



September 11, 2025

Ms. Diana Chandler-Zimmerman
Board Secretary
Township of West Orange Zoning Board of Adjustment
66 Main Street
West Orange, NJ 07052

Re: **Planning Review Letter**
66 Franklin Ave
Block #134,02, Lots 75.03, 79, 81
Preliminary and Major Site Plan Approval with variances
ZB-24-18

Dear Ms. Chandler-Zimmerman,

This office has reviewed the application submitted by *M Vega Investments, LLC* ("**Applicant**"). The Applicant filed an application with the West Orange Board of Adjustment for a preliminary and major site plan approval in connection with the development of a landscaping office with associated parking for vehicles.

In preparation of this memorandum, the following documents were reviewed:

1. Transmittal Letter, from Roosevelt Donat, dated October 23, 2024.
2. Township of West Orange Application Form for the Planning Board or Board of Adjustment, October 14, 2024.
3. Checklist of Required Items
4. Sustainability Checklist.
5. W-9, M Vega Investments, dated October 14, 2024.
6. Resolution of Denial, ZB-21-01, dated April 20, 2023.
7. Proposal for M Vega Investments, last dated March 28, 2025.
8. Site Plan, prepared by Stonefield Engineering & Design, dated October 8, 2024.
9. Property Survey, prepared by Stonefield Engineering & Design, dated June 28, 2021, last revised March 19, 2024.
10. Photo Exhibit, prepared by Stonefield Engineering & Design, dated October 21, 2024.
11. Summary of Approvals and Permits, prepared by Stonefield Engineering &

- Design, dated October 8, 2024.
12. Stormwater Management Statement, prepared by Stonefield Engineering & Design, dated October 8, 2024.
 13. Solid Waste Management Plan, prepared by Stonefield Engineering & Design, dated October 8, 2024.
 14. Truck Turn Exhibit, prepared by Stonefield Engineering & Design, dated August 16, 2022, last revised October 18, 2024.
 15. List of property owners to be served notice, prepared on October 16, 2024.
 16. Trucking Information.
 17. Verification of Taxes & Sewer Charges Paid, dated December 11, 2024.
 18. Response to Completeness Memo Cover Letter, prepared by Roosevelt Donat, dated March 28, 2025.
 19. Memorandum: Justification for Relief, prepared by Roosevelt Donat, dated March 28, 2025, last revised July 16, 2025.
 20. Request for Information and Completeness Determination, prepared by Nishuane Group, dated June 5, 2025.
 21. Engineering Review Letter, prepared by CME Associates, dated April 25, 2025.
 22. Cover Letter in response to Completeness Memo, prepared by Roosevelt Donat, dated July 30, 2025.

Property Information

The property that is the subject of this Application is commonly known as 66 Franklin Avenue and identified as **Block #134.02, Lots #75.03, 79 and 81** in the municipal tax records for the Township of West Orange. The site is the location of a landscape contractor yard. The site is accessed via Boland Drive, The site is generally square and measured at 100' x 100' with a total area of 10,000 square feet. The site is bound by Franklin Ave to the west, an auto repair shop to the north, a multi-family building and two-family residential building to the south, and residential properties fronting Whittlessey Ave to the east.



Figure 1: Aerial of 66 Franklin Ave, outlined in red (Source: Nearmap - July 4, 2025)



Figure 2: "Birdseye" view of the site (Source Nearmap - March 19, 2025)

Site Photos (taken February 21, 2025)



*Figure 3: Parking lot of contractor lot, view from parking lot entrance.
Note the snowplow blades attached to the vehicles*



Figure 4: Front of office building for contractor



Figure 5: Fencing, berms, and landscaping along Franklin Ave frontage



Figure 6: Rear of 61 Chestnut, a multi-family building located south of subject property at corner of Franklin Ave and Chestnut St.



Figure 7: Side of 2 Elm Street, a single-family home located across the road from subject property



Figure 8: Contractor's truck with plow, parked at 56 Franklin Ave, which is located within the R-T zone.



Figure 9: Snowplow blades and open trailer stored in driveway for 56 Franklin Ave (Source: Nearmap – July 4, 2025)

Project Overview

The Applicant seeks Preliminary and Final Major Site Plan Approval for its project located at 66 Franklin Ave. Principally, the project consists of the restriping and curbing of the existing lot. There are no changes to the existing one-story office building or the one-story framed shed in the southeastern corner of the property.

