

October 23, 2024

VIA FEDEX OVERNIGHT

Jamilet Baquerizo Vite, Planning Board Secretary
Township of West Orange
66 Main Street
West Orange, NJ 07052
(973) 325-4111

**RE: Planning Board Application
66 Franklin Avenue, West Orange, NJ (Block 134.02, Lots 75.03, 79 & 81)**

Dear Jamilet,

This firm represents M Vega Investments LLC in connection with the above-referenced application. Enclosed for filing, please find the following:

1. One (1) and four (4) copies of the Township of West Orange Planning Board Application;
2. One (1) check in the amount of \$1,321.75 for the Application Fee made payable to the "Township of West Orange";
3. One (1) check in the amount of \$3,500.00 for the Escrow Fee made payable to the "Township of West Orange";
4. Five (5) copies of the Proposal;
5. Five (5) copies of the Memorialized Resolution dated April 20, 2023;
6. Five (5) full size sets of the Preliminary and Final Site Plans prepared by Stonefield Engineering & Design dated October 8, 2024;
7. Five (5) full size sets of the Turn Truck Exhibits prepared by Stonefield Engineering & Design dated August 16, 2024, last revised October 8, 2024;
8. Five (5) full size sets of the Boundary & Topographic Survey prepared by Stonefield Engineering & Design dated March 19, 2024;

9. Five (5) full size sets of the Boundary & Topographic Survey prepared by Stonefield Engineering & Design dated June 28, 2021;
10. Five (5) copies of the Stormwater Management Statement prepared by Stonefield Engineering & Design dated October 8, 2024;
11. Five (5) copies of the Summary of Approvals and Permits prepared by Stonefield Engineering & Design dated October 8, 2024;
12. Five (5) copies of the Site Photo Exhibit prepared by Stonefield Engineering & Design dated October 21, 2021;
13. Five (5) copies of the Solid Waste Management Plan prepared by Stonefield Engineering & Design dated October 8, 2024; and
14. One (1) USB containing submission items.

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



TOWNSHIP OF WEST ORANGE APPLICATION PACKAGE PLANNING BOARD OR ZONING BOARD OF ADJUSTMENT

1. Zoning/Planning Board Application
2. Checklists:
 - "C" and "D" Applications Interpretations and Appeals
 - Major/Minor Site Plan or Subdivision (52 Items)
 - Sustainability Checklist
3. Fee Schedules
4. W-9 Form
5. Zoning Board of Adjustment Meeting Schedule
6. Planning Board & Site Plan Review Advisory Board Meeting Schedule
7. Tree Removal Application Procedure
8. Tree Removal Application
9. Ordinance 2436-15 Amending Chapter 25, Sections 4, 51.6, 51.7, 51.8, 51.9, 51.10 & 51.15 (Revision of Various Zoning Ordinances)
Adopted 2/10/2015
10. Ordinance 2448-15 Amending Chapter 25, Section 51.16
Adopted 5/12/2015
11. Ordinance 2464-15 Amending Chapter 25, Sections, 8.4, 9.9, 9.10, & 11.10 & Chapter 32, Section 3 (Revision of Various Zoning Ordinances)
Adopted October 27, 2015

BEFORE preparing or submitting an Application, it is strongly suggested that you contact the Planning Board Secretary or Zoning Board Secretary. We will be happy to assist you or answer any questions pertaining to the filing of an application to the Planning Board (325-4111) or Zoning Board of Adjustment (325-4108).

PLEASE NOTE:

- ! The application must be typed or neatly printed.
- ! One original along with 4 paper copies and one digital copy shall be submitted - no exceptions.
- ! Each application, including the original must have attached any enclosures as required.
- ! Refer to the Zoning Ordinance for all application requirements.
- ! Application fees and escrow must be submitted at the time of filing.
(If an escrow fee is required, a completed W-9 form must accompany the fees).
- ! All experts must be licensed to practice in the State of New Jersey.
- ! Any additional documents submitted after the original filing of the Application must include one original and 4 paper copies and one digital copy to the Zoning Board or Planning Board and must be submitted at least 10 days before the Applicant's public meeting date.

Pursuant to Municipal Land Use Law, N.J.S.A. 40:55D-10(f), a verbatim recording of the proceedings shall be made. The Planning Board or Zoning Board of Adjustment shall furnish duplicate recording upon request from any interested party at the requesting party's expense which shall not exceed the actual cost of preparation. All transcripts which may be prepared from any such recording, whether prepared at the request of the Board or an interested party, shall be transcribed by a licensed New Jersey Court Reporter and certified in writing to be accurate.

After the Board hears the Application and renders a decision, a Resolution will be read and voted on at the next scheduled regular meeting. Upon receipt of the signed Resolution, the Applicant must submit eight (8) full size sets of final site plans, signed and sealed, to the Board Secretary for signatures. Once the Applicant receives a copy of the signed site plan, the Applicant may then apply for building permits.

**TOWNSHIP OF WEST ORANGE
APPLICATION FORM FOR THE
PLANNING BOARD OR ZONING BOARD OF ADJUSTMENT**

A. APPLICANT INFORMATION

Full Legal Name: M Vega Investments LLC
Mailing Address: 66 ^(Last) Franklin Avenue ^(First) West Orange NJ 07052
^(Street) ^(City) ^(State) ^(Zip)
Telephone Number: (973) 489-2717 Email: mvegallc@hotmail.com

Is the Applicant an: ☐ Individual, ☐ Corporation, ☐ Partnership, ☒ Other Limited Liability Company

If the Applicant is a corporation or partnership, a list of the names and addresses of persons having a 10% interest or more in the corporation or partnership must be attached.

Relationship of the applicant to the property: ☒ Owner, ☐ Tenant or Lessee, ☐ Purchaser under contract
(with consent of owner, ☐ Other (please specify) _____)

If the applicant is not the owner of the property in question, the applicant must submit an affidavit with the owner(s) authorization to proceed with this process.

B. PROPERTY OWNER INFORMATION

☐ Check here if same as applicant. If the owner is not the applicant, please complete the following:

Owner's Name: Manuel Vega
Address: 56 Franklin Avenue, West Orange, NJ 07059
Telephone Number: (973) 489 2717 Email: mvegallc@hotmail.com

C. PROPERTY INFORMATION

Street Address: 66 Franklin Avenue
Block Number(s): 134.02; Lot Number(s): 75.03, 79 & 81
Tax Plate: _____; Zone of Property: B-1
The location of the property is approximately 100 feet from the intersection of _____
Elm Street and Franklin Ave (closest intersection.)

Has there been any previous Zoning Board of Adjustment or Planning Board hearings involving this property?
☒ Yes, Date(s): 6/16/2022, 9/15/2022 (no testimony), 1/19/2023, and 2/16/2023; ☐ No

If yes, please attach copies of the written decisions adopted by the Board to each application.

Please attach a list of all contiguous or adjacent property owned by the applicant or owner. ☒ None

Is this property listed in "The Historic Sites Survey" prepared by Robert Guter 7/9/1992 ☐ Yes ☒ No

D. TYPE OF APPLICATION

Indicate the type of application being submitted, check all boxes that apply. Note that more than one variance may be necessary, please indicate the number of each type needed:

- 1) ☐ Interpretation of ordinance or map.
- 2) ☐ Appeal of action of Zoning Officer.
- 3) ☐ Variance "C1" Reason: ☐ shape of property; ☐ physical features; ☐ exceptional situation.
- 4) ☐ Variance "C2".
- 5) ☐ Variance "D".
- 6) ☐ Subdivision without variances: ☐ major; ☐ minor; ☐ preliminary; ☐ final; ☐ preliminary and final.
- 7) ☐ Subdivision with variances: ☐ major; ☐ minor; ☐ preliminary; ☐ final; ☐ preliminary and final.
- 8) ☒ Site Plan: ☐ preliminary; ☐ final; ☒ preliminary and final; ☒ with variances; ☐ without variances.
- 9) ☐ Amended Site Plan.
- 10) ☐ Conditional Use.
- 11) ☐ Conceptual.
- 12) ☐ Home Professional Office.
- 13) ☐ Home Occupation.
- 14) ☐ Soil Removal Permit.

Please list the specific Sections of the Ordinance for which a variance is sought. If additional space is required, please attach a list.

Section: 25-15.3 C.1.(B)(4) ; Proposed: 100% ; Description: Window signs must not exceed 25% of window area
Section: 25-12.1 B ; Proposed: 0.0FT ; Description: Curbing shall not be less than 5 feet from any fence or screening
Section: 25-12.1 H(6) ; Proposed: 20 FT ; Description: nor less than 5 feet from any structure
Section: 25-26.8 ; Proposed: 83.4% (8,348 SF) ; Description: All driveways for two-way traffic shall be a minimum of 24 feet
Section: 25-26.8 ; Proposed: 83.4% (8,348 SF) ; Description: Maximum Lot Coverage

E. DESCRIPTION OF PROPERTY

Existing Use of the Property

Briefly describe the major elements of your proposal: (a more detailed description is required in Section G.)

The applicant proposes to renovate a 1-story building into a retail business which will contain 8 parking spaces.

The property is 10,000 (square feet); 0.23 (acres)

Impervious Surface Coverage: Present: _____; Proposed: _____

Building Coverage: Present: 60.0% (6,000 sf); Proposed: 19.2% (1,924 sf)

Is the property located:

- | | | |
|--|------------------------------|--|
| Within 200 feet of another municipality? | ☐ Yes | ☒ No |
| Adjacent to an existing or proposed county road? | ☐ Yes | ☒ No |
| Adjacent to other county land? | ☐ Yes | ☒ No |
| Adjacent to a state highway? | ☐ Yes | ☒ No |

F. EXPERTS

The following information is respectfully requested to enable the Board to facilitate the processing of this application:

APPLICANT'S ATTORNEY: Roosevelt J. Donat, Esq./Murphy, Schiller & Wilkes LLP

Telephone Number: (973) 705-7414 Email: rdonat@murphyllp.com

Address: One Gateway Center, Suite 400, Newark, NJ 07102

APPLICANT'S ENGINEER: Afton Savitz, P.E./Stonefield Engineering & Design

Telephone Number: (201) 340-4468 Email: asavitz@stonefieldeng.org

Address: 92 Park Avenue, Rutherford, NJ 07070

APPLICANT'S ARCHITECT: N/A

Telephone Number: () _____ Email: _____

Address: _____

APPLICANT'S PLANNER: _____

Telephone Number: () _____ Email: _____

Address: _____

OTHER EXPERT(S): _____

Telephone Number: () _____ Email: _____

Address: _____

If necessary, please list any additional experts below, including address, telephone number and email address.

