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DUNCAN M. PRIME, Esquire

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SARA R. WERNER, Esquire

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DANIELLE N. KINBACK, 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 WASHINGTON, D.C. BAR

* ADMITTED TO THE NEW YORK BAR, NEW JERSEY PENDING

JASON R. TUVEL, Esquire

MICHAEL MIGELI, Esquire

NANCY A. LOTTINVILLE, Esquire

BENJAMIN T.F. WINE, Esquire

DANIEL H. KLINE, Esquire

ADAM LAZAROS, Esquire

April 10, 2023

VIA UPS

Township of West Orange
66 Main Street
West Orange, NJ 07052
Attn: Diana Chandler, Board Secretary

**RE: MPB Realty LLC (the "Applicant")
470 Eagle Rock Avenue, West Orange (the "Property")
Block 153, Lot 38
Affidavit Package**

Dear Ms. Chandler,

Enclosed please find the original Certification of Service, newspaper publication, original green and white certified mail cards and receipts, copy of notice, and a copy of the certified list of property owners, for the public hearing in the above matter, scheduled for **April 20, 2023 at 8:00 pm.**, before the **Township of West Orange Zoning Board of Adjustment.**

Thank you for your kind consideration and assistance with this application.

Very truly yours,

Jason R. Tuvel

Jason R. Tuvel, Esq.
Attorney for Applicant

JRT/slo
Enclosures

1 University Plaza Drive, Suite 500
Hackensack, NJ 07601
P 201 883 1010 | F 856 273 8383
w primelaw.com

ADDITIONAL OFFICES

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

PRIME & TUVEL
1 University Plaza Drive, Suite 500
Hackensack, New Jersey 07601
(201) 883-1010
Attorney for Applicant

IN RE: MPB Realty LLC 470 Eagle Rock Avenue, West Orange Block 153, Lot 38 Township of West Orange Tax Map	THE TOWNSHI OF WEST ORANGE ZONING BOARD OF ADJUSTMENT AFFIDAVIT OF SERVICE AND PUBLICATION OF NOTICE
---	---

[illegible]

I, SAMANTHA L. O'MALLEY, of full age, being duly sworn according to law, upon my oath, depose and say:

1. I am an employee with the law firm of Prime & Tuvel
2. The form of public notice (hereinafter referred to as “Notice”) announcing the meeting on **April 20, 2023, at 8:00 pm** is attached as Exhibit “A.”
3. The list of property owners within two hundred feet of the subject property prepared by the **Township of West Orange Tax Assessor**, as well as other entities to whom the Notice in Exhibit “A” was sent, is attached as Exhibit “B.”
4. The Notice in Exhibit “A” was sent by United States Certified Mail, Return Receipt Requested, to the property owners within two hundred feet of the site and to the other entities listed in Exhibit “B.” Copies of the “white” return receipts post marked **April 7, 2023**, from the United States Post Office are attached as Exhibit “C.”
5. The Notice in Exhibit “A” was published in **The Star Ledger** on **April 10, 2023**. A copy of the publication is attached as Exhibit “D.” The original affidavit of publication will be provided to the Board once received.

Sworn to and Subscribed before
me this 18th day of April 2023

Luzy Ivette Alicea
 LUZY IVETTE ALICEA
 COMMISSION NO. 2323851
 A NOTARY PUBLIC OF NEW JERSEY
 MY COMMISSION EXPIRES: 11/21/2025


Samantha L. O'Malley

Exhibit “A”

NOTICE OF PUBLIC HEARING (VIRTUAL PUBLIC HEARING)

Township of West Orange Zoning Board of Adjustment

PLEASE TAKE NOTICE that the Township of West Orange Zoning Board of Adjustment (the "Board") will hold a virtual public hearing on April 20, 2023 at 8:00 PM to review and take formal action upon an application for preliminary and final major site plan approval, conditional use variance, bulk variance and design waiver/exception relief (the "Application") by MPB Realty LLC (the "Applicant") with respect to property having a street address of 470 Eagle Rock Avenue, West Orange, New Jersey 07052 and being designated as Block 153, Lot 38, on the Township of West Orange Tax Map (collectively, the "Property"). The Property is located in the B-2 Zone (the "Zone").

The Applicant proposes to construct two (2) fast food restaurants with ancillary drive-through service, which is a conditional use within the Zone. The Applicant seeks conditional use variance approval pursuant to N.J.S.A. 40:55D-70(d)(3) for not complying with the following conditions: (1) Fast food restaurant use located within 1,000 ft. of residential district boundary line where same is not permitted; (2) Property frontage less than required (200 ft. required along Rosney Terrace; 182.4 ft. existing/proposed along Rosney Terrace); and (3) Driveway distance to intersection less than required (100 ft. required; 13.1 ft. proposed). The Applicant also seeks use variance approval pursuant to N.J.S.A. 40:55D-70(d)(1) for multiple principal uses/structures on the Property, if deemed necessary.

The Applicant also seeks bulk variances pursuant to N.J.S.A. 40:55D-70(c) and design waivers/exceptions, including: (1) Impervious coverage greater than permitted (60% permitted; 69.4% proposed); (2) Curbing distance from buildings less than required (5 ft. required; 0 ft. proposed); (3) Parking proposed in front yard where same is not permitted; (4) Number of parking spaces less than required (33 spaces required; 27 spaces proposed); (5) Residential buffer width less than required (20 ft. required; 12 ft. proposed); (6) Side yard setback to residential district less than required (75 ft. required; 66.6 ft. proposed); (7) Number of freestanding signs greater than permitted (1 sign permitted; 2 signs proposed); (8) Freestanding sign height greater than permitted (16 ft. permitted; 20 ft. proposed); (9) Freestanding sign width greater than permitted (6 ft. permitted; 7.88 ft. proposed); (10) Number of façade signs greater than permitted (1 sign permitted; 10 signs proposed); (11) Façade sign area (Popeyes) greater than permitted (100 sq.ft. permitted; 198.9 sq.ft. proposed); (12) Façade sign area (Sonic) greater than permitted (114 sq.ft. permitted; 160.2 sq.ft. proposed); and (13) Lux/footcandles in parking area less than required (20 Lux/2.0 footcandles required; 0.5 footcandles proposed).

The Applicant also seeks any additional deviations, exceptions, design waivers, submission waivers, variances, use variances, conditional use variances, interpretations, continuations of any pre-existing non-conforming conditions, modifications of prior imposed conditions and other approvals reflected on the filed plans (as same may be further amended or revised from time to time without further notice) and as may be determined to be necessary during the review and processing of the Application.

Pursuant to the declarations by the Governor of the State of New Jersey [Executive Orders 103 and 107], and the mechanisms that have been used by local governments during emergencies that render in-person meetings less than optimal, the public hearing will be held by **online/virtual means and telephonically only**. During the public hearing, any interested party will have an opportunity to listen to and, if participating online, view the hearing in its entirety, be heard (ask questions, provide comments or offer evidence), personally or by attorney, by either (a) participating online by visiting <https://us06web.zoom.us/j/85862977300?pwd=aXBXMktNR3FrdHF3b2tPZVcwaUFTUT09> and following the instructions provided to join the online/virtual meeting, including entering meeting identification number: 858 6297 7300 and password: 281146, if prompted; or (b) participating telephonically by calling 1-646-558-8656 and entering meeting identification number: 858 6297 7300 and password: 281146, if prompted. Participating via online/virtual means or telephonically is free of charge to the public.

Members of the public interested in participating in the public hearing on the Application can advise the Board Secretary, Diana Chandler, of their interest in participating in advance of the public hearing by reaching out to the Board Secretary at dchandler@westorange.org or (973) 325-4108. In addition, if any member of the public has a concern regarding utilizing the technology set forth above to participate in the public hearing, the member of the public may contact the Board Secretary by email at dchandler@westorange.org or by phone at (973) 325-4108 during regular business hours.

The Application and supporting materials (including maps and plans) will be available for public inspection free of charge to the public by going to agenda at the following webpage: <https://www.westorange.org/ArchiveCenter/ViewFile/Item/2603> and clicking on the link to the subject Application at least ten (10) days before the public hearing. Alternatively, members of the public may contact the Board Secretary by email at dchandler@westorange.org or by phone at (973) 325-4108 during regular business hours in order to make an appointment to review or pick up copies of the Application materials, plans, and related documents at the office of the Board Secretary, located at 66 Main Street, West Orange, New Jersey 07052. The public hearing may be continued without further notice on such additional or other dates as the Board may determine.

Jason R. Tuvel, Esq.
Prime & Tuvel
1 University Plaza Drive, Suite 500
Hackensack, New Jersey 07601
Phone: (201) 883-1010
Email: jason@primelaw.com
Attorneys for MPB Realty LLC

Exhibit “B”

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

903.06

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

1 2

§

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

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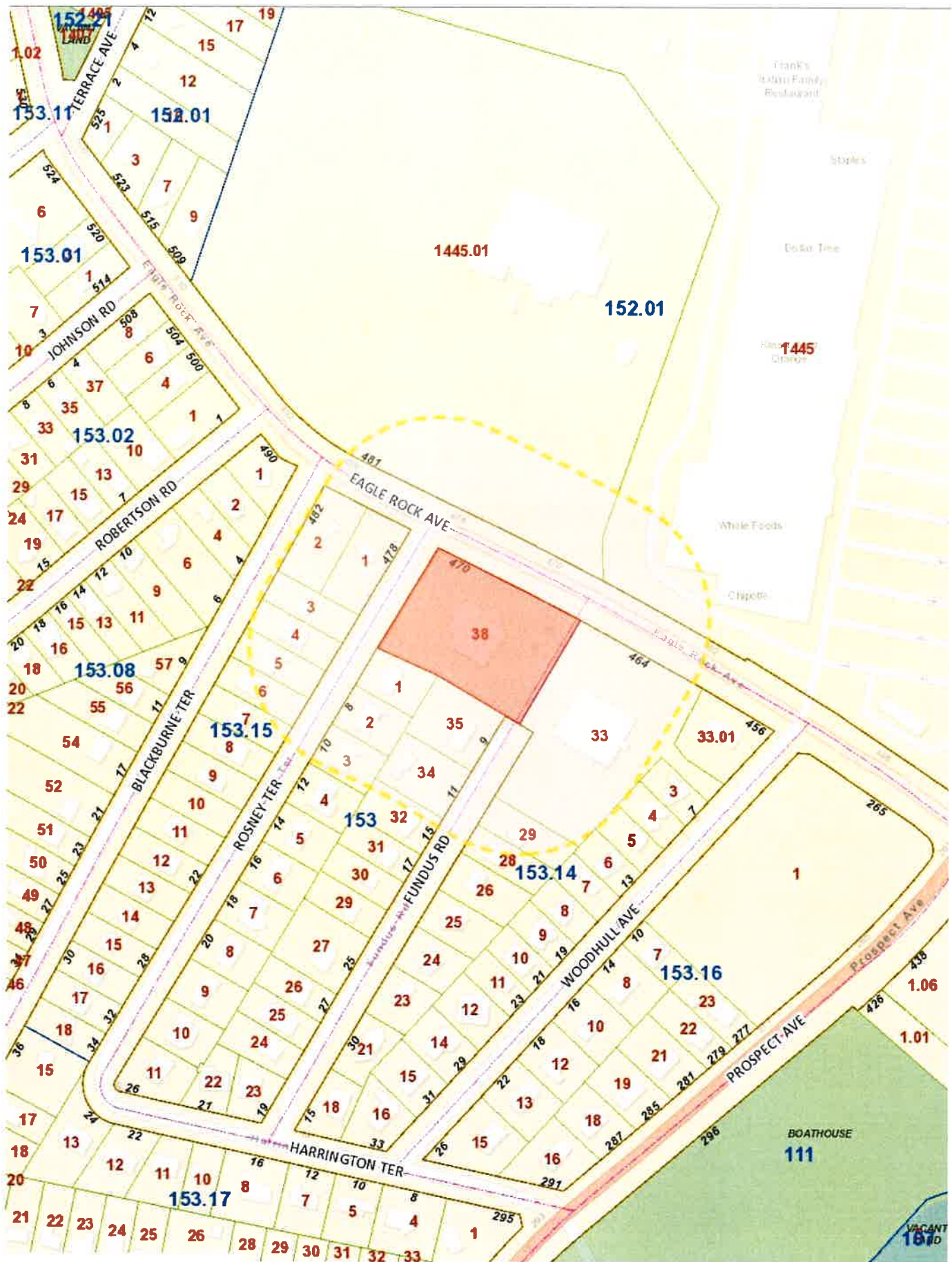
14

15

16

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	17
West Orange Township	153.14	33		464 EAGLE ROCK AVENUE	SL 469 EAGLE ROCK AVE LLC	788 MORRIS TPKE	SHORT HILLS, NJ	07078	18 19
West Orange Township	153.15	1		478 EAGLE ROCK AVENUE	NEISHA, ASSIF & GOPIE, MICHELLE	478 EAGLE ROCK AVE	WEST ORANGE, NJ	07052	20
West Orange Township	153.15	2		482 EAGLE ROCK AVENUE	CASTE, PAUL & ANN MARIE	482 EAGLE ROCK AVENUE	WEST ORANGE, NEW JERSEY	07052	21
West Orange Township	153.15	3		4 BLACKBURNE TERRACE	SIMEUS, ROLDY & GLENAH	4 BLACKBURNE TERRACE	WEST ORANGE, NJ	07052	22
West Orange Township	153.15	4		6 BLACKBURNE TERRACE	MESEHA, KYRILLOS & MOUSA, RANDA	6 BLACKBURNE TERRACE	WEST ORANGE N.J.	07052	23
West Orange Township	153.15	5		8 BLACKBURNE TERRACE	HAYES, PATRICK & DENISE GOOD-	8 BLACKBURNE TERR.	WEST ORANGE, NJ	07052	24
West Orange Township	153.15	6		10 BLACKBURNE TERRACE	ONI, AKANNI R. & MERCY N.	10 BLACKBURNE TERR	WEST ORANGE, NJ	07052	25
West Orange Township	153.15	7		12 BLACKBURNE TERRACE	KARLSEN, ALEXANDER & KERYN RYAN	12 BLACKBURNE TERRACE	WEST ORANGE, NJ	07052	26

Buffer Report - Map



PUBLIC UTILITIES

ELECTRIC & GAS

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

27 28

WATER

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

29 30

CABLE TV

Comcast Cablevision
800 Rahway Avenue
Union, NJ 07083

31 32

TELEPHONE

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

33 34

SEWER

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

35 36

Additional Mailings:

Attn: Municipal Clerk
Township of West Orange
66 Main St.
West Orange, NJ 07052

37

Attn: Anyone Authorized to Accept Service
Township of West Orange
66 Main St.
West Orange, NJ 07052

38

Essex County Planning Board
Dept. of Public Works
900 Bloomfield Ave.
Verona, NJ 07044

39

Attn: Anyone Authorized to Accept Service
Essex County Planning Board
Dept. of Public Works
900 Bloomfield Ave.
Verona, NJ 07044

40

Commissioner of Transportation
New Jersey Department of Transportation
David J. Goldberg Transportation Complex
1035 Parkway Ave., P.O. Box 600
Trenton, NJ 08625

41

Attn: Anyone Authorized to Accept Service
New Jersey Department of Transportation
David J. Goldberg Transportation Complex
1035 Parkway Ave., P.O. Box 600
Trenton, NJ 08625

42

Exhibit “C”

U.S. Postal Service™
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Certified Mail Fee

\$ **\$4.15**

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$ **\$3.35**

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$ **\$0.00**

☐ Adult Signature Restricted Delivery \$

Postage

\$ **\$0.600**

Total Postage and Fees

\$ **\$8.100**

Sent To

ZG Real Estate LLC,
235 Main St.#296
Madison, NJ 07940

Street, Apt. No.,
or PO Box No.

City, State, Zip+4

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☐ Adult Signature Required \$ **\$0.00**

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Postage

\$ **\$0.600**

Total Postage and Fees

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Sent To

West Orange Plaza,
P.O. Box 326
Plainfield, NJ 07061

Street, Apt. No.,
or PO Box No.

City, State, Zip+4

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Postage

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Sent To

Mayfair Farms Holding Corp.
481 Eagle Rock Avenue
West Orange, NJ 07052

Street, Apt. No.,
or PO Box No.

City, State, Zip+4

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Postage

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Total Postage and Fees

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Sent To

Attn: Anyone Authorized to Accept Service
ZG Real Estate LLC,
235 Main St.#296
Madison, NJ 07940

Street, Apt. No.,
or PO Box No.

City, State, Zip+4

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Postage

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West Orange Plaza,
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Plainfield, NJ 07061

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☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$ **\$0.00**

☐ Adult Signature Restricted Delivery \$

Postage

\$ **\$0.600**

Total Postage and Fees

\$ **\$8.100**

Sent To

Attn: Anyone Authorized to Accept Service
Mayfair Farms Holding Corp.
481 Eagle Rock Avenue
West Orange, NJ 07052

Street, Apt. No.,
or PO Box No.

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☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$ **\$0.00**
☐ Adult Signature Restricted Delivery \$

Postage

\$ **\$0.600**

Total Postage and Fees

\$ **\$8.100**

Sent To **Ismail, Hussein**
6 Rosney Terr.
Street, Apt. No.,
or PO Box No. **West Orange, NJ 07052**
City, State, Zip+4



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☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$ **\$0.00**
☐ Adult Signature Restricted Delivery \$

Postage

\$ **\$0.600**

Total Postage and Fees

\$ **\$8.100**

Sent To **Bise, Jean-Luc & Bank, Margaret**
10 Rosney Terrace
Street, Apt. No.,
or PO Box No. **West Orange, NJ 07052**
City, State, Zip+4



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☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$ **\$0.00**
☐ Adult Signature Restricted Delivery \$

Postage

\$ **\$0.600**

Total Postage and Fees

\$ **\$8.100**

Sent To **Prince, Christina M**
11 Fundus Road
Street, Apt. No.,
or PO Box No. **West Orange, NJ 07052**
City, State, Zip+4



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☐ Adult Signature Required \$ **\$0.00**
☐ Adult Signature Restricted Delivery \$

Postage

\$ **\$0.600**

Total Postage and Fees

\$ **\$8.100**

Sent To **Thomas, Shibu**
8 Rosney Terr
Street, Apt. No.,
or PO Box No. **West Orange, NJ 07052**
City, State, Zip+4



Code: 903.06

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☐ Adult Signature Required \$ **\$0.00**
☐ Adult Signature Restricted Delivery \$

Postage

\$ **\$0.600**

Total Postage and Fees

\$ **\$8.100**

Sent To **Altunkaya, Emrah & Figen**
15 Fundus Road
Street, Apt. No.,
or PO Box No. **West Orange, NJ 07052**
City, State, Zip+4



Code: 903.06

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☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$ **\$0.00**
☐ Adult Signature Restricted Delivery \$

Postage

\$ **\$0.600**

Total Postage and Fees

\$ **\$8.100**

Sent To **Wright, Barry N. & Helen**
9 Fundus Rd
Street, Apt. No.,
or PO Box No. **West Orange, NJ 07052**
City, State, Zip+4



Code: 903.06

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☐ Adult Signature Required \$ **\$0.00**
☐ Adult Signature Restricted Delivery \$ **\$0.00**

Postage

\$ **\$0.600**

Total Postage and Fees

\$ **\$8.100**

Sent To

Street, Apt. No.,
or PO Box No.
City, State, Zip+4

Catalano, Gaetano
9 Woodhull Avenue
West Orange, NJ 07052

Postmark
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APR 07 2023

Code: 903.06

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Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$ **\$3.35**
☐ Return Receipt (electronic) \$ **\$0.00**
☐ Certified Mail Restricted Delivery \$ **\$0.00**
☐ Adult Signature Required \$ **\$0.00**
☐ Adult Signature Restricted Delivery \$ **\$0.00**

Postage

\$ **\$0.600**

Total Postage and Fees

\$ **\$8.100**

Sent To

Street, Apt. No.,
or PO Box No.
City, State, Zip+4

Abdelaziz, Hossam & Ahmed, Jihan
13 Woodhull Avenue
West Orange, NJ 07052

Postmark
Here

APR 07 2023

Code: 903.06

PS Form 3800, April 2015

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U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
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17

For delivery information, visit our website at www.usps.com®

9214 7969 0099 9790 1823 4532 88

Certified Mail Fee

\$ **\$4.15**

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$ **\$3.35**
☐ Return Receipt (electronic) \$ **\$0.00**
☐ Certified Mail Restricted Delivery \$ **\$0.00**
☐ Adult Signature Required \$ **\$0.00**
☐ Adult Signature Restricted Delivery \$ **\$0.00**

Postage

\$ **\$0.600**

Total Postage and Fees

\$ **\$8.100**

Sent To

Street, Apt. No.,
or PO Box No.
City, State, Zip+4

Lorenzana, Rosemarie & Angelo
14 Fundus Road
West Orange, NJ 07052

Postmark
Here

APR 07 2023

Code: 903.06

PS Form 3800, April 2015

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14

For delivery information, visit our website at www.usps.com®

9214 7969 0099 9790 1823 4532 57

Certified Mail Fee

\$ **\$4.15**

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$ **\$3.35**
☐ Return Receipt (electronic) \$ **\$0.00**
☐ Certified Mail Restricted Delivery \$ **\$0.00**
☐ Adult Signature Required \$ **\$0.00**
☐ Adult Signature Restricted Delivery \$ **\$0.00**

Postage

\$ **\$0.600**

Total Postage and Fees

\$ **\$8.100**

Sent To

Street, Apt. No.,
or PO Box No.
City, State, Zip+4

Diaz, Bertha
11 Woodhull Ave
West Orange, NJ 07052

Postmark
Here

APR 07 2023

Code: 903.06

PS Form 3800, April 2015

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CERTIFIED MAIL® RECEIPT
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16

For delivery information, visit our website at www.usps.com®

9214 7969 0099 9790 1823 4532 71

Certified Mail Fee

\$ **\$4.15**

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$ **\$3.35**
☐ Return Receipt (electronic) \$ **\$0.00**
☐ Certified Mail Restricted Delivery \$ **\$0.00**
☐ Adult Signature Required \$ **\$0.00**
☐ Adult Signature Restricted Delivery \$ **\$0.00**

Postage

\$ **\$0.600**

Total Postage and Fees

\$ **\$8.100**

Sent To

Street, Apt. No.,
or PO Box No.
City, State, Zip+4

White, Marqus & Sandra L.
16 Fundus Road
West Orange, NJ 07052

Postmark
Here

APR 07 2023

Code: 903.06

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18

For delivery information, visit our website at www.usps.com®

9214 7969 0099 9790 1823 4532 95

Certified Mail Fee

\$ **\$4.15**

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$ **\$3.35**
☐ Return Receipt (electronic) \$ **\$0.00**
☐ Certified Mail Restricted Delivery \$ **\$0.00**
☐ Adult Signature Required \$ **\$0.00**
☐ Adult Signature Restricted Delivery \$ **\$0.00**

Postage

\$ **\$0.600**

Total Postage and Fees

\$ **\$8.100**

Sent To

Street, Apt. No.,
or PO Box No.
City, State, Zip+4

SL 469 Eagle Rock Ave LLC
788 Morris Tpke
Short Hills, NJ 07078

Postmark
Here

APR 07 2023

Code: 903.06

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19

For delivery information, visit our website at www.usps.com®

9214 7969 0099 9790 1823 4535 30

Certified Mail Fee
\$ **\$4.15**

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy)	\$ \$3.35
☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$ \$0.00
☐ Adult Signature Restricted Delivery	\$

Postage
\$ **\$0.600**

Total Postage and Fees
\$ **\$8.100**

Sent To
Attn: Anyone Authorized to Accept Service
SL 469 Eagle Rock Ave LLC
788 Morris Tpke
Short Hills, NJ 07078

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Code: 903.06

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21

For delivery information, visit our website at www.usps.com®

9214 7969 0099 9790 1823 4533 18

Certified Mail Fee
\$ **\$4.15**

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy)	\$ \$3.35
☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$ \$0.00
☐ Adult Signature Restricted Delivery	\$

Postage
\$ **\$0.600**

Total Postage and Fees
\$ **\$8.100**

Sent To
Caste, Paul & Ann Marie
482 Eagle Rock Avenue
West Orange, NJ 07052

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U.S. Postal Service™
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23

For delivery information, visit our website at www.usps.com®

9214 7969 0099 9790 1823 4533 32

Certified Mail Fee
\$ **\$4.15**

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy)	\$ \$3.35
☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$ \$0.00
☐ Adult Signature Restricted Delivery	\$

Postage
\$ **\$0.600**

Total Postage and Fees
\$ **\$8.100**

Sent To
Meseha, Kyrillos & Mousa, Randa
6 Blackburne Terrace
West Orange, NJ 07052

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Code: 903.06

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20

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9214 7969 0099 9790 1823 4533 01

Certified Mail Fee
\$ **\$4.15**

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy)	\$ \$3.35
☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$ \$0.00
☐ Adult Signature Restricted Delivery	\$

Postage
\$ **\$0.600**

Total Postage and Fees
\$ **\$8.100**

Sent To
Neisha, Assif & Gopie, Michelle
478 Eagle Rock Ave
West Orange, NJ 07052

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22

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9214 7969 0099 9790 1823 4533 25

Certified Mail Fee
\$ **\$4.15**

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy)	\$ \$3.35
☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$ \$0.00
☐ Adult Signature Restricted Delivery	\$

Postage
\$ **\$0.600**

Total Postage and Fees
\$ **\$8.100**

Sent To
Simeus, Roldy & Glenah
4 Blackburne Terrace
West Orange, NJ 07052

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24

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9214 7969 0099 9790 1823 4533 49

Certified Mail Fee
\$ **\$4.15**

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy)	\$ \$3.35
☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$ \$0.00
☐ Adult Signature Restricted Delivery	\$

Postage
\$ **\$0.600**

Total Postage and Fees
\$ **\$8.100**

Sent To
Hayes, Patrick & Denise Good-
8 Blackburne Terr.
West Orange, NJ 07052

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25

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9214 7969 0099 9790 1823 4533 56

Certified Mail Fee

\$ \$4.15

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$ \$3.35

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$ \$0.00

☐ Adult Signature Restricted Delivery \$

Postage

\$ \$0.600

Total Postage and Fees

\$ \$8.100

Sent To

Oni, Akanni R. & Mercy N.
10 Blackburne Terr
West Orange, NJ 07052

Street, Apt. No.,
or PO Box No.
City, State, Zip+4

Code: 903.06

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27

For delivery information, visit our website at www.usps.com®

9214 7969 0099 9790 1823 4533 70

Certified Mail Fee

\$ \$4.15

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$ \$3.35

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$ \$0.00

☐ Adult Signature Restricted Delivery \$

Postage

\$ \$0.600

Total Postage and Fees

\$ \$8.100

Sent To

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

Street, Apt. No.,
or PO Box No.
City, State, Zip+4

Code: 903.06

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29

For delivery information, visit our website at www.usps.com®

9214 7969 0099 9790 1823 4533 94

Certified Mail Fee

\$ \$4.15

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$ \$3.35

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$ \$0.00

☐ Adult Signature Restricted Delivery \$

Postage

\$ \$0.600

Total Postage and Fees

\$ \$8.100

Sent To

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

Street, Apt. No.,
or PO Box No.
City, State, Zip+4

Code: 903.06

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26

For delivery information, visit our website at www.usps.com®

9214 7969 0099 9790 1823 4533 63

Certified Mail Fee

\$ \$4.15

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$ \$3.35

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$ \$0.00

☐ Adult Signature Restricted Delivery \$

Postage

\$ \$0.600

Total Postage and Fees

\$ \$8.100

Sent To

Karlsen, Alexander & Keryn Ryan
12 Blackburne Terrace
West Orange, NJ 07052

Street, Apt. No.,
or PO Box No.
City, State, Zip+4

Code: 903.06

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28

For delivery information, visit our website at www.usps.com®

9214 7969 0099 9790 1823 4533 87

Certified Mail Fee

\$ \$4.15

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$ \$3.35

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$ \$0.00

☐ Adult Signature Restricted Delivery \$

Postage

\$ \$0.600

Total Postage and Fees

\$ \$8.100

Sent To

Attn: Anyone Authorized to Accept Service
Public Service Electric & Gas Company
Manager - Corporate Properties
80 Park Plaza, T6B
Newark, NJ 07102

Street, Apt. No.,
or PO Box No.
City, State, Zip+4

Code: 903.06

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30

For delivery information, visit our website at www.usps.com®

9214 7969 0099 9790 1823 4534 00

Certified Mail Fee

\$ \$4.15

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$ \$3.35

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$ \$0.00

☐ Adult Signature Restricted Delivery \$

Postage

\$ \$0.600

Total Postage and Fees

\$ \$8.100

Sent To

Attn: Anyone Authorized to Accept Service
New Jersey American Water Company
167 John F. Kennedy Parkway
Short Hills, NJ 07078

Street, Apt. No.,
or PO Box No.
City, State, Zip+4

Code: 903.06

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31

For delivery information, visit our website at www.usps.com®

9214 7969 0099 9790 1823 4534 17

Certified Mail Fee

\$4.15

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$3.35
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$

Postage

\$0.600

Total Postage and Fees

\$8.100

Sent To

Street, Apt. No.,
or PO Box No.
City, State, Zip+4

Comcast Cablevision
800 Rahway Avenue
Union, NJ 07083

Postmark
Here

APR 07 2023

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33

For delivery information, visit our website at www.usps.com®

9214 7969 0099 9790 1823 4534 31

Certified Mail Fee

\$4.15

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$3.35
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$

Postage

\$0.600

Total Postage and Fees

\$8.100

Sent To

Street, Apt. No.,
or PO Box No.
City, State, Zip+4

Verizon
1 Verizon Way
Basking Ridge, NJ 07920-1025

Postmark
Here

APR 07 2023

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35

For delivery information, visit our website at www.usps.com®

9214 7969 0099 9790 1823 4534 55

Certified Mail Fee

\$4.15

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$3.35
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$

Postage

\$0.600

Total Postage and Fees

\$8.100

Sent To

Street, Apt. No.,
or PO Box No.
City, State, Zip+4

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

Postmark
Here

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32

For delivery information, visit our website at www.usps.com®

9214 7969 0099 9790 1823 4534 24

Certified Mail Fee

\$4.15

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$3.35
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$

Postage

\$0.600

Total Postage and Fees

\$8.100

Sent To

Street, Apt. No.,
or PO Box No.
City, State, Zip+4

Attn: Anyone Authorized to Accept Service
Comcast Cablevision
800 Rahway Avenue
Union, NJ 07083

Postmark
Here

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34

For delivery information, visit our website at www.usps.com®

9214 7969 0099 9790 1823 4534 48

Certified Mail Fee

\$4.15

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$3.35
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$

Postage

\$0.600

Total Postage and Fees

\$8.100

Sent To

Street, Apt. No.,
or PO Box No.
City, State, Zip+4

Attn: Anyone Authorized to Accept Service
Verizon
1 Verizon Way
Basking Ridge, NJ 07920-1025

Postmark
Here

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36

For delivery information, visit our website at www.usps.com®

9214 7969 0099 9790 1823 4534 62

Certified Mail Fee

\$4.15

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$3.35
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$

Postage

\$0.600

Total Postage and Fees

\$8.100

Sent To

Street, Apt. No.,
or PO Box No.
City, State, Zip+4

Attn: Anyone Authorized to Accept Service
Township of West Orange
Municipal Building
66 Main Street
West Orange, NJ 07052

Postmark
Here

APR 07 2023

PS Form 3800, April 2015

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U.S. Postal Service™
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37

For delivery information, visit our website at www.usps.com®

9214 7969 0099 9790 1823 4534 79

Certified Mail Fee

\$ \$4.15

Extra Services & Fees (Check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$ \$3.35
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$ \$0.00
☐ Adult Signature Restricted Delivery \$

Postage

\$ \$0.600

Total Postage and Fees

\$ \$8.100

Sent To

Street, Apt. No.,
or PO Box No.
City, State, Zip+4

Attn: Municipal Clerk
Township of West Orange
66 Main St.
West Orange, NJ 07052

Postmark
Here

APR 07 2023

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Code: 903.06

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38

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9214 7969 0099 9790 1823 4534 86

Certified Mail Fee

\$ \$4.15

Extra Services & Fees (Check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$ \$3.35
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$ \$0.00
☐ Adult Signature Restricted Delivery \$

Postage

\$ \$0.600

Total Postage and Fees

\$ \$8.100

Sent To

Street, Apt. No.,
or PO Box No.
City, State, Zip+4

Attn: Anyone Authorized to Accept Service
Township of West Orange
66 Main St.
West Orange, NJ 07052

Postmark
Here

APR 07 2023

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39

For delivery information, visit our website at www.usps.com®

9214 7969 0099 9790 1823 4534 93

Certified Mail Fee

\$ \$4.15

Extra Services & Fees (Check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$ \$3.35
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$ \$0.00
☐ Adult Signature Restricted Delivery \$

Postage

\$ \$0.600

Total Postage and Fees

\$ \$8.100

Sent To

Street, Apt. No.,
or PO Box No.
City, State, Zip+4

Essex County Planning Board
Dept. of Public Works
900 Bloomfield Ave.
Verona, NJ 07044

Postmark
Here

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40

For delivery information, visit our website at www.usps.com®

9214 7969 0099 9790 1823 4535 09

Certified Mail Fee

\$ \$4.15

Extra Services & Fees (Check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$ \$3.35
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$ \$0.00
☐ Adult Signature Restricted Delivery \$

Postage

\$ \$0.600

Total Postage and Fees

\$ \$8.100

Sent To

Street, Apt. No.,
or PO Box No.
City, State, Zip+4

Attn: Anyone Authorized to Accept Service
Essex County Planning Board
Dept. of Public Works
900 Bloomfield Ave.
Verona, NJ 07044

Postmark
Here

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PS Form 3800, April 2015 See Reverse for Instructions

Code: 903.06

U.S. Postal Service™
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41

For delivery information, visit our website at www.usps.com®

9214 7969 0099 9790 1823 4535 16

Certified Mail Fee

\$ \$4.15

Extra Services & Fees (Check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$ \$3.35
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$ \$0.00
☐ Adult Signature Restricted Delivery \$

Postage

\$ \$0.600

Total Postage and Fees

\$ \$8.100

Sent To

Street, Apt. No.,
or PO Box No.
City, State, Zip+4

Commissioner of Transportation
New Jersey Department of Transportation
David J. Goldberg Transportation Complex
1035 Parkway Ave., P.O. Box 600
Trenton, NJ 08625

Postmark
Here

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PS Form 3800, April 2015 See Reverse for Instructions

Code: 903.06

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

42

For delivery information, visit our website at www.usps.com®

9214 7969 0099 9790 1823 4535 23

Certified Mail Fee

\$ \$4.15

Extra Services & Fees (Check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$ \$3.35
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$ \$0.00
☐ Adult Signature Restricted Delivery \$

Postage

\$ \$0.600

Total Postage and Fees

\$ \$8.100

Sent To

Street, Apt. No.,
or PO Box No.
City, State, Zip+4

Attn: Anyone Authorized to Accept Service
New Jersey Department of Transportation
David J. Goldberg Transportation Complex
1035 Parkway Ave., P.O. Box 600
Trenton, NJ 08625

Postmark
Here

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Code: 903.06

Exhibit “D”

The Star-Ledger, Newark

The Star-Ledger

Publication Name:

The Star-Ledger, Newark

Publication URL:

www.nj.com/starledger

Publication City and State:

Newark , NJ

Publication County:

Essex

Notice Popular Keyword Category:

Notice Keywords:

Tuvel

Notice Authentication Number:

202304100905402815726

1626530722

Notice URL:

[Back](#)

Notice Publish Date:

Monday, April 10, 2023

Notice Content

NOTICE OF PUBLIC HEARING (VIRTUAL PUBLIC HEARING) Township of West Orange Zoning Board of Adjustment PLEASE TAKE NOTICE that the Township of West Orange Zoning Board of Adjustment (the "Board") will hold a virtual public hearing on April 20, 2023 at 8:00 PM to review and take formal action upon an application for preliminary and final major site plan approval, conditional use variance, bulk variance and design waiver/exception relief (the "Application") by MPB Realty LLC (the "Applicant") with respect to property having a street address of 470 Eagle Rock Avenue, West Orange, New Jersey 07052 and being designated as Block 153, Lot 38, on the Township of West Orange Tax Map (collectively, the "Property"). The Property is located in the B-2 Zone (the "Zone"). The Applicant proposes to construct two (2) fast food restaurants with ancillary drive-through service, which is a conditional use within the Zone. The Applicant seeks conditional use variance approval pursuant to N.J.S.A. 40:55D-70(d)(3) for not complying with the following conditions: (1) Fast food restaurant use located within 1,000 ft. of residential district boundary line where same is not permitted; (2) Property frontage less than required (200 ft. required along Rosney Terrace; 182.4 ft. existing/proposed along Rosney Terrace); and (3) Driveway distance to intersection less than required (100 ft. required; 13.1 ft. proposed). The Applicant also seeks use variance approval pursuant to N.J.S.A. 40:55D-70(d)(1) for multiple principal uses/structures on the Property, if deemed necessary. The Applicant also seeks bulk variances pursuant to N.J.S.A. 40:55D-70(c) and design waivers/exceptions, including: (1) Impervious coverage greater than permitted (60% permitted; 69.4% proposed); (2) Curbing distance from buildings less than required (5 ft. required; 0 ft. proposed); (3) Parking proposed in front yard where same is not permitted; (4) Number of parking spaces less than required (33 spaces required; 27 spaces proposed); (5) Residential buffer width less than required (20 ft. required; 12 ft. proposed); (6) Side yard setback to residential district less than required (75 ft. required; 66.6 ft. proposed); (7) Number of freestanding signs greater than permitted (1 sign permitted; 2 signs proposed); (8) Freestanding sign height greater than permitted (16 ft. permitted; 20 ft. proposed); (9) Freestanding sign width greater than permitted (6 ft. permitted; 7.88 ft. proposed); (10) Number of faade signs greater than permitted (1 sign permitted; 10 signs proposed); (11) Faade sign area (Popeyes) greater than permitted (100 sq.ft. permitted; 198.9 sq.ft. proposed); (12) Faade sign area (Sonic) greater than permitted (114 sq.ft. permitted; 160.2 sq.ft. proposed); and (13) Lux/footcandles in parking area less than required (20 Lux/2.0 footcandles required; 0.5 footcandles proposed). The Applicant also seeks any additional deviations, exceptions, design waivers, submission waivers, variances, use variances, conditional use variances, interpretations, continuations of any pre-existing non-conforming conditions, modifications of prior imposed conditions and other approvals reflected on the filed plans (as same may be further amended or revised from time to time without further notice) and as may be determined to be necessary during the review and processing of the Application. Pursuant to the declarations by the Governor of the State of New Jersey [Executive Orders 103 and 107], and the mechanisms that have been used by local governments during emergencies that render in-person meetings less than optimal, the public hearing will be held by online/virtual means and telephonically only. During the public hearing, any interested party will have an opportunity to listen to and, if participating online, view the hearing in its entirety, be heard (ask questions, provide comments or offer evidence), personally or by attorney, by either (a) participating online by visiting

<https://us06web.zoom.us/j/85862977300?pwd=aXBXMktNR3FrHF3b2tPZVcwaUFTUT09> and following the instructions provided to join the online/virtual meeting, including entering meeting identification number: 858 6297 7300 and password: 281146, if prompted; or (b) participating telephonically by calling 1-646-558-8656 and entering meeting identification number: 858 6297 7300 and password: 281146, if prompted. Participating via online/virtual means or telephonically is free of charge to the public. Members of the public interested in participating in the public hearing on the Application can advise the Board Secretary, Diana Chandler, of their interest in participating in advance of the public hearing by reaching out to the Board Secretary at dchandler@westorange.org or (973) 325-4108. In addition, if any member of the public has a concern regarding utilizing the technology set forth above to participate in the public hearing, the member of the public may contact the Board Secretary by email at dchandler@westorange.org or by phone at (973) 325-4108 during regular business hours. The Application and supporting materials (including maps and plans) will be available for public inspection free of charge to the public by going to agenda at the following webpage: <https://www.westorange.org/ArchiveCenter/ViewFile/Item/2603> and clicking on the link to the subject Application at least ten (10) days before the public hearing. Alternatively, members of the public may contact the Board Secretary by email at dchandler@westorange.org or by phone at (973) 325-4108 during regular business hours in order to make an appointment to review or pick up copies of the Application materials, plans, and related documents at the office of the Board Secretary, located at 66 Main Street, West Orange, New Jersey 07052. The public hearing may be continued without further notice on such additional or other dates as the Board may determine. Jason R. Tuvel, Esq. Prime & Tuvel 1 University Plaza Drive, Suite 500 Hackensack, New Jersey 07601 Phone: (201) 883-1010 Email: jason@primelaw.com Attorneys for MPB Realty LLC 4/10/23 \$220.72

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