

March 28, 2025

VIA FEDEX OVERNIGHT

Diana L. Chandler
Planning & Development
Township of West Orange
66 Main Street
West Orange, NJ 07052
(973) 325-4111

RE: Response to Completeness Letter
66 Franklin Avenue, West Orange, NJ (Block 134.02, Lots 75.03, 79 & 81)

Dear Diana,

This firm represents M Vega Investments LLC in connection with the above-referenced application. In response to the Completeness letter dated February 19, 2025, enclosed for filing, please find the following:

1. Five (5) copies of the Proposal;
2. Five (5) copies of the updated Checklist; and
3. Five (5) copies of the Memorandum: Justification for Relief.

Please feel free to reach out to me directly at (973) 705-7414 with any questions related to this application. Thank you in advance for your assistance.

Very truly yours,

/s/ **Roosevelt J. Donat**

ROOSEVELT J. DONAT, ESQ.
Attorney for Applicant

PROPOSAL

Date: March 28, 2025

Subject Property: 66 Franklin Avenue, West Orange, NJ (Block 134.02, Lots 75.03, 79, and 81)

Applicant: M Vega Investments LLC, a limited liability company

Applicant's Address: 66 Franklin Avenue, West Orange, NJ 07052

PROPOSAL:

M Vega Investments LLC has applied to the West Orange Planning Board for preliminary and final major site plan approval, along with certain variances, in connection with the development of the property located at 66 Franklin Avenue, West Orange, NJ 07052 (Block 134.02, Lots 75.03, 79, and 81) ("Property"). The Property currently consists of a one-floor commercial 10,000 sq. ft. building. M Vega Investments LLC proposes renovation on the existing building into a one-story retail business and incorporate eight parking spaces.

Below please find information related to the current condition of the Property, along with information on the intended improvements associated with the new building on the Property:

- The Property is currently located in the B-1 Retail Business zone.
- This use is a permitted use.
- The proposed renovation and addition to the existing building includes first floor office space with a conference and storage room.
- The applicant proposes renovation on the existing building into a one-story retail business.
- The current lot area of the Property is 10,000 sq. ft. and the proposed lot area remains the same.
- The proposed side yard setback, combined side yard, building height, and maximum building coverage are all in compliance with the West Orange Zoning Ordinance.
- The Applicant is seeking the following variances:
 - Maximum Lot Coverage.
 - Window Signs.
 - Curbing
 - Minimum Driveway Width.

Overall, this Project will be a significant improvement to the Property's current condition. We respectfully request the Planning Board grant the necessary approvals.

Thank you in advance for your consideration.

APPLICANT:

**ALL DOCUMENTS MUST BE PREPARED,
SIGNED AND SEALED BY NEW JERSEY'
LICENSED PROFESSIONAL**

[illegible]

ALL DOCUMENTS MUST BE PREPARED, SIGNED AND SEALED BY NEW JERSEY LICENSED PROFESSIONAL.		Pre-Application - Concept Plan	Major Application						COMPLETE	INCOMPLETE	W/VIEW REQUESTED	
Item Number	Description		Minor Application		General Development Plan	Subdivision		Site Plan				
			Subdivision	Site Plan		Preliminary	Final	Preliminary				Final
12. Item:	One (1) of four (4) standardized sheets: 30" x 42", 24" x 36", 15" x 21", 8.5" x 13" Comment: Required by Map Filing Law for minor and major subdivisions.		X	X		X	X	X	X	✓		
13. Item:	Meets and bounds description showing dimensions, bearings, curve data, length of tangents, radii, arcs, chords and central angles for all centerlines and right-of-way, and centerline curves on streets.		X				X		X			
14. Item:	Affidavit of ownership Comment: Map Filing Law for minor and major subdivisions.	X	X	X	X	X	X	X	X			
15. Item:	Acreage of tract to the nearest tenth of an acre (for GDP--to nearest acre).		X	X	X	X	X	X	X			
16. Item:	Date of original and all revisions. Comment: Item necessary for continuity-history of project.		X	X	X	X	X	X	X	✓		
17. Item:	Size and location of any existing or proposed structures with all setbacks dimensioned. Comment: Item important for detailed planning.	X	X	X	X	X	X	X	X	✓		
18. Item:	Location and dimensions of any existing or proposed streets (for GDP and pre-application- concept plan -- general locations). Comment: Item important for detailed planning.	X	X	X	X	X	X	X	X			
19. Item:	All proposed lot lines and area of lots in square feet.		X	X		X	X	X	X	✓		
20. Item:	Copy and/or delineation of any existing or proposed deed restrictions or covenants.	X	X	X	X	X	X	X	X			
21. Item:	Any existing or proposed easement or land reserved for or dedicated to public use.	X	X	X	X	X	X	X	X			
22. Item:	Development stages or staging plans (for GDP--general staging). Comment: Not applicable at pre-application- concept plan stage; minor plans usually not built in stages.				X	X	X	X	X			