G. REQUIREMENTS FOR VARIANCES

- 4A) Please attach a written statement labeled "PROPOSAL", describe the major elements of your proposal, and describe in detail the physical and use changes proposed.
- 4B) Please attach a written statement labeled "REASONS FOR RELIEF", which fully answers 4C-1, 4C-2 or 4D (Special Reasons) AND part 4E (Negative Criteria).
- 4C-1) *(For C1 variances only)* The strict application of the provisions of the Zoning Ordinance would result in the peculiar and exceptional practical difficulties or exceptional undue hardship under *N.J.S.A. 40:55D-70c(1)*. List in detail wherein this case conforms to this requirement, including, if applicable, reference to the exceptional narrowness, shallowness, or shape of the property, or the exceptional topographical conditions affecting the property which applicant contends warrants the granting of the variance.
- 4C-2) *(For C2 variances only)* State how the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment according to *N.J.S.A. 40:55D-70c(2)*. Please list all benefits of the deviation to the Township and any adverse effects. State how the benefits of the deviation would substantially outweigh any detriment to the Township.
- 4D) *(For D variances only)* State the special reasons under *N.J.S.A. 40:55D-70d* affecting this property.
- 4E) The granting of this variance will not be substantially detrimental to the public good and will not substantially impair the intent of the zone plan and zoning ordinance. List in detail the reasons, among others, why the variance can be granted without being materially detrimental to the welfare of the community or injurious to the property or improvements of others in the neighborhood and zone.

H. PLAT SUBMISSION

- 4F) Please list all maps and other exhibits accompanying this application. Attach an additional sheet if necessary.

ITEM	SIGNED BY	DATE/REVISION

I. NOTICE

Applicant is responsible to publish and serve notice of this application in accordance with Zoning Board of Adjustment/Planning Board requirements; however, notice may not be served until this application is certified as complete and the administrative officer has assigned the applicant a public hearing date.

J. VERIFICATION AND AUTHORIZATION

SIGNATURE IS REQUIRED FOR ALL OF THE FOLLOWING:

APPLICANT'S VERIFICATION

I hereby certify that the above statements made by me and the information contained in the papers submitted in connection with this application are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Applicant's Signature: Manuel Vega Date: 10-14-2024

CONTINUANCE

Should the Planning Board/Zoning Board of Adjustment have a full and heavy agenda, or discussion and meeting regarding this application requiring carrying the matter past the statute time limit, the applicant grants permission for such an extension.

Applicant's Signature: Manuel Vega Date: 10-14-2024

OWNER'S AUTHORIZATION - MUST BE SIGNED

I hereby certify that I reside at 56 Franklin Ave West Orange NJ
in the County of Essex and the State of NJ;
and that I am the owner of all that certain lot, piece or parcel of land known as Block(s) 00134;
Lot(s) 79-81 on the Tax Map of 07052 which property is the subject of the above
application, and that said application is hereby authorized by me. Furthermore, I authorize inspection of the site
which is the subject of this application.

Owner's Signature: Manuel Vega Date: 10-14-24

THIS APPLICATION DOES NOT RELIEVE THE APPLICANT FROM COMPLYING WITH OTHER TOWNSHIP ORDINANCES SUCH AS THE TREE REMOVAL ORDINANCE AND OBTAINING THE NECESSARY APPROVALS AND PERMITS UNDER SUCH ORDINANCES.

**CHECK LIST OF REQUIRED ITEMS
"C" AND "D" APPLICATIONS
INTERPRETATIONS AND APPEALS**

***APPLICATIONS FOR MAJOR/MINOR SITE PLAN OR SUBDIVISION MUST REFER TO THE SITE
PLANS/SUBDIVISION CHECKLIST – 5 Paper copies and 1 Digital emailed to the Board Secretaries***

All items below are required: please complete and submit to Board Secretary:

- **Completed Application Form – Original and 4 Paper and one Digital including:**
 - The written proposal
 - List of variances being requested
 - Property information
 - Applicant and owner information
 - Statement or legal brief which clarifies why the variance should be granted and specific reasons or hardship that pertains to the proposal, or
 - in the case of an appeal or interpretation, a statement or legal brief that clarifies the position of the applicant
- **Survey – original signed and sealed by New Jersey licensed Land Surveyor – (original and 4 copies and one digital)**
- **Site Plan, all dimensions**, including setbacks, must be shown and prepared by New Jersey licensed Professional except for an owner-occupied, single-family home, in which case the property owner may prepare the site plan (original and 4 copies and one digital)
- **Floor plans, all dimensions** must be shown-prepared by New Jersey licensed Architect except for an owner-occupied, single-family home, in which case the property owner may prepare the floor plan (original and 4 copies and one digital)
- **List of property owners** within 200' certified by the Municipal Tax Assessor (original and 4 copies and one digital)
- **Proof that taxes have been paid**, certified by the Municipal Tax Collector (original and 4 copies and one digital)
- **A 200' radius map**, (original and 4 copies and one digital)
- **Application fee** (non-refundable)
- **Elevations of three sides**, in case of an existing structure with no proposed structural changes, photographs may be used (original and 4 copies and one digital)
- **Height dimensions** to be include on all elevations (original and 4 copies and one digital)
- **All plans and documents** for West Orange COAH requirements
- **For all Major Subdivision applications**, major site plan applications and all applications applying for a "D" variance, a Planner's report prepared by a New Jersey licensed Planner must be submitted (original and 4 copies and one digital)
- **For all Major Subdivision applications**, and major site plan applications, a Traffic Study prepared by a New Jersey licensed Engineer must be submitted (original and 4 copies and one digital)
- **All Site Plan applications** must submit a tree removal application and a tree replacement plan and provide a report according to Chapter 31 of the West Orange general ordinances (original and 4 copies and one digital)

Your application will not be deemed complete unless all of these items are included. It is absolutely necessary that all dimensions and elevations be shown on the site plan and floor plan.

Please note: other materials may be requested by the Planning Director of Board Members

Site Plan/Subdivision Checklist

APPLICANT:

ALL DOCUMENTS MUST BE PREPARED, SIGNED AND SEALED BY NEW JERSEY LICENSED PROFESSIONAL												INCOMPLETE	COMPLETE	WAIVER REQUESTED
Item Number	Description	Pre-Application - Concept Plan	Minor Application		General Development Plan	Subdivision		Site Plan		Final				
			Subdivision	Site Plan		Preliminary	Final	Preliminary	Final					
1. PROJECT/PLAT INFORMATION														
1. Item:	Name, address of owner and applicant.	X	X	X	X	X	X	X	X	X	X			
2. Item:	Name, signature, license number, seal and address of engineer, land surveyor, architect, professional planner, and/or landscape architect, as applicable, involved in preparation of plat.	X	X	X	X	X	X	X	X	X	X			
3. Item:	Title block denoting type of application, tax map sheet, county, name of municipality, block & lot, and street location.	X	—	X	X	X	X	X	X	X	X			
4. Item:	A key map at specified scale showing location of tract with reference to surrounding properties, streets, municipal boundaries, etc., within 500' Comment: Describes setting; may be less detailed in pre-application-concept plan and GOP stages.	X	X	X	X	X	X	X	X	X	X			
5. Item:	A schedule of required and provided zone district(s) requirements including lot area, width, depth, yard setbacks, building coverage, open space, parking, etc. Comment: Schedule may be less detailed in pre-application-concept plan stages.	X	X	X	X	X	X	X	X	X	X			
6. Item:	North arrow and scale.	X	X	X	X	X	X	X	X	X	X			
7. Item:	Proof that taxes are current.		X	X	X	X	X	X	X	X	X			
8. Item:	Signature blocks for Chairman, Secretary and Municipal Engineer.		X	X	X	X	X	X	X	X	X			
9. Item:	Appropriate certification blocks as required by Map Filing Law.		X			X	X	X	X	X	X			
10. Item:	Monumentation as specified by Map Filing Law Comment: Monumentation required only for final subdivision.		X				X							
11. Item:	Date of current property survey. Comment: Required by Map Filing Law for final subdivision and site plan; necessary for vesting on GOP.						X							

ALL DOCUMENTS MUST BE PREPARED, SIGNED AND SEALED BY NEW JERSEY LICENSED PROFESSIONAL.		Pre-Application - Concept Plan	Minor Application				Major Application						COMPLETE	INCOMPLETE	WAIVER REQUESTED	
Item Number	Description		Subdivision		Site Plan		General Development Plan	Subdivision		Site Plan						
			Subdivision	Site Plan	Preliminary	Final		Preliminary	Final							
										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							
13. Item:	Metes 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							
14. Item:	Affidavit of ownership. Comment: Map Filing Law for minor and major subdivision.	X	X				X		X							
15. Item:	Acreage of tract to the nearest tenth of an acre (for GDP--to nearest acre).		X				X		X							
16. Item:	Date of original and all revisions. Comment: Item necessary for continuity-history of project.		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							
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							
19. Item:	All proposed lot lines and area of lots in square feet.		X						X							
20. Item:	Copy and/or delineation of any existing or proposed deed restrictions or covenants. e	X	X				X		X							
21. Item:	Any existing or proposed easement or land reserved for or dedicated to public use. e	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							

