

April 24, 2026

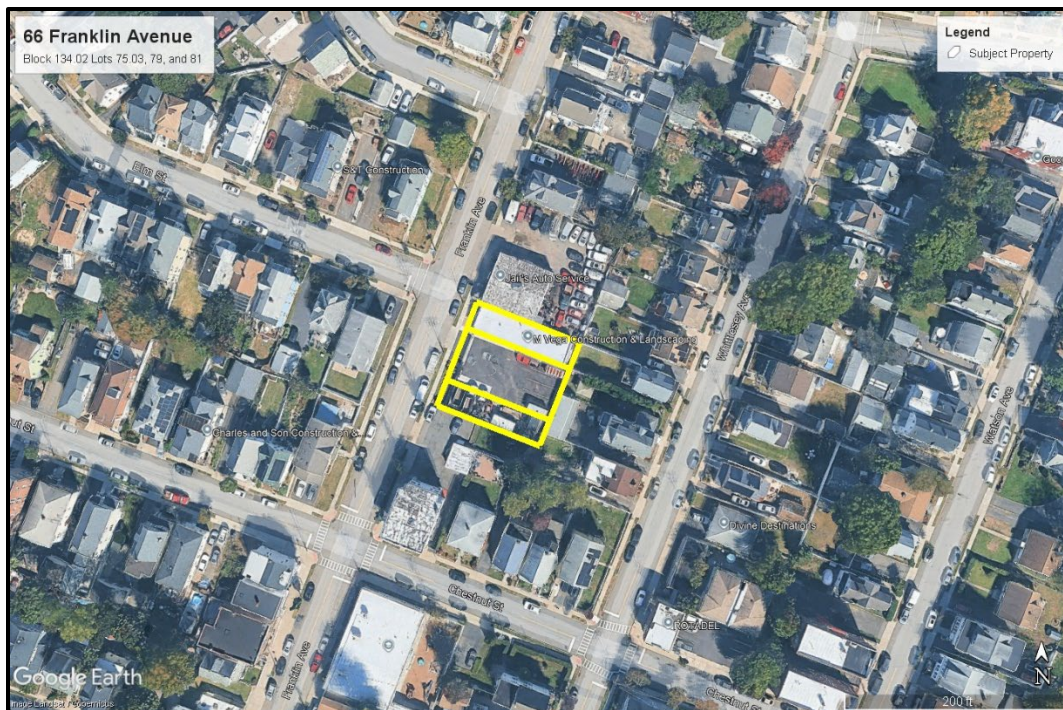
West Orange Township Zoning Board
66 Main Street
West Orange, NJ 07052

Re: M. Vega Investments LLC
Preliminary and Final Major Site Plan
Block 134.02, Lots 75.03, 79 & 81
66 Franklin Avenue
Planning Review #1
Our File No. WRZ0134.V01

Dear Chairman Neuer and Board Members,

1. Summary

The 10,000 s.f. site is located on Franklin Avenue between Elm Street and Chestnut Street and is currently occupied by a one-story masonry building and parking area which is currently being used as a contractor's storage yard. The Applicant is proposing to renovate the existing building into a retail business and to restripe the parking area. A D(1) use variance is required to permit the storage of commercial vehicles on site as an accessory use, and 'c' or bulk variances for the window sign area and curbing.



NJ Certificate of Authorization No. 24GA28412500

2. Property and Project Description

The subject site consists of three adjacent lots that have frontage on Franklin Avenue. The 10,000 sf (0.23 acres) tract is currently developed with a one-story masonry building and detached one-story frame shed, and an off-street parking area for large vehicle storage. Access to the site is provided by one driveway onto Franklin Avenue. The majority of the site is cleared and paved.

The Applicant is proposing to renovate the existing building and improve the site through new striping and concrete curbs in the parking area. The building and site will be used for an office and storage space, for a landscaping business. The materials provided indicate that 383 square feet of the building will be for office use, and the remaining 2,669 square feet will be for storage purposes. The building and parking area will be accessed by the existing driveway onto Franklin Avenue, and will have three (3) off-street parking stalls for regular vehicles, including one (1) ADA accessible parking space, and five (5) oversized (9'x30') truck parking stalls. Additional proposed improvements include landscaping, lighting, and utilities throughout the site.

Surrounding the property is a mix of commercial and residential. Immediately north of the site is a auto-body shop. To the east and west of the site are single-family residences, and to the south of the site are recreational areas, a pre-school, and various offices.

3. Completeness

The application had previously been deemed *incomplete*, on the basis that the applicant failed to provide a traffic and parking report. The applicant has now provided a traffic and parking report. We recommend that the application be deemed *complete* and scheduled for a hearing before the Zoning Board of Adjustment.

4. Zoning

The subject property is located in the B-1 Retail Business Zone. The following uses are listed as permitted principal uses in the B-1 zone:

- Retail sales and service uses;
- Offices;
- Restaurants and bars;
- Massage and bodywork;
- Business or vocational schools;
- Residences

A materials storage use, or contractor's storage use, is not expressly permitted in the B-1 district.

Standard off-street parking that is customary to a retail or office use is permitted as an accessory use. However, commercial vehicle parking is not a permitted accessory use.

