

RESOLUTION

Township of West Orange

Planning Board

PB 25-12 262 Main Street Realty, LLC and 270 Main Street Realty, LLC

262-270 Main Street

Block: 114 Lots: 50 and 55; Zone: B-1 Retail Business and Central Business District

Overlay

Decided on August 12, 2026

Memorialized on September 2, 2026

Application for Preliminary and Final Major Site Plan Approval, Reverse Subdivision,

Bulk “c” Variances and Site Plan Exceptions/Design Waivers to demolish the existing

commercial building and restaurant and construct a two-story supermarket.

WHEREAS, 262 Main Street Realty, LLC and 270 Main Street Realty, LLC (hereinafter collectively, the “Applicant”) has made an application for Preliminary and Final Major Site Plan approval with Variances and Reverse Subdivision approval to raze the existing improvements consisting of a former Walgreen’s Pharmacy and a diner, regrade the parking lot, and construct a two-story supermarket consisting of a total of 18,078 square feet. The subject property is located at 262-270 Main Street, also known as Block 114, Lots 50 and 55 which is located within the B-1 Retail Business Zone and the Central Business District Overlay and wherein the proposed use is permitted (the “Property”); and

WHEREAS, in connection therewith, Applicant proposes 43 onsite parking spaces, including 4 Electric Vehicle Charging Stations (“EV spaces”) which entitles Applicant to a parking

credit of 4 parking spaces for a total of 47 proposed parking spaces (57 parking spaces are required); and

WHEREAS, Applicant is proposing two loading spaces: one along the westerly side of the supermarket accessed via Erwin Place for small, single unit trucks and an on-street loading space along Main Street (to be used Monday through Friday, between 7AM and 12 noon) for use by trucks up to 65 feet long.

WHEREAS, Applicant seeks bulk variance relief for: a pre-existing non-conforming rear-yard setback of 2'11"; a parking variance for 47 proposed parking spaces where the minimum parking spaces required is 57 parking spaces; pre-existing non-conforming lot coverage of 97% (current existing lot coverage is 99%) where the maximum permitted lot coverage is 75%, one permanent loading space and one off-site (on-street) loading space where two on-site loading spaces are required; an on-site loading space located less than the required 5 feet from the property line; off-street parking abutting the westerly property line where a 10-foot minimum setback is required; a fence abutting the westerly property line where a 5-foot minimum setback is required; no buffer strip proposed along the westerly residential property line, where 20 feet minimum is required; no sidewalk proposed between the off-street parking area and building, where a 5-foot sidewalk is required; location of two (2) off-street parking spaces that require backing onto Prospect Place, where such is not permitted; and sign variances related to the height of the proposed façade and canopy signs; and

WHEREAS, the Applicant also seeks site plan exceptions/design waivers for illumination levels at the property line abutting residential uses and the proposed building materials; and

WHEREAS, properly noticed public hearings were conducted on June 3, 2026 and August 12, 2026; and

WHEREAS, the Applicant was represented by Amanda C. Wolfe, Esq. of Norris McLaughlin, P.A.; and

WHEREAS, the Applicant provided sworn testimony from Jordan Cecinini, P.E. of Hudson Engineering, as an expert professional engineer; Gary W. Dean, P.E. of Dolan & Dean Consulting Engineers, as an expert professional traffic engineer, Kate Keller, P.P., A.I.C.P. of Phillips Preiss, as an expert professional planner; and Jorge Mastropietro, R.A., of Jorge Mastropietro Architects as an expert registered architect; and

WHEREAS, Vice Chairperson Jerry Guarino, recused himself from participating in the hearing; and

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

ITEM	SIGNED BY	DATE/REVISION
Traffic Impact Assessment	Gary W. Dean, PE, PP and Rianna Kirchhof, PE of Dolan & Dean Consulting Engineers	3/11/2026
Preliminary and Final Site Plan Drawings (15 Sheets)	Jordan Cecinini, P.E. of Hudson Engineering, LLC	5/26/2026
Architectural Plans (18 Sheets)	Jorge Mastropietro, NJ-RA and Jennifer Palermo, NJ-RA of Jorge Mastropietro Architects (Unsigned)	3/9/2026 revised 5/26/2026
Geotechnical Engineering Investigation Report	Jordan Cecinini, P.E. of Hudson Engineering, LLC	8/19/2025
Letter requesting waivers	Jordan Cecinini, P.E. of Hudson Engineering, LLC	1/29/2026
Professional Planner's Report	Kate Keller, AICP, PP and Nikhil Ramachandran, AICP, PP of Phillips Preiss Grygiel Leheny Keller, LLC	10/2025