ALL DOCUMENTS MUST BE PREPARED, SIGNED AND SEALED BY NEW JERSEY LICENSED PROFESSIONAL		Pre-Application - Concept Plan	Minor Application		Major Application						COMPLETE	INCOMPLETE	WAIVER REQUESTED
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. &		X	X	X								
24. Item:	List of variances required or requested. & Comment: Basic planning information.		X	X		X	X						
25. Item:	Requested or obtained design waivers or exceptions. & 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						
26. Item:	Payment of application fees. Comment: Fee not imposed for pre-application conference.	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									
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 GIDP stages, general specification of and sensitivity to such conditions is an important planning consideration.												
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						
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	X	X						

ALL DOCUMENTS MUST BE PREPARED, SIGNED AND SEALED BY NEW JERSEY LICENSED PROFESSIONAL												
Item Number	Description	Pre-Application - Concept Plan	Minor Application		General Development Plan	Subdivision		Site Plan		COMPLETE	INCOMPLETE	WAIVER REQUESTED
			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.											
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			
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.											
34. Item:	Drainage Area Map. Comment: Necessary for major application; inapplicable at GDP stage.											
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			
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			
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			

ALL DOCUMENTS MUST BE PREPARED, SIGNED AND SEALED BY NEW JERSEY LICENSED PROFESSIONAL.		Pre-Application - Concept Plan	Minor Application		Major Application				COMPLETE	INCOMPLETE	WAIVER REQUESTED
Item Number	Description		Subdivision	Site Plan	General Development Plan	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	
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	
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	
42.	Item: Proposed street names. Comment: Applicable only when new road is proposed.					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	
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	
47.	Item: Site identification signs, traffic control signs, and directional signs. Comment: See Item 44.			X			X	X		X	

ALL DOCUMENTS MUST BE PREPARED, SIGNED AND SEALED BY NEW JERSEY LICENSED PROFESSIONAL		Pre-Application - Concept Plan	Minor Application		Major Application				COMPLETE	INCOMPLETE	WAIVER REQUESTED
Item Number Description			Subdivision	Site Plan		General Development Plan		Subdivision		Site Plan	
								Preliminary	Final	Preliminary	Final
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							
52	Item: Plans and legal documents for compliance with West Orange COAH Ordinances.		X	X		X		X	X	X	X

a Proposed restrictions or covenants do not have to be included for pre-application-concept plan and GDP.

a Conditional approval may be granted subject to other regulatory approvals.

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

REVISED: 8/30/05 aw

F:\Forms & Awards\B-Z\BAPP FRM\CHECKLIST\FRM1

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

The procedure for applying for and issuance of a Soil Removal Permit shall be as follows:

a.

Form of Application. On forms prescribed and supplied by the Planning Board or the Zoning Board of Adjustment, the applicant shall set forth, in duplicate:

1.

His or her name and address.

2.

The description of the lands in question.

3.

The name and address of the owner of the lands.

4.

The purpose or reason for moving the soil and whether it will be done in connection with a proposed subdivision; if so, the date of filing of the application for subdivision.

5.

The kind and quantity in cubic yards of soil to be moved.

6.

In case of removal, the place to which the soil is to be removed, and the kind and quantity of soil to be removed.

7.

The proposed date of completion of the work.

8.

A certification that he/she has had a licensed land surveyor place or caused to be placed stakes at each corner of the lands from which soil is to be removed, and further that he/she has had a licensed professional engineer place or caused to be placed grade stakes at the existing elevation points designated on the topographical map pursuant to the provisions of paragraph c of this section, clearly marked to indicate the soil cuts or fill.

9.

Other pertinent data which the Planning Board or the Zoning Board of Adjustment may, by resolution, require.

b.

Signatures. The application shall bear the signature of the applicant and the endorsement of the owner or owners of the lands signifying approval of the application, consent to the applicant to perform the proposed work, and consent to the Township, in the event of failure of the applicant to do so, to cause the proposed work to be completed or otherwise terminated in keeping with the purposes and objectives of this chapter.

c.

Topographical Map. Accompanying the application shall be eight prints of a topographical map of the lot with minimum two-foot contour intervals upon which the proposed soil moving operations are to be conducted and of all surrounding lands within 200 feet of the perimeter of the lot, prepared and certified by a licensed professional civil engineer or land surveyor of the State of New Jersey, on a scale of not less than one inch to 100 feet and referring to United States Coast and Geodetic Survey data, showing both as to the lot and as to all of the surrounding lands.

1.

The dimensions of the lot, and the lot and block number of the lot and of each lot in the surrounding lands and the present ownership of each as shown on the tax assessment map of the Township.

2.

The existing elevations of all lands on the 100-foot grid layout.

3.

The existing elevations of all buildings, structures, streets, streams, bodies of water and watercourses, natural or artificial.

4.

All existing surface and subsurface water drainage conditions and provisions therefor.

5.

All wooded areas and all trees having a diameter of six inches or more at the base.

6.

The limits of the area or areas within the lot or lots in question within which the soil moving operations are to be conducted, and the existing elevations of the limits at intervals of not more than 100 feet.

7.

The proposed final elevation at each point where existing elevations shown on the map are to be changed as a result of completion of the proposed work.

8.

Proposed slopes showing a minimum of two-foot contour intervals and lateral supports at the limits of the area upon completion of the soil moving operations.

9.

Proposed provisions and facilities for surface water drainage and where applicable channels of any streams, bodies of water and watercourses, natural or artificial, including detailed cross sections showing proposed channel widths, bank slopes, and method of erosion and control thereof.

10.

Accurate cross sections showing the locations and quantities, in cubic yards of soil to be moved.

11.

All proposed elevations in enclosed rectangular boxes, and all existing elevations to be indicated without any kind of enclosure.

12.

Other pertinent data which the Planning Board or the Zoning Board of Adjustment may, by resolution, require.

d.

Permit Fee. The application shall be submitted to the Secretary of the Planning Board or the Zoning Board of Adjustment with a permit fee to the order of the Township in an amount computed at the rate of \$0.05 per cubic yard multiplied by the number of cubic yards to be moved, as stated in the application and certified on the topographical map. In no event shall the fee be less than \$125. In the event of refusal to issue a Soil Removal Permit, as hereinafter provided in this section, the aforesaid fee paid by the applicant shall be refunded, except that all monies and costs incurred by the Township for engineering surveys and reports, inspection fees and legal fees shall be retained by the Township and the balance remaining shall be refunded to the applicant, together with a statement of the costs and expenses incurred by the Township in the processing of the soil application.

e.

Inspection of Site. The Township Engineer shall make an inspection of the site from which soil is to be moved and shall make such engineering studies as may

be required to determine the effect of the removal of soil from the location as it relates to:

1.

Soil erosion by water and wind.

2.

Surface and subsurface water drainage.

3.

Soil fertility.

4.

Lateral support of abutting streets and lands.

5.

Public health and safety.

6.

Sidewalks, curbs, roads, storm sewers, etc.

7.

Such other factors as may bear upon or relate to the coordinated, adjusted and harmonious physical development of the Township.

The Township Engineer shall also inspect the site to determine whether stakes have been placed on each corner thereof and whether grade stakes have been placed at the existing elevation points designated on the topographical map pursuant to the provisions of paragraph a of this section.

f.

Hearing. The Planning Board or the Zoning Board of Adjustment shall, within a reasonable time after receipt of the application, fix a date for a hearing for the purpose of considering the application and shall give to the applicant, by registered mail, notice of the time and place of the hearing. The applicant shall, at least 10 days prior to the date appointed for the hearing, serve written notice either in person or by registered mail upon such persons as are shown on the Township tax records to be the owner so the lots within 200 feet of the property in question. The applicant shall, at the hearing, present to the Planning Board or the Zoning Board of Adjustment satisfactory proof, in affidavit form of the service of the notices.

g.

Factors to Be Considered in Determining Application. In considering the application, the Planning Board and/or the Zoning Board of Adjustment shall be

guided by the general purpose of municipal planning, and shall take into consideration the following factors:

1.

Soil erosion by water and wind.

2.

Surface and subsurface water drainage.

3.

Soil fertility.

4.

Lateral support of abutting streets and lands.

5.

Public health and safety.

6.

Land values and uses.

7.

Effects on sidewalks, curbs, roads, storm sewers, etc.

8.

Other factors which may bear upon or relate to the coordinated, adjusted, and harmonious physical development of the Township.

h.

Decision. The Planning Board or the Zoning Board of Adjustment shall review and consider the application and shall render its report and recommendation to the Secretary of the Planning Board or the Zoning Board of Adjustment, who shall grant or refuse the permit in accordance with the recommendation. The report and recommendation shall be made within 60 days after the receipt of the application.

i.

Appeal. In the event of refusal by the Planning Board, the applicant may, not later than 30 days after the date of such refusal, appeal to the Township Council. The Township Council may by a majority vote of the members present sustain or by a 2/3 vote of the entire membership overrule the recommendations of the Planning Board.

FEE SCHEDULES:

25-55 ESCROW DEPOSITS FOR APPLICATIONS.

The Planning Board and/or Zoning Board of Adjustment shall require fees and escrow deposits in accordance with the provisions of this chapter. Such funds shall be utilized to pay the cost of professional fees, including for engineering, legal, planning and/or traffic experts, and certified shorthand reporting fees incurred for review of and/or testimony concerning an application for development submitted by an applicant. (Ord. No. 2357-12 § 25-55)

25-55.1 Escrow Schedule.

- a. Subject to the provisions of paragraph b. hereof, each applicant shall prior to the application being ruled complete pursuant to the provisions of the Municipal Land Use Law, submit the following sum(s) to be held in escrow in accordance with the provisions hereof:

1. Residential and Nonresidential Dwelling Units or Lots

3-25	\$ 4,000.00
26-100	4,500.00
101-500	6,500.00
501-1000	9,000.00
1000 +	11,000.00

2. Commercial/Industrial

1,250-2,500 square feet gross floor area	\$2,500.00
2,501-20,000 square feet gross floor area	3,500.00
20,000-50,000 square feet gross floor area	6,500.00
Over 50,000 square feet gross floor area	\$.10 each additional square feet

3. Preparation of Resolution of Approval or Denial: up to \$1,500.00.

When deemed necessary the Planning/Zoning Board may require an escrow for minor development matters.

- b. Within thirty (30) days after the filing of an application for development the Planning Board and/or Zoning Board of Adjustment as the case may be, shall, in conjunction with appropriate representative of the staff of the Township, review the application for development to determine whether the escrow amount set forth in paragraph a. above is adequate. In conducting such review the Board shall consider the following criteria.

1. The presence or absence of public water and/or sewer servicing the site.
2. Environmental considerations, including but not limited to geological, hydrological and ecological factors.
3. Traffic impact of the proposed development.

4. Impact of the proposed development on existing aquifer and/or water quality.

Upon completion of the review and within the thirty (30) day period the Board shall adopt a Resolution specifying whether the escrow amount specified in paragraph a. is sufficient, excessive or insufficient. In the event the Board shall determine that the amount is excessive it shall in the Resolution specify the amount that shall be deemed sufficient. In the event the Board shall determine the amount specified in paragraph a. is insufficient it shall so specify and shall further set forth the amount required to be posted in light of the criteria specified herein.

- c. This paragraph adopts and creates a payment schedule for consultants and/or employees for special Planning Board or Zoning Board meetings paid out of escrow funds paid by the applicant who is heard at said special Planning or Zoning Board Meeting. The schedule is as follows:

1. Schedule.

- (a) Attendance/all meeting preparation, post-meeting duties/minutes for Secretary: \$350.00
- (b) Attendance for Public Advocate: \$500.00
- (c) Attendance of transcriber: \$500.00
- (d) Attendance of Board Attorney: \$750.00
- (e) Attendance of Planner: \$500.00
- (f) All other expenses such as newspaper notices: \$100.00
- (g) The Board also has the right to hire other consultants if deemed necessary by the Board for regular or special meetings such as traffic or environmental consultants. If the Board deems additional work is needed that is not part of the preparation, meeting and post duties an hourly rate will be paid. The following is the hourly rate: Secretary— \$75.00/hr.; transcriber—\$125.00/hr.; any other professionals—\$150.00/hr.

2. A ten (10) day written notice with a breakdown of the expenses shall be given to the applicant before funds are removed.
(Ord. No. 2357-12 § 25-55.1)

25-55.2 Posting of Escrow Funds.

No major application for development shall be deemed complete until such time as the applicant shall have posted with the Township in cash or certified check the amount of escrow deposit determined by the Planning Board and/or Board of Adjustment to be required in accordance with the provisions of this chapter.

All such escrow funds shall be utilized by the appropriate Board to pay the cost of professional services, including certified shorthand reporting fees, incurred by the

Board for review and/or testimony in connection with the particular application for development. All sums not actually so expended shall be refunded to the applicant within thirty (30) days after the final determination by the appropriate Board with respect to such application. (Ord. No. 2357-12 § 25-55.2)

25-55.3 Deposit of Escrow Fund - Interest Bearing Account.

The Township shall deposit all funds pending completion and review of the development application. The money shall be placed in an interest-bearing account. In the event that a refund is to be made to the applicant, the municipality shall refund with prorated interest the amount within thirty (30) days from the date of final approval. (Ord. No. 2357-12 § 25-55.3)

25-56 APPLICATION FEES.

25-56.1 Minor Subdivision Application Fees.

	<i>Fee</i>	<i>Escrow</i>
a. Resub division where no new lots are created	\$100.00	N/A
b. <i>Other</i>		
Base fee	\$200.00	N/A
Plus per lot fee	50.00	

(Ord. No. 2357-11 § 25-56.1)

25-56.2 Major Subdivision Application Fees.

a. <i>Sketch/Plat Concept Application</i>		
Base fee	\$150.00	N/A
Plus per lot fee	50.00	
b. <i>Preliminary Application</i>		
Base fee	\$250.00	(1)
Plus per lot fee	75.00	
c. <i>Final Application</i>		
Base fee	\$375.00	(1)
Plus per lot fee	50.00	

(Ord. No. 2357-11 § 25-56.2)

25-56.3 Site Plans - Nonresidential Application Fees.

a.	<i>Sketch Plat/Conceptual</i>		
	Fee	\$500.00	N/A
b.	<i>Preliminary Application</i>		
	Base fee (minimum)	\$450.00	(1)
	Plus floor area fee	.03/sq. ft.	
	Plus parking space fee	.75/space	
	Plus acreage fee	\$75.00/acre	

The preliminary fee shall be calculated by adding to the base fee one (1) of the three (3) remaining sub-fees. The total fee shall represent the maximum fee possible.

c.	Final Application	75% of preliminary fee	(1)
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(Ord. No. 2357-11 § 25-56.3)

25-56.4 Site Plans - Residential Application Fees.

a.	<i>Sketch Plat</i>		
	Fee	\$100.00	N/A
b.	<i>Preliminary Application</i>		
	Base fee	\$300.00	(1)
	Plus unit fee	75.00	
c.	<i>Final Application</i>		
	Base fee	\$150.00	(1)
	Plus unit fee	50.00	

(Ord. No. 2357-11 § 25-56.4)

25-56.5 Variances and Conditional Use Application Fees.

a.	<i>"D" Variances</i>		
	Nonresidential	\$500.00	(1)
	Residential		
	1-2 family (owner occupied)		\$100.00
	1-2 family (non- owner occupied)		150.00
	Other		200.00
	Public/Quasi public		125.00

b. *"C" Variances*

Nonresidential	\$350.00	
Residential		
	1-2 family (owner occupied)	\$100.00
	1-2 family (non- owner occupied)	150.00
	Other	350.00
	Public/Quasi public	125.00

c. *Interpretations and Appeals*

Fee	\$200.00
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d. *Conditional Uses*

Fee	\$450.00
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Separate fee(s) shall be required for each application type. Therefore, if an application package consists of a "D" variance, "C" variance and site plan, the total fee shall be the sum of the fees for each separate application. The escrow charge shall be the maximum for any one type of application.

Where disbursements from the escrow account leave less than ten (10%) percent of the original deposit, the applicant shall replenish the account in an amount equal to the original deposit. (See Section 25-55, Escrow Deposits for Applications. If less than ten (10%) percent remains in escrow account, applicant shall post additional escrow in amounts equal to original deposit.) (Ord. No. 2357-12 § 25-56.5)

25-56.6 Fee for Digitizing Zoning Board of Adjustment and Planning Board Applications, Exhibits and Drawings.

a. *Residential Site Plan and Subdivision Fees.*

Concept Plan:	0-20 lots/units:	\$125.00 per lot or unit
	21+lots/units:	\$2,500.00 + \$75.00 per lot/unit in excess of 20
Minor Subdivision:		\$300.00 + \$125.00 per lot
Site and/or Major Subdivision: Preliminary:	0-10 units or lots:	\$750.00 + \$150.00 per lot or unit
	11-30 units or lots:	\$1,500.00 + \$125.00 per lot or unit
	31 or more units or lots:	\$3,500.00 + \$100.00 per lot or unit

Final:	0–10 units or lots:	\$500.00 + \$150.00 per lot or unit
	11–30 units or lots:	\$750.00 + \$125.00 per lot or unit
	31 or more units or lots:	\$1,250.00 + \$100.00 per lot or unit

b. *Commercial/Industrial Development Application.*

Concept Plan:	0–3 lots:	\$500.00 + \$150.00 per lot
	4 or more lots:	\$3,000.00 + \$500.00 per lot

If an application involves ten (10) or more acres, an additional \$125.00 for each acre, or fraction thereof, in excess of ten (10) acres.

c. *Commercial/Industrial Development Application Involving New Building Area:*

Concept Plan: \$1,500.00

Preliminary Site Plan:

0–1,999 square feet:	\$1,500.00
2,000–19,999 square feet:	\$1,500 + \$200.00 per each 1,000 square feet of gross floor area
20,000+ square feet:	\$3,500.00 + \$150.00 per each 1,000 square feet above 20,000 square feet of gross floor area

Final:

0–1,999 square feet:	\$1000.00
2,000–19,999 square feet:	\$3,500.00
20,000+ square feet:	\$2,000 + \$0.15 per square foot

d. *Other Submissions.*

Conditional use approval:	\$1000.00
Appeals under N.J.S.A. 40:55D-70a:	
Interpretation or special questions under N.J.S.A. 40:55D-70b:	\$150.00
One- or two-family residences-hardship variances under N.J.S.A. 40:55D-70C: (Decks, home addition)	\$75.00

All other hardship variances under N.J.S.A. 40:55D-70c:	\$1000.00
Single Family Residence:	\$ 300.00
Multi-family Residence:	\$ 300.00 + \$200.00 per unit
All other use variances N.J.S.A. 40:55D-70d:	\$700.00

e. Amended Submissions.

Revised or amended plans or submission for single- or two-family dwellings:	An amount not to exceed 50% of the original fee requirement
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Revised or amended plans or submission in all other categories:	An amount not to exceed 50% of the original fee
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A separate check payable to the Township of West Orange shall be submitted for all the above application types.
(Ord. No. 2357-12 § 25-56.6)

Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

Print or type
See Specific Instructions on page 2.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.	
2 Business name/disregarded entity name, if different from above M VEGA INVESTMENTS LLC	
3 Check appropriate box for federal tax classification; check only one of the following seven boxes: ☒ Individual/sole proprietor or single-member LLC ☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ Note: For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner. ☐ Other (see instructions) ▶	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payon code (if any) _____ Exemption from FATCA reporting code (if any) _____ (Applies to accounts maintained outside the U.S.)
5 Address (number, street, and apt. or suite no.) 66 Franklin Ave	Requester's name and address (optional)
6 City, state, and ZIP code West Orange NJ 07052	
7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I Instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note: If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

Social security number	
84	4853449
or	
Employer identification number	

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification Instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign Here	Signature of U.S. person ▶ Harold Vega	Date ▶ 10-14-2024
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General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.
Future developments. Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at www.irs.gov/fv9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)

- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1099-T (dividend)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding?* on page 2.

By signing the filed-out form, you:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
- Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.