All development in the B-1 Retail Business Zone is subject to the following bulk requirements:

B-1 Retail Business Zone Bulk Standards			
	Required / Permitted	Existing	Proposed
Minimum Lot Area	No minimum	10,000 s.f. (0.23 acres)	No Change
Minimum Lot Width	No minimum	100.0 feet	No Change
Minimum Front Yard Setback	None required	7.9 feet	No Change
Minimum Side Yard Setback (ONE)	6 feet	2.6 feet	No Change (ENC)
Minimum Rear Yard Setback	30 feet	5.2 feet	No Change (ENC)
Maximum Building Height	2 ½ stories and not exceeding 35'	14 feet and 3 inches; one-story	No Change
Maximum Building Coverage	60%	19.2% (1,924 s.f.)	No Change
Maximum Lot Coverage	75%	85.2% (8,524 s.f.)	83.4% (8,348 s.f.) (ENC)
(ENC) = Existing Non-Conformity; (V) = Variance			

Off-street parking and loading

- 1 space per 250 square feet of floor area is required for office spaces.
 - 383 s.f. / 1 space per 250 s.f. = 1.53 spaces.
- 1 space per 600 square feet of floor area is required for storage areas.
 - 2,669 s.f. / 1 space per 600 s.f. = 4.44
- 6 parking spaces are required, and 8 parking spaces are proposed. However, only 3 parking spaces are standard spaces, with the other 5 spaces being devoted to storage of landscaping vehicles.
- 1 loading space is required, whereas there are no loading spaces proposed.

Signage Requirements

- Window Signs are permitted to be no greater than 25 percent of the window area. The proposed window signs cover 100 percent of the window area.

5. Variances and Waivers

It appears that the following variances from the Township zoning regulations may be required:

Variances:

- 1) **§25 Attachment 2:2 Permitted Principal Uses** – The storage of materials, or a contractor's storage yard is not a permitted principal use in the B-1 District. A d-1 use variance is required.
- 2) **§25 Attachment 2:2 Permitted Accessory Uses** – Commercial vehicle parking is not a permitted accessory use in the B-2 District, whereas commercial vehicle parking is proposed as an accessory use.
- 3) **§25 Attachment 3:2 Maximum Lot Coverage** – The maximum lot coverage is 75%, whereas a lot coverage of 83.4% (8,348 s.f.) is proposed. This is a reduction in lot coverage from the existing condition.
- 4) **§25 Attachment 3:2 Minimum Side Yard Setback** – A minimum side yard setback of 6 feet is required, whereas a side yard setback of 2.6 feet is proposed. This is an existing condition.
- 5) **§25 Attachment 3:2 Minimum Rear Yard Setback** – A minimum rear yard setback of 30 feet is required, whereas a rear yard setback of 5.2 feet is proposed. This is an existing condition.
- 6) **§ 25-15.3(c)(1)(b)(4) Window Sign Area** – Permanent window signs are permitted to only occupy 25 percent of the total window area, whereas permanent window signs are proposed to occupy 100 percent of the total window area.
- 7) **§ 25-12.1(b) Curbing** – Curbing is required to be at least five feet away from any fence, screening, or structure, whereas curbing is proposed to border the wood fence along the southern edge of the property.
- 8) **§25-12.3(a)(2) Loading Spaces** – Any use requiring the receipt of distribution in vehicles of materials or merchandise that is up to 15,000 s.f. of gross floor area is required to have one loading space, whereas there are no loading spaces provided on the site.

6. Planning Comments

- a. The applicant should discuss the proposed project, addressing the general scale and scope of improvements proposed for the site.
- b. Testimony should be provided addressing the anticipated operations of the office and material storage area, and storage of vehicles on the site. What types of materials will be stored?
- c. The application materials indicate that the proposed building will be used for a retail use. It does not appear that any retail sales are proposed for this site. The use appears to be a landscaping business operation. The applicant should clarify.
- d. The application as proposed will require a D-1 use variance for non-compliance with the permitted principal use and accessory use requirements in the B-1 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.
- e. 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.
 - f. The application as proposed will also require several bulk or ‘c’. 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).
 - 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.
 - g. Several of the variances required are for existing non-conforming conditions that will not be impacted by the application.
 - h. We defer any comment on grading, drainage, utilities, and stormwater management to the Board Engineer.
 - i. The applicant should address the status of any necessary outside agency approvals.

Should you have any questions or require any additional information with regard to the above matter, please do not hesitate to contact this office.

Sincerely,

CME Associates



Christopher N. Dochney, PP, AICP
Zoning Board Planner

cc: Geniece Gary-Adams – Zoning Official
Zayibeth Carballo, PE, PLS, PP – Municipal Engineer
Steven Warner, Esq. – Zoning Board Attorney
John J. Hess, PE, PP, CME – Zoning Board Engineer
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

7. Materials Submitted

The following materials have been received in support of the above-referenced application.

- A Traffic & Parking Assessment Report prepared by Stonefield Engineering and Design, LLC, dated September 24, 2021, and revised February 3, 2026.
- A copy of the verification of taxes & sewer charges paid for Block 134.02 Lot 79, dated March 23, 2026.
- A copy of the verification of taxes & sewer charges paid for Block 134.02 Lots 75.03 and 81, dated March 24, 2026.
- A copy of the 200-foot list dated March 25, 2026.
- 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.
- 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.