Engineering Stormwater Narrative	Jordan Cecinini, P.E. of Hudson Engineering	5/26/2026
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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 application and submissions of the Applicant and following exhibits presented by the Applicant at the public hearing:

Exhibit A-1-Power Point (40 slides) by Architect Mastropietro;

Exhibit A-2- May 26, 2026 revised site plan;

Exhibit A-3- Google street view photograph;

Exhibit A-4- Roof drain detail;

Exhibit A-5- Roof drain detail; and

WHEREAS, the Board reviewed the report dated July 29, 2026 of the Downtown West Orange Alliance;

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 April 10, 2026 from Ryan MacNeill, P.E. of Artheon (Township Consulting Engineer), and a Planner's Report by Malvika Apte, PP, AICP, of Heyer, Gruel & Associates (Township Consulting Planner) dated March 13, 2026, last revised June 26, 2026;

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 to demolish the existing commercial building (formerly Walgreens Pharmacy) and restaurant to construct a two-story supermarket. The proposal includes regrading the parking lots and constructing 43 on-site parking spaces with EV credit for an additional 4 spaces for a total of 47 spaces proposed.
2. As the two properties are currently under separate ownership (262 Main Street Realty, LLC owns 262 Main Street and 270 Main Street LLC owns 270 Main Street), Applicant also requests to merge the lots in a reverse subdivision under one ownership interest. The proposed supermarket building consists of 13,934 square feet on the first floor and 4,144 square feet on the second floor, for a total of 18,078 square feet. The second-floor space will not be accessible to customers and will be used for storage and administration. The roof will accommodate the mechanical equipment, as well as multiple solar panel arrays.
4. 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.
5. The Property is irregularly shaped and has a total area of 30,218 square feet. It features frontage along three streets: 162 feet along Erwin Place, 210 feet along Main Street, and 24 feet along Prospect Place.
6. The Property generally slopes downward from northwest to southeast.

7. The Property is currently developed with a one-story brick building on Lot 55 (formerly Walgreens) and a one-story masonry building (formerly a diner) and surrounding surface parking on Lot 50.
8. There currently are two driveways along Main Street and one loading space access along Erwin Place and sidewalks provide access along all three street frontages of the property.
9. Surrounding the Site are residential one and two-family dwellings to the west, a garage directly north, The commercial retail store and garage directly north. The surrounding land uses along Main Street are generally characteristic of a small traditional downtown, with neighborhood commercial services and food/drink establishments either in stand-alone buildings or as part of mixed-use structures with upper floor residential apartments. There are a number of New Jersey Transit bus stops provided along the Main Street corridor within proximity of the Property.
10. 4 off-street parking spaces are proposed, inclusive of 4 EV spaces and 2 ADA spaces (of which one ADA space is also proposed to be an EV space). Applicant proposes that there are 10 on-street parking spaces which can serve the development with the existing frontage along Prospect Place to be utilized for 2 of the proposed parking spaces for employee-use only that will have an improved pedestrian connection via sidewalk and stairs to the proposed main parking area and supermarket.
11. The primary pedestrian entrance to the proposed supermarket building will be along the northern façade, along where shopping carts are proposed to be located. Vehicular access to the proposed development is to be provided via two (2), one-way driveways

along Main Street for separate ingress to the south and egress to the north. Additional pedestrian access is proposed via two (2) entry/exit points along Erwin Place.

12. A driveway is proposed along Erwin Place to facilitate loading operations via one off-street loading space. An on-street loading space is also to be provided along Main Street the use of which will be restricted between the hours of 7AM to 12 noon Monday through Friday, which will otherwise be available to the general public as on-street parking.

13. The Applicant's architect, Jorge Mastropietro, testified that the current properties have "split" (not connected) significant "dead" space due to "split" (not connected) parking lots which negatively affects pedestrian safety.

14. Due to the slope of the property and surrounding roads, there are two proposed levels of parking: one field of 2 spaces on a "upper" level for employee parking only accessed via Prospect Place with a second "main" or "lower" lot which will be the primary site parking field for customers with direct access to the store accessed via Main Street. This lot will allow for ADA and EV compliant parking and will accommodate shopping cart usage with a dedicated cart storage corral.

15. The proposed materials for the exterior of the building do not comply with the design requirements of the Ordinance but provide a fresh modern look for the supermarket.
16. The proposed project provides for upgraded on-site pedestrian safety as the design includes detectable warnings such as textured surfaces and signs at the driveways along Main Street, bollards and lighting, bicycle racks, a bench, and stormwater gardens.
17. Applicant proposes an intersection "bump out" at the north side of Erwin Place at Main Street with curbing, bollards, or a painted "street mural" design for the bump-out

(subject to Town Engineer and County approval) which creates a safer path for pedestrians and would improve the intersection sight triangle from Erwin Place looking to the north.

