John McDonough Associates, LLC
Land Use Planning · Landscape Architecture

PLANNING REPORT

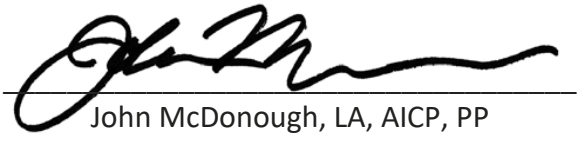
PREPARED FOR

M VEGA INVESTMENTS LLC

FOR PROPERTY LOCATED AT

66 FRANKLIN AVENUE
BLOCK 134.02 LOTS 75.03, 79, & 81
TOWNSHIP OF WEST ORANGE
ESSEX COUNTY, NJ

(August 27, 2026)



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The original of this report was appropriately signed and sealed in accordance with laws and regulations pertaining to the practice of Professional Planning in New Jersey (NJSA 45:14A and NJAC 13:41-1.3(b))

Overview

This report is prepared in support of a Preliminary and Final Major Site Plan application with "C" and "D" variance relief filed by M Vega Investments LLC for the property located at 66 Franklin Avenue, West Orange, New Jersey (Block 134.02, Lots 75.03, 79, and 81). The application seeks D-1 use variance relief to operate a landscaping contractor office and storage yard with associated commercial-vehicle parking, together with C-2 bulk variance relief for several pre-existing and site-specific conditions described herein.

The report is generally structured into four segments: a description of existing conditions; a description of proposed conditions; a description of zoning considerations, and analysis of the statutory criteria for grant of the zoning relief sought.

Existing Conditions

The subject site is an assemblage of 3 tax lots (Block 134.02 Lots 75.03, 79, and 81) which are located on Franklin Avenue near the municipal border with Montclair. The aggregate land area comprises approximately 10,000 square feet (0.23 acres). Photos of the site are in Appendix A.

Lot 75.03 is approximately 25 feet wide by 100 feet deep and is developed with a 1-story masonry building with a partial basement, currently used as a landscaping contractor's office (approximately 383 square feet) and storage space (approximately 2,669 square feet). Lot 79 is 50 feet wide by 100 feet deep and is used for parking. Lot 81 is 25 feet wide by 100 feet deep and is also used for parking. A detached 1-story frame shed is located in the southeast corner of the site. The balance of the property functions as a contractor's storage yard.

Franklin Avenue is a collector road. The property is located on the easterly side of Franklin Avenue, approximately 125 feet north of the intersection with Chestnut Street. Surrounding land uses include an auto-body/repair shop immediately to the north, a multi-family building and a two-family residential building to the south, and single-family residences fronting Whittlesey Avenue to the east. The site and all the lots that border the site are zoned B-1.

Proposed Conditions

The application seeks to formalize the existing landscaping contractor operation by renovating the 1-story masonry building into a 383-square-foot office and 2,669-square-foot enclosed storage area, and improving the parking area to provide three standard parking spaces (including one ADA-accessible space) and five oversized truck stalls (9'x30' and 10'x30'). The disclosed vehicle fleet consists of five Ford F-550 trucks equipped with dump landscape bodies (GVW 19,500 lbs; approximately 15 feet in length and 7 feet in width) and four enclosed landscaping trailers (7 feet by 18 feet). Trucks depart the site at approximately 7:30 a.m. and return between 5:00 p.m. and 6:00 p.m. The proposal does not include heavy trucks such as tractor trailers, cement trucks, or heavy-duty dump trucks. The application also includes new striping and concrete curbing, landscaping, shielded lighting, stormwater improvements, and utilities. The stormwater runoff will

be collected in a southeast inlet and conveyed through proposed 6-inch and 8-inch PVC pipes to an existing storm manhole in Franklin Avenue.

Zoning Considerations

The site is part of a B-1 cluster along Franklin Avenue. The zone boundary includes the lots adjacent to the site and behind the site. The zone boundary also extends across Franklin Avenue. The B-1 zone permits commercial use pursuant to §25-7.1.

The parking of commercial vehicles as an accessory use is not expressly permitted in the B-1 zone, and as such the application seeks 'D-1' use relief.

The application also requires the following 'C' bulk variance relief:

- Maximum Window Sign Area. Window signs are permitted to occupy up to 25% of the total window area, whereas the application proposes 100%.
- Minimum Distance Between Curbing and Fencing. Curbing is required to be at least five feet from fencing, whereas the application proposes curbing bordering the wood fence along the southern edge of the property.
- Minimum Number of Loading Spaces. One loading space is required, whereas the application does not propose a loading space.

Planning Justifications for Relief – 'D-1' Use Variance

Land use planning operates within a legal framework. The land use law recognizes that zoning is not meant to be rigid and inflexible and gives land use boards authority to grant relief subject to defined statutory criteria.

