



October 23, 2025

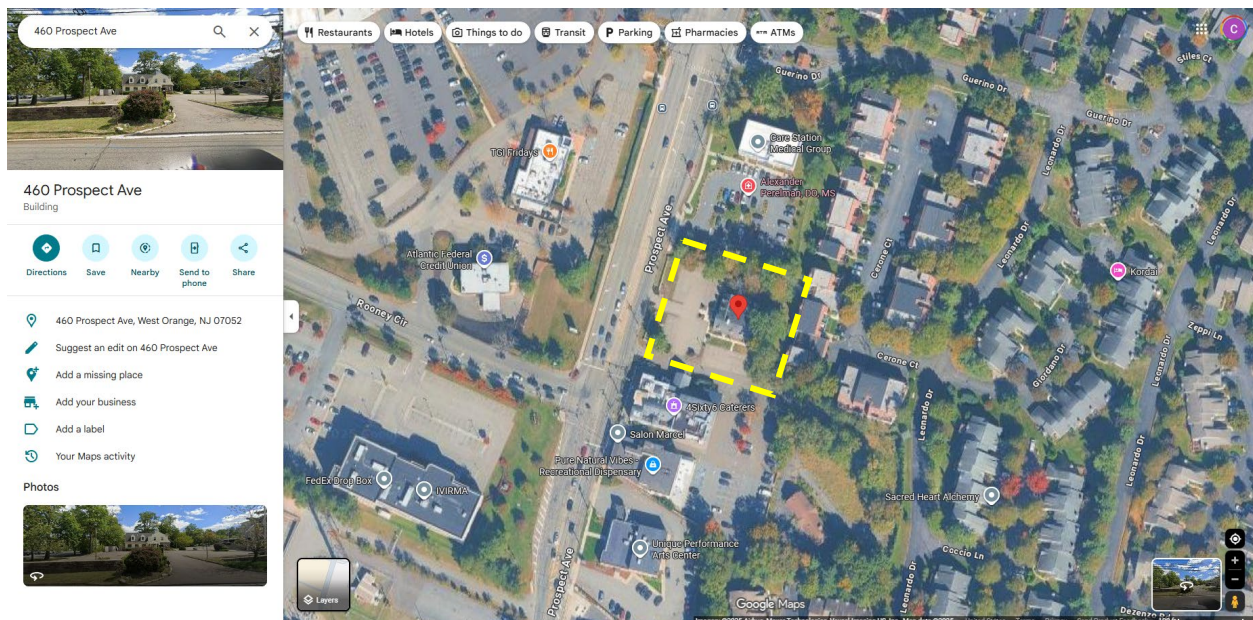
West Orange Township – Zoning Board
66 Main Street
West Orange, NJ 07052

**Re: Mavis Tire – Planning Review #1
460 Prospect Avenue
Block 105, Lot 64.01
Zone: B-2 General Business
Our File No. 115.WRZ0105.V01**

Dear Chairman and Board Members:

1. Summary

The property is located on Prospect avenue across from the Essex Green Shopping Center. The 32,118 square foot (0.74-acre) property is currently developed with two-story commercial office building. The applicant proposes to remove the existing structure and construct a tire center / motor vehicle service station with eight service bays and a retail sales area including a showroom, sales counter, waiting area, and bathrooms. A d-1 use variance relief is required to permit a motor vehicle service station in a general commercial district.





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2. Project and Property Description

The subject property is located on Prospect Avenue at the intersection with Blueberry Bend, approximately 1/4 mile north of Mt. Pleasant Avenue, in the center of the Township. The 32,118 square foot (0.74 acre) property is currently developed with a two-story commercial building that has previously been used as the office of a real estate agency. The site has two access points, one on Prospect Avenue, and a second on Blueberry Bend, which is a private roadway, both of which lead to an off-street parking lot. The site also has approximately 10 parking spaces accessed directly from Blueberry Bend. The northern and eastern boundaries of the property include several large trees.

The applicant is proposing to demolish the existing office building and construct a motor vehicle service station as a tire center with eight service bays in its place. The existing driveway access points would remain, and new parking would be provided, with 19 off-street parking spaces proposed, all to be accessed internally via driveways rather than directly from the street. The eight service bays will be split, with four on the front façade of the building and four on the south side of the building. A 10'x10' dumpster enclosure is proposed for the southeast side of the property adjacent to parking stalls. Additional proposed improvements include landscaping along the periphery of the site and around the building as foundation plantings. New lighting is also proposed along the building facades and around the parking lot. Three existing mature trees are proposed to remain, while four trees are proposed to be removed to accommodate the proposed plan.

Signage for the businesses is proposed as a 70 s.f. building mounted façade sign on the front of the building facing Prospect Avenue, and an 8-foot high 48.5 s.f. monument sign near the entrance.