18. Applicant represented that it met with the County Planning Department where there was support for the on-street loading zone with time limits, especially due to the County's prohibition on tractor trailers backing onto the road. (Any tractor trailer delivery that could attempt to directly enter the site would necessitate backing on to Main Street.)

19. Applicant would typically require 20-30 minute loading periods on Main Street, for five hours per day on the weekdays (7AM to 12Noon), which would require three street parking spaces to be reserved for that period. The Applicant clarified that deliveries will not take place during the entire five-hour period, but it is not possible at this time to set specific delivery hours because scheduling of deliveries is up to the vendor, not the Applicant and could vary on a daily basis.

20. The on-street loading zone would allow a tractor trailer to pull forward into the zone from southbound Main Street and off load directly into the front of the store. The truck exit will also pull forward to continue south on Main Street. The proposed practice would improve pedestrian safety by eliminating the need for trucks to drive over the sidewalk twice if the loading zone was provided on-site.

21. Smaller delivery vehicles would use the Erwin Place loading area at the rear of the store (westerly side).

22. Applicant requested a waiver from the Central Business District Façade Design Standards at §25-16.12, which do not permit corrugated metal, and they demonstrated

that their design is very attractive while also being low maintenance and varying colors. As noted by the Board Planner, when the design ordinance was adopted the intention was to make sure that exteriors were compatible with rest of Main Street but as materials have changed over the years, the ordinance has not been updated to reflect those changes.

23. Applicant proposes to install an on-site bicycle rack for customers or employees and provide a bench for individuals waiting for transportation.

24. Trash will be kept inside the building and garbage will be taken out to the rear loading area for private trash pickup.

25. Trash pickup will not occur during the hours of 9:30PM to 6:30AM.

26. The Applicant's engineer, Jordan Cecinini testified that the project includes a stormwater detention basin and pervious pavement with a swale to collect stormwater and direct overflow to an aquatic filter. The overflow design is compliant with the Township's stormwater ordinance.

27. The current conditions on site are 99% impervious and all stormwater flows into the sewer system. The new design reduces runoff and collects stormwater while removing suspended solids (such as oil and other residues) and presents a significant improvement over the existing conditions.

28. The proposed project also uses green infrastructure as it includes pervious pavement in sections (a geotechnical analysis provided demonstrates that pervious pavement can be satisfactorily implemented on this site), solar panels, and also has rain gardens (which allow water flow from asphalt into the rain gardens).

29. The proposed lighting meets the Ordinance requirements except as to the site plan exception/design waiver relief requested.

30. A parking variance is necessary as the Applicant proposes 43 off-street parking spaces, plus 4 EV credits for 47 total parking spaces) where 57 parking spaces are required. Ten (10) on-street parking spaces are available along Main Street and Erwin Place along the site frontage.

31. The proposed sign for the façade is taller than permitted but is appropriate to the scale of the building as is the canopy sign.

32. Applicant's planner and traffic engineer testified that the parking provided on site is appropriate for the business based upon the real parking demand and the fact that a portion of the interior space upon which the parking calculations are based will be and other, non-customer employee, storage, mechanical and other, non-customer accessible areas.

33. In addition to the parking variance and sign variance, Applicant also requires bulk variances for lot coverage (75% is maximum permitted and Applicant proposes 97% which is a reduction from the existing lot coverage of 99%) and for off-street loading spaces (2 are required and Applicant is proposing one loading space off-street and one loading space on-street).

34. The Applicant's planner and traffic engineer also testified that the two proposed loading zone areas, one on site and the other on Main Street, are the safest and most appropriate loading alternatives for pedestrian safety.

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

SECTION/REQUIREMENT	PERMITTED/REQUIRED	PROPOSED
25-7.1 Rear-yard setback	30 feet	2'11"

SECTION/REQUIREMENT	PERMITTED/REQUIRED	PROPOSED
25-7.1 Maximum Impervious Coverage	75%	97%
25-12.2.b.5(b) Number of off-street parking spaces	57 (CBD District)	43 actual (47 with 4 EV credits)
25-12.3.a.1 Number of Loading Spaces	2	1 on-site and one temporary loading space on Main Street
25-12.3.b.1. Location of Loading Spaces	5 feet from rear/side property line	0 feet
25-12.2.b.1. Location of parking	10 feet from rear/side lot	0 feet
25-8.4.c. Fence location	5 feet from principal residential building	<5 feet
25-11.3.a. Buffer Strip	20 feet	None
25-12.1.a. Sidewalk between building and parking area	5 feet	None
25-12.1.f. Parking backing onto right-of-way	Not permitted	Two (2) spaces proposed (Prospect Place)
25-15.3.c.1.b. Façade sign	2' height (two feet)	8' (eight feet)
25-15.4.1. Canopy sign	8" height (eight inches)	18" (eighteen inches)

36. 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.

