

TIMOTHY M. PRIME, *Esquire*

DUNCAN M. PRIME, *Esquire*

TYLER T. PRIME, *Esquire*

SARA R. WERNER, *Esquire*

JULIA M. HAHN, *Esquire*

PRIME & TUVEL

ATTORNEYS AT LAW

* ALSO ADMITTED TO THE PENNSYLVANIA BAR

* ALSO ADMITTED TO THE NEW YORK BAR

* ALSO ADMITTED TO THE ILLINOIS BAR

* ALSO ADMITTED TO THE DISTRICT OF COLUMBIA BAR

JASON R. TUVEL, *Esquire*

MICHAEL MICELI, *Esquire*

NANCY A. LOTTINVILLE, *Esquire*

BENJAMIN T.F. WINE, *Esquire*

DANIEL H. KLINE, *Esquire*

December 23, 2022

VIA UPS

Township of West Orange

Zoning Board of Adjustment

66 Main Street

West Orange, New Jersey 07052

Attn: Diana Chandler-Zimmerman, Board Secretary

RE: Application for Preliminary and Final Major Site Plan, Use and Bulk Variance Relief (the "Application")
Proposed restaurants with accessory drive-thru's
MPB Realty LLC (the "Applicant")
Block 153, Lot 38 (the "Property")
470 Eagle Rock Avenue, West Orange, New Jersey 07052

Dear Diana,

This office represents the Applicant in connection with an application for preliminary and final major site plan approval, along with use and bulk variance relief for the proposed construction of two (2) restaurant facilities with ancillary drive-thru components (the "Application") at the above-referenced Property. In consideration of the Application, please find enclosed the following materials for your review:

1. Twenty (20) Application packages, which includes the checklists and all items requested therein;
2. Twenty (20) copies of a Variance and Waiver list, prepared by Dynamic Engineering, dated November 11, 2022;
3. Twenty (20) copies of a Tree Removal Report, prepared by Dynamic Engineering, dated October 2022;
4. Twenty (20) copies of a Stormwater Management Operation & Maintenance Manual, prepared by Dynamic Engineering, dated October 2022;
5. Twenty (20) copies of a Drainage Statement, prepared by Dynamic Engineering, dated October 2022;

1 University Plaza Drive, Suite 500

Hackensack, NJ 07601

P 201 893 1010 | F 856 273 8383

w primelaw.com

ADDITIONAL OFFICES

Mount Laurel, NJ | Hoboken, NJ | Fort Washington, PA | New York, NY

6. Twenty (20) copies of a Traffic Impact Study, prepared by Dynamic Traffic, dated October 21, 2022;
7. Twenty (20) copies of a Professional Planning Report, prepared by the Nishuane Group, dated December 22, 2022;
8. Twenty (20) copies of a Legal Description of the Property, prepared by Dynamic Survey, dated December 10, 2021;
9. Twenty (20) copies of a 200 ft. Radius Map, prepared by Dynamic Engineering, dated November 9, 2022;
10. Twenty (20) copies of a Boundary and Topographic Survey, prepared by Dynamic Survey, dated May 13, 2021;
11. Twenty (20) copies of the Preliminary and Final Site Plans, prepared by Dynamic Engineering, dated November 9, 2022;
12. Twenty (20) copies of the Architectural Plans, prepared by G 141 Architecture, LLC, dated November 10, 2021;
13. One (1) check made payable to the "Township of West Orange" in the amount of \$1,210.11 representing the Application fee;
14. One (1) check made payable to the "Township of West Orange" in the amount of \$2,500.00 representing the initial escrow fee;
15. One (1) check made payable to the "Township of West Orange" in the amount of \$4,400.00 representing the digitizing fee; and
16. One (1) check made payable to the "Township of West Orange" in the amount of \$300.00 representing the tree removal fee.

Upon your review of the enclosed documents, please advise if the Application may be deemed "complete" and scheduled to be heard by the Zoning Board of Adjustment. Thank you for your attention to this matter and please feel free to contact me with any questions.

Very truly yours,

/s/ Benjamin T.F. Wine
Benjamin T.F. Wine, Esq.

Enclosures



TOWNSHIP OF WEST ORANGE APPLICATION PACKAGE PLANNING BOARD OR ZONING BOARD OF ADJUSTMENT

1. Zoning/Planning Board Application
2. Checklists:
 - “C” and “D” Applications Interpretations and Appeals
 - Major/Minor Site Plan or Subdivision (52 Items)
 - Sustainability Checklist
3. Fee Schedules
4. W-9 Form
5. Zoning Board of Adjustment Meeting Schedule
6. Planning Board & Site Plan Review Advisory Board Meeting Schedule
7. Tree Removal Application Procedure
8. Tree Removal Application

BEFORE preparing or submitting an Application, it is strongly suggested that you contact the Planning Board Secretary or Zoning Board Secretary. We will be happy to assist you or answer any questions pertaining to the filing of an application to the Planning Board (325-4111) or Zoning Board of Adjustment (325-4108).

PLEASE NOTE:

- ! The application must be typed or neatly printed.
- ! Twenty (20) copies total - no exceptions. (Nineteen (19) copies shall be submitted with one (1) original.)
- ! Each application, including the original must have attached any enclosures as required.
- ! Refer to the Zoning Ordinance for all application requirements.
- ! Application fees and escrow must be submitted at the time of filing.
(If an escrow fee is required, a completed W-9 form must accompany the fees).
- ! All experts must be licensed to practice in the State of New Jersey.
- ! Any additional documents submitted after the original filing of the Application must include twenty copies total (nineteen (19) copies with one (1) original) to the Zoning Board or Planning Board and must be submitted at least 10 days before the Applicant's public meeting date.

After the Board hears the Application and renders a decision, a Resolution will be read and voted on at the next scheduled regular meeting. Upon receipt of the signed Resolution, the Applicant must submit eight (8) full size sets of final site plans, signed and sealed, to the Board Secretary for signatures. Once the Applicant receives a copy of the signed site plan, the Applicant may then apply for building permits.

TOWNSHIP OF WEST ORANGE APPLICATION FORM FOR THE PLANNING BOARD OR ZONING BOARD OF ADJUSTMENT

A. APPLICANT INFORMATION

Full Legal Name: MPB Realty LLC
(Last) (First)
Mailing Address: 301 Route 17 North, Rutherford, New Jersey 07070
(Street) (City) (State) (Zip)
Telephone Number: (201) 883-1010 Email: jason@primelaw.com

Is the Applicant an: ☐ Individual, ☒ Corporation, ☐ Partnership, ☐ Other _____

If the Applicant is a corporation or partnership, a list of the names and addresses of persons having a 10% interest or more in the corporation or partnership must be attached.

Relationship of the applicant to the property: ☐ Owner, ☐ Tenant or Lessee, ☒ Purchaser under contract
(with consent of owner, ☐ Other (please specify) _____)

If the applicant is not the owner of the property in question, the applicant must submit an affidavit with the owner(s) authorization to proceed with this process.

B. PROPERTY OWNER INFORMATION

☐ Check here if same as applicant. If the owner is not the applicant, please complete the following:

Owner's Name: ZG Real Estate LLC
Address: 235 Main Street, #296, Madison, New Jersey 07940
Telephone Number: (201) 883-1010 Email: jason@primelaw.com

C. PROPERTY INFORMATION

Street Address: 470 Eagle Rock Avenue
Block Number(s): 153; Lot Number(s): 38;
Tax Plate: 84; Zone of Property: B-2
The location of the property is approximately 0 feet from the intersection of Eagle Rock Avenue and Rosney Terrace (closest intersection.)

Has there been any previous Zoning Board of Adjustment or Planning Board hearings involving this property?

☐ Yes, Date(s): _____; ☒ No

If yes, please attach copies of the written decisions adopted by the Board to each application. Prior application withdrawn - see OPRA response

Please attach a list of all contiguous or adjacent property owned by the applicant or owner. ☒ None

Is this property listed in "The Historic Sites Survey" prepared by Robert Guter 7/9/1992 ☐ Yes ☒ No

D. TYPE OF APPLICATION

Indicate the type of application being submitted, check all boxes that apply. Note that more than one variance may be necessary, please indicate the number of each type needed:

- 1) ☐ Interpretation of ordinance or map.
- 2) ☐ Appeal of action of Zoning Officer.
- 3) ☒ Variance "C1" Reason: ☒ shape of property; ☒ physical features; ☒ exceptional situation.
- 4) ☒ Variance "C2".
- 5) ☒ Variance "D".
- 6) ☐ Subdivision without variances: ☐ major; ☐ minor; ☐ preliminary; ☐ final; ☐ preliminary and final.
- 7) ☐ Subdivision with variances: ☐ major; ☐ minor; ☐ preliminary; ☐ final; ☐ preliminary and final.
- 8) ☒ Site Plan: ☐ preliminary; ☐ final; ☒ preliminary and final; ☒ with variances; ☐ without variances.
- 9) ☐ Amended Site Plan.
- 10) ☒ Conditional Use.
- 11) ☐ Conceptual.
- 12) ☐ Home Professional Office.
- 13) ☐ Home Occupation.
- 14) ☐ Soil Removal Permit.

