

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; Revised July 16, 2025

**RE: Justification for Variance and Site Plan Approval – 66 Franklin Avenue
Development, West Orange, NJ**

Justification for Relief – 66 Franklin Avenue Development Proposal
(Revised to Remove D Variance; Parking as Accessory Use)

I. Introduction

On behalf of M Vega Investments LLC (“Applicant”), this memorandum is submitted in support of the application for preliminary and final major site plan approval, including necessary ‘C’ variances, for the redevelopment of 66 Franklin Avenue (Block 134.02, Lots 75.03, 79, and 81) in West Orange, New Jersey. The Applicant proposes to modernize and repurpose the existing 10,000 sq. ft. commercial property, located in the B-1 Retail Business Zone, for retail use with associated parking and landscaping improvements.

II. Variances Requested

The Applicant is seeking only ‘C’ variances to address minor deviations from bulk zoning requirements, such as setbacks, lot coverage, and other dimensional standards. No ‘D’ (use) variance is required, as the proposed retail use is permitted in the B-1 zone. The parking and vehicle storage are accessory to the principal retail business and do not constitute a separate principal use. Accordingly, the parking of business vehicles and customer cars is a customary and permitted accessory use, and no D variance is necessary.

III. Accessory Parking and Vehicle Use

The parking area will be used exclusively in connection with the Applicant’s retail and landscaping business. The site will accommodate a total of eight (8) parking spaces, which will include spaces for both customer vehicles and business vehicles. Specifically, up to five (5) Ford F-550 trucks with dump landscape bodies (each approximately 15 feet long and 7 feet wide, with a gross vehicle weight of 19,500 lbs) will be parked on site. These trucks will depart the property each morning at approximately 7:30 AM and return between 5:00 PM and 6:00 PM. The parking lot will otherwise be available for customer and employee vehicles during regular business hours.

IV. Legal and Planning Justification

A. Positive Criteria – Advancing the Purpose of Zoning

The proposed redevelopment furthers the core objectives of the Municipal Land Use Law (N.J.S.A. 40:55D-2), including:

- Enhancing the General Welfare: Revitalizing an underutilized site and transforming it into a productive retail space that contributes to the economic and social vitality of the area.
- Providing a Balanced Land Use Plan: Supporting smart growth by optimizing the use of an existing commercial property and meeting local demand for retail services.
- Encouraging a Desirable Visual Environment: Modernizing an aging structure and improving the site's aesthetic appeal through updated landscaping and architectural enhancements.
- Promoting Smart Growth and Sustainability: Adaptive reuse of the existing building reduces environmental impact and supports walkability and public transit use.

B. Negative Criteria – No Substantial Detriment

- Traffic and Parking: The parking and vehicle use are low-intensity and will not generate disruptive traffic or excessive noise. Adequate on-site parking is provided, ensuring no overflow into residential streets.
- Neighborhood Character: The proposal maintains the commercial character of the district and is compatible with surrounding development patterns.
- Bulk Variances: The requested bulk variances are minor and justified by existing site conditions, with no adverse impact on light, air, or open space.

V. Public Benefits

- Economic Growth: The project will attract businesses, generate employment opportunities, and increase local tax revenue.
- Modernization and Sustainability: The redevelopment replaces an underutilized property with a modern, efficient, and attractive retail space.
- Enhanced Urban Planning: The design supports pedestrian activity, local commerce, and sustainable land use.

VI. Conclusion

The proposed redevelopment of 66 Franklin Avenue is consistent with the Township's zoning objectives and master plan. The project requires only minor 'C' variances, with all parking and vehicle use accessory to the permitted retail business. Approval will revitalize the site, support economic growth, and provide public benefits without any substantial detriment to the public good or zoning.