



MEMORANDUM

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

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

Date: September 11, 2025

**Re: Application No. ZB-22-13
MPB Realty LLC
Preliminary & Final Major Site Plan and Conditional Use Permit – Review #3
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 August 22, 2025.
- An unsigned report entitled "Justifications of Variances" prepared by Dresdner Robin of Jersey City, New Jersey and bearing a latest revision date of September 5, 2025.
- A copy of a September 8, 2025 letter from Matthew J. Bersch, PE and Danny Gonclaves, PE to the West Orange Zoning Board of Adjustment which addresses the comments in the March 17, 2025 memorandum from Christopher N. Dochney, PP, AICP and the March 11, 2025 review memorandum from our office.

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



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Our File No. VWRZ0153.01 (60002)
Page 2

- 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 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 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.
- 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.
- An Environmental Impact Statement prepared by Matthew J. Bersch, PE and bearing a latest revision date of February 2025.
- A Solid Waste Management Plan prepared by Matthew J. Bersch, PE dated June 7, 2024.
- 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.
- A completed Application Form dated July 1, 2024.
- A completed Site Plan/Subdivision Checklist.
- A blank Sustainability Checklist Form.
- 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.
- 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.



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Our File No. VWRZ0153.01 (60002)
Page 3

- An undated Required Regulatory Approvals List prepared by Dynamic Engineering Consultants, PC.

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. The Applicant should address the Board regarding the proposed frequency and hours for deliveries to each restaurant.
3. The Applicant should address the Board regarding the proposed frequency and hours for trash pickup at the site.

C. STORMWATER MANAGEMENT COMMENTS

1. 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 Site Plan (sheet 5) has been revised to include a sign indicating that the parking stall directly north of the drive-thru exit will be a "pull ahead" drive-thru parking space. Therefore, a detail of this sign should be added to the plans.
2. The Applicant should address the Board regarding their plans to provide a loading space as required by §25-12.3 of the Ordinance.



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Page 4

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.

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 the proposed lighting meets IES (Illuminating Engineering Society) standards.
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.

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.