Please list the specific Sections of the Ordinance for which a variance is sought. If additional space is required, please attach a list.

Section: See Planning Report; Proposed: _____; Description: _____

Section: _____; Proposed: _____; Description: _____

Section: _____; Proposed: _____; Description: _____

Section: _____; Proposed: _____; Description: _____

E. DESCRIPTION OF PROPERTY

Existing Use of the Property Restaurant

Briefly describe the major elements of your proposal: (a more detailed description is required in Section G.)

Proposed two (2) restaurant buildings with accessory drive-thru components

The property is _____ (square feet); _____ (acres)

Impervious Surface Coverage: Present: 88.3% (36,177 sq.ft.); Proposed: 71.2% (32,541 sq.ft.)

Building Coverage: Present: 15.1% (6,187 sq.ft.); Proposed: 11.7% (5,337 sq.ft.)

Is the property located:

- | | | |
|--|---|--|
| Within 200 feet of another municipality? | ☐ Yes | ☒ No |
| Adjacent to an existing or proposed county road? | ☒ Yes | ☐ No |
| Adjacent to other county land? | ☐ Yes | ☒ No |
| Adjacent to a state highway? | ☐ Yes | ☒ No |

F. EXPERTS

The following information is respectfully requested to enable the Board to facilitate the processing of this application:

APPLICANT'S ATTORNEY: Jason R. Tuvel, Esq. - Prime & Tuvel

Telephone Number: (201) 883-1010 Email: jason@primelaw.com

Address: 1 University Plaza Drive, Suite 500, Hackensack, New Jersey 07601

APPLICANT'S ENGINEER: Matthew Bersch, PE - Dynamic Engineering

Telephone Number: (201) 883-1010 Email: mbersch@dynamiccec.com

Address: 1904 Main Street, Lake Como, New Jersey 07719

APPLICANT'S ARCHITECT: Robert A. Grimaldi - G141 Architecture, LLC

Telephone Number: (201) 883-1010 Email: g141office@gmail.com

Address: 39 North 11th Street, Kenilworth, NJ 07033

APPLICANT'S PLANNER: George Wheatle Williams - Nishuane Group

Telephone Number: (201) 883-1010 Email: gwilliams@nishuane.com

Address: 105 Grove Street, Montclair, New Jersey 07042

OTHER EXPERT(S): _____

Telephone Number: (201) 883-1010 Email: _____

Address: _____

If necessary, please list any additional experts below, including address, telephone number and email address.

G. REQUIREMENTS FOR VARIANCES

- X **4A)** Please attach a written statement labeled “**PROPOSAL**”, describe the major elements of your proposal, and describe in detail the physical and use changes proposed.
- X (see **4B)** Please attach a written statement labeled “**REASONS FOR RELIEF**”, which fully answers **4C-1**, **4C-2**
enclosed or **4D** (Special Reasons) **AND** part **4E** (Negative Criteria).
Planning Report)
- X **4C-1)** *(For C1 variances only)* The strict application of the provisions of the Zoning Ordinance would result in the peculiar and exceptional practical difficulties or exceptional undue hardship under *N.J.S.A. 40:55D-70c(1)*. List in detail wherein this case conforms to this requirement, including, if applicable, reference to the exceptional narrowness, shallowness, or shape of the property, or the exceptional topographical conditions affecting the property which applicant contends warrants the granting of the variance.
- X **4C-2)** *(For C2 variances only)* State how the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment according to *N.J.S.A 40:55D-70c(2)*. Please list all benefits of the deviation to the Township and any adverse effects. State how the benefits of the deviation would substantially outweigh any detriment to the Township.
- X **4D)** *(For D variances only)* State the special reasons under *N.J.S.A 40:55D-70d* affecting this property.
- X **4E)** The granting of this variance will not be substantially detrimental to the public good and will not substantially impair the intent of the zone plan and zoning ordinance. List in detail the reasons, among others, why the variance can be granted without being materially detrimental to the welfare of the community or injurious to the property or improvements of others in the neighborhood and zone.

H. PLAT SUBMISSION

- 4F)** Please list all maps and other exhibits accompanying this application. Attach an additional sheet if necessary.

ITEM	SIGNED BY	DATE/REVISION
See cover letter enclosing Application submission		

I. NOTICE

Applicant is responsible to publish and serve notice of this application in accordance with Zoning Board of Adjustment/Planning Board requirements; however, notice may not be served until this application is certified as complete and the administrative officer has assigned the applicant a public hearing date.

J. VERIFICATION AND AUTHORIZATION

SIGNATURE IS REQUIRED FOR ALL OF THE FOLLOWING:

APPLICANT'S VERIFICATION

I hereby certify that the above statements made by me and the information contained in the papers submitted in connection with this application are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Applicant's Signature: [Signature] Date: 11/17/2022

CONTINUANCE

Should the Planning Board/Zoning Board of Adjustment have a full and heavy agenda, or discussion and meeting regarding this application requiring carrying the matter past the statute time limit, the applicant grants permission for such an extension.

Applicant's Signature: [Signature] Date: 11/17/2022

OWNER'S AUTHORIZATION - MUST BE SIGNED

I hereby certify that ~~xxxxxxx~~ ZG Real Estate LLC has an address of 235 Main Street, Suite 296, Madison in the County of Morris and the State of New Jersey; and that I am the owner of all that certain lot, piece or parcel of land known as Block(s) 153 Lot(s) 38 on the Tax Map of West Orange which property is the subject of the above application, and that said application is hereby authorized by me. Furthermore, I authorize inspection of the site which is the subject of this application.

ZG Real Estate LLC
Owner's Signature: By: [Signature] Date: 9/20/2022
Yanmei Gao, Member

THIS APPLICATION DOES NOT RELIEVE THE APPLICANT FROM COMPLYING WITH OTHER TOWNSHIP ORDINANCES SUCH AS THE TREE REMOVAL ORDINANCE AND OBTAINING THE NECESSARY APPROVALS AND PERMITS UNDER SUCH ORDINANCES.

**CHECK LIST OF REQUIRED ITEMS
"C" AND "D" APPLICATIONS
INTERPRETATIONS AND APPEALS**

**APPLICATIONS FOR MAJOR/MINOR SITE PLAN OR SUBDIVISION MUST REFER TO THE
SITE PLAN/SUBDIVISION CHECKLIST -52 ITEMS. 20 Total (original and 19 copies).**

All checked items are required; please complete and submit to Board Secretary:

- X ✓ **Completed Application Form, 20 Total** (original and 19 copies), including:
 - X ✓ the written proposal;
 - X ✓ list of variances being requested;
 - X ✓ property information;
 - X ✓ applicant and owner information;
 - X ✓ statement or legal brief which clarifies why the variance should be granted and the specific reasons or hardship that pertain to the proposal, or
 - X ✓ in the case of an appeal or interpretation, a statement or legal brief that clarifies the position of the applicant.
- X ✓ **Survey** – original signed and sealed by New Jersey licensed Land Surveyor, **20 Total** (original and 19 copies).
- X ✓ **Site Plan, all dimensions**, including setbacks, must be shown and prepared by New Jersey licensed Professional except for an owner occupied, single family home, in which case the property owner may prepare the site plan, **20 Total** (original and 19 copies).
- X ✓ **Floor plans, all dimensions** must be shown-prepared by New Jersey licensed Architect except for an owner occupied, single family home, in which case the property owner may prepare the floor plan, **20 Total** (original and 19 copies).
- X ✓ **List of property owners** within 200' certified by the Municipal Tax Assessor (original).
- X ✓ **Proof that taxes have been paid**, certified by the Municipal Tax Collector (original).
- X ✓ **A 200' radius map**, **20 Total** (original and 19 copies).
- X ✓ **Application fee** (non-refundable) also a **Digitizing Fee**.
- X ✓ **Elevations of three sides**, in the case of an existing structure with no proposed structural changes, photographs may be used, **20 Total** (original and 19 copies).
- X ✓ **Height dimensions** to be included on all elevations, **20 Total** (original and 19 copies).
- N/A ✓ **All plans and documents** for West Orange COAH requirements.
- X ✓ **For all Major Subdivision applications**, major site plan applications and all applications applying for a "D" variance, a Planner's report prepared by a New Jersey licensed Planner must be submitted, **20 Total** (original and 19 copies).
- X ✓ **For all Major Subdivision applications**, and major site plan applications, a Traffic Study prepared by a New Jersey licensed Engineer must be submitted, **20 Total** (original and 19 copies).
- X ✓ **All Site Plan applications** must submit a tree removal application and a tree replacement plan and provide a report according to Chapter 31 of the West Orange general ordinances, **20 Total** (original and 19 copies).