The site is surrounded by a mix of commercial and residential uses. To the east there are residential properties, while to the north along Prospect Avenue there is an urgent medical care facility. Across Prospect Avenue to the north is the Essex Green Shopping Center, which features various retail stores and dining options. Directly south of the site are larger commercial uses, such as a banquet hall/event space and a multi-tenant commercial building.

3. Zoning Compliance

The property is located within the B-2 Business district of the Township.

Use Requirements

The B-2 district permits retail services, personal service businesses, offices, business schools, restaurants, bars, and fitness centers as principal uses. Motor vehicle fueling stations are permitted as conditional uses.

A motor vehicle service station is not a permitted principal use or conditionally permitted use in the district. A d-1 use variance will be required.



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Bulk Requirements

All development in the B-2 district is subject to the following bulk regulations:

B-2 Zone Bulk Requirements			
	Required / Permitted	Proposed	Variance
Min Lot Area	10,000 sf	32,118 sf (0.74 acres)	No
Min Front Yard (Prospect)	30 feet	91.8 feet	No
Min Front Yard (corner lot side)	25 feet	68.5 feet	No
Min Rear Yard	30 feet	30 feet	No
Min Side Yard	10 feet	13.9 feet	No
Maximum Building Coverage	40%	21.7% (6,952 sf)	No
Maximum Lot Coverage	60%	64.0% (20,570 sf)	Yes
Maximum Building Height	2.5 story / 35 feet	1 story (22.5 feet)	No
Minimum Drive Aisle Setback	5 feet	0 feet	ENC
Minimum Buffer Width	20 feet to res	20 feet	No
<i>ENC = Existing Non-Conformity</i>			

Parking & Loading

Off-street parking is required for motor vehicle service stations at a minimum of 5 spaces, plus 2 spaces for each service baya, and 1 space for each 200 square feet of retail space.

- 5 spaces + 2 spaces per bay (2 x 8 bays) = 16 spaces + 1 space per 200 retail (1,482 s.f. / 200) = 8 spaces
- 29 total parking spaces are required by code
- 19 parking spaces are proposed to be provided on site.

Signage

One façade sign per business is permitted, with a maximum sign area of 120 square feet, and one monument sign is permitted with a maximum height of 8 feet, and a maximum area of 50 square feet

- 1 façade sign is proposed, with a total area of 70 square feet.



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- 1 monument sign is proposed with a height of 8 feet and an area of 48.5 square feet.

4. Variances & Waivers Required

It appears that the following conditions are not in compliance with the Township's land development regulations and may require variance or design waiver relief from the Board to permit the project as proposed:

Variances:

- §25-7.1 Attachment 2 Permitted Uses** – The proposed use as a Motor Vehicle Service Station is not a permitted principal use.
- §25-7.1 Attachment 3 Lot Coverage** – The proposed lot coverage is 64.0% where a maximum of 60% is permitted.
- § 25-8.1.a Setback of Accessory Structures** – Accessory structures are required to be at least fifteen feet from the principal building. The trash/recycling enclosure is located within 15 feet of the principal building.
- §25-12.1.I Parking in Front Yard** – Parking is not permitted in a front yard, where parking is proposed in the front yard.
- §25-12.2.b(1) Parking** – The minimum required number of parking spaces is 29, where 19 are proposed.
- §25-12.3.a.2 Loading** – At least one off-street loading space is required, where no designated loading space is provided.
- §25-14.3 Lighting** – A minimum of 2.0 footcandles is required to be maintained in parking areas, where lighting levels will be as low as 1.1 footcandles in portions of the parking lot.

5. Master Plan Considerations

The Township's Master Plan was last reexamined in December of 2019. The following goals, objectives, and recommendations of the Master Plan may be relevant to this application:

- Encourage economic development and redevelopment that is compatible with the suburban character of the Township.
- Maintain the existing scale of the community.
- The master plan should continue to support economic development, including through maintenance and revitalization of commercial and office areas.



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- The master plan recommends that the Executive Drive and Essex Green area allow for a more broad mix of uses.