As provided by the Applicant, a total of five trucks will be parked on-site, along with 4 enclosed landscaping trailers. Each truck is a Ford F-550 equipped with a dump landscape body; Gross Vehicle Weight (GVW) is 19,500 lbs. Truck dimensions are approximately 15 feet in length and 7 feet in width. The landscaping trailers are 7 feet in width and 18 feet in length. Trucks will depart the site at approximately 7:30AM and return between 5:00PM and 6:00PM.

Completeness

Our office has reviewed the checklist of required items Major Site Plans Applications. Following the submission of all materials, this application is deemed COMPLETE.

Zoning (§25-7.1)

The site is located within the B-1 District, which is generally described as zoning for retail business.

Permitted uses within the B-1 zone are as follows:

- One family, detached dwelling
- Water reservoir, well tower, filter bed
- Federal, state, county or township building
- Golf course and golf club house
- Farm, nursery, greenhouse and similar uses
- Hospital
- Two-family dwelling
- Retail Store
- Personal service store or studio
- Office of office building
- Business or vocational school
- Restaurant
- Bar
- Massage, bodywork or somatic therapy establishment
- Fitness center/health club

Permitted Accessory Uses include:

- Required accessory parking
- Private garage
- Home occupation
- Home professional office
- Signs
- Vending Machines

Permitted Conditional Uses include:

- Motor Vehicle fueling station
- Public utility building or structure
- Telephone exchange
- Senior citizens housing project
- Hotel
- Private club, other than a golf club
- Video or amusement arcade
- Fast food restaurant
- Commercial antenna
- Microbreweries, craft distilleries and wineries
- Licensed Cannabis Retail
- Licensed Medical Marijuana Dispensary

The following are the bulk standards for the B-1 zone:

- Maximum Height: 2.5 stories and not to exceed 35 feet
- Minimum Lot Area: No minimum for non-residence
- Minimum Lot Width: No minimum for non-residence
- Minimum Front Yard: No minimum for business
- Minimum Side Front Yard - Corner Lot: No minimum for business
- Minimum Side Yards: Non-residence none required EXCEPT 6 feet minimum for any side yard provided
- Minimum Rear Yard: 30 feet
- Maximum Building Coverage: 60%
- Maximum Lot Coverage: 75%

Definitions

PROFESSIONAL OFFICE BUILDING

Shall mean a building which is used solely for professional offices, which shall include the office or studio of a physician, dentist, optometrist, optician, chiropractor, lawyer, professional engineer, land surveyor, registered architect or teacher and similar licensed professionals. Professional office does not include the purchase or sale of goods, dance instructions, band instrument or voice instructor

in groups, tea rooms, beauty parlors, hairdressing and manicuring establishments, convalescent homes or mortuary establishments.

PARKING AREA

Shall mean an open area other than a street, public way or access driveway, but including aisles that serve parking spaces, used for the parking of motor vehicles and available for use whether for a fee or privilege for clients, customers, suppliers, residents or employees.

LOT COVERAGE

Shall mean that portion of a lot which is covered by parking areas and any impervious surface including but not limited to principal and accessory, structures, driveways, patios, sidewalks, etc. See Figure 2.

Planning Comments

Though the application, is for an office, which is a permitted use within the B-1 Retail Business zone, the landscaping vehicles are inseparable from the office use. As such, the proposed business is less consistent with an office use, which is permitted within the zone, but rather should be defined as a “Contractor’s Storage Yard”. While there is no definition within the Township’s Zoning Code that defines such a use, a definition is provided on Page 126 of A Planner’s Dictionary, published by the American Planners Association. It states,

“Contractor’s Storage Yard” - An unenclosed portion of the lot or parcel upon which a construction contractor maintains its principal office or a permanent business office. Designation of the lot or parcel as a contractor’s storage yard would allow this area to be used to store and maintain construction equipment and other materials customarily used in the trade carried on by the construction contractor. If permitted to be used in this manner, the entire lot or parcel would then be classified as a “contractor’s storage yard” and will be required to conform to all applicable zoning district standards and other legislative regulations. (Wheeling, Ill.)

From the information provided by the Applicant and our review of the application, we find this is not a permitted use within the zone, and therefore required a D-1 Use Variance.

Variances

The application requires a D(1) Use Variance where the proposed use is not permitted within the B-1 Retail Business District. As previously discussed within this memorandum, the use is a Contractor's Storage Yard, and not simply an office space.