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Item Number	Description		Subdivision	Site Plan	General Development Plan	Subdivision		Site Plan				
						Preliminary	Final	Preliminary				Final
23.	Item: List of required regulatory approvals or permits. Comment: Basic planning information. a		X	X	X		X		X			
24.	Item: List of variances required or requested. a Comment: Basic planning information.		X	X		X	X	X	X	✓		
25.	Item: Requested or obtained design waivers or exceptions. a Comment: Describes location of all adjacent structures; not necessary at pre-application-concept plan stages; required at site plan stages; required at site plan only if notice is required by ordinance.		X	X		X	X	X	X			
26.	Item: Payment of application fees. Comment: Fee not imposed for pre-application conference.	X	X	X	X	X	X	X	X	✓		
27.	Item: Property owners and lines of all parcels within 200' identified on most recent tax map sheet. Comment: Describes location of all adjacent structures; not necessary at pre-application-concept plan stages; required at site plan only if notice is required by ordinance.			X	X	X	X	X	X	✓		
28.	Item: All existing street, water courses, flood plains, wetlands or other environmentally sensitive areas on and within 200' of site. Comment: While detailed specification of environmentally sensitive areas may not be necessary at pre-application-concept plan and GEDP stages, general specification of and sensitivity to such conditions is an important planning consideration.	X		X	X	X	X	X	X			
29.	Item: Existing right-of-way and/or easements on and within 200' of tract. Comment: Rights-of-way and easements are often unknown at the pre-application-concept (see however, item 28).	X		X	X	X	X	X	X			
30.	Item: Topographical features of subject property from U.S.G.S. map. Comment: More detailed topographic information is needed for major subdivision.	X		X	X							

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Item Number	Description		Minor Application		General Development Plan	Subdivision		Site Plan				
			Subdivision	Site Plan		Preliminary	Final	Preliminary				Final
31.	Item: Existing and proposed contour intervals based on U.G.S. & G.S. datum. Contours to extend at least 200' beyond subject property as follows: up to 3% grade - 1' 3% + grade - 2' Comment: Major site plan and subdivision requires level of detail of Item 31 as opposed to Item 30.					X	X	X	X			
32.	Item: Boundary, limits, nature and extent of wooded areas, specimen trees, and other significant physical features (detail may vary). Comment: Basic for good planning	X	X	X	X	X	X	X	X	✓		
33.	Item: Existing system of drainage of subject site and of any larger tract or basin of which it is a part Comment: See Item 31. Extensive level of detail required only for major subdivision and site plan.					X	X	X	X			
34.	Item: Drainage Area Map. Comment: Necessary for major application; inapplicable at GDP stage.					X	X	X	X			
35.	Item: Drainage Calculations. Comment: Required for minor applications if deemed necessary by Planning Board; not required at GDP stage because storm water management evaluated at major subdivision and site plan stage.		X	X		X	X	X	X			
36.	Item: Proposed utility infrastructure plans, including sanitary sewer, water, storm water management, telephone, electric & cable TV. Comment: Information necessary for minor site plan because of potential effect on utility systems. Only general location for electric, telephone and cable TV required.		X	X		X	X	X	X			
37.	Item: Proposed utility infrastructure plans, including sanitary sewer, water, storm water management, telephone, electric and cable TV. Comment: Information necessary for minor site plan because of potential effect on utility systems. Only general location for telephone, electric and cable TV required.			X	X	X	X	X	X			

