



MEMORANDUM

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

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

Date: *August 11, 2025*

Re: *Application No. ZB-24-18
M. Vega Investments LLC
Preliminary & Final Major Site Plan with
'C' and 'D' Variances - Review #3
66 Franklin Avenue
Block 134.02, Lots 75.03, 79 & 81
Our File: 115.WRZ0134.V01*

CC: *Geniece Gary-Adams – Zoning Official
Zayibeth Carballo, PE, PLS, PP – Municipal Engineer
Steven Warner, Esq. – Zoning Board Attorney
George Wheatle Williams, PP – Zoning Board Planner
M. Vega Investments, LLC – Applicant
Roosevelt J. Donat, Esq. – Applicant's Attorney
Afton Savitz, PE – Applicant's Engineer
Thomas F. Miller, PLS – Applicant's Surveyor*

Our office has received for review the following documents which were submitted in support of the above referenced application for Preliminary and Final Major Site Plan approval with 'C' and 'D' Variances:

- A copy of a July 30, 2025 letter from Roosevelt J. Donat, Esq. with Murphy Schiller & Wilkes LLP of Newark, New Jersey to the Township of West Orange which addresses the June 5, 2025 completeness letter from the Nishuane Group, LLC.
- A copy of a Memorandum bearing a latest revision date of July 16, 2025 from Roosevelt J. Donat, Esq. to the Board Planner, Gerard M. Haizel, PP, which provides justification for the variance relief and site plan approval that has been requested by the Applicant.
- A completed Site Plan/Subdivision Checklist.
- A completed Sustainability Checklist Form.

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



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- An unsigned set of Preliminary and Final Major Site Plan drawings (11 sheets) prepared by Afton Savitz, PE with Stonefield Engineering & Design of Rutherford, New Jersey dated October 8, 2024.
- A print of a Boundary & Topographic Survey (1 sheet) prepared by Thomas F. Miller, PLS with Stonefield Engineering & Design and bearing a latest revision date of June 28, 2021.
- A print of a Boundary & Topographic Survey (1 sheet) prepared by Thomas F. Miller, PLS with Stonefield Engineering & Design and bearing a latest revision date of March 19, 2024.
- An unsigned set of Truck Turn Exhibits (4 sheets) prepared by Afton Savitz, PE and bearing a latest revision date of October 8, 2024.
- An unsigned Site Photo Exhibit (1 sheet) prepared by Afton Savitz, PE dated October 21, 2024.
- A Solid Waste Management Plan prepared by Afton Savitz, PE dated October 8, 2024.
- A Stormwater Management Statement prepared by Afton Savitz, PE dated October 8, 2024. Included with the Stormwater Management Statement is a set of unsigned Drainage Area Maps (2 sheets) prepared by Afton Savitz, PE dated October 8, 2024.
- A completed Application Package.
- A Proposal dated March 28, 2025 which describes the proposed improvements at the site and details the variances that are requested by the Applicant.
- A copy of a December 11, 2024 statement from the Office of the Tax Collector which states that the taxes on lot 79, block 134.02 are paid until January 31, 2025.
- A copy of a December 11, 2024 statement from the Office of the Tax Collector which states that the taxes on lot 81, block 134.02 are paid until January 31, 2025.
- A copy of a List of Owners Within 200 Feet of Block 134.02, Lots 75.03, 79, and 81 prepared by the Office of the Assessor dated October 16, 2024.
- A Summary of Approvals and Permits prepared by Stonefield Engineering & Design LLC dated October 8, 2024.
- A document entitled "Trucking Information" which addresses the number of trucks and the types of trucks that will be parked at the site as well as provides a schedule of when the trucks will leave and return to the site on a daily basis.
- A copy of Zoning Board of Adjustment Resolution for Application ZB-21-01 dated April 20, 2023 which denied the Applicant's request for preliminary & final site plan approval with a D-1 use variance and several bulk variances to expand the existing building to add a residential use and to use a portion of the lot for commercial vehicle parking.

We have reviewed the information submitted in support of this application and offer the following comments:



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A. PROJECT DESCRIPTION

The property in question is a rectangular tract located on the easterly side of Franklin Avenue approximately 125 ft north of the intersection with Chestnut Street. The property is located in the B-1 Retail Business Zone and has an area of 10,000 sf or approximately 0.23 acres. It is currently occupied by a 1-story masonry building with a partial basement and a detached 1-story frame shed. The balance of the property is a parking area which is currently being used as a contractor's storage yard.

The Applicant previously applied to the Zoning Board of Adjustment for Preliminary & Final Site Plan approval with a D-1 use variance and several bulk variances (Application ZB-21-01) to renovate the existing building to add a residential use and to use a portion of the lot for commercial vehicle parking. We note that on April 20, 2023 the Zoning Board of Adjustment memorialized a resolution which denied Application ZB-21-01.

The Applicant is now seeking Preliminary & Final Major Site Plan approval with 'C' and 'D' Variance relief to renovate the existing 1-story building into a retail business which will contain 8 parking spaces including 1 handicap accessible parking space. In addition, curbing is proposed surrounding the entire parking lot. Landscaping is also proposed along the easterly property line, along the easterly half of the southerly property line, and along the southerly portion of the westerly property line. The stormwater runoff from the parking lot will be collected in an inlet located in the southeast corner of the parking lot and will be piped to an existing storm manhole in Franklin Avenue.