37. 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 and "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 one on site loading zone and 43 parking spaces (47 with the 4 EV parking space credits) satisfy the c (2) criteria as the parking is driven by customer need and business operation. The ordinance calculation for required parking is based upon square footage and the evidence demonstrated that 4,144 sq. ft. of the building was for storage which would not be used by patrons of the store. Therefore, the proposed parking for a state of the art supermarket which is located in a walkable community and downtown setting provides benefits that outweigh the detriments. The proposed supermarket beautifies the corner and will revitalize the downtown area and contributes to improved pedestrian walkability of the downtown. The Applicant investigated whether a different layout such that the loading space was not on Main

Street could be achieved and ultimately determined that the loading on Main Street was the safest and constituted a better planning alternative than onsite loading.

2. The variances for the signs are appropriate due to the scale of the building and are an aesthetic enhancement.

3. The variance for maximum impervious coverage is a significant improvement over the existing conditions and the proposed project provides significant green alternatives for stormwater management and satisfies the c (2) criteria.

4. The remaining variances requested are generally related to distance from neighboring property lines and are, in part, resulting from the physical features that uniquely affect this Property as a previously developed, irregularly shaped corner lot with three street frontages that is located in the B-1/CBD Zones but directly abuts residential uses. The proposal represents a better planning alternative to meet the Township's goals for these zones versus than strict compliance with the underlying ordinance.

5. The proposed variances satisfy several purposes of the MLUL, specifically N.J.S.A. 40:55D-1 a. (advances the general welfare), g. (provides sufficient space for a variety of commercial uses to meet the needs of the community and the downtown area) and i. (provides a desirable visual environment which is a significant improvement from the existing property with a beautiful modern design).

6. 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. The Board notes that

only one member of the public questioned any of the Applicant's witnesses and no member of the public objected to the proposal.

7. The request for a design waiver as to illumination levels of pedestrian walkways and design standard guidelines related to materials used on the exterior is appropriate as the proposed design uses new materials that will require low maintenance and provide architectural interest and aesthetic enhancement.

8. Checklist waivers for items 25., 41. and 42 should be granted and checklist item 31 shall be modified such that Applicant shall provide existing and proposed contour levels 20' beyond the subject property.

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, design and checklist waivers and reverse subdivision is hereby granted to 262 Main Street Realty, LLC and 270 Main Street Realty, LLC.; and

IT IS FURTHER RESOLVED that the approval granted to 262 Main Street Realty, LLC and 270 Main Street Realty, LLC., 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.

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 April 10, 2026.

7. Applicant will install a bench for persons to use while waiting for the Senior Citizen/town services bus/jitney.

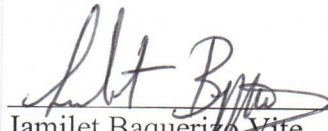
8. No trash collection or deliveries from 9:30PM to 6:30AM.
9. Low level landscaping will be used to maintain sight triangles.
10. Applicant will contribute to the painting of a new crosswalk to cross Main Street at either Erwin Place, Kling Street or Prospect Street as directed by the County or Township.
11. The loading zone proposed on Main Street is subject to the approval and directives of the County Planning Board and/or Mayor and Council.
12. Deliveries to the Main Street loading area are restricted to the hours of 7AM and 12 noon.
13. The two employee spaces that back on to Prospect Place, shall be identified with signage, "Employee Parking Only."
14. The rainwater gardens must be maintained in perpetuity.
15. The proposed parking lot shall be reviewed by the Fire Sub Code Official to determine if any portion of the parking lot should be striped as a fire lane.
16. Applicant will provide a turning template for the turning of WB55 (standard articulated delivery trucks) to the Township and Board Engineer for approval.
17. Applicant shall a final, revised plan as part of Resolution compliance that depicts sight lines for cars exiting the Main Street parking lot to the right and left.
18. Applicant shall work with the Board Engineer and Township Fire Official to determine if one of the proposed ADA parking spaces may be safely and feasibly used as EV parking space, and shall revise the plans to provide such space if deemed feasible.
19. As to Site Plan Checklist Item 31, Applicant shall provide existing and proposed contour levels 20' beyond the subject property.

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 8/12/26 and memorialized herein pursuant to N.J.S.A. 40:55D10(g) on

9/2/26.



Jamilet Baquerizo Vite
Planning Board Secretary

Vote Action Taken by the Board on August 12, 2026:

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

Vote on Memorialization on September 2, 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			X			
F. Noborine			X			
W. Wilkes						----
L. Kapferer			X			
J. Cardoza						----
R. Bagoff	X		X			