The statutory criteria for grant of use relief are established under N.J.S.A. 40:55D-70(d)(1) and Medici v. BPR Co., 107 N.J. 1 (1987). Under the enhanced standard articulated in Medici, the applicant must demonstrate "special reasons" justifying the use variance (positive criteria) and that the variance can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and zoning ordinance (negative criteria). The Court in Burbridge v. Mine Hill Township, 117 N.J. 376 (1990), confirmed that the special reasons supporting a use variance encompass all of the purposes of zoning enumerated in N.J.S.A. 40:55D-2, not merely the promotion of the general welfare. The subject application sustains the required elements of proof for the reasons set forth below.

Site Suitability

Given the practical realities of this specific property and its environs, the subject property is particularly suited for the proposed landscaping contractor office, storage, and limited commercial-vehicle parking use. The proposed use is compatible with the surrounding context given that the property is located on a commercial corridor and immediately adjoins an existing auto-body shop to the north, which similarly involves vehicle storage and service activity. The property fronts

Franklin Avenue in an area characterized by a mix of commercial and residential uses within the B-1 Retail Business Zone. Historically, the subject property has been used in this manner for several years, so the application does not introduce anything new to the streetscape or the neighborhood. Rather, the application replaces ad hoc, informal contractor storage with a formal, controlled site plan that includes defined parking areas, screening, landscaping, shielded lighting, stormwater management, and operational controls. Further, while the B-1 Zone permits parking areas for customer use, the principal use on the site does not typically necessitate customer parking. Rather, the nature of the business requires areas for storage of commercial vehicles. Accordingly, utilizing the otherwise permitted parking area for commercial vehicle storage is consistent with the functional needs of this particular permitted use in the zone. The proposed lot-coverage reduction from 85.2% (existing) to 83.4% demonstrates that the site plan actively improves the pre-existing condition rather than merely perpetuating noncompliance.

Positive Criteria

The statutory positive criteria are satisfied because the project will be a significant improvement over the existing condition. The project will clean up the existing development, resulting in a more aesthetic and organized condition.

The project promotes the general welfare with a formalized site plan that replaces uncontrolled contractor storage with organized parking, screening, landscaping, and lighting. The disclosed fleet comprises five Ford F-550 trucks (approximately 15 feet long, 7 feet wide, GVW 19,500 lbs) and four enclosed landscaping trailers (7'x18')—vehicles whose size and scale are generally comparable to large pickup trucks and not inconsistent with the character of a commercial corridor adjacent to an existing auto-body operation. Truck departures at approximately 7:30 a.m. and returns between 5:00 and 6:00 p.m. confine commercial activity to normal business hours.

The project also promotes the planning goals for efficient land use and for a variety of land uses in appropriate locations. For the reasons set forth above, the proposal promotes fundamental purposes of zoning under N.J.S.A. 40:55D-2, especially purposes "a", "g", "h", "i", and "m". Specifically: purpose (a) (encouragement of appropriate land uses); purpose (g) (sufficient space for a variety of uses); purpose (h) (promotion of a desirable visual environment); purpose (i) (sound planning for orderly growth); and purpose (m) (efficient use of land). See Burbridge v. Mine Hill Twp., 117 N.J. 376 (1990) (all enumerated purposes of zoning constitute special reasons supporting a use variance).

Negative Criteria

The statutory negative criteria are satisfied because the relief can be granted without substantial detriment to the public. The following enforceable conditions of approval mitigate potential impacts: (1) operations confined to weekday daytime hours with no overnight commercial activity; (2) shielded, downward-directed lighting with a 10:00 p.m. to 7:00 a.m. dimming schedule per §25-14.1; (3) continuous perimeter fencing and enhanced landscaping to maximize screening; (4) truck-movement controls limiting departures to approximately 7:30 a.m. and returns to 5:00–6:00 p.m., prohibiting on-street staging; (5) lot consolidation of the three parcels; and (6) stormwater

management via the proposed southeast inlet and pipe system. The use is clearly associated with a commercial operation within the B-1 zone's commercial corridor, and the site's adjacency to an auto-body shop further demonstrates compatibility.

The statutory negative criteria are further satisfied because relief can be granted without substantial impairment to the zone plan. The project advances the Master Plan objective for economic development and a stable ratable base. The B-1 district's commercial-corridor purpose is advanced by formalizing a limited office/storage operation on an already-developed parcel, reducing lot coverage, improving circulation and screening, and eliminating the existing uncontrolled contractor-storage condition. The Board can preserve the ordinance's objectives through conditions addressing hours, lighting, buffering, parking, stormwater, and lot consolidation.

