

FRIEND & WENZEL

ATTORNEYS AT LAW

GERALD G. FRIEND
jerry@friendwenzel.com

JOSEPH M. WENZEL
joe@friendwenzel.com

975 CLIFTON AVENUE
CLIFTON, N. J. 07013
TEL: (973) 779-4290
FAX: (973) 779-8424
www.friendwenzel.com

RICHARD W. HAWKINS
richard@friendwenzel.com

CAROLA B. MARQUEZ
carola@friendwenzel.com

KURT S. HILBERTH
Of Counsel (NJ & FL)

September 5, 2025

VIA REGULAR MAIL

Board Secretary
Division of Planning & Development
Township of West Orange
66 Main Street
West Orange, NJ 07052

**Re: Montclair Stables, LLC - Zoning / Land Use matter
12-22 Woodland Avenue, Block 152.02, Lots 176, 179 & 186
Preliminary and Final Site Plan with Variances
Docket No.: ZB-25-2**

Dear Secretary:

Please accept this correspondence as this office's response to the Site Plan Review Advisory Board Report dated June 17, 2025. I have formatted this response in accordance with the Report outline.

- 1) **Stormwater** – This item has been addressed through the Drainage Report prepared by the Applicant's Engineer.
- 2) **Steep Slope** – This item has been addressed through the Steep Slope Report prepared by the Applicant's Engineer.
- 3) **Electronic Gates** – This item has been addressed through the revised Site Plan prepared by the Applicant's Engineer. In addition, the Applicant will present testimony at the Board hearing through its representative and professionals as to the proposed operation of and need for the electronic gates. Applicant agrees to provide override information to local public safety for their use in case of emergency.
- 4) **Prior Resolutions** – There were two prior resolutions relative to this site. Each Resolution contained several conditions. It is the Applicant's position that these conditions are either no longer applicable or shall be complied as follows:

Knowledge, Experience & Professionalism Since 1924

- a. Resolution ZB-99-25 granted approval on May 18, 2000 for “d” variance to permit the covering of an area between the two existing masonry riding stables with “c” variances. The Resolution placed ten conditions for the approval. These were (1) Roof runoff plan to Township Engineer, (2) Storm sewer connection locations, (3) Inversion of storm sewer connection, (4) Re-grading of property along Nicholas Avenue, (5) Connection of rear roof drain to sanitary sewer system, (6) Roof runoff connection to storm sewer system, (7) Payment of development fee, (8) Dye test by Township Engineering department for sewer disposal, (9) Fire Department approval, and (10) Health Department approval. Resolution ZB-99-25 concluded that prior to the issuance of a Certificate of Occupancy, each of the above conditions had to be satisfied.

It is the Applicant’s position that none of these conditions continue to be applicable to the current site or the Applicant’s proposed plans. This Resolution is 25 years old. The conditions have clearly been met as, to the Applicant’s knowledge and belief, no zoning violation was ever issued against the property for noncompliance and further that the prior owner/operator had obtained all necessary Township permits and approvals.

- b. Resolution ZB-04-34 granted approval on November 18, 2004 for “d” variance to allow continued use of the equestrian stables and to park trailers on site for storage of wood chips and hay with “c” variances. The Resolution placed five conditions for the approval. These were (1) Planting a double row of trees, mixture with no gaps at bottom, (2) Update plans with dumpster location, (3) Limitation of no more than 10 times a year of overnight parking of horse trailers and no more than two permanent trailers on site, (4) Clearing property of debris, and (5) Fire Department approval. Resolution ZB-04-34 concluded that prior to the issuance of a Certificate of Occupancy, each of the above conditions had to be satisfied.

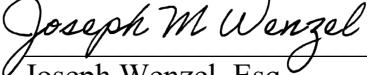
It is the Applicant’s position that this resolution which is 20 years old has been satisfied as, to the Applicant’s knowledge and belief, no zoning violation was ever issued against the property for noncompliance with these conditions and further that the prior operator had obtained all necessary Township permits and approvals. Applicant does not intend to store wood chips and hay in trailers and any conditions related thereto are inapplicable under the proposed plan. As to the condition for the double row of trees, it is the Applicant’s position that the submitted Tree Removal and Replacement Plan addresses the current West Orange Tree Removal, Replacement and Protection Ordinance (§28-1 to §28-11), and the prior condition is no longer applicable.

The Applicant will continue to comply with the limitation on the overnight parking of horse trailers, there will be no permanent trailers on site. Applicant intends to present testimony at the Board hearing through its representative and professionals to further clarify this matter.

- 5) **Manure Storage and Disposal** – This item has been addressed through the Planner Response to the Report and Applicant intends to present testimony at the Board hearing through its representative and professionals to further clarify this matter.
- 6) **Emergency Access** – This item has been addressed through the revised Site Plan and Applicant intends to present testimony at the Board hearing through its representative and professionals to further clarify this matter. Applicant agrees to install a Knox Box at a location in compliance with Fire Official recommendations.
- 7) **Riprap** – This item has been addressed through the Drainage Report prepared by the Applicant’s Engineer.
- 8) **Pipe Capacity** - This item has been addressed through the Drainage Report prepared by the Applicant’s Engineer.
- 9) **Soil Disturbance** - This item has been addressed through the Cut & Fill Plans prepared by the Applicant’s Engineer.
- 10) **Fencing** – This item concerns the jurisdictional aspect of placing fencing in Nicholas Avenue Right of Way under Township of West Orange control. Applicant, upon obtaining approval from Zoning Board of Adjustment, will seek easement rights from the Township for the placement of fencing in the Right of Way. Absent such consent, the Applicant concedes that fencing will be placed within the lot lines under their ownership.
- 11) **Traffic** – This has been addressed through the revised Site Plan prepared by the Applicant’s Engineer.
- 12) **Tree Removal** – This has been addressed through the Landscape Architect Response to the Report and Applicant intends to present testimony at the Board hearing through its representative and professionals to further clarify this matter.
- 13) **Use of Business** – This item will be address at the Board Hearing by the Applicant’s representative to clarify that the intended use is the stabling and training of horses in a private facility. The use will not be generally open to the public.
- 14) **D-1 Use Variance** – This item has been addressed through the Planner Response to the Report and Applicant intends to present testimony at the Board hearing through its representative and professionals to further clarify this matter.
- 15) **§10-12 Keeping of Animals and Birds** – This item has been addressed through the Planner Response to the Report and Applicant intends to present testimony at the Board hearing through its representative and professionals to further clarify this matter.

The Applicant and their professionals look forward to presenting this information to the Board. Thank you for your time and attention to this matter.

Very truly yours,



Joseph Wenzel, Esq.