N.J.S.A. 40:55D-70(d) permits a Board of Adjustment "in particular cases for Special Reasons" to grant a variance to permit "a use or principal structure in a district restricted against such use or principal structure." This represents the Positive Criteria of the statute. In addition, a showing of the Negative Criteria is necessary to obtain a "d" variance. The Applicant must demonstrate that the proposed variance can be granted "without substantial detriment to the public good and will not substantially impair the intent and the purpose" of the Master Plan and Zoning Ordinance.

When considering the granting of a "d" variance, an Applicant must demonstrate that special reasons are satisfied by either showing that the proposed use "inherently serves the public good" or that it promotes the general welfare because the proposed site is particularly suited for that use. It was held in *Medici v. B.P.R. Co.*, 107 NJ 1 (1987) that the only "special reasons" which can be considered are those which promote the general purposes of zoning, as listed in N.J.S.A. 40:55D-2. The court emphasized in *Burbridge v. Mine Hill Twp.*, 117 NJ 376 (1990), however, that the MLUL includes all the zoning purposes listed in N.J.S.A. 40:55D-2, not only the promotion of the general welfare. Therefore, each of these listed purposes may support an application for a "d" variance.

Further, the application requires a "C" variance for the off-street parking of the associated landscaping vehicles, which are not permitted as an accessory use within the zone. As per §25-12.1g, *"Such parking area shall be used solely for the parking of passenger automobiles and no repair work or service of any kind shall be conducted in the parking lot. No permitted sign shall be larger than two square feet in area."* The vehicles proposed to be parked and stored by the Applicant do not constitute passenger automobiles.

Other Bulk "C" Variance requirements provided within the table below:

Item	Code	Required/Permitted	Existing	Proposed
Maximum Lot Coverage	§25-7.1	75% (7,500 sq. ft.)	85.2%	83.4%*
Permanent Window Signs	§25-15.3 C.1(B)(4)	May not exceed 25% of window area	Not provided	100%
Curbing	§25-12.1B	Not less than 5 ft from any fence, screening or structure	0.0 ft	0.0 ft.
Minimum Driveway Width	§25-1.2H(6)	All driveways for two-way traffic shall be a minimum of 24 feet wide	Not provided	20 ft.

***This is a reduction in existing lot coverage but does not comply.**

Additional Planning Comments:

1. While in compliance, some of the bulk requirements listed in the Land Use and Zoning Table on Sheet C-4 of the plans do not apply as the proposed use is not a residence. The Applicant shall revise the plans accordingly.
2. This application requires a Site Plan Review Advisory Board Meeting.
3. The Sustainability Checklist indicates a number of proposed plantings that are not listed on the Township's Preferred Tree Planting List. The Applicant shall have a qualified expert testify to the species proposed to be planted and whether they are native to the area to the satisfaction of the Board.
4. The Applicant demonstrates the ability for an F-550 with trailer to turn within the existing lot and park in the parking space second closest to the building. We observe the front edge of the vehicle almost reaches the curbline along the southern edge of the property. We recommend the Applicant demonstrate the same ability to make similar turning movements into the other proposed spaces onsite.
5. The Applicant has provided information that the length of the F-550s are 15 in length and the landscape trailers are 18 feet in length, plus any distance between the two vehicles. The depth of the parking space for the trucks with landscaping vehicles is shown as 30 feet in depth, which appears to indicate both the truck and trail will not fit within the designated space.

6. The Applicant states that only 5 F-550 trucks will be parked on site, though recent aerial imagery (Figure 1) indicates up to 10 vehicles parked on site. Where will the other vehicles be stored?
7. Figure 8 shows snowplow blades stored at 56 Franklin Ave. Will these blades be properly stored on the proposed site? Or offsite. We note this is not a permitted accessory use within the R-T zone. The Applicant should show on the plans where on its site these snowplow blades should be stored.

Conclusions

The above comments are based on the review of the materials submitted to date. Nishuane Group reserves the right to provide new or updated comments as additional information becomes available. Further, this report should be cross-referenced with the Board Engineer's Review Letter and other Municipal Reviews. Should you have any questions, please do not hesitate to contact me.

Respectfully submitted,



George Wheatle Williams, PP, AICP
Principal, Nishuane Group, LLC.



Erik DeLine, PP, AICP, LEED AP
Associate, Nishuane Group, LLC