Your application will not be deemed complete unless all these items are included. It is absolutely necessary that all dimensions and elevations be shown on the site plan and floor plan.

Please note: other materials may be requested by the Planning Director or Board Members.

TOWNSHIP OF WEST ORANGE

Site Plan/Subdivision Checklist

APPLICANT:

ALL DOCUMENTS MUST BE PREPARED, SIGNED AND SEALED BY NEW JERSEY LICENSED PROFESSIONAL.		Pre-Application - Concept Plan	Minor Application		General Development Plan	Major Application				COMPLETE	INCOMPLETE	WAIVER REQUESTED
Item Number	Description		Subdivision	Site Plan		Preliminary	Final	Preliminary	Final			
I. PROJECT-PLAT INFORMATION												
1. Item:	Name, address of owner and applicant.	X	X	X	X	X	X	X	X	X		
2. Item:	Name, signature, license number, seal and address of engineer, land surveyor, architect, professional planner, and/or landscape architect, as applicable, involved in preparation of plat.	X	X	X	X	X	X	X	X	X		
3. Item:	Title block denoting type of application, tax map sheet, county, name of municipality, block & lot, and street location.	X	X	X	X	X	X	X	X	X		
4. Item:	A key map at specified scale showing location of tract with reference to surrounding properties, streets, municipal boundaries, etc., within 500' Comment: Describes setting; may be less detailed in pre-application-concept plan and GDP stages.	X	X	X	X	X	X	X	X	X		
5. Item:	A schedule of required and provided zone district(s) requirements including lot area, width, depth, yard setbacks, building coverage, open space, parking, etc. Comment: Schedule may be less detailed in pre-application-concept plan stages.	X	X	X	X	X	X	X	X	X		
6. Item:	North arrow and scale.	X	X	X	X	X	X	X	X	X		
7. Item:	Proof that taxes are current.		X	X	X	X	X	X	X	X		
8. Item:	Signature blocks for Chairman, Secretary and Municipal Engineer.		X	X	X	X	X	X	X	X		
9. Item:	Appropriate certification blocks as required by Map Filing Law.		X			X	X	X	X		N/A	
10. Item:	Monumentation as specified by Map Filing Law Comment: Monumentation required only for final subdivision.		X				X				N/A	
11. Item:	Date of current property survey. Comment: Required by Map Filing Law for final subdivision and site plan; necessary for vesting on GDP.			X	X	X	X	X	X	X		

ALL DOCUMENTS MUST BE PREPARED, SIGNED AND SEALED BY NEW JERSEY LICENSED PROFESSIONAL.																
Item Number	Description	Pre-Application - Concept Plan	Minor Application				General Development Plan	Major Application				COMPLETE	INCOMPLETE	WAIVER REQUESTED		
			Subdivision	Site Plan	X	X		X	X	Subdivision					Site Plan	
										Preliminary	Final				Preliminary	Final
12.	<u>Item:</u> One (1) of four (4) standardized sheets: 30" x 42", 24" x 36", 15" x 21", 8.5" x 13" <u>Comment:</u> Required by Map Filing Law for minor and major subdivisions.		X		X			X	X				X			
13.	<u>Item:</u> Metes and bounds description showing dimensions, bearings, curve data, length of tangents, radii, arcs, chords and central angles for all centerlines and right-of-way, and centerline curves on streets.		X					X					X			
14.	<u>Item:</u> Affidavit of ownership. <u>Comment:</u> Map Filing Law for minor and major subdivision.	X	X		X		X	X	X				X			
15.	<u>Item:</u> Acreage of tract to the nearest tenth of an acre (for GDP-to nearest acre).		X		X		X	X	X				X			
16.	<u>Item:</u> Date of original and all revisions <u>Comment:</u> Item necessary for continuity-history of project.		X		X		X	X	X				X			
17.	<u>Item:</u> Size and location of any existing or proposed structures with all setbacks dimensioned. <u>Comment:</u> Item important for detailed planning.	X	X		X		X	X	X				X			
18.	<u>Item:</u> Location and dimensions of any existing or proposed streets (for GDP and pre-application- concept plan – general locations). <u>Comment:</u> Item important for detailed planning.	X	X		X		X	X	X				X			
19.	<u>Item:</u> All proposed lot lines and area of lots in square feet		X		X			X	X				X			
20.	<u>Item:</u> Copy and/or delineation of any existing or proposed deed restrictions or covenants. €	X	X		X		X	X	X				X		N/A	
21.	<u>Item:</u> Any existing or proposed easement or land reserved for or dedicated to public use. €	X	X		X		X	X	X				X		N/A	
22.	<u>Item:</u> Development stages or staging plans (for GDP—general staging). <u>Comment:</u> Not applicable at pre-application- concept plan stage; minor plans usually not built in stages.												X			

ALL DOCUMENTS MUST BE PREPARED, SIGNED AND SEALED BY NEW JERSEY LICENSED PROFESSIONAL.		Pre-Application - Concept Plan	Minor Application		Major Application						COMPLETE	INCOMPLETE	WAIVER REQUESTED
			Subdivision	Site Plan	General Development Plan	Subdivision		Site Plan					
						Preliminary	Final	Preliminary	Final				
23. <u>Item:</u> List of required regulatory approvals or permits. <u>Comment:</u> Basic planning information. #			X	X	X		X			X			TBD
24. <u>Item:</u> List of variances required or requested. # <u>Comment:</u> Basic planning information.			X	X		X	X	X		X	X		
25. <u>Item:</u> Requested or obtained design waivers or exceptions. # <u>Comment:</u> Describes location of all adjacent structures; not necessary at pre-application-concept plan stages; required at site plan stages; required at site plan only if notice is required by ordinance.								X	X		X		
26. <u>Item:</u> Payment of application fees. <u>Comment:</u> Fee not imposed for pre-application conference.		X	X	X	X		X	X	X	X	X		
27. <u>Item:</u> Property owners and lines of all parcels within 200' identified on most recent tax map sheet. <u>Comment:</u> Describes location of all adjacent structures; not necessary at pre-application-concept plan stages; required at site plan only if notice is required by ordinance.											X		
28. <u>Item:</u> All existing street, water courses, flood plains, wetlands or other environmentally sensitive areas on and within 200' of site. <u>Comment:</u> while detailed specification of environmentally sensitive areas may not be necessary at pre-application-concept plan and GDP stages, general specification of and sensitivity to such conditions is an important planning consideration.											X		
29. <u>Item:</u> Existing right-of-way and/or easements on and within 200' of tract. <u>Comment:</u> Rights-of-way and easements are often unknown at the pre-application-concept (see however, item 28)		X		X	X		X	X	X	X	X		
30. <u>Item:</u> Topographical features of subject property from U.S.G.S. map. <u>Comment:</u> More detailed topographic information is needed for major subdivision.		X											X

ALL DOCUMENTS MUST BE PREPARED,
SIGNED AND SEALED BY NEW JERSEY
LICENSED PROFESSIONAL.

Item Number Description

31. Item: Existing and proposed contour intervals based on U.G.S. & G.S. datum. Contours to extend at least 200' beyond subject property as follows:
up to 3% grade - 1'
3% + grade - 2'

Comment: Major site plan and subdivision requires level of detail of Item 31 as opposed to Item 30.

32. Item: Boundary, limits, nature and extent of wooded areas, specimen trees, and other significant physical features (detail may vary).

Comment: Basic for good planning.

33. Item: Existing system of drainage of subject site and of any larger tract or basin of which it is a part.
Comment: See Item 31. Extensive level of detail required only for major subdivision and site plan.

34. Item: Drainage Area Map.

Comment: Necessary for major application; inapplicable at GDP stage.

35. Item: Drainage Calculations.

Comment: Required for minor applications if deemed necessary by Planning Board; not required at GDP stage because storm water management evaluated at major subdivision and site plan stage.

36. Item: Proposed utility infrastructure plans, including sanitary sewer, water, storm water management, telephone, electric & cable TV.

Comment: Information necessary for minor site plan because of potential effect on utility systems. Only general location for electric, telephone and cable TV required.

37. Item: Proposed utility infrastructure plans, including sanitary sewer, water, storm water management, telephone, electric and cable TV.

Comment: Information necessary for minor site plan because of potential effect on utility systems. Only general location for telephone, electric and cable TV required.