B. DESIGN COMMENTS

1. Based on our review of the submitted documents, it remains for the following additional information to be submitted as stipulated on the Site Plan/Subdivision Checklist:
 - a) Item #2 – *Signed and sealed plans must be submitted to the Board.*
 - b) Item #7 – *Proof that taxes are current must be submitted for lot 75.03, block 134.02.*
 - c) Item #20 – *Copy and/or delineation of any existing or proposed deed restrictions or covenants.*
 - d) Item #31 – *Contours to extend at least 200' beyond subject property.*
 - e) Item #52 – *Plans and legal documents for compliance with West Orange COAH Ordinance.*
4. We note the Applicant previously applied to the Board to add a residential apartment on the second floor which was denied by the Board. If the Applicant is again proposing to add a residential unit on the second floor, then our office is concerned that this application may be barred by the doctrine of res judicata. The Board will need to determine if res judicata is applicable to the current application.
5. The Applicant should address the Board regarding the type of business that is proposed at the site. In addition, will the trucks be part of the proposed business or will they be part of a separate business at the site?



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6. The Applicant should address the Board regarding the proposed hours of operation at the site.
7. A note should be added to the plans which states that any settled or damaged sidewalk or driveway aprons along the site frontage shall be replaced as directed by the municipal engineer.
8. The Applicant should address the Board regarding their plans to provide a trash enclosure at the site. In addition, the Applicant must demonstrate that the trash enclosure has adequate capacity to accommodate the trash and recyclables that are anticipated at the site.
9. It shows on the plans that the existing shed in the southeast corner of the site is to remain. The Applicant should address the Board regarding the types of materials that will be stored in the shed.
10. It shows on the Boundary & Topographic Survey drawings that between June 28, 2021 and March 19, 2024, the following improvements were constructed at the site:
 - a) Retaining walls were constructed in front of the existing building, in the southwest corner of the site. In addition, a wood fence was installed along the top of the inner retaining wall.
 - b) A chain link fence was installed along the westerly, southerly and easterly sides of the site. In addition, a rolling chain link gate was installed at the entrance to the site.
 - c) A concrete pad and gravel area were installed along the southerly side of the site.
 - d) A portion of the gravel parking lot was paved and parking spaces were striped along the easterly side of the parking lot.

The Applicant must demonstrate that the recent improvements to the site have been approved and inspected by the Township.

11. It shows on sheet C-4 that 1 handicap parking space, two 9'x18' parking spaces, three 9'x30' parking spaces and two 10'x30' parking spaces are proposed at the site. The Applicant should address the Board to clarify the types of vehicles that will be parked in the different size spaces.
12. The Applicant should address the Board regarding their plans to provide a make-ready electric vehicle parking space at the site as required by §25-12.6. of the Land Use Regulations.
13. It shows on sheet C-5 that the Applicant proposes to install 6" and 8" PVC pipes to convey the runoff from the site to the street. The Applicant must provide calculations to demonstrate that the proposed pipes have adequate capacity to handle the peak flows that are anticipated.
14. Sheet C-10 includes a Resident Parking Only Sign Detail. If it is determined that a residential apartment is not proposed, then the detail should be removed from the plan.



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15. Sheet C-10 includes a Bollard Detail. Therefore, the Site Plan on sheet C-4 must be revised to show the locations where bollards are proposed.
16. Sheet C-10 includes a Reinforced Concrete Walkway Detail. Therefore, the Site Plan on sheet C-4 must be revised to identify where the reinforced concrete walkway is proposed.
17. Sheet C-10 includes an Extended Concrete Curb Detail. Therefore, the Site Plan on sheet C-4 must be revised to identify where the extended concrete curb is proposed.
18. Sheet C-10 includes a Belgian Block Curb Detail. Therefore, the Site Plan on sheet C-4 must be revised to identify where Belgian block curb is proposed.
19. Sheet C-10 includes a 6' High Chain Link Fence detail. Therefore, the Site Plan on sheet C-4 must be revised to identify where the 6 ft high chain link fence is proposed.
20. As a condition of any approval granted by the Board, it is our recommendation that the Applicant be required to consolidate the three (3) existing lots. Prior to recording, a copy of the proposed Deed of Consolidation must be submitted to the Board for review and approval by the Board Attorney and our office. In addition, the proposed lot number for the consolidated parcel must be approved in writing by the West Orange Tax Assessor.

C. LIGHTING COMMENTS

1. The Applicant requires a waiver from §25-14.2 as a portion of the proposed parking lot lighting is under the 2.0 footcandles required. However, we note that the proposed lighting meets IES (Illuminating Engineering Society) standards and appears to be sufficient as proposed.
2. Revise the plans to provide isolux pattern details including a scale and graph. Also, provide isolux patterns on the plans to indicate the 0.50 footcandle isolux location for review by our office.
3. It shows on sheet C-6 that lighting levels as high as 5.1 footcandles are proposed along the easterly property line at the rear of the parking lot. However, lighting levels of 0.0 to 0.1 footcandles are proposed along the rear of the adjoining lots. The Applicant should clarify how the lighting levels are so drastically reduced when crossing the property line.
4. Sheet C-6 includes a note which states "*After 10:00 pm and before 7:00 am, all lights indicated with a (D) will be dimmed to maintain security light levels*". However, none of the lights are identified as lights that will be dimmed. This discrepancy must be resolved.
5. It shows on sheet C-6 that a significant amount of light from the proposed lights in front of the building will spill into the right-of-way of Franklin Avenue which is unacceptable. §25-14.1 stipulates that "*The lighting for off-street parking areas shall be designed to direct light downward towards the parking areas. Shields or cutoffs when necessary shall be installed to prevent spillover of light onto residential areas and public streets*". Therefore, the lighting design should be revised to comply with the Ordinance.



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D. LANDSCAPING COMMENTS

1. In accordance with §25-11.3a, a buffer strip shall be planted with trees and shrubs to adequately screen the buildings abutting a residential zone. §25-11.3b requires that the buffer strip be twenty (20) feet wide whereas the Applicant has provided a buffer strip with a width of approximately 5.1 feet.

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.