

TO: Township of West Orange Zoning Board

FROM: Malvika Apte, PP, AICP, Planning Board Planner
Langley Oudemans, Associate Planner

RE: ZB Application 26-03
Planning Review #1
235 Prospect Ave
Block 152.01, Lots 1445 & 1445.05
Zoning Interpretation Application

DATE: September 15, 2026

1. Materials Reviewed

As requested, we have reviewed the following materials:

- Interpretation Submission for 235 Prospect Avenue (Block 152.01, Lots 1445 & 1445.05), prepared by Gregory D. Meese, Esq., dated July 30, 2026. Submission includes:
 - Township of West Orange Application Form
 - Application Addendum – Interpretation
 - Supