



**Consulting & Municipal
ENGINEERS**

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MEMORANDUM

**To: Chairman and Members of the
West Orange Zoning Board**

**From: John J. Hess, PE, PP, CME
Zoning Board Engineer**

Date: March 11, 2025

**Re: Application No. ZB-22-13
MPB Realty LLC
Preliminary & Final Major Site Plan and Conditional Use Permit – Review #2
Our File: VWRZ0153.01 (60002)**

**CC: Geniece Gary-Adams – Zoning Official
Zayibeth Carballo, PE, PLS, PP – Municipal Engineer
Christopher N. Dochney, PP – Zoning Board Planner
Steven Warner, Esq. – Zoning Board Attorney
MPB Realty, LLC - Applicant
Jason R. Tuvel, Esq. – Applicant's Attorney
Matthew J. Bersch, PE – Applicant's Engineer
Craig Black, PLS – Applicant's Surveyor
Robert A. Grimaldi, RA – Applicant's Architect
Mallory Clark, PP – Applicant's Planner
Louis S. Goodfriend & Associates – Applicant's Acoustical Engineer**

Our office has received for review the following documents which were submitted in support of the above referenced application for Preliminary & Final Major Site Plan and Conditional Use Permit approval with 'C' and 'D' Variances and Tree Removal Permit:

- A set of Preliminary & Final Site Plan drawings (23 sheets) prepared Matthew J. Bersch, PE with Dynamic Engineering of Lake Como, New Jersey and bearing a latest revision date of February 24, 2025.
- A print of a Boundary and Topographic Survey (1 sheet) prepared Craig Black, PLS with Dynamic Survey, LLC of Lake Como, New Jersey dated May 13, 2021.
- A Drainage Statement prepared by Matthew J. Bersch, PE and bearing a latest revision date of February 2025. Included with the Drainage Statement is a set of Drainage Area Maps (3 sheets) prepared by Dynamic Engineering and bearing a latest revision date of February 19, 2025.

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NJ CERTIFICATE OF AUTHORIZATION NO. 24GA28359000
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March 11, 2025
Our File No. VWRZ0153.01 (60002)
Page 2

- An Environmental Impact Statement prepared by Matthew J. Bersch, PE and bearing a latest revision date of February 2025.
- A Tree Removal Report prepared by Marla L. Roller, LLA, PP with Dynamic Engineering of Chester, New Jersey dated February 2025.
- An Acoustical Evaluation prepared by Michael J. Dick, PE, INCE Bd. Cert. with Lewis S. Goodfriend & Associates of Chester, New Jersey dated February 3, 2025.
- An unsigned report entitled "Justifications of Variances" prepared by Dresdner Robin of Jersey City, New Jersey dated February 24, 2025.
- An undated Required Regulatory Approvals List prepared by Dynamic Engineering Consultants, PC.
- A signed copy of the Applicant's Verification and Owner's Authorization page of the Application Form dated July 1, 2024.
- A copy of a December 11, 2024 statement from the Office of the Tax Collector which states that the taxes on lot 38, block 153 are paid until April 30, 2025. In addition, it further states that the sewer charges have been paid for 2024.
- A copy of a February 25, 2025 letter from Matthew J. Bersch, PE and Danny Gonclaves to the West Orange Zoning Board of Adjustment which addresses the comments in the October 31, 2024 memorandum from Christopher N. Dochney, PP, AICP and the October 29, 2024 review memorandum from our office.

In addition to the above, our office previously received the following information as part of the original submission for this application:

- A set of architectural plans (2 sheets) prepared by Robert A. Grimaldi, RA with G141 Architecture, LLC of Kenilworth, New Jersey dated June 12, 2024.
- A Stormwater Management Operation and Maintenance Manual prepared by Matthew J. Bersch, PE dated June 2024.
- A Traffic Impact Study prepared by Kevin M. Savage, PE, PTOE and Corey M. Chase, PE with Dynamic Traffic of Lake Como & Chester, New Jersey and bearing a latest revision date of June 4, 2024.
- A Solid Waste Management Plan prepared by Matthew J. Bersch, PE dated June 7, 2024.
- A completed Application Form dated July 1, 2024.
- A completed Site Plan/Subdivision Checklist.
- A blank Sustainability Checklist Form.



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Page 3

- A Variance & Waiver List prepared by Dynamic Engineering Consultants, PC dated June 7, 2024.
- A copy of West Orange Planning Board Resolution PB-97-18 dated October 8, 1997. This resolution granted waivers and approved the site plan application submitted by Fan and Jade, Inc. to expand the restaurant at the property in question.
- A copy of West Orange Zoning Board of Adjustment Resolution Memorializing Dismissal of Application Without Prejudice dated March 21, 2024.

We have reviewed the information submitted in support of this application and offer the following comments:

A. PROJECT DESCRIPTION

The property in question is a rectangular tract which fronts on the southerly side of Eagle Rock Avenue. It is bounded by the vacated right-of-way of Fundus Road to the east, Eagle Rock Avenue to the north and Rosney Terrace to the west. It has an area of 45,713 sf or approximately 1.05 acres and is located in the B-2 Zoning District. The property is currently occupied by a vacant 1-story building which was previously used as a restaurant and a parking lot for 52 vehicles.

The Applicant is seeking Preliminary & Final Site Plan approval and Conditional Use Permit with 'C' and 'D' variances and a Tree Removal Permit to reconstruct the existing building to house 2 restaurants, an IHOP restaurant and a Popeye's restaurant with a drive-thru window. In addition, a 300 sf addition is proposed at the southwest corner of the building.

On-site parking is proposed for 48 vehicles including 2 handicap accessible parking spaces and 1 electric vehicle charging space. In addition, access is proposed to the site via 2 driveways from Eagle Rock Avenue. The easterly driveway will permit full movements while the westerly driveway will be full movement in and right out only. The stormwater runoff from the site will be collected and discharged to an existing inlet in Rosney Terrace.

B. DESIGN COMMENTS

1. Based on our review, we find that the following items from the Township's Site Plan/Subdivision Checklist must be addressed:
 - a) Item #52 – *Plans and legal documents for compliance with West Orange COAH Ordinances.*
2. It states on the plans that the IHOP restaurant will be open 6:00 am to 12:00 am, 7 days a week while the Popeye's restaurant will be open 10:30 am to 11:00 pm from Sunday to Thursday and 10:30 am to 11:30 pm on Friday and Saturday.
3. The Applicant should address the Board regarding the proposed frequency and hours for deliveries to each restaurant.
4. The Applicant should address the Board regarding the proposed frequency and hours for trash pickup at the site.



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Page 4

C. STORMWATER MANAGEMENT COMMENTS

1. The proposed development will result in the disturbance of more than 1 acre. As a result, it is classified as a Major Development and is subject to the stormwater management requirements set forth in §25-29.4 of the Ordinance.
2. The plans show that there will be reduction in the motor vehicle surface coverage at the site. Therefore, the required water quality standards have been met by the Applicant. In addition, the project is delineated on the State Plan Policy Map as being located in a Metropolitan Planning Area (PA-1). Therefore, the project is exempt from complying with the groundwater recharge requirements of the Ordinance.
3. Our office has reviewed the Drainage Statement and find it to be acceptable.
4. Our office has reviewed the Stormwater Management Operation and Maintenance Manual and find it to be satisfactory.
5. The Stormwater Management Operation and Maintenance Manual and any future revisions must be recorded upon the deed of record for the property. Prior to recording, the form of the deed must be approved by the Board Attorney and our office.

D. TRAFFIC COMMENTS

1. The Applicant should address the Board regarding where drive-thru customers will park if requested by an employee due to longer waiting times for the food order.
2. The Applicant should address the Board regarding their plans to provide a loading space as required by §25-12.3 of the Ordinance.
3. Sheet 21 includes a vehicle circulation plan for a WB-50 tractor trailer. The plan shows that the truck will only access the front of the site. The Applicant should address the Board on how deliveries will be made to each restaurant without obstructing circulation at the site, including access to the handicap parking spaces.

E. LANDSCAPING AND FORESTRY COMMENTS

1. As stipulated in Section 25-12.1(o) and Section 28-4e.8., the Applicant must provide shade trees to create 50% shade for the parking areas within twenty-five (25) years; whereas it does not appear that the proposed landscaping will comply.
2. It appears a label is missing for the proposed shrub grouping south of the trash enclosures. Review and revise the plans to prevent confusion during construction.

F. LIGHTING COMMENTS

1. In accordance with Section 25-14.3 of the Ordinance, a minimum of 2.0 footcandles is required for parking areas; whereas the applicant has proposed a minimum of 0.6 footcandles. The Applicant is requesting a waiver for this requirement. Staff notes that this meets IES (Illuminating Engineering Society) standards.



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Page 5

2. Provide the manufacturer's catalog cuts for proposed light poles and provide full ordering information for all light fixtures and poles, to prevent confusion during construction. Also, indicate the proposed Kelvin light color temperature for proposed E-1.

The Applicant is hereby advised that any revised plans or other documents submitted to the Board should be accompanied by a cover letter which addresses each of the comments in this review letter and also details any other changes that have been made to the plans as these may not be readily apparent.