TOWNSHIP OF WEST ORANGE

66 MAIN STREET, WEST ORANGE, N.J. 07052

PLANNING & DEVELOPMENT

SUSAN McCARTNEY

Mayor

JAMILET BAQUERIZO VITE

Planning Board Secretary

Tel: (973) 325-4110

Fax: (973) 325-6359

Email: PlanningBoard@westorange.org

WEST ORANGE PLANNING BOARD 2024 ANNUAL MEETING NOTICE

In order to comply with the Open Public Meetings Act, Chapter 231, Public Law 1975, the following is the Annual Notice of the Public Meetings of the Township of West Orange Planning Board during the year 2024.

PLANNING BOARD PUBLIC MEETING

January 3, 2024
February 7, 2024
March 6, 2024
April 3, 2024
May 1, 2024
June 5, 2024
July 10, 2024
August 7, 2024
September 4, 2024
October 9, 2024
November 6, 2024
December 4, 2024

SITE PLAN REVIEW ADVISORY BOARD

January 9, 2024
February 13, 2024
March 12, 2024
April 9, 2024
May 14, 2024
June 11, 2024
July 9, 2024
August 13, 2024
September 10, 2024
October 8, 2024
November 12, 2024
December 10, 2024

Action may be taken by the Planning Board on matters listed on the agenda prepared on the date of each scheduled meeting listed above, and/or on such other matters as may require consideration by the Board.

PUBLIC MEETING generally held on the 1st Wednesday of the month in the Council Chambers, 66 Main St., West Orange, NJ, 7:30 P.M. or via Zoom. For more information, please contact the Board Secretary at (973) 325-4110.

SITE PLAN REVIEW ADVISORY BOARD generally held on the 2nd Tuesday of the month in Conference Room 109, 66 Main St., West Orange, NJ, 8:30 A.M. Please contact the Board Secretary to confirm meeting prior to attending.

Adopted: 11/1/2023



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www.westorange.org



TOWNSHIP OF WEST ORANGE

66 MAIN STREET, WEST ORANGE, N.J. 07052

PLANNING & DEVELOPMENT

SUSAN McCARTNEY

Mayor

DIANA L. CHANDLER

Zoning Board Secretary

Tel: (973) 325-4108

Fax: (973) 325-6359

Email: zoningboard@westorange.org

ZONING BOARD OF ADJUSTMENT 2024 MEETING DATES

January 18, 2024
February 15, 2024
March 21, 2024
April 18, 2024
May 16, 2024
June 20, 2024

July 18, 2024
August 15, 2024
September 19, 2024
October 10, 2024
November 21, 2024
December 19, 2024

Action may be taken by the Zoning Board on matters listed on the agenda prepared on the date of each scheduled meeting listed above, and/or on such other matters as may require consideration by the Board.

PUBLIC MEETING generally held on the 3rd Thursday of the month in the Council Chambers, 66 Main St., West Orange, NJ, 8:00 P.M. For more information, please contact the Board Secretary at (973) 325-4108.

ADOPTED: 11/16/2023



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AN ORDINANCE AMENDING CHAPTER 25, SECTIONS 4, 51.6, 51.7, 51.8, 51.9, 51.10,
AND 51.15, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF
WEST ORANGE
(REVISION OF VARIOUS ZONING ORDINANCES)

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF
WEST ORANGE, NEW JERSEY that Chapter 25 of the Revised General Ordinances of the
Township of West Orange be and are hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to overhaul and revise the Township of West Orange
Code governing various aspects of zoning and planning consistent with recommendations
provided from the West Orange Planning Board and adopted by the Township of West Orange
Council.

II. CHAPTER 25-4 SHALL BE AND HEREBY IS AMENDED AND
SUPPLEMENTED TO INCORPORATE THE FOLLOWING DEFINITIONS AS
FOLLOWS:

25-4 Definitions.

b. *Specific Definitions*

Site plan shall mean a development plan of one or more lots or parcels meeting the
requirements of this chapter and the Municipal Land Use Law.

Site plan, major shall mean any development plan for one or more lots that does not
meet the definition of a minor site plan, as defined herein.

Site plan, minor shall mean any development plan of one or more lots that does not
involve planned development, any new street, or the extension of any off-tract
improvement, the cost of which is to be prorated pursuant to N.J.S.A. 40:55D-42;
and proposes development that would require not more than five new parking spaces
over and above the existing permitted spaces on the site, pursuant to the Township's
zoning requirements; and proposes development of not more than 1,000 square feet of
new building floor area.

Site Plan Review Advisory Board shall mean the Board established pursuant to
N.J.S.A. 40:55D-39f and Section 25-51.15 as amended and supplemented.

Site plan approval shall not be required for a change in use or modification of an
existing use that does not change the size of an existing building or propose any
modifications to existing site improvements such as sidewalks, driveways, parking areas,
fences and walls.

III. CHAPTER 25-51.6 SHALL BE AND HEREBY IS AMENDED AND SUPERCEDED TO READ AS FOLLOWS:

25-51.6 Minor Site Plan Requirements.

A complete application for a minor site plan shall include all applicable administrative requirements as delineated in subsection 25-51.2, any data that cannot be mapped, attached to the application form and the following information on one (1) or more maps:

- a. The zoning district in which the subject property is located as well as all zoning district boundaries within two hundred (200) feet.
- b. Key Map showing a sufficient number of natural and man-made features so that the subject property can be located in the field.
- c. Lot, block and property owner information.
- d. Zoning district dimension, setback and area requirements and the relationship of the subject proposal to those requirements.
- e. Bearing and distance data for all lot lines.
- f. North arrow, signature block, graphic scale, title block, name of individual preparing the map together with the individual's raised seal and signature.
- g. Date of map preparation and any revision dates.
- h. All existing structures and wooded areas within the subject property.
- i. The location and design of all new or expanded buildings, sidewalks, driveways and parking areas.
- j. The location of all easements within the subject property.
- k. Four (4) copies of a map, referred to as a "Run Card", depicting the location of all fire hydrants within the subject property, and depicting the surrounding streets, based on a scale of one (1) inch equaling four hundred (400) feet, and contained on an eight and one-half by eleven (8.5 x 11) inch paper within an area not to exceed seven and one-half (7.5) inches in width and eight (8) inches in height.

IV. CHAPTER 25-51.7. SHALL BE AND HEREBY IS REPEALED AND DELETED

V. CHAPTER 25-51.7.1. SHALL BE AND HEREBY IS AMENDED AND SUPERCEDED TO READ AS FOLLOWS:

25-51.7.1 Major Site Plan Requirements - Preliminary Stage.

A complete application for a preliminary major site plan shall include all applicable

administrative requirements as delineated in subsection 25-51.2, data that cannot be mapped attached to the application form and the following information on one (1) or more maps.

a. *Basic Data.*

1. Name of the project.
2. A Key Map showing the general location of the project within the community, tax map sheet number, block number and lot numbers.
3. Zone district lines within five hundred (500) feet of the project.
4. Graphic scale not to exceed one (1) inch equals fifty (50) feet of the project.
5. The limits of the total site together with the acreage to the nearest 1/100th of an acre.
6. Date of the original plan and any subsequent revisions.
7. Appropriate places for the signature of the Planning Board Chairman, Secretary and Engineer.
8. A site data box comparing ordinance requirements to actual site plan proposals.
9. Name of individual preparing the site plan together with an embossed engineer's or architect's seal, applicable signature and license number.
10. The location of all structures, property owners and utility poles within two hundred (200) feet of property.
11. Reference to property survey or other information used in preparing map.
12. Bearing and distance information together with property dimensions.
13. Soil survey data indicating soil type, general constraints and depth to bedrock.

b. *Building Data.*

1. Size, heights, location of all existing and proposed buildings, including all proposed setback dimensions from property lines. Existing buildings to be removed should be so noted.
2. A preliminary floor plan of all buildings.
3. Architectural elevations of the front, side and rear of all buildings and perspective sketches or three (3) dimensional models where appropriate.
4. The location and design details of all sidewalks showing connections between buildings, parking areas, and public areas along all expected paths of pedestrian travel.
5. Parking spaces and access plans for the handicapped which shall be in addition to the parking required by ordinance.
6. Circulation plans and loading areas for all expected truck and tractor-trailer traffic.
7. A proposed lighting plan identifying the fixtures to be used as to height, location, luminosity and the lighting pattern in relationship to the other features of the site plan.

c. *Grading, Landscaping and Environmental Data.*

1. Existing and proposed grading at two (2) foot contour intervals or five (5) foot intervals if the grade is more than fifteen (15%) percent with spot elevations at all building corners and critical locations.
2. The finished floor elevation of all building floors with direct access to the outside.
3. All existing wooded areas and individual specimen trees greater than six (6) inches in diameter indicating what is to be removed and what is to remain.
4. A proposed planting plan and planting schedule indicating the location, the species' common and botanical names, size, quantity and planting instructions for all plant material to be installed including trees, shrubs and ground covers prepared by a professional landscape architect.
5. All areas to be seeded and/or sodded.
6. The location and construction details of all proposed retaining walls, fencing and earthen berms.
7. All buffer areas proposed to separate land uses and to screen unsightly areas.
8. The location and all proposed construction details for all proposed and existing signs.
9. The location and identification of all proposed open spaces, parks or recreation areas and facilities.
10. Environmental impact study.
11. A copy of a tree removal permit or application for same if applicable.

d. *Utilities and Drainage Data.*

1. The location, size and capacity of all existing storm drainage facilities, including catch basins which are directly impacted by the proposed development, whether on or off-site and the limits of any flood hazard area affecting the site.
2. All proposed storm drainage facilities, transmission lines, fire hydrants, etc., as well as calculations showing their adequacy.
3. The location and size of all proposed water supply facilities including wells, storage facilities, transmission lines, fire hydrants, etc., as well as calculations showing their adequacy.
4. The location and size of all proposed sanitary sewer mains as well as the location and construction details and calculations to indicate adequacy.
5. Plans for the storage and collection of all solid waste.
6. All off-site and on-site easements which may be required together with copies of legal documentation to support the grant of such easements.
7. The location and type of all other underground utilities.

VI. CHAPTER 25-51.7.2 SHALL BE AND HEREBY IS AMENDED AND SUPERCEDED TO READ AS FOLLOWS:

25-51.7.2 Major Site Plan Requirements - Final Stage.

A complete application for a final major site plan shall include all applicable administrative requirements as delineated in subsection 25-51.2 and the following information on one (1) or more maps or attached to the application form if it cannot be mapped.

- a. Verification that all of the conditions of the preliminary approval have been met.
- b. A map or maps which comply with this chapter depicting that portion of the project for which final approval is being requested.
- c. A developer's agreement if required by the preliminary approval.
- d. A statement indicating the reasons for any deviations from approved preliminary site plan.
- e. Any off-tract improvement contributions if required.
- f. Four (4) copies of a map, referred to as a "Run Card", depicting the location of all fire hydrants within the subject property, and depicting the surrounding streets, based on a scale of one (1) inch equaling four hundred (400) feet, and contained on an eight and one-half by eleven (8.5 x 11) inch paper within an area not to exceed seven and one-half (7.5) inches in width and eight (8) inches in height.

VII. CHAPTER 25-51.8 SHALL BE AND HEREBY IS AMENDED AND SUPERCEDED TO READ AS FOLLOWS:

25-51.8 Conditional Use Requirements.

No conditional use application shall be considered complete unless it fully conforms with Subsections 25-51.2, 25-51.6 and 25-51.7.1 as well as the following requirements:

- a. A notation indicating the section of this chapter that allows the conditional use as proposed.
- b. A listing of the conditional use standards that apply to the subject proposal.

VIII. CHAPTER 25-51.9 SHALL BE AND HEREBY IS AMENDED AND SUPERCEDED TO READ AS FOLLOWS:

25-51.9 "C" Variance Requirements.

No "c" or bulk variance application shall be considered complete unless it fully conforms with subsection 25-51.2 as well as the following requirements:

- a. A map, either in conformance with subsections 25-51.3, 25-51.4, 25-51.5, 25-51.6 and 25-51.7.1 or if the application is to be bifurcated, a separate map, signed and sealed by an architect, engineer, planner or surveyor which provides sufficient data (i.e., setbacks, lot

area, existing and proposed structures, etc.) upon which a decision can be based.

- b. A statement or legal brief which clarifies why the "c" variance should be granted. Particular attention should be paid to the contents of N.J.S.A. 40:55D-70c, applicable case law and relevant Township Ordinances and N.J. Statutes.

IX. CHAPTER 25-51.10 SHALL BE AND HEREBY IS AMENDED AND SUPERCEDED TO READ AS FOLLOWS:

25-51.10 "D" Variance Requirements.

No "d" or use variance application shall be considered complete unless it fully conforms with subsection 25-51.2 as well as the following requirements:

- a. A map, either in conformance with subsection 25-51.3, 25-51.4, 25-51.5, 25-51.6 or 25-51.7.1 or if the application is to be bifurcated, a separate map, signed and sealed by an architect, engineer, planner or surveyor which provides sufficient data (i.e. setbacks, lot area, existing and proposed structures, etc.) upon which a decision can be based.
- b. A statement or legal brief which clarifies why the "d" variance should be granted and the "special reasons" that pertain to the subject proposal. Particular attention should be paid to the contents of N.J.S.A. 40:55D-70d, applicable case law and relevant Township Ordinances and N.J. Statutes.
- c. A planning report prepared by a licensed Professional Planner and a traffic report prepared by a licensed Professional Engineer. The Board may waive the provision of such reports at its discretion.

X. CHAPTER 25-51.15 SHALL BE AND HEREBY IS AMENDED AND SUPERCEDED TO READ AS FOLLOWS:

25-51.15 Site Plan Review Advisory Board.

- a. *Establishment.* There is hereby established a Site Plan Review Advisory Board to assist the Planning Board, the Zoning Board of Adjustment and site plan applicants. This Committee shall be comprised of:
 - 1. Director of Planning
 - 2. Township Engineer
 - 3. A Class IV member of the Planning Board who shall hold no other municipal office, appointed by the Planning Board
 - 4. A member of the Zoning Board of Adjustment appointed by the Zoning Board of Adjustment
 - 5. Zoning Official
 - 6. Construction Official
 - 7. Representatives of the Building Department, Fire Department, Health Department

and Police Department.

- b. *Review.* The Site Plan Review Advisory Board shall review all applications that require major site plan approval. The applicant shall be notified, in writing not less than seven (7) days before, of the date on which the application shall be reviewed by the Site Plan Review Advisory Board. The applicant shall be invited to attend, either alone or accompanied by an attorney, architect, engineer and any other experts the applicant chooses. The Site Plan Review Advisory Board shall issue its recommendations on every application, in writing. These recommendations shall be filed with the secretary of the proper board and a copy shall be mailed to the applicant.
- c. *Post Approval Review.* A request by an applicant to change one or more aspects of a site plan previously approved by the Planning Board or Zoning Board of Adjustment shall be reviewed by the Site Plan Review Advisory Board to determine whether such changes are considered substantial. Any changes determined to be substantial shall require amended site plan approval from the Board that granted the original approval.
- d. *Time for Decisions.* Referral of an application to the Site Plan Review Advisory Board shall not extend the time within which the Planning Board or Board of Adjustment must act upon such application pursuant to the MLUL.

XI. REPEAL OF CONFLICTING ORDINANCES

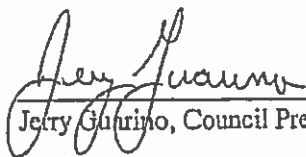
Any Ordinances of the Township which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

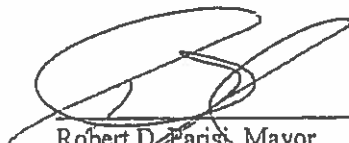
XII. SEVERABILITY

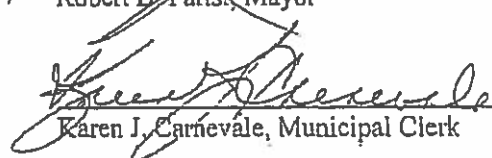
If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

XIII. EFFECTIVE DATE

This Ordinance shall take effect upon final passage and publication in accordance with the law.


Jerry Guirino, Council President


Robert D. Parisi, Mayor


Karen J. Carnevale, Municipal Clerk

Introduced: January 6, 2015

Adopted: February 10, 2015

Legislative History

This ordinance is drafted as part of an overhaul of the Municipal Code governing the process and procedures for application to the Township of West Orange Planning Department and the Township of West Orange Planning Board and Zoning Board of Adjustment. This ordinance follows a series of recommendations made by the Township of West Orange Planning Board to the Township of West Orange Council for consideration and implementation. This overhaul creates two (2) separate categories of site plan review for: (1) Minor Site Plan Requirements and (2) Major Site Plan Requirements. In addition, the ordinance transforms the previously established Technical Advisory Committee to a "Site Plan Review Advisory Board," as enabled by the Municipal Land Use Law.

AN ORDINANCE AMENDING CHAPTER 25, SECTIONS 51.16, OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(REVISION OF ZONING ORDINANCE)

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 25 of the Revised General Ordinances of the Township of West Orange be and are hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to incorporate a Sustainability checklist as part of the major/minor site plan, subdivision application process in an effort to create a more sustainable community and further the objectives of the Sustainability Plan included in the Township's Master Plan Updated adopted by the Township of West Orange Planning Board in 2010. The Sustainability checklist shall incorporate and encourage green building and sustainability measures for various aspects of zoning and planning, but zoning and planning approval shall not be conditioned upon any particular rating.

II. CHAPTER 25-51.16. SHALL BE ADDED AND READ AS FOLLOWS:

25-51.16 Sustainable Building and Design Standards.

All applicants for major and/or minor site plan and/or subdivision approval shall complete a Sustainability checklist form as a completeness item.

- a. The Township shall incorporate the current version of "Leadership in Energy & Environmental Design Rating System," which includes rating systems for LEED for New Construction and Major Renovation promulgated by the US Green Building Council.
- b. The Sustainability checklist form shall incorporate proposed green energy and water conservation measures including:
 1. The name of any LEED Accredited Professionals working on the project.
 2. A list of appliances, fixtures and construction techniques which meet U.S. EPA's Energy Star and WaterSense standards.
 3. A list of green and recycled building materials used in construction, renovation, and maintenance.
 4. A Waste Management Plan for recycling and/or reusing 60 percent of all construction and demolition waste generated in projects larger than \$25,000 outlining where waste will be sent for recycling, reuse, reprocessing, or disposal, together with a letter from each of the recipient facilities.
 5. Use of any water efficient landscaping.
 6. Use of any on-site renewable energy systems such as:
 - i. Solar
 - ii. Wind
 - iii. Geothermal

7. 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
8. 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
9. A list of native and well adapted species used in landscaping to eliminate the need for fertilization and pesticides.

- c. For each of the items listed on the Sustainability checklist form applicants must indicate the extent to which they are incorporating such a measure in the project or, alternatively, indicate the reason(s) why the measure is not being incorporated in the project.

III. REPEAL OF CONFLICTING ORDINANCES

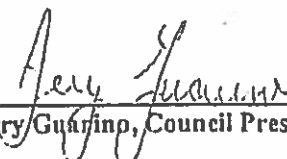
Any Ordinances of the Township which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

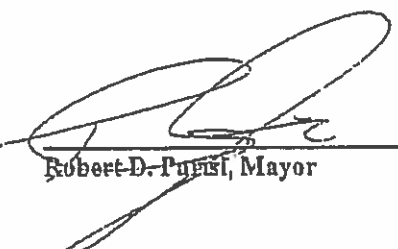
IV. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

V. EFFECTIVE DATE

This Ordinance shall take effect upon final passage and publication in accordance with the law.


Jerry Guarino, Council President


Robert D. Puzi, Mayor


Karen J. Carnevale, Municipal Clerk

Introduced: April 14, 2015

Adopted: May 12, 2014

As of April 2, 2015

Legislative History

The purpose of this ordinance is implement measures to further the objectives of the Sustainability Plan included in the Township of West Orange's Master Plan Update adopted by the Township of West Orange Planning Board in 2010. Specifically this ordinance incorporates a Sustainability checklist as part of the minor site plan, subdivision and/or major site plan, subdivision applications process whereby applicants will have to disclose whether certain efforts have been made to utilize sustainability measures and obtain a rating accordingly. The ratings systems is adopted from the current version of the "Leadership in Energy & Environmental Design Rating System," which includes rating systems for LEED for New Construction and Major Renovation promulgated by the US Green Building Council. While the submission of a Sustainability checklist shall be mandatory for the zoning and planning approval, zoning and planning approval shall not be conditioned upon a specific rating under LEED. A proposed Sustainability checklist shall resemble the following:

AN ORDINANCE AMENDING CHAPTER 25, SECTIONS 8.4, 9.9, 9.10, and 11.10 and
CHAPTER 32, SECTION 3, OF THE REVISED GENERAL ORDINANCES OF THE
TOWNSHIP OF WEST ORANGE
(REVISION OF VARIOUS ZONING ORDINANCES)

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 25 of the Revised General Ordinances of the Township of West Orange be and are hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to make additional revisions as part of the overhaul and revision of the Township of West Orange Code governing various aspects of zoning and planning consistent with recommendations provided from the West Orange Planning Board and adopted by the Township of West Orange Council.

II. CHAPTER 25-8.4 SHALL BE AND HEREBY IS AMENDED AND SUPERCEDED TO READ AS FOLLOWS:

25-8.4 Walls and Fences.

Walls and fences are permitted under the following conditions:

- a. Walls and fences which are not more than fifty (50%) percent solid are permitted anywhere on the property, in all districts, provided they are not higher than four (4) feet.
- b. Solid walls and fences not higher than six (6) feet are permitted in the rear yard and on the side property line up to the rear line of the applicant's house. If the distance on each side of such a fence is more than five (5) feet to each adjacent house, such solid fence may be located in the side property up to the front of the applicant's house.
- c. In all nonresidential districts, fences or walls not exceeding six (6) feet in height shall be permitted in the side and rear yards provided the fence or wall is not closer than five (5) feet at any point to a principal building in a residential district.
- d. In all nonresidential districts, a fence or wall to be used for screening may not exceed six (6) feet in height.
- e. In all districts the finished side of the fence must face away from the applicant's property.
- f. The use of barbed and/or razor wire is prohibited in all districts.
- g. Electrical wire fence is prohibited in all districts.
- h. No fence as described in this section may be constructed in any district without a written application being made to the Zoning Officer who shall issue a permit after compliance with the following fee schedule:
 1. A fifty (\$50.00) dollar fee for erection in any residential district.
 2. A one hundred (\$100.00) dollar fee for erection in any nonresidential district.

III. CHAPTER 25-9.9 SHALL BE AND HEREBY IS AMENDED AND SUPERCEDED TO READ AS FOLLOWS:

25-9.9 Home Occupations.

No home occupation may be conducted in a legal owner-occupied one (1) family residence unless the following conditions are met:

- a. A simplified site plan indicating the location of the use on the premises within the principal structure and written description of the occupation to be conducted shall be submitted to the Building Department and Zoning Official. A Certificate of Continued Occupancy, Certificate of Occupancy, or Certificate of Habitability shall be required for home occupations.
- b. The proposed activity shall comply with the following:
 1. Only one such activity shall be permitted on the premises within the principal structure; and such use must not be incompatible with or disturb the adjacent residential neighborhood.
 2. The activity shall be conducted solely by a person or persons, and members of his/her immediate family, all of whom shall be residing full-time and permanently on the premises, and by no other person or persons living off the premises.
 3. Not more than twelve and one-half (12.5%) percent or one-eighth (1/8) of the floor area of the principal structure shall be used for such activity.
 4. No display or advertising of products or services shall be visible from outside of the principal structure in which the activity takes place.
 5. No outside storage any way related to the activity shall be visible from outside of the principal structure in which the activity takes place.
 6. No pick-up or delivery or materials to or from the premises in which the activity takes place shall be made, except by private passenger vehicle, licensed package delivery service, or US Postal Service.
 7. The activity, including deliveries as described in paragraph 6, shall be conducted only between the hours of 8:00 a.m. and 8:00 p.m.
 8. The activity shall not give rise of the need for on-street parking which shall interfere with the residential parking on the street adjacent to the principal structure in which the activity is permitted.
- c. The following activities related to home occupations are prohibited:
 1. Any activity which creates noise, smells or sights, which are ascertainable outside of the principal structure in which the activity takes place;
 2. Any activity which causes interference with electrical or electronic equipment off the premises in which the activity takes place;
 3. A retail or wholesale salesroom(s) or showroom(s);
 4. Any activity which involves the use or storage of hazardous materials as defined by law.

IV. CHAPTER 25-9.10. SHALL BE AND HEREBY IS AMENDED AND SUPERCEDED TO READ AS FOLLOWS

25-9.10 Home Professional Office.

A home professional office must meet the following conditions:

- a. The home must be located on one of the following streets or roadways: Pleasant Valley Way, Mount Pleasant Avenue, State Highway 10, Northfield Avenue, Main Street, Prospect Avenue, Gregory Avenue, Old Short Hills Road, Eagle Rock Avenue, Park Avenue, Washington Street, Harrison Avenue, Valley Road or South Valley Road.
- b. The professional use must be located on the entry level, and shall not occupy (i) more than fifty (50%) percent of the entry level and (ii) shall not exceed one thousand (1,000) square feet.
- c. A site plan indicating the part of the premises, with square footage, to be used shall be submitted to the Planning Board for approval. A Certificate of Continued Occupancy, or Certificate of Occupancy, shall be required. Amended site plan approval and a new Certificate shall be required for any change of the profession practiced on the premises.
- d. The applicant shall submit evidence that he or she has the degree, certificate or license of the profession for which the premises are to be used.
- e. Not more than three (3) people, including the resident of the home and staff, can work in the professional activity on the premises.
- f. A sufficient number of spaces shall be provided for off-street parking for residents of the home and staff personnel.
- g. A name plate, not exceeding one (1) square foot in area, may be used after obtaining a sign permit from the Planning Department. No interior illuminated lighting in the sign shall be permitted; and only the name of the professional and the profession shall appear on the sign which shall be within the property lines not more than five (5) feet high, and shall be located within the property lines of the site. No signs shall be posted in windows.
- h. If a home is located on a corner lot, and one of the adjacent streets is listed in paragraph a, a home professional office, otherwise subject to the requirements of this ordinance is permitted.

V. CHAPTER 25-11.10. SHALL BE AND HEREBY IS AMENDED AND SUPERCEDED TO READ AS FOLLOWS:

25-11.10 Outdoor Cafes in the B-1, B-2 and PC Districts.

Outdoor cafes shall be permitted subject to the standards and conditions of Section 5-10 of Chapter V, General Licensing, of the Revised General Ordinances of the Township of West Orange and in conjunction with the following conditions:

- a. Adequate access for emergency response personnel must be allowed to the main entrance of the serving establishment from the outdoor serving area as defined by Township fire regulations.
- b. Adequate sidewalk access (at least four (4) feet) must be maintained for easy passage of pedestrians on any public sidewalk or right-of-way.
- c. Some form of formal space delineation, such as a removal fence, may be required during cafe business hours to define sidewalk space from cafe space.
- d. Outdoor or patio type furniture must be used; upholstered furniture is prohibited.

- c. Street furniture (seating, tables, fencing, etc.) must be moved into the serving establishment when the outdoor cafe is not open for business.
- f. Cleanliness of the outdoor serving area is the responsibility of the serving establishment.
- g. Signage, in addition, to that permitted for the serving establishment pursuant to Section 25-15, is prohibited.
- h. A sketch showing the proposed location of tables, chairs and umbrellas shall be prepared and submitted to the Director of Planning and Development for approval prior to the use of the sidewalk area.
- i. The use of the described locations shall be authorized by a sidewalk cafe permit issued by the Director of Planning upon compliance by the applicant with the requirements of this paragraph and the payment of an annual fee of fifty (\$50.00) dollars.
- j. Any permit issued by the Director of Planning shall designate the hours of operation of any sidewalk cafe but in no event may a sidewalk cafe remain open after 11:00 p.m. on Sunday through Thursday or after 12:00 midnight on Friday, Saturday and legal holidays.
- k. Nothing herein shall be deemed to be a waiver of the provisions of any health and/or licensing ordinance regulating the operation of a sidewalk cafe.

VI. CHAPTER 32-3 SHALL BE AND HEREBY IS AMENDED AND SUPERCEDED TO READ AS FOLLOWS:

32-3 Approving Agency; Administration.

The approval provisions of this chapter shall be administered by the Planning Board or Zoning Board of Adjustment in accordance with Sections 25-46 7b and 25-47.8d of Chapter XXV, Land Use Regulations.

VII. REPEAL OF CONFLICTING ORDINANCES

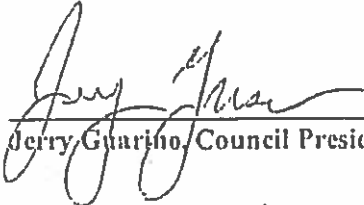
Any Ordinances of the Township which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

VIII. SEVERABILITY

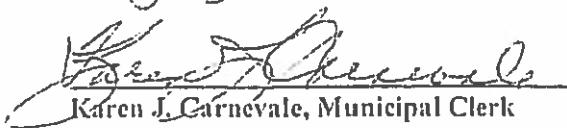
If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

IX. EFFECTIVE DATE

This Ordinance shall take effect upon final passage and publication in accordance with the law.


Jerry Guarino, Council President


Robert D. Parisi, Mayor


Karen J. Carnevale, Municipal Clerk

Introduced: September 29, 2015

Adopted: October 27, 2015

Approved as to form on the basis of the facts provided:

2464-15

Legislative History

This ordinance is drafted as an additional part of the overhaul of the Municipal Code governing the zoning for the Township of West Orange. These revisions are another set of revisions approved and proposed by the Township of West Orange Planning Board and Zoning Board of Adjustment.

4824-7734-6033, v. 1

Revised September 19, 2008

PUBLIC UTILITIES

ELECTRIC & GAS

Public Service Electric & Gas Company
Manager - Corporate Properties
80 Park Plaza, T6B
Newark, NJ 07102

WATER

New Jersey American Water Company
167 John F. Kennedy Parkway
Short Hills, NJ 07078

CABLE TV

Comcast Cablevision
800 Rahway Avenue
Union, NJ 07083

TELEPHONE

Verizon
540 Broad Street
Newark, NJ 07101

SEWER

Township of West Orange
Municipal Building
66 Main Street
West Orange, NJ 07052

Joint Meeting of Essex and Union Counties
500 South First Street
Elizabeth, NJ 07202

City of Orange Township
29 North Day Street
Orange, NJ 07050

ESSEX COUNTY

If property address is on a county road, please provide
notice to:

Essex County Planning Board
900 Bloomfield Avenue
Verona, NJ 07044

**ZONING BOARD OF ADJUSTMENT
OF
THE TOWNSHIP OF WEST ORANGE**

RESOLUTION

ZB-21-01 M. Vega Investments, LLC

WHEREAS, M. Vega Investments, LLC, the ("Applicant"), with an address of 66 Franklin Avenue, West Orange, New Jersey, 07052, owner of property located at 66 Franklin Avenue, West Orange, New Jersey, also known as Block 134.02, lots 75.03, 79 and 81 on the Tax Map of the Township of West Orange and located in the B-1 (Retail Business) zone, applied for preliminary and final site plan approval with a "D-1" use variance, and several "c" bulk variances for its plan to expand an existing building to add a residential unit and to use another portion of the lot for commercial vehicle parking ("the Application"); and

WHEREAS, the initial application sought the following variances:

- (1) A "d"(1) use variance for commercial vehicle parking;
- (2) A "c" variance for minimum front yard of 5.2 feet when 7.9 feet is existing and a 30 foot front yard is required;
- (3) A "c" variance for maximum lot coverage of 81% when 85% is existing and 75% is permitted;
- (4) A "c" variance for a 3 story building when 4 is existing and 2.5 stories is the maximum number of stories permitted;

- (5) A "c" variance for a six foot high fence in the front, side and rear yards when same is only permitted in the side and rear yards;
- (6) A "c" variance for a 5.1 foot buffer strip when none is existing and a twenty foot buffer strip is required; and
- (7) A "c" variance for no curb setback from a fence, screening or other structure, when 0 feet is existing and 5 feet is required;
- (8) A "c" variance for a two-way driveway width of 20 feet when 24 feet is required;
- (9) A "c" variance for parking area lighting of 1.5 foot-candles when 2.0 foot-candles is the minimum lighting required;
- (10) A "c" variance for a 39 square foot sign when the maximum sign permitted is 33 square feet; and
- (11) A "c" variance for sign height of 3 feet when 2 feet is the maximum height permitted; and

WHEREAS, during the course of the hearing, the Applicant modified the attic space of the residential dwelling to bring the height of the building to 2 and ½ stories, eliminating the need for a variance to permit the construction of a 3 story structure; and

WHEREAS, the Applicant presented proof that adequate notice of the hearing on the application was published in the West

Orange Chronicle, one of the official newspapers of the Board;
and

WHEREAS, the Applicant submitted proof of notice of the hearing upon all property owners within 200 feet of the property and all others required to receive notice; and

WHEREAS, the Application was heard at public meetings of June 16, 2022, September 15, 2022 (no testimony taken due to unavailability of Applicant's attorney), January 19, 2023 and February 16, 2023; and

WHEREAS, the Applicant was represented by attorneys from Murphy, Schiller and Wilkes, LLP. and

WHEREAS, the Applicant offered the testimony of Nicholas Salerno, a licensed professional architect of the State of New Jersey, who was accepted by the Board as an expert in the field of architecture, Mr. Salerno testified that the site contains an existing 22 x 80 foot masonry structure on to which the Applicant seeks to add a 2 story residential wood frame structure, with the lower level and basement continued to be used for office space and storage for the Applicant's commercial business, that the structure will house a one family dwelling with 3 bedrooms and stairs to an attic of 560 square feet; and

WHEREAS, the Board questioned Mr. Salerno extensively about the Applicant's intended use of the attic, and if not for residential use why a full access staircase to the attic was necessary, and

WHEREAS, the Applicant offered the testimony of Josh Kline, a licensed civil engineer of the State of New Jersey who was accepted by the Board as an expert in the field of civil engineering, Mr. Kline testified about existing site conditions and the site plan and storm water plan to convert existing lot into a parking lot for commercial vehicles, with all new lighting with a dimmer feature, a security gate, that there is no plan for material storage outside the building, the type of vehicles the Applicant plans to park on site, a trash collection area, the plans for striping of the parking lot and signage, and that there are no spaces proposed to be dedicated to the residential unit; and

WHEREAS the Applicant offered the testimony of Matthew Seckler, a licensed professional engineer and planner with experience in the field of traffic engineering, who was recognized by the Board as an expert in the field of traffic engineering, Mr. Seckler testified that there will be no change in traffic generation from this site as a result of the proposed improvements, so that the proposal presents a de-minimus change in traffic to the area, that he calculates 10 parking spaces are required (four for the commercial unit, four for the storage space and 2 for the residential use) and that 11 are proposed, that the Application includes a wide circular aisle for the hitching of trailers; and

WHEREAS, the Applicant offered the testimony of Afton Savitz, a licensed professional engineer of the State of New Jersey, who was recognized by the Board as a professional in the

field of civil engineering, Ms. Savitz was asked about a solid waste management plan (which had not been submitted), whether COAH ordinance was implicated by the proposed improvements, testified in response to the Board's consulting engineer's issues as stated in his review letter, and how the plans have been revised to provide for 10 parking spaces instead of 11 to provide larger turning radius for trucks, while still remaining in compliance, that there would be a dedicated parking space for the residential unit and lastly outlined the plan for the automatic gate that will allow entry into the fenced parking area; and

WHEREAS, Manuel Vega, owner of the Applicant, testified that he consented to several of the Board's proposed conditions, including that only his vehicles will be parked on site; and

WHEREAS, the Applicant offered the testimony of John McDonough, a licensed professional planner of the State of New Jersey, who was accepted by the Board as an expert in the field of planning, Mr. McDonough testified that in his opinion the Applicant had demonstrated the positive and negative criteria necessary to allow the Board to grant the requested variances and that such could be granted without substantial detriment to the surrounding properties, the West Orange Master Plan or the West Orange Zone plan; and

WHEREAS, the following exhibit was marked into evidence:

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WHEREAS, [REDACTED] of 57 Ridge Road questioned the Applicant's witnesses; and

WHEREAS, the Board considered the reports of Paul Grygiel, Planning Director of the Township of West Orange, dated February, 2021 and November 24, 2021 with revision dates of January 28, 2022 and August 8, 2022, and his testimony at the hearings; and

WHEREAS, the Board considered the reports of John Hess, of CME, consulting engineers for the Township of West Orange dated December 8, 2021, January 18, 2022, August 10, 2022, September 13, 2022, October 12, 2022 and his testimony at the hearings; and

WHEREAS, [REDACTED], 57 Ridge Road, spoke in opposition to the Application, indicating that the current condition of the property indicates that the Applicant shows a lack of respect for the property and its neighbors and asked the Board to deny the Application.

NOW THEREFORE the Board hereby makes the following Findings of Fact and Conclusions of Law:

1. The Applicant is the owner of the subject property at Block 134.02, Lots 75.03, 79 and 81, located in the B-1 zone.
2. The Applicant requires "D-1" use variance for commercial vehicle parking, and 9 "c" bulk

variances as follows: (1) a "c" variance for minimum front yard of 5.2 feet when 7.9 feet is existing and a 30 foot front yard is required; (2) a "c" variance for maximum lot coverage of 81% when 85% is existing and 75% is permitted; (3) a "c" variance for a six foot fence in the front, side and rear yards when same is only permitted in the side and rear yards; (4) a "c" variance for a 5.1 foot buffer strip when none is existing and a twenty foot buffer strip is required; (5) a "c" variance for no curb setback from a fence, screening or other structure, when 0 feet is existing and 5 feet is required; (6) a "c" variance for a two-way driveway width of 20 feet when 24 feet is required; (7) a "c" variance for parking area lighting of 1.5 foot-candles when a minimum of 2.0 foot-candles of lighting is required; (8) a "c" variance for a 39 square foot sign when the maximum sign permitted is 33 square feet; and (9) a "c" variance for sign height of 3 feet when 2 feet is the maximum height permitted all for its plan to expand an existing building to add a residential unit and to use another

portion of the lot for commercial vehicle parking.

A motion for approval with 13 conditions was put forth by Chairman Neuer, and seconded by Mr. Barbee and voted upon as follows:

	Ayes	Nays	Abstentions
Barbee	yes to approve		
Eben		no to approve	
Scalora	yes to approve		
Scott		no to approve	
Weiss			abstain
Neuer	yes to approve		

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of the Township of West Orange, that the resolution to approve the Application which includes a "d" use variance, having failed to achieve five affirmative votes, means the Application is hereby denied.

I hereby certify that the foregoing Resolution was adopted by the Zoning Board of Adjustment of the Township of West Orange at its meeting of April 20, 2023 and that said Resolution memorializes the action of the Zoning Board taken at its meeting held on February 16, 2023 denying the application by a vote 3 in favor of approval, 2 against approval, and 1 abstention.

April 20, 2023

A handwritten signature in blue ink, reading "Diana L. Chandler", is written over a horizontal line.

Diana L. Chandler
Board Secretary

PROPOSAL

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 to develop the Property into a mixed-use building with office space on the ground floor, one residential unit on the second floor, and light truck parking.

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.