Planning Justifications for Relief – 'C-2' Bulk Variances

The 'C' variances can be granted under N.J.S.A. 40:55D-70(c)(2), whereby the benefits of the application as a whole substantially outweigh any detriments. The positive criteria associated with the use variance carry forth to the 'C' variances since they are necessary to effectuate this overall beneficial project.

In terms of the negative criteria relative to the 'C' variances, none of the relief being sought will result in a substantially detrimental impact to the public or the zone. Each deviation is addressed individually below:

Lot Coverage (83.4% proposed; 75% permitted): The proposed lot coverage represents a reduction from the existing 85.2% condition. The improvement, combined with formalized stormwater management and landscaping, advances the ordinance's purpose. Mitigation: stormwater collection via the proposed southeast inlet and pipe system.

Side-Yard Setback (2.6 ft existing; 6 ft required): Pre-existing non-conformity documented by survey; no expansion proposed in side-yard area.

Rear-Yard Setback (5.2 ft existing; 30 ft required): Pre-existing non-conformity; existing building footprint preserved without expansion. Enhanced screening along rear property line mitigates impacts.

Window Sign Area (100% proposed; 25% permitted): The proposed window coverage serves a security/privacy function. Limited building frontage minimizes streetscape impact.

Curbing Distance from Fencing (0 ft; 5 ft required per §25-12.1B): Site-specific alternative necessitated by the lot's physical constraints. Curbing defines the parking area and provides positive drainage control. The lot is used primarily by the business itself.

Loading Spaces (0 provided; 1 required): The oversized truck stalls (9'x30' and 10'x30') function as a combined parking/loading arrangement. Loading occurs within designated stalls

during business hours. Truck-turn exhibits confirm on-site maneuvering without backing into Franklin Avenue.

Driveway Width (20 ft; 24 ft required): Pre-existing condition. Truck-turn exhibits demonstrate safe ingress/egress.

Buffer Strip (approx. 5.1 ft; 20 ft required per §25-11.3b): Physical constraints prevent full compliance. Applicant proposes to maximize screening through continuous planting, solid fencing, and maintained landscaping, supplemented by the lighting dimming schedule and restricted hours.

Prior Application History

Application ZB-21-01 was denied by the Board (resolution memorialized April 20, 2023). That application sought preliminary and final site plan approval with a D-1 use variance and bulk variances to expand the existing building, add a residential use on a second floor, and use a portion of the lot for commercial vehicle parking. The present application is materially distinguished from ZB-21-01: (1) no residential component is proposed; (2) no building expansion is proposed; (3) the scope is narrowed to a landscaping contractor office/storage operation with limited commercial-vehicle parking; and (4) the site plan incorporates compliance improvements including formalized parking, reduced lot coverage, enhanced screening, lighting controls, and stormwater management. These changed circumstances and the materially different proposal overcome any potential preclusion under the changed-circumstances doctrine.

Conclusion

The application represents a substantial investment to improve property in West Orange. The overall site upgrade will enhance the image and identity of the site, the area, and the town. The formalization of the existing contractor-storage condition into a controlled landscaping office/storage operation with limited commercial-vehicle parking, subject to enforceable conditions, will protect the public welfare and advance the purposes of the B-1 zone.

The application is consistent with good planning practices for orderly community growth and development. The statutory criteria for grant of all the relief sought are met, and approval is warranted. Approval should be conditioned upon, among other appropriate terms: lot consolidation of the three parcels; the lighting dimming schedule (10:00 p.m. to 7:00 a.m.); elimination of light spillage onto Franklin Avenue per §25-14.1; hours-of-operation restrictions; prohibition of overnight commercial activity and on-street staging; maintenance of the screening/landscaping buffer; and any further conditions the Board deems necessary.

Qualifications of Preparer

John McDonough Associates, LLC is a land use planning and landscape architecture consulting firm with office location in Parsippany, New Jersey.

John McDonough, LA, PP, AICP is a licensed professional planner and landscape architect in the State of New Jersey. Both licenses are current and in good standing. He is also a member of the American Institute of Certified Planners.

All licenses have been obtained through requisite showing of educational and experience requirements and passing of license examinations (none have been achieved through reciprocity) and have been maintained through participation in mandatory continuing education courses.

John McDonough has been practicing as a land use consultant for over 30 years. He has been recognized as an expert in land use matters before hundreds of boards and commissions throughout the State of New Jersey, and in Superior Courts.

He has been a regular speaker at the League of Municipalities annual conference on a variety of land use topics and has been a regular special guest lecturer at the Rutgers University Bloustein School of Planning and Public Policy.

Appendix A – Site Photos



Figure 1 – View of subject site looking east (taken by John McDonough Associates 8/20/26)



Figure 2 – View of subject site looking north (taken by John McDonough Associates 8/20/26)