6. Planning Comments

- a. The applicant should discuss the proposed project, addressing the general scale and scope of improvements proposed for the site. Testimony should be provided addressing the anticipated operations of the auto service use on the site, including the scope of repairs that will or will not be performed, storage of vehicles, hours of operation, and number of employees on the site.
- b. The application as proposed will require a D-1 use variance for non-compliance with the permitted principal use requirements for uses in the B-2 business district. With any 'd' variance, the applicant has an enhanced burden of proof to demonstrate that both the positive and negative criteria can be satisfied before the Board can grant a 'd' variance:
 - i. Positive Criteria: The applicant must show that there are special reasons to grant the variance. Special reasons can come in one of three forms: 1) that there is an economic inutility in using the property for one of the permitted uses in the district; 2) that the proposed use is considered "inherently beneficial"; or 3) that the proposed use would promote the general welfare by advancing one of the purposes of zoning, and that the site is particularly suited for the use.
 - ii. Negative Criteria: The applicant must show that the proposed use will not have a substantial detrimental impact on the public good, and will not substantially impair the intent and purpose of the zone plan.
- c. The applicant should provide testimony addressing how this particular site was identified for this business, whether there is a need for this type of use in the area, and how the site is suited for use as a tire center / auto service station use.
- d. We note that an automobile service station is listed as a permitted principal use in the I Industrial district of the Township. The applicant should address whether or not any property in the I districts of the Township were pursued. We note that it appears that the Industrial district is limited in size within the Township to three areas along the border with the City of Orange.
- e. The application as proposed will also require several bulk or 'c' variances. The applicant must satisfy both the positive and negative criteria for each of these variances as well:
 - i. Positive Criteria: The applicant must show that either there is an undue hardship (practical difficulty) in conforming to the code (c-1 hardship), or that the proposed conditions represent a preferable alternative to conforming to the standards of the code, that the purposes of zoning will be advanced, and that the benefits of the deviation would outweigh any detrimental impacts (c-2 flexible).



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- ii. **Negative Criteria:** The applicant must show that the variance can be granted without substantial detriment to the public good, and without substantially impairing the intent and purpose of the zone plan.
- f. In the case of any d-1 use variance, the bulk standards that have been adopted for the particular district, in this case those of the B-2 district, were not intended for uses other than those that are considered permitted uses. The standards of the B-2 district are not intended to apply to an auto service station use. In these cases, bulk variances related to specific requirements of the B-2 district can be considered subsumed within the Board's consideration of the use variance. The Zoning Board can at its reasonable discretion determine appropriate bulk standards such as building setbacks and buffering requirements.
- g. The applicant should address the anticipated demand for off-street parking on the site during peak hours.
- h. Township code requires that parking lots for commercial uses in the B-2 district be located in the side or rear yards, rather than the front yard. The applicant should discuss the potential to shift the location of the building and parking so that the parking is to the side and rear. Is there a possibility of reorganizing the site and building layout so that the 8 service bays are all on the south side in a deeper more narrow building, such as the example below?



Figure 1: auto service use in Phoenixville, PA

- i. We note that it appears that each of the neighboring commercial uses comply with this requirement, with the buildings located closer to Prospect Avenue and parking in the rear.



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- j. Will there be any differentiation between employee parking and customer parking? The applicant should clarify.
- k. The applicant has requested a variance for having the drive aisle setback as 0 feet from a side yard where 5 feet is required. We note that the property's southern side lot line is actually the centerline of Blueberry Bend, a private road, making any drive aisle providing access to the roadway technically in violation of the code.
- l. It does not appear that any sidewalk is proposed for the Prospect Avenue frontage of the site. While this is an existing condition, we note that there is sidewalk along the frontage immediately north of this site, and to the south as well. This property and the immediate neighbor to the south represent an existing gap in the sidewalk network that could be partially addressed through this development.