**Pre-Application -
Concept Plan**

Minor Application

Major Application

**General
Development
Plan**

Subdivision

Site Plan

COMPLETE

INCOMPLETE

WAIVER
REQUESTED

ALL DOCUMENTS MUST BE PREPARED, SIGNED AND SEALED BY NEW JERSEY LICENSED PROFESSIONAL.		Pre-Application - Concept Plan	Minor Application		Major Application						COMPLETE	INCOMPLETE	WAIVER REQUESTED	
Item Number	Description		Subdivision	Site Plan	General Development Plan	Subdivision		Site Plan						
						Preliminary	Final	Preliminary	Final					
38. <u>Item:</u> Soil Erosion and Sediment Control Plan. <u>Comment:</u> Required for soil disturbance over 5,000 sq. ft.			X			X	X			X	X			
39. <u>Item:</u> Spot and finished elevations at all property corners, corners of all structures or dwellings, existing or proposed first floor elevations. <u>Comment:</u> Not required for minor subdivision because not involving construction of buildings.			X		X	X	X			X	X			
40. <u>Item:</u> Construction details as required by ordinance. <u>Comment:</u> Such level of detail necessary only for major applications.						X	X			X	X			
41. <u>Item:</u> Road and paving cross-sections and profiles. <u>Comment:</u> See Item 40.						X	X			X	X			
42. <u>Item:</u> Proposed street names. <u>Comment:</u> Applicable only when new road is proposed.						X	X			X	X			N/A
43. <u>Item:</u> New block and lot numbers confirmed with local assessor or municipal designee. <u>Comment:</u> Needed whenever a new lot is created.														N/A
44. <u>Item:</u> Lighting plan & details. <u>Comment:</u> Not applicable for minor subdivision because just creating lots.			X											
45. <u>Item:</u> Landscape plan & details prepared by a professional landscape architect <u>Comment:</u> Required for site plans because of magnitude of required landscaping.			X											
46. <u>Item:</u> Solid waste management plan. <u>Comment:</u> Site plan consideration only; see Item 44.			X											
47. <u>Item:</u> Site identification signs, traffic control signs, and directional signs. <u>Comment:</u> See Item 44.			X											

ALL DOCUMENTS MUST BE PREPARED, SIGNED AND SEALED BY NEW JERSEY LICENSED PROFESSIONAL.												
Item Number	Description	Pre-Application - Concept Plan	Minor Application		General Development Plan	Subdivision		Site Plan		COMPLETE	INCOMPLETE	WAIVER REQUESTED
			Subdivision	Site Plan		Preliminary	Final	Preliminary	Final			
48.	Item: Sight triangles. Comment: Necessary even for minor applications because sight triangle easement created.		X	X		X	X		X	X		
49.	Item: Vehicular and pedestrian circulation patterns (less detail necessary for pre-application-concept plan and GSP stages). Comment: See Item 44.	X		X	X	X	X		X	X		
50.	Item: Parking plan showing spaces, size and type, aisle width, curb cuts, drives, driveways, and all ingress and egress areas and dimensions. Comment: See Item 44.			X			X		X	X		
51.	Item: Preliminary architectural plan and elevations. Comment: Not required where building is not proposed.			X			X		X	X		
52.	Item: Plans and legal documents for compliance with West Orange COAH Ordinances.		X	X	X	X			X	X		N/A

€ Proposed restrictions or covenants do not have to be included for pre-application-concept plan and GDP.
 € Conditional approval may be granted subject to other regulatory approvals.

ALL DOCUMENTS MUST BE PREPARED, SIGNED AND SEALED BY NEW JERSEY LICENSED PROFESSIONAL.

REVISED: 8/30/05 aw

F:\Forms & Awards\PB-ZBAPP.FRM\CHECKLIST\CHECKLIST.FRM

SUSTAINABILITY CHECKLIST FORM

SUSTAINABLE BUILDING AND DESIGN STANDARDS	APPLICANT – PRINT OR TYPE – ALL SECTIONS TO BE COMPLETED:	TOWNSHIP OK (Date)
Name of LEED Accredited Professional working on project:	FYI - WE DO MEET ALL ENERGY CODES	
List of Energy Star and WaterSense appliances, fixtures and construction techniques:	We don't have any LEED professional on this project	
List of green and recycled building materials in new construction, renovation, and maintenance:	The water heater is and some of the HVAC component all our water fixture meet today low flow requirement	
Waste Management Plan for recycling and/or reuse of 60 percent of all construction and demolition of waste generated in projects larger than \$25,0000:	Although many component have recycled element to them	
Use of any water efficient landscaping:	All wood product will be made available to habitat for humanity and other we will offer the asphalt for reuse	
Use of any on-site renewable energy systems such as: (i) Solar (ii) Wind (iii) Geothermal		
Details of roofing materials designed to reduce the urban heat island effect such as: (i) Construction of roof top gardens to reduce solar gain in summer and insulate in winter (ii) Use of roofing materials that are no darker than a light gray or demonstrate how alternate roofing materials reduce the urban heat island effect	The specified roofing is white	
Details of any sustainable stormwater systems employed such as: (i) Bioswales/ raingardens (ii) Permeable surfaces (iii) Grey water systems (iv) Retention and detention facilities (v) Continuous trenching	Not Applicable - The proposed development results in a reduction in impervious coverage, and therefore no sustainable stormwater systems are proposed.	
A list of native and well adapted species used in landscaping to eliminate the need for fertilization and pesticides:	The proposed landscaping plan has been designed by a Licensed Landscape Architect to propose native and well adaptive species. Please refer to the Landscaping Plan of the accompanying Site Plan drawings for specific species.	

Note: Please indicate for each of the sustainable building/design items listed, the extent to which the measure is being incorporated in the project or, alternatively, indicate the reason(s) why it is not being incorporated in the project.

The complies with all the energy code , many of the items requested just don't function well with quick serves restaurant

We cant put Solar Wind or Geothermal in for this build the system, those system will not function correctly or to the proper capacities
As of April 2, 2015 for the restaurant use

FEE SCHEDULES (i)

25-55 ESCROW DEPOSITS FOR APPLICATIONS.

The Planning Board and/or Zoning Board of Adjustment shall require fees and escrow deposits in accordance with the provisions of this chapter. Such funds shall be utilized to pay the cost of professional fees, including for engineering, legal, planning and/or traffic experts, and certified shorthand reporting fees incurred for review of and/or testimony concerning an application for development submitted by an applicant. (Ord. No. 2357-12 § 25-55)

25-55.1 Escrow Schedule.

- a. Subject to the provisions of paragraph b. hereof, each applicant shall prior to the application being ruled complete pursuant to the provisions of the Municipal Land Use Law, submit the following sum(s) to be held in escrow in accordance with the provisions hereof:

1. Residential and Nonresidential Dwelling Units or Lots

3-25	\$ 3,000.00
26-100	3,500.00
101-500	5,500.00
501-1000	8,000.00
1000 +	10,000.00

2. Commercial/Industrial

1,250-2,500 square feet gross floor area	\$1,500.00	
2,501-20,000 square feet gross floor area	2,500.00	\$2,500.00
20,000-50,000 square feet gross floor area	5,500.00	
Over 50,000 square feet gross floor area	\$.05 each additional square feet	

Total = \$2,500.00

3. Preparation of Resolution of Approval or Denial: up to \$750.00.

When deemed necessary the Planning/Zoning Board may require an escrow for minor development matters.

- b. Within thirty (30) days after the filing of an application for development the Planning Board and/or Zoning Board of Adjustment as the case may be, shall, in conjunction with appropriate representative of the staff of the Township, review the application for development to determine whether the escrow amount set forth in paragraph a. above is adequate. In conducting such review the Board shall consider the following criteria.

1. The presence or absence of public water and/or sewer servicing the site.
2. Environmental considerations, including but not limited to geological, hydrological and ecological factors.
3. Traffic impact of the proposed development.
4. Impact of the proposed development on existing aquifer and/or water quality.

Upon completion of the review and within the thirty (30) day period the Board shall adopt a Resolution specifying whether the escrow amount specified in paragraph a. is sufficient, excessive or insufficient. In the event the Board shall determine that the amount is excessive it shall in the Resolution specify the amount that shall be deemed sufficient. In the event the Board shall determine the amount specified in paragraph a.

FEE SCHEDULES (ii)

is insufficient it shall so specify and shall further set forth the amount required to be posted in light of the criteria specified herein.

- c. This paragraph adopts and creates a payment schedule for consultants and/or employees for special Planning Board or Zoning Board meetings paid out of escrow funds paid by the applicant who is heard at said special Planning or Zoning Board Meeting. The schedule is as follows:

1. Schedule.

- (a) Attendance/all meeting preparation, post-meeting duties/minutes for Secretary: \$225.00
- (b) Attendance for Public Advocate: \$250.00
- (c) Attendance of transcriber: \$225.00
- (d) Attendance of Board Attorney: \$500.00
- (e) Attendance of Planner: \$500.00
- (f) All other expenses such as newspaper notices: \$60.00
- (g) The Board also has the right to hire other consultants if deemed necessary by the Board for regular or special meetings such as traffic or environmental consultants. If the Board deems additional work is needed that is not part of the preparation, meeting and post duties an hourly rate will be paid. The following is the hourly rate: Secretary— \$33.82/hr; transcriber—\$50.00/ hr.; any other professionals—\$125.00/hr.

2. A ten (10) day written notice with a breakdown of the expenses shall be given to the applicant before funds are removed.
(Ord. No. 2357-12 § 25-55.1)

25-55.2 Posting of Escrow Funds.

No major application for development shall be deemed complete until such time as the applicant shall have posted with the Township in cash or certified check the amount of escrow deposit determined by the Planning Board and/or Board of Adjustment to be required in accordance with the provisions of this chapter.

All such escrow funds shall be utilized by the appropriate Board to pay the cost of professional services, including certified shorthand reporting fees, incurred by the Board for review and/or testimony in connection with the particular application for development. All sums not actually so expended shall be refunded to the applicant within thirty (30) days after the final determination by the appropriate Board with respect to such application. (Ord. No. 2357-12 § 25-55.2)

25-55.3 Deposit of Escrow Fund - Interest Bearing Account.

The Township shall deposit all funds pending completion and review of the development application. The money shall be placed in an interest bearing account. In the event that a refund is to be made to the applicant, the municipality shall refund with pro rated interest the amount within thirty (30) days from the date of final approval. (Ord. No. 2357-12 § 25-55.3)

FEE SCHEDULES (iii)

25-56 APPLICATION FEES.

25-56.1 Minor Subdivision Application Fees.

		<i>Fee</i>	<i>Escrow</i>
a.	Resubdivision where no new lots are created	\$50.00	N/A
b.	<i>Other</i>		
	Base fee	\$100.00	N/A
	Plus per lot fee	25.00	

(Ord. No. 2357-11 § 25-56.1)

25-56.2 Major Subdivision Application Fees.

a.	<i>Sketch/Plat Concept Application</i>		
	Base fee	\$100.00	N/A
	Plus per lot fee	25.00	
b.	<i>Preliminary Application</i>		
	Base fee	\$200.00	(1)
	Plus per lot fee	50.00	
c.	<i>Final Application</i>		
	Base fee	\$250.00	(1)
	Plus per lot fee	25.00	

(Ord. No. 2357-11 § 25-56.2)

25-56.3 Site Plans - Nonresidential Application Fees.

a.	<i>Sketch Plat/Conceptual</i>		
	Fee	\$350.00	N/A
b.	<i>Preliminary Application</i>		
	Base fee (minimum)	\$300.00	(1)
	Plus floor area fee	.02/sq. ft.	
	Plus parking space fee	.50/space	
	Plus acreage fee	\$50.00/acre	

The preliminary fee shall be calculated by adding to the base fee one (1) of the three (3) remaining sub-fees. The total fee shall represent the maximum fee possible.

\$300.00
\$106.74

\$203.37 c. Final Application 1/2 of preliminary fee (1)

(Ord. No. 2357-11 § 25-56.3)

FEE SCHEDULES (iv)

25-56.4 Site Plans - Residential Application Fees.

a.	<i>Sketch Plat</i>		
	Fee	\$75.00	N/A
b.	<i>Preliminary Application</i>		
	Base fee	\$200.00	(1)
	Plus unit fee	50.00	
c.	<i>Final Application</i>		
	Base fee	\$100.00	(1)
	Plus unit fee	25.00	

(Ord. No. 2357-11 § 25-56.4)

25-56.5 Variances and Conditional Use Application Fees.

a.	<i>"D" Variances</i>		
\$350.00	Nonresidential	\$350.00	(1)
	Residential		
		1-2 family (owner occupied)	\$ 75.00
		1-2 family (non- owner occupied)	125.00
		Other	150.00
		Public/Quasi public	100.00
b.	<i>"C" Variances</i>		
\$250.00	Nonresidential	\$250.00	
	Residential		
		1-2 family (owner occupied)	\$ 75.00
		1-2 family (non- owner occupied)	125.00
		Other	250.00
		Public/Quasi public	100.00
c.	<i>Interpretations and Appeals</i>		
	Fee	\$150.00	
d.	<i>Conditional Uses</i>		
	Fee	\$300.00	

Total = \$1,210.11

Separate fee(s) shall be required for each application type. Therefore, if an application package consists of a "D" variance, "C" variance and site plan, the total fee shall be the sum of the fees for each separate application. The escrow charge shall be the maximum for any one type of application.

Where disbursements from the escrow account leave less than ten (10%) percent of the original deposit, the applicant shall replenish the account in an amount equal to the original deposit. (See

FEE SCHEDULES (v)

Section 25-55, Escrow Deposits for Applications. If less than ten (10%) percent remains in escrow account, applicant shall post additional escrow in amounts equal to original deposit.) (Ord. No. 2357-12 § 25-56.5)

25-56.6 Fee for Digitizing Zoning Board of Adjustment and Planning Board Applications, Exhibits and Drawings.

a. Residential Site Plan and Subdivision Fees.

Concept Plan:	0–20 lots/units:	\$100.00 per lot or unit
	21+lots/units:	\$2,000.00 + \$50.00 per lot/unit in excess of 20
Minor Subdivision:		\$200.00 + \$100.00 per lot
Site and/or Major Subdivision:		
Preliminary:	0–10 units or lots:	\$500.00 + \$100.00 per lot or unit
		\$1,000.00 + \$75.00 per lot or unit
	11–30 units or lots:	\$2,500.00 + \$50.00 per lot or unit
	31 or more units or lots:	
Final:	0–10 units or lots:	\$200.00 + \$75.00 per lot or unit
		\$300.00 + \$50.00 per lot or unit
	11–30 units or lots:	\$1,000.00 + \$40.00 per lot or unit
	31 or more units or lots:	

b. Commercial/Industrial Development Application.

Concept Plan:	0–3 lots:	\$300.00 + \$100.00 per lot
	4 or more lots:	\$2,000.00 + \$250.00 per lot

If an application involves ten (10) or more acres, an additional \$100.00 for each acre, or fraction thereof, in excess of ten (10) acres.

c. Commercial/Industrial Development Application Involving New Building Area:

Concept Plan:		\$1,000.00
Preliminary Site Plan:		
	0–1,999 square feet:	\$1,000.00
\$1,900.00	2,000–19,999 square feet:	\$1,000 + \$150.00 per each 1,000 square feet of gross floor area
	20,000+ square feet:	\$2,500.00 + \$50.00 per each 1,000 square feet above 20,000 square feet of gross floor area
Final:		

FEE SCHEDULES (vi)

	0–1,999 square feet:	\$500.00
\$2,500.00	2,000–19,999 square feet:	\$2,500.00
	20,000+ square feet:	\$1,000 + \$0.12 per square foot

d. *Other Submissions.*

Conditional use approval:	\$750.00
Appeals under N.J.S.A. 40:55D-70a:	\$100.00
Interpretation or special questions under N.J.S.A. 40:55D-70b:	\$100.00
One or two family residences-hardship variances under N.J.S.A. 40:55D-70C: (decks, home addition)	\$35.00
All other hardship variances under N.J.S.A. 40:55D-70c:	\$750.00
Single Family Residence:	\$200.00
Multi-family Residence:	\$200.00 + \$100.00 per unit
All other use variances N.J.S.A. 40:55D-70d:	\$500.00

e. *Amended Submissions.*

Revised or amended plans or submission for single or two family dwellings:	An amount not to exceed 50% of the original fee requirement
Revised or amended plans or submission in all other categories:	An amount not to exceed 50% of the original fee

Total = \$4,400.00

***A separate check payable to the Township of West Orange shall be submitted for all the above application types.
(Ord. No. 2357-12 § 25-56.6)***

Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

► Go to www.irs.gov/FormW9 for instructions and the latest information.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.
MPB Realty LLC

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only **one** of the following seven boxes.

☒ Individual/sole proprietor or single-member LLC ☐ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate

☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ►

Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

☐ Other (see instructions) ►

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) _____

Exemption from FATCA reporting code (if any) _____

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.
301 RT 17 SUITE 802

6 City, state, and ZIP code
Rutherford NJ 07070

7 List account number(s) here (optional)

8 Requester's name and address (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number

			-			-			
--	--	--	---	--	--	---	--	--	--

OR

Employer identification number

8	3	-	4	4	1	6	3	9	1
---	---	---	---	---	---	---	---	---	---

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here Signature of U.S. person ► **[Signature]** Date ► **9/9/2022**

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.



TOWNSHIP OF WEST ORANGE

66 MAIN STREET, WEST ORANGE, N.J. 07052

Department of Planning and Development

ROBERT D. PARISI

Mayor

PLANNING BOARD

Robin Miller, Secretary

Robert Bagoff, *Chairman*
Ron Weston, AIA, *Vice Chairman*

John Cardoza
Captain Michael Keigher
Lee D. Klein, PE, PTOE
Councilwoman Susan McCartney
Andrew Trenk (*Mayor's Designee*)
Gary B. Wegner
William B. Wilkes II

Tel: (973) 325-4111

Fax: (973) 325-6359

Email: planningboard@westorange.org

Patrick J. Dwyer, Esq., *Board Attorney*
Paul Grygiel, AICP, PP, *Township Planner*
Eric L. Keller, PE, PP, *Consulting Engineer*
Leonard Lepore, PE, *Township Engineer*

WEST ORANGE PLANNING BOARD 2019 MEETING SCHEDULE

<u>APPLICATION SUBMISSION DEADLINE</u>	<u>SITE PLAN REVIEW ADVISORY BOARD</u>	<u>PUBLIC MEETING</u>
November 16, 2018	December 11, 2018	January 2, 2019
December 21, 2018	January 15, 2019	February 6, 2019
January 25, 2019	February 19, 2019	March 6, 2019
February 22, 2019	March 19, 2019	April 3, 2019
March 22, 2019	April 16, 2019	May 1, 2019
April 19, 2019	May 14, 2019	June 5, 2019
May 24, 2019	June 18, 2019	July 3, 2019
June 21, 2019	July 16, 2019	August 7, 2019
July 19, 2019	August 13, 2019	September 4, 2019
August 23, 2019	September 17, 2019	October 2, 2019
September 20, 2019	October 15, 2019	November 6, 2019
October 18, 2019	November 12, 2019	December 5, 2019
November 22, 2019	December 17, 2019	January 8, 2020

PUBLIC MEETING usually held on the first Wednesday of each month in the Council Chamber, 66 Main Street, West Orange, New Jersey at 7:30 P.M. Please confirm all meeting dates and times. For more information, please contact the Planning Board at (973)325-4111.

SITE PLAN REVIEW ADVISORY BOARD usually held on the third **Tuesday** of each month in Conference Room 109, 66 Main Street, West Orange, New Jersey at 8:30 A.M. Please confirm meeting prior to attending.

Adopted: October 3, 2018



AN EQUAL OPPORTUNITY EMPLOYER

www.westorange.org



TOWNSHIP OF WEST ORANGE

66 MAIN STREET, WEST ORANGE, N.J. 07052

Department of Planning and Development

ROBERT D. PARISI

Mayor

Tel: (973) 325-4108

Fax: (973) 325-6359

Email: zoningboard@westorange.org

ROSE DESENA

Zoning Board Secretary

WEST ORANGE ZONING BOARD OF ADJUSTMENT MEETING SCHEDULE FOR 2019

REGULAR MEETINGS

January 17, 2019
February 21, 2019
March 21, 2019
April 11, 2019
May 16, 2019
June 20, 2019

July 18, 2019
August 15, 2019
September 19, 2019
October 17, 2019
November 21, 2019
December 19, 2019

Regular meetings are held on a Thursday night of each month. All meetings are held in Council Chambers at 66 Main Street, West Orange at 8:00 pm unless otherwise noted.

IF YOU HAVE ANY QUESTIONS REGARDING THE ZONING BOARD OF
ADJUSTMENT, PLEASE CONTACT:

Zoning Board Secretary
(973) 325-4108

Adopted: October 18, 2018



AN EQUAL OPPORTUNITY EMPLOYER
www.westorange.org



TOWNSHIP OF WEST ORANGE TREE REMOVAL APPLICATION PROCEDURE

STEP 1

THE APPLICANT:

1. Completes application **Section A**, including block and lot numbers in the upper right hand box at engineering office.
NOTE: Agent is the entity actually removing the tree(s). Agent must be either a New Jersey Licensed Tree Expert or New Jersey Licensed Tree Care Operator.
2. Provides a survey or sketch showing approximate location of tree(s) proposed for removal.
3. Marks trees proposed for removal with bright colored spray paint or ribbons.
4. Provides written proof they have notified the adjacent property owners of the pending removals.
5. Provides a sketch or plan showing replacement trees and/or landscaping if applicable which shall include a listing of quantities, sizes and species of all replacement plant material.

STEP 2

THE FORESTER:

1. Inspects property and determines whether the tree or trees can be removed.
2. Determines whether replacement will be required.
3. Determines whether other precautionary measures will be needed such as the installation of a construction fence to create a protected root zone, pruning, deep root feeding and mycorrhizae inoculations, the creation of tree wells, approval of grading materials, etc.

STEP 3

THE APPLICANT:

1. Returns completed application to the Engineering Department.
2. Pays the tree removal permit fee:
Basic Permit Fee - \$25.00
Development Application Fee - \$300.00
3. Obtains the permit.
4. Displays the permit in a location clearly visible from the street.

EXCEPTION – TREE EMERGENCY

Property owners may remove hazardous trees under emergency conditions prior to obtaining a tree removal permit providing:

1. The tree is declared a hazard; proof in writing by a New Jersey Licensed Tree Expert or International Society of Arboriculture Certified Arborist.
2. Following the emergency removal of the tree or trees, the property owner shall apply for a tree removal permit at the Engineering Department within five (5) business days of the removal and shall provide written proof of the hazard by the licensed tree expert or certified arborist at that time.

COMPLIANCE WITH THE “TREE EXPERTS AND TREE CARE OPERATORS LICENSING ACT” C.45:15C-H

Every company performing tree work in New Jersey must be either a Licensed Tree Expert or Licensed Tree Care Operator registered with the New Jersey Board of Tree Experts.

West Orange property owners are themselves permitted to conduct tree removal on their own property provided they apply for a Tree Removal Permit; however, all tree removals conducted by a private entity for hire must be licensed by the New Jersey Board of Tree Experts.

ADDITIONAL QUESTIONS?

Please leave a message for the Forester at (973)325-4015 or forester@westorange.org



Permit No: _____
Date Issued: _____

Township of West Orange

Application for Tree Removal and Replacement Permit

DEAD TREES DO NOT REQUIRE THE ISSUANCE OF A TREET REMOVAL PERMIT

ALL questions must be answered for the Applications to be considered COMPLETE.

Application Date: _____

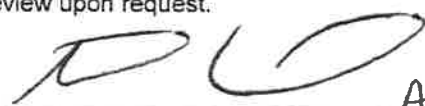
This Application for a Tree Removal and Replacement Permit is made with reference to and the intent to comply with all applicable laws, rules, and regulations, including the General Revised Ordinances of the Township of West Orange.

1. Name of Applicant: MPB Realty, LLC
Street Address: 301 Route 17 N, Suite 802
City/State/Zip: Rutherford, NJ 07070
Home Phone: N/A Work/Cell Phone: 908-531-8021
Email: ed.baksh@pnrestaurants.com
2. Location of Property Subject to Proposed Tree Removal Activity
Street Address: 470 Eagle Rock Avenue
Block: 153 Lot: 38
3. Property Owner(s) of Record
Name of Owner: Ruth Kram FJ Assoc%Kruvant Brothers
Street Address: 71 Valley Street #204
City/State/Zip: South Orange, NJ 07079
Home Phone: _____ Work/Cell Phone: _____
Email: _____
4. Status of Applicant (Check One)
☐ Tenant ☐ Owner ☒ Contract Purchaser ☐ Other: _____
If the Applicant is not the owner, attach hereto the notarized consent of the owner.
5. Has this property been the subject of an application and/or otherwise involved in a matter before the West Orange Planning Board and/or Board of Adjustment?
Yes ☐ No ☒ If yes, please state the dates and action taken or pending, identify the Township Agency who or is handling the matter, and enclose a copy of the resolution conserved by the Agency, if applicable: This application is being submitted as part of a Site Plan Approval package to the Zoning Board of Adjustment.
6. Has the property received a construction permit and/or is there a construction permit pending?
Yes ☐ No ☒ If yes, please state the reason for and the date of application or the date of the issuance of the permit:

Permit No: _____
Date Issued: _____

7. Describe or attach the landscaping replacement planting plan, if applicable, including the number, size and species of trees to be replaced. Attach additional sheets if necessary. Please see attached Landscape Plan and Tree Removal Plan.
8. Describe or attach grading plan if more than six (6) inches of soil will be removed or added within the drip line of a tree or trees on the site:
Please see attached Grading Plan.
9. Map, drawing or diagram must be attached hereto. List the names, address, phone number and email of the preparer of the map drawing or diagram attached:
Dynamic Engineering, PC, 1904 Main Street, Lake Como, NJ 07719
732-974-0198 mbersch@dynamiccec.com
10. List the number, species, and diameter of each tree to be removed: Please see attached Landscape Plan.
11. State reason for tree removal: Redevelopment
12. Identify the Licensed Tree Expert or Licensed Tree Care Operator who will be providing tree removal services:
Name: TBD
License Number: TBD
Address: TBD
City/State/Zip: TBD
Work Phone: TBD Cell Phone: TBD
Email: TBD
13. Proposed date to commence tree removal: TBD
Proposed date to complete tree removal: TBD

It is understood that the undersigned may be subject to statutory penalties for each violation of the terms and conditions of the West Orange Tree Preservation, Removal and Replacement Ordinance. The undersigned agrees to post a copy of the Tree Removal Permit on the site and to present a copy for review upon request.


Applicant's Signature Amish Parikh
Print Name Legibly

11/15/2022
Date

Permit No: _____
Date Issued: _____

For Administrative Purposes Only:

Numbers of trees approved for removal: _____ (living) _____ (dead/dying)

Number of trees replaced: _____

Additional replacement /preservation requirements: _____

Circle One: Basic Permit Fee: **\$25.00** Total Development Application Fee: **\$300.00** Total

Signature of Forester: _____ Date: _____

West Orange Ordinance #2177-08 defines a tree as “a self-supporting single stem perennial woody plant having a diameter of at least four inches measured at a point of 4.5 feet (or 54 inches) from the ground at the base of the tree on its uphill side.

Up to three (3) live trees may be removed on an improved residential lot within any 365-day period without the necessity of obtaining a tree removal permit.

Proposal

The Applicant proposes to demolish the existing restaurant building and construct two (2) new restaurant buildings, each with a drive-thru component (the "Proposed Development"). As part of the Proposed Development, the Applicant proposes ancillary site improvements, including but not limited to landscaping, lighting, signage and parking.



Benjamin Wine <ben@primelaw.com>

Response OPRA 2021-1250 for 470 Eagle Rock Ave

2 messages

June Planas <jplanas@westorange.org>
To: Benjamin Wine <ben@primelaw.com>
Cc: Karen Carnevale <KCarnevale@westorange.org>

Tue, Feb 15, 2022 at 8:45 AM

Good Morning,

This is a response to your OPRA request. The Zoning Board applications was withdrawn on May 4, 2018.

As a reminder please use OPRA@westorange.org for all communications regarding OPRA.

Thank you,



June Planas

Deputy Municipal Clerk

Township of West Orange

66 Main Street

West Orange, NJ 07052

Phone (973) 325-4155

Fax (973) 731-1196

jplanas@westorange.org

OPRA@westorange.org

www.westorange.org



 Please consider the environment before you print this email

America, Land of the Free, Because of the Brave!

2/15/22, 10:17 AM

Prime Law Mail - Response OPRA 2021-1250 for 470 Eagle Rock Ave

Confidentiality Notice: This e-mail contains information from the Township of West Orange. It is intended only for the person or entity to which it is addressed and may contain information that is privileged, confidential or otherwise protected from disclosure. Dissemination, distribution or copying of this e-mail or the information contained within it by anyone other than the intended recipient or an employee or agent responsible for delivering the message to the intended recipient is prohibited. If you have received this e-mail in error, please call 973-325-4075 and destroy the original message and all copies.

 **OPRA 2021-1250.pdf**
223K

Benjamin Wine <ben@primelaw.com>
To: June Planas <jplanas@westorange.org>
Cc: Karen Carnevale <KCarnevale@westorange.org>

Tue, Feb 15, 2022 at 10:17 AM

Thanks June.
[Quoted text hidden]

Benjamin T.F. Wine, Esq.

PRIME & TUVEL
ATTORNEYS AT LAW

North Jersey Office

1 University Plaza Drive, Suite 500
Hackensack, New Jersey 07601
Phone: (201) 883-1022
Fax: (856) 273-8383

South Jersey Office

14000 Horizon Way, Suite 325
Mount Laurel, New Jersey 08054
Phone: (856) 273-8300
Fax: (856) 273-8383

Hoboken Office

50 Harrison Street, PH #511
Hoboken, New Jersey 07030
Phone: (201) 883-1010
Fax: (856) 273-8383

2/15/22, 10:17 AM

Prime Law Mail - Response OPRA 2021-1250 for 470 Eagle Rock Ave

Email: ben@primelaw.com

Website: www.primelaw.com

CONFIDENTIALITY NOTE: *This e-mail transmission is intended only for the addressee, and may contain privileged and/or confidential information from the law firm of Prime & Tuvel. If you are not the intended recipient, please do not use, disseminate or copy this material. If you believe you have received this e-mail transmission in error, please notify us immediately by return e-mail, and delete or destroy any copies after sending that notice.*

Please note our new address as of Monday, January 31, 2022 is: 1 University Plaza Drive, Suite 500, Hackensack, New Jersey 07601.



TOWNSHIP OF WEST ORANGE

66 MAIN STREET, WEST ORANGE, N.J. 07052

OFFICE OF THE TAX COLLECTOR

ROBERT D. PARISI
Mayor

Tel: (973) 325-4075
Fax: (973) 736-9182
Email: klongo@westorange.org
cwahlers@westorange.org

VERIFICATION OF TAXES & SEWER CHARGES PAID

DATE: _____

BLOCK: 153

LOT: 38 QUAL: _____

NAME: ZG Real Estate LLC

ADDRESS: 470 Eagle Rock Ave

TAXES PAID UNTIL: 11/31/23

2022 SEWER PAID IN FULL: ☒ YES ☐ NO

TOWNSHIP OF WEST ORANGE
TAX COLLECTOR
66 MAIN STREET
WEST ORANGE, NJ 07052
PHONE (973) 325-4075
FAX (973) 736-9182



AN EQUAL OPPORTUNITY EMPLOYER
www.westorange.org

Buffer Report

THE TOWNSHIP OF WEST ORANGE

Office of the Assessor

66 Main Street

West Orange, New Jersey 07052

Telephone: (973) 325-4060

Facsimile: (973) 669-4859

Highlighted feature(s)

Subject Property(s) (1)

Town	Block	Lot	Qualifier	Location	Owner	Owner Address	Owner City/State	Owner Zip
West Orange Township	153	38		470 EAGLE ROCK AVENUE	ZG REAL ESTATE LLC,	235 MAIN ST,#296	MADISON, NJ	07940

