NOW THEREFORE be it resolved by the Planning Board of the Township of West Orange that the Applicant's Application (PB-26-04) for Amended Preliminary and Final Major Site Plan approval with "c" variances, waivers, a Soil Movement Permit, a Stormwater Management Permit, a Tree Removal and Replacement Permit, and an extension of time for replacement tree planting to June 24, 2027 pursuant to Section 28-8 of the Township's Tree Protection, Removal and Replacement Ordinance is hereby granted subject to the below enumerated conditions of approval.

AND IT IS FURTHER RESOLVED that the above approval 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 and/or permits. Without limitation of the foregoing, prior to the signing of the approved site plans, and prior to the commencement of any land disturbance or construction but excluding interior renovations, the Applicant shall submit to this Board, with a copy to the Board Engineer, proof that it has obtained all required governmental approvals.
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 taxes, tax liens, application fees and technical review fees, and Board attorney fees for preparation of resolution, Special Meeting review fees 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.

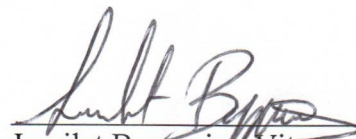
6. To the extent not already addressed by the Applicant's expert testimony at the June 24, 2026 public hearing to the Board's satisfaction, Applicant agrees to comply with or address all applicable recommendations set forth in the report of the Board's Engineer, Ryan MacNeil, P.E., dated June 4, 2026.

7. To the extent not already addressed by the Applicant's expert testimony at the June 24, 2026 public hearing to the Board's satisfaction, Applicant agrees to comply with or address

all applicable recommendations set forth in the reports of the Board's Planner, Malvika Apte, P.P., dated June 5, 2026, and June 17, 2026.

8. Total occupancy permitted shall be increased to 1563 (based upon total parking to be provided of 488 spaces, including EV credits and the requested and granted variance for 2 additional spaces).
9. The residential space on the second floor of the accessory restaurant building shall be restricted by deed filed by the Applicant with the Essex County Registrar limiting its use to employees of the banquet/restaurant facility. A draft of said deed shall be submitted to the Board Attorney for approval and thereafter a filed copy of the recorded deed restriction shall be sent to the Planning Department to be kept on file.
10. The greenery/landscaping in the rear of the property (adjacent to the residential zone) shall be maintained to provide significant coverage.
11. Applicant will endeavor to use some solar panel lighting for the exterior lighting.
12. Applicant may install suitable turf material or a comparable suitable material in the outdoor ceremony area, subject to review by the Board professionals for consistency with the approved plans and any applicable standards.
13. Applicant has until June 24, 2027, to install the replacement trees required under the approved site plan as amended as per the Tree Ordinance.
14. Applicant shall list all conditions of approval onto a final site plan submission.

The undersigned Planning Board Secretary certifies the decision set forth herein was made by this Board on June 24, 2026, and memorialized herein pursuant to N.J.S.A. 40:55D10(g) on August 12, 2026:


 Jamilet Baquerizo Vite,
 Planning Board Secretary
 Township of West Orange

Vote on Action Taken by the Board on June 24, 2026:

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

Vote on Memorialization on August 12, 2026:

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