

One Market Street, Suite 1F
Camden, NJ 08102
732.410.2651 ☎
www.artheon.com 🌐

April 7, 2026

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

Re: MPB Realty LLC – Planning Review #7
 470 Eagle Rock Avenue
 Block 153, Lot 38
 Zone: B-2
 Our File No. WRZ0153.V01

Dear Chairman and Board Members:

This is our seventh review of this application. For prior comments and zoning information please see our previous planning review letters dated October 29th, 2024, March 17, 2025, September 12th, 2025, October 20, 2025, December 12, 2025, and March 16, 2026.

It was recently brought to our attention that the Township Code regarding zoning requirements for fast food restaurants with a drive-up window included a provision that was never formally adopted by ordinance of the Township Council. Ordinance 2819-23 was introduced and included a requirement in Section 25-11.14 “Drive-up windows” that required a minimum lot area of 5 acres for any restaurant use with a drive-up window. This ordinance was then not adopted by the Township but was still erroneously included in the Township code on the ecode360 website. As a result, previous planning reports noted that a variance from §25-11.14(j) was required of the application due to an insufficient lot area for a drive-up window. This specific section of the code has now been removed and the error corrected. As a result, there is no longer a minimum lot area requirement of 5 acres for a drive-up window, and a variance will no longer be required.

In addition to the removal of the error in the Township code, the applicant has provided revised materials. The new materials offer the following supplemental information:

- The planning and variance report has been revised to reflect the removal of the 5-acre lot area requirement;
- The tree removal report and plan has been revised to reflect an itemized description of each tree on site that is proposed for removal, and calculations on the required number of replacement trees.

Based on this new information, below is a revised list of the variances and design waivers that are required of the application as proposed:

1. Variances & Waivers Required

- a. **§25-24.2.b.2(i) Conditional Use** – The following conditional use standards are not met. These are d-3 conditional use variances:
 - i. The Popeyes fast food restaurant will be located within 500 feet of a lot that contains another fast food restaurant.
 - ii. The Popeyes fast food restaurant will be located within 1,000 feet of a residential district.
 - iii. The Popeyes fast food restaurant has less than 200 feet of frontage on a corner lot.
 - iv. An entrance driveway will be located less than 100 feet from an intersection.
- b. **§25-Attachment 3 Impervious Cover** – The maximum permitted impervious cover of 60% will be exceeded. 75.0% is proposed.
- c. **§25-8.1.a Accessory Uses** – No accessory structures or uses are permitted in a front or side yard, where the parking lot is proposed within the front yard.
- d. **§25-12.1.b Curbing in Parking Lot** – Parking lots are required to be enclosed by a concrete curb and be a minimum of 5 feet away from any building walls, where the drive-thru curb will be directly adjacent to the building.
- e. **§25-12.1.I Parking in Front Yard** – Parking is not permitted in a front yard, where off-street parking is proposed in both frontages of the site.
- f. **§25-12.3.a.2 Loading** – At least one off-street loading space is required, where no designated loading space is provided.
- g. **§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 0.6 footcandles in portions of the parking lot.
- h. **§25-15.3.C.2.b Signage** – One façade sign per business is permitted, where 8 façade signs are proposed, 4 for each business.
- i. **§25-15.3.C.2.b Signage** – The maximum permitted sign area for façade signs is 120 s.f., per business, where 139.0 s.f. of façade signage is proposed for the Popeye's.
- j. **§28-4.e(1) Tree Canopy** – Each application for development shall preserve at least 50% of the tree canopy, where the majority of the existing trees on the site will be removed.

- k. **§28-4.e(8) Tree Cover** – A minimum of 50% of the area of a parking lot shall be covered in shade within 25 years, where less than half of the parking area will be shaded by the proposed trees around the parking lot.

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
Senior Program Manager

cc: Geniece Gary-Adams – Township Zoning Official
Zayibeth Carballo, PE, PLS, PP – Township Engineer
Kelly Carey, Esq. – Board Attorney
John Hess, PE, PP, CME – Board Engineer
Ryan MacNeill, PE – Board Engineer
MPB Realty LLC – Applicant
Matthew Bersch, PE. – Applicant's Engineer
Robert A Grimaldi – Applicant's Architect
Mallory Clark – Applicant's Planner
Lewis Goodfriend & Associates – Applicant's Acoustical Engineer

2. Materials Submitted

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

- Application form and submission checklists dated July 1, 2024;
- Two (2) page application cover letter from Jason Tuvel, Esq. dated August 12, 2024;
- Twenty-one (21) sheet set of site plan drawings prepared by Dynamic Engineering, dated June 7, 2024, last revised November 25, 2025;
- Two (2) sheet set of architectural drawings prepared by G 141 Architecture, dated June 12, 2024;
- Acoustical Evaluation report, prepared by Lewis S. Goodfriend & Associates, dated June 17, 2024, revised February 3, 2025;
- Drainage statement for subject property, prepared by Dynamic Engineering, dated June 2024;
- Environmental Impact Statement, prepared by Dynamic Engineering, dated June 2024, revised February 2025;
- Stormwater Management Operation and Maintenance Manual, prepared by Dynamic Engineering, dated June 2024;
- Traffic Impact Study, prepared by Dynamic Traffic, dated October 21, 2022, last revised December 5, 2025;
- Variance & Waiver Request List, prepared by Dynamic Engineering, dated June 7, 2024;
- Solid Waste Management Plan, prepared by Dynamic Engineering, dated June 7, 2024;
- Copy of Resolution PB-97-18, dated October 8, 1997;
- Copy of Resolution dismissing previous application without prejudice, dated March 21, 2024;
- One (1) sheet survey drawing prepared by Dynamic Survey, LLC, dated May 13, 2021
- Eight (8) page response letter prepared by Dynamic Engineering, dated September 8, 2025;
- One (1) sheet sustainability checklist report;
- One (1) page Rooftop Mechanical and Equipment Acoustical response letter prepared by Lewis S. Goodfriend & Associates, dated October 8th, 2025.
- One (1) sheet proposed rooftop mechanical and equipment plan prepared by G141 Architecture, LLC, dated June 6th, 2024, and last revised October 9th, 2025.
- One (1) sheet cover letter provided by Dynamic Engineering, dated October 8, 2025;
- Two (2) sheet cover letter addressing revised submission materials, prepared by Dynamic Engineering, dated December 8, 2025;
- Three (3) sheet response letter prepared by Dynamic Engineering, dated March 9, 2026;

- Two (2) sheet set of demolition, tree removal, and landscape plan exhibit, prepared by Dynamic Engineering, dated March 6, 2026, last revised April 16, 2026;
- Planning Report and Justification for Variances, prepared by Dresdner Robin, dated August 2, 2024, revised to April 3, 2026;
- Tree Removal Report, prepared by Dynamic Engineering, dated June 2024, last revised April 2, 2026;