§

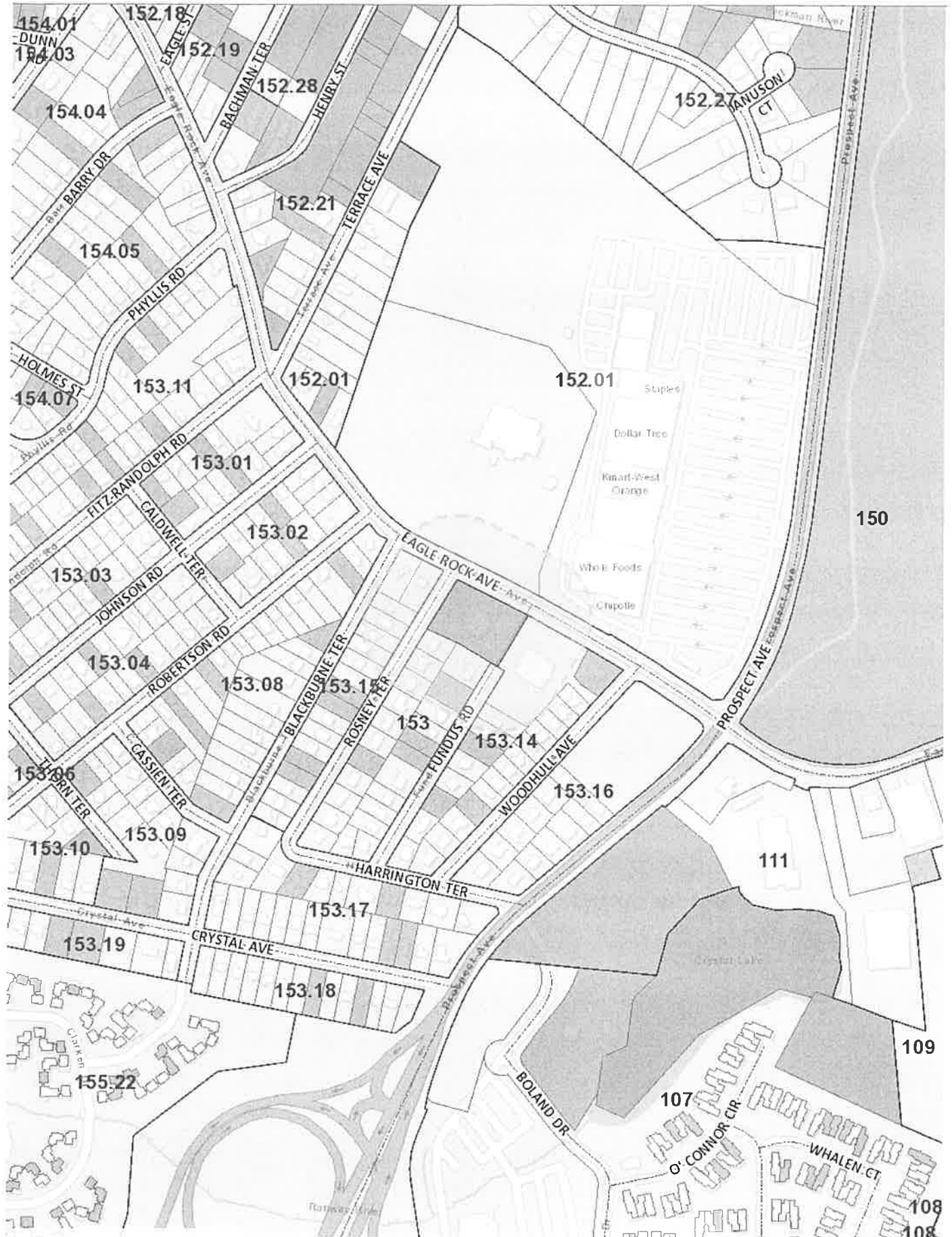
List of adjoining feature(s) that intersect 200 foot buffer from Subject Property(s).

Adjoining Properties (22)

Town	Block	Lot	Qualifier	Location	Owner	Owner Address	Owner City/State	Owner Zip
West Orange Township	152.01	1445		EAGLE ROCK & PROSPECT AVE	WEST ORANGE PLAZA,	P.O. BOX 326	PLAINFIELD,NJ	07061
West Orange Township	152.01	1445.01		481 EAGLE ROCK AVENUE	MAYFAIR FARMS HOLDING CORP.	481 EAGLE ROCK AVENUE	WEST ORANGE, NEW JERSEY	07052
West Orange Township	153	1		6 ROSNEY TERRACE	ISMAIL, HUSSEIN	6 ROSNEY TERR.	WEST ORANGE, NJ	07052
West Orange Township	153	2		8 ROSNEY TERRACE	THOMAS, SHIBU	8 ROSNEY TERR	WEST ORANGE, NJ	07052
West Orange Township	153	3		10 ROSNEY TERRACE	BISE, JEAN-LUC & BANK, MARGARET	10 ROSNEY TERRACE	WEST ORANGE, NJ	07052
West Orange Township	153	32		15 FUNDUS ROAD	ALTUNKAYA, EMRAH & FIGEN	15 FUNDUS ROAD	WEST ORANGE, N.J.	07052
West Orange Township	153	34		11 FUNDUS ROAD	PRINCE, CHRISTINA M	11 FUNDUS ROAD	WEST ORANGE, N.J.	07052
West Orange Township	153	35		9 FUNDUS ROAD	WRIGHT, BARRY N. & HELEN	9 FUNDUS RD	WEST ORANGE, NJ	07052
West Orange Township	153	38		470 EAGLE ROCK AVENUE	ZG REAL ESTATE LLC,	235 MAIN ST,#296	MADISON, NJ	07940
West Orange Township	153.14	4		9 WOODHULL AVENUE	CATALANO, GAETANO	9 WOODHULL AVENUE	WEST ORANGE, NJ	07052
West Orange Township	153.14	5		11 WOODHULL AVENUE	DIAZ, BERTHA	11 WOODHULL AVE	WEST ORANGE, NJ	07052
West Orange Township	153.14	6		13 WOODHULL AVENUE	ABDELAZIZ, HOSSAM & AHMED,JIHAN	13 WOODHULL AVENUE	WEST ORANGE, NJ	07052
West Orange Township	153.14	28		16 FUNDUS ROAD	WHITE, MARQUS & SANDRA L.	16 FUNDUS ROAD	WEST ORANGE, N.J.	07052

Town	Block	Lot	Qualifier	Location	Owner	Owner Address	Owner City/State	Owner Zip
West Orange Township	153.14	29		14 FUNDUS ROAD	LORENZANA, ROSEMARIE & ANGELO	14 FUNDUS ROAD	WEST ORANGE, NEW JERSEY	07052
West Orange Township	153.14	33		464 EAGLE ROCK AVENUE	SL 469 EAGLE ROCK AVE LLC	788 MORRIS TPKE	SHORT HILLS, NJ	07078
West Orange Township	153.15	1		478 EAGLE ROCK AVENUE	NEISHA, ASSIF & GOPIE, MICHELLE	478 EAGLE ROCK AVE	WEST ORANGE, NJ	07052
West Orange Township	153.15	2		482 EAGLE ROCK AVENUE	CASTE, PAUL & ANN MARIE	482 EAGLE ROCK AVENUE	WEST ORANGE, NEW JERSEY	07052
West Orange Township	153.15	3		4 BLACKBURNE TERRACE	SIMEUS, ROLDY & GLENAH	4 BLACKBURNE TERRACE	WEST ORANGE, NJ	07052
West Orange Township	153.15	4		6 BLACKBURNE TERRACE	MESEHA, KYRILLOS & MOUSA, RANDA	6 BLACKBURNE TERRACE	WEST ORANGE N.J.	07052
West Orange Township	153.15	5		8 BLACKBURNE TERRACE	HAYES, PATRICK & DENISE GOOD-	8 BLACKBURNE TERR.	WEST ORANGE, NJ	07052
West Orange Township	153.15	6		10 BLACKBURNE TERRACE	ONI, AKANNI R. & MERCY N.	10 BLACKBURNE TERR	WEST ORANGE, NJ	07052
West Orange Township	153.15	7		12 BLACKBURNE TERRACE	KARLSEN, ALEXANDER & KERYN RYAN	12 BLACKBURNE TERRACE	WEST ORANGE, NJ	07052

Buffer Report - Map



PUBLIC UTILITIES

ELECTRIC & GAS

Public Service Electric & Gas Company
Manager - Corporate Properties
80 Park Plaza, T6B
Newark, NJ 07102

WATER

New Jersey American Water Company
167 John F. Kennedy Parkway
Short Hills, NJ 07078

CABLE TV

Comcast Cablevision
800 Rahway Avenue
Union, NJ 07083

TELEPHONE

Verizon
1 Verizon Way
Basking Ridge, New Jersey 07920-1025

SEWER

Township of West Orange
Municipal Building
66 Main Street
West Orange, NJ 07052

MPB Realty LLC

**470 Eagle Rock Avenue, West Orange, New Jersey 07052
(Block 153, Lot 38)**

Corporate Ownership Disclosure Statement

This Corporate Ownership Disclosure statement is provided in compliance with the requirements of N.J.S.A. 40:55D-48.1 et seq.

Owners holding 10% or more of any class of stock/interest in MPB Realty LLC:

1. Sachin Shah – 301 Route 17 North, Suite 802, Rutherford, New Jersey 07070 – 25%
2. Ashish Parikh – 301 Route 17 North, Suite 802, Rutherford, New Jersey 07070 – 25%
3. Amish Parikh – 301 Route 17 North, Suite 802, Rutherford, New Jersey 07070 – 25%
4. Shashin Parikh – 301 Route 17 North, Suite 802, Rutherford, New Jersey 07070 – 25%

MPB Realty LLC

**470 Eagle Rock Avenue, West Orange, New Jersey 07052
(Block 153, Lot 38)**

Corporate Ownership Disclosure Statement

This Corporate Ownership Disclosure statement is provided in compliance with the requirements of N.J.S.A. 40:55D-48.1 et seq.

Owners holding 10% or more of any class of stock/interest in MPB Realty LLC:

1. Sachin Shah – 301 Route 17 North, Suite 802, Rutherford, New Jersey 07070 – 25%
2. Ashish Parikh – 301 Route 17 North, Suite 802, Rutherford, New Jersey 07070 – 25%
3. Amish Parikh – 301 Route 17 North, Suite 802, Rutherford, New Jersey 07070 – 25%
4. Shashin Parikh – 301 Route 17 North, Suite 802, Rutherford, New Jersey 07070 – 25%