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						Subdivision	Site Plan					
Item Number	Description		Subdivision	Site Plan		Preliminary	Final	Preliminary	Final			
38. Item:	Soil Erosion and Sediment Control Plan. Comment: Required for soil disturbance over 5,000 sq. ft.			X		X	X	X	X	✓		
39. Item:	Spot and finished elevations at all property corners, corners of all structures or dwellings, existing or proposed first floor elevations. Comment: Not required for minor subdivision because not involving construction of buildings.			X	X	X	X	X	X			
40. Item:	Construction details as required by ordinance. Comment: Such level of detail necessary only for major applications.					X	X	X	X			
41. Item:	Road and paving cross-sections and profiles. Comment: See Item 40.					X	X	X	X			
42. Item:	Proposed street names. Comment: Applicable only when new road is proposed.					X	X	X	X			
43. Item:	New block and lot numbers confirmed with local assessor or municipal designee. Comment: Needed whenever a new lot is created.			X			X					
44. Item:	Lighting plan & details. Comment: Not applicable for minor subdivision because just creating lots.			X		X	X	X	X	✓		
45. Item:	Landscape plan & details prepared by a professional landscape architect. Comment: Required for site plans because of magnitude of required landscaping.			X				X	X	✓		
46. Item:	Solid waste management plan. Comment: Site plan consideration only; see Item 44.			X				X	X			
47. Item:	Site identification signs, traffic control signs, and directional signs. Comment: See Item 44.			X		X	X	X	X			

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			Subdivision	Site Plan		Preliminary	Final	Preliminary				Final
Item Number	Description											
48. Item:	Sight triangles. Comment: Necessary even for minor applications because sight triangle easement created.		X	X		X	X	X	X			
49. Item:	Vehicular and pedestrian circulation patterns (less detail necessary for pre-application-concept plan and GSP stages). Comment: See Item 44.	X		X	X	X	X	X	X			
50. Item:	Parking plan showing spaces, size and type, aisle width, curb cuts, drives, driveways, and all ingress and egress areas and dimensions. Comment: See Item 44.			X		X	X	X	X			
51. Item:	Preliminary architectural plan and elevations. Comment: Not required where building is not proposed.			X				X	X			
52. Item:	Plans and legal documents for compliance with West Orange COAH Ordinances.		X	X	X	X	X	X	X			

u Proposed restrictions or covenants do not have to be included for pre-application-concept plan and GDP.
 u Conditional approval may be granted subject to other regulatory approvals.

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REVISED: 8/3/005 aw

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SUSTAINABILITY CHECKLIST FORM

	APPLICANT - PRINT OR TYPE - ALL SECTIONS TO BE COMPLETED:	TOWNSHIP OK (Date)
SUSTAINABLE BUILDING AND DESIGN STANDARDS		
Name of LEED Accredited Professional working on project:		
List of Energy Star and WaterSense appliances, fixtures and construction techniques:		
List of green and recycled building materials in new construction, renovation, and maintenance:		
Waste Management Plan for recycling and/or reuse of 60 percent of all construction and demolition of waste generated in projects larger than \$25,000:		
Use of any water efficient landscaping:		
Use of any on-site renewable energy systems such as: (i) Solar (ii) Wind (iii) Geothermal		
Details of roofing materials designed to reduce the urban heat island effect such as: (i) Construction of roof top gardens to reduce solar gain in summer and insulate in winter (ii) Use of roofing materials that are no darker than a light gray or demonstrate how alternate roofing materials reduce the urban heat island effect		
Details of any sustainable stormwater systems employed such as: (i) Bioswales/ raingardens (ii) Permeable surfaces (iii) Grey water systems (iv) Retention and detention facilities (v) Continuous trenching		
A list of native and well adapted species used in landscaping to eliminate the need for fertilization and pesticides:		

Note: Please indicate for each of the sustainable building/design items listed, the extent to which the measure is being incorporated in the project or, alternatively, indicate the reason(s) why it is not being incorporated in the project.

As of April 2, 2015

Memorandum: Justification for Relief – 66 Franklin Avenue Development Proposal

To: Gerard M. Haizel, PP, AICP, Planning Board Planner

CC: Diana P. McGovern, Esq., Planning Board Attorney

From: Roosevelt J. Donat, Esq., Special Counsel at Murphy Schiller & Wilkes LLP

Date: March 28, 2025

Re: Request for Variance and Site Plan Approval – 66 Franklin Avenue, West Orange, NJ

I. Introduction

On behalf of M Vega Investments LLC (“Applicant”), I submit this memorandum in support of its application for preliminary and final major site plan approval, including necessary variances, to redevelop 66 Franklin Avenue (Block 134.02, Lots 75.03, 79, and 81) in West Orange, NJ.

The Applicant seeks to modernize and repurpose the existing 10,000 sq. ft. commercial property in the B-1 Retail Business Zone. The site currently includes a 1-story masonry building, a detached shed, and a parking area used as a contractor's storage yard. The proposed redevelopment will convert the building for retail use, incorporating eight parking spaces, enhanced landscaping, and curbing. Stormwater runoff will be managed through an inlet system, directing water to an existing storm manhole.

The requested relief will optimize property use, promote economic growth, and align with West Orange’s development objectives while maintaining compliance with key zoning regulations.

II. Requested Variances

The applicant is seeking variance relief, including both 'C' and 'D' variances, to facilitate the proposed development. The 'C' variances are required to address deviations from bulk zoning requirements such as setbacks, lot coverage, and other dimensional standards, ensuring the project can proceed despite nonconformities with the zoning ordinance. Additionally, the applicant is requesting 'D' variances to permit deviations from use regulations, specifically for the renovation of the existing 1-story building into a retail business. Moreover, the applicant requires Preliminary and Final Major Site Plan Approval from the West Orange Zoning Board to ensure full compliance with township zoning and land use regulations.

III. Legal & Planning Justification for Relief

A. Positive Criteria – Advancing the Purpose of Zoning

Pursuant to N.J.S.A. 40:55D-2, the proposed redevelopment furthers multiple core zoning objectives:

1. Enhancing the General Welfare (§ 40:55D-2a)
 - The project revitalizes an underutilized site, transforming it into a productive mixed-use space that contributes to the economic and social vitality of the area.
2. Providing a Balanced Land Use Plan (§ 40:55D-2g)

- The addition of a residential unit within a commercial zone introduces smart growth principles, reducing urban sprawl while meeting housing demand.
- 3. Encouraging a Desirable Visual Environment (§ 40:55D-2i)
 - The project modernizes an aging structure, improving the aesthetic appeal of the site and surrounding area while adhering to contemporary architectural standards.
- 4. Promoting Smart Growth & Sustainability (§ 40:55D-2e)
 - Adaptive reuse of an existing building reduces environmental impact.
 - The mixed-use concept supports walkability, public transit use, and reduced vehicular congestion.

B. Negative Criteria – No Substantial Detriment to the Public Good or Master Plan

The requested variances will not cause substantial detriment to the public good, nor will they substantially impair the intent or purpose of the zoning plan, as demonstrated below:

1. Traffic & Parking Considerations
 - The light truck parking use is low-intensity and will not generate disruptive traffic or excessive noise.
 - The project provides adequate on-site parking, ensuring no overflow into residential streets.
2. Neighborhood Character & Compatibility
 - The proposal maintains the commercial nature of the district while introducing a residential component that complements existing development patterns.
 - The project's design is consistent with surrounding structures, preserving the architectural integrity of the area.
3. Minimal Impact of Bulk Variances
 - The minor lot width, front yard, and side yard variances do not hinder light, air, or open space access.
 - These deviations are modest in scope and justified by existing site conditions.

IV. Public Benefits of Approval

Granting approval for this project will significantly benefit the municipality, advancing several key objectives:

1. Economic Growth & Job Creation
 - The new office space will attract businesses, generating employment opportunities and increasing local tax revenue.
 - Increased property tax contributions will support municipal services.

2. Modernization & Sustainable Development

- The project replaces an aging, underutilized property with a modern, efficient, and attractive development.
- The adaptive reuse approach aligns with sustainability goals by minimizing demolition waste and maximizing land efficiency.

3. Enhanced Urban Planning & Infrastructure

- The mixed-use approach reduces reliance on vehicular traffic, encourages pedestrian activity, and supports local commerce.
- The design prioritizes functional, aesthetic, and environmental considerations, making it a model for future redevelopment in West Orange.

V. Conclusion

The proposed redevelopment of 66 Franklin Avenue represents a thoughtful, well-planned investment in West Orange's economic and urban development strategy. The project:

1. Complies with key zoning objectives while requiring only minor relief.
2. Enhances the public welfare by revitalizing a strategically located yet underutilized site.
3. Aligns with modern land use planning by integrating residential and commercial uses.
4. Creates economic and social benefits that outweigh any minor deviations from zoning standards.

For these reasons, we respectfully request the approval of the preliminary and final major site plan application, along with the necessary variances. We look forward to further discussing this proposal and addressing any questions from the Board.

Respectfully submitted,

Roosevelt J. Donat, Esq.