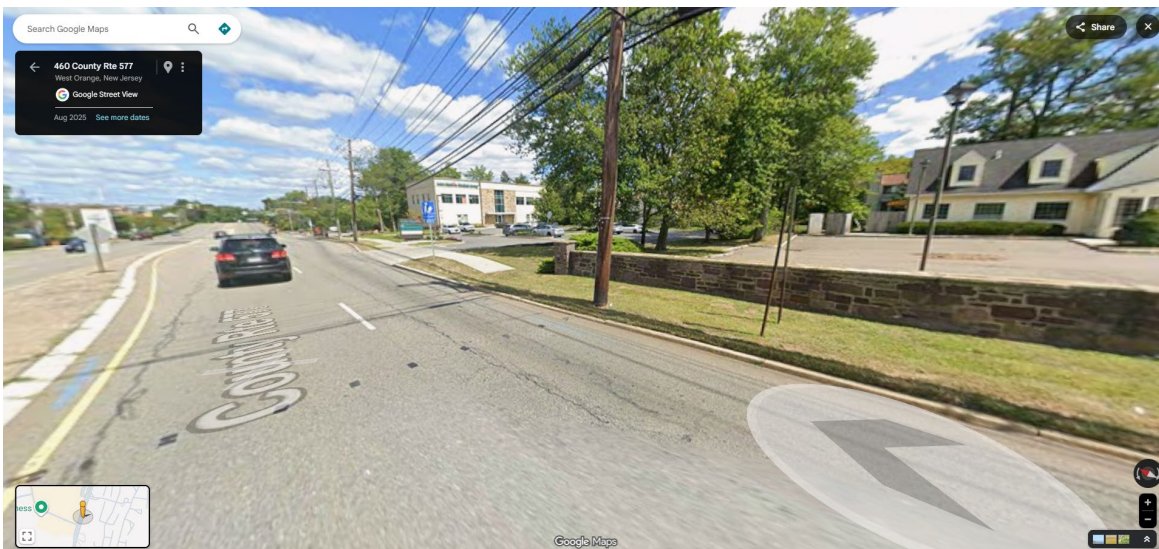


Figure 2: Sidewalk / lack of sidewalk on Prospect Avenue

- m. The applicant should address the location of the trash/recycling enclosure and whether the cement walls will abut the principal building.
- n. The applicant should provide testimony in regard to the lack of loading spaces. The applicant should also provide insight into the process for deliveries and pick up of goods, and the anticipated frequency of such deliveries.
- o. The applicant should address tire storage and removal. What happens with used tires removed from vehicles, and how are they stored and removed from the site?



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- p. No roof plan provided. The applicant should confirm that no mechanical equipment on the roof would be visible from the public ROW, or from residential properties to the rear of the site. Any rooftop equipment is required to be screened.
- q. A chain link fence exists in between the site and the residences to the east, which appears to be on the residential properties. The applicant may wish to consider the installation of a solid privacy fence in lieu of the chain link fence to serve as a visual barrier between the uses.
- r. The applicant should address anticipated noise impacts from the service bays, in particular in regards to the impacts on the adjacent residential uses to the east.
- s. The applicant should address any green design measures being taken to enhance the sustainability of the project.
- t. We defer any comment on grading, drainage, utilities, and stormwater management to the Board Engineer.
- u. The applicant should address the status of any necessary outside agency approvals.



**Consulting & Municipal
ENGINEERS**

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If you have any questions about this report, please do not hesitate to reach out to our office.

Sincerely,

CME Associates

Christopher N. Dochney – PP, AICP
Program Manager
Board Planner

CD

cc: Geniece Gary-Adams – Township Zoning Official
Zayibeth Carballo, PE, PLS, PP – Township Engineer
Steven Warner, Esq. – Board Attorney
Alex Fisher, Esq. – Board Attorney
John Hess, PE, PP, CME – Board Engineer
Ryan MacNeill, PE – Board Engineer
Mavis Tire Supply, LLC - Applicant
Lisa A. John-Basta, Esq. – Applicant's Attorney
Rodman R. Ritchie, PE – Applicant's Engineer
Christine A. Nazzaro-Cofone, AICP, PP – Applicant's Planner



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7. Materials Submitted

The following materials have been submitted and reviewed in association with this application:

- A set of Preliminary and Final Site Plan drawings (20 sheets) prepared Rodman R. Ritchie, PE and Marla A. Roller, LLA with Dynamic Engineering of Marlton, New Jersey dated July 16, 2025.
- A set of unsigned architectural plans (2 sheets) prepared by Larson Design Group, Inc. of Cranberry Township, Pennsylvania, June 30, 2025.
- A print of an ALTA/NSPE Land Title Survey (1 sheet) prepared by James A. Conway Jr., PLS with Dynamic Survey, LLC of Newark, New Jersey and bearing a latest revision date of December 17, 2024.
- A Drainage Statement prepared by Rodman R. Ritchie, PE, PP dated July 2025. Included with the Drainage Statement is a set of Drainage Area Maps (2 sheets) prepared by Dynamic Engineering dated July 16, 2025.
- A Geotechnical Engineering Report prepared by Stephen F. Patt, PE and Jeffrey C. Yates, PE with ECS Mid-Atlantic, LLC of Moorestown, New Jersey dated December 10, 2024.
- Addendum No. 1 – Results of Test Pit Excavation and Infiltration Testing prepared by Jeffrey C. Yates, PE and Stephen F. Patt, PE dated January 29, 2025.
- A Traffic Impact Study prepared by Patrick Downey, PE, PTOE and Justin Taylor, PE, PTOE with Dynamic Traffic of Newtown, Pennsylvania dated July 21, 2025.
- A Consulting Report prepared by Christine A. Nazzaro-Cofone, PP with Cofone Consulting Group of Red Bank, New Jersey dated July 22, 2025.
- A completed Application Form dated July 16, 2025.
- A completed Application for Tree Removal & Replacement Permit dated August 11, 2025.
- A completed Site Plan/Subdivision Checklist.
- A completed Sustainability Checklist Form.
- A Preliminary List of Variances & Waivers prepared by Dynamic Engineering dated July 2025.
- Copies of the following Zoning Board of Adjustment Resolutions of Approval for the property in question:
 - Zoning Board of Adjustment Case No. ZB 84-21 dated January 17, 1985.
 - Zoning Board of Adjustment Case No. ZB 84-21 dated February 14, 1985.
 - Zoning Board of Adjustment Case No. ZB 02-27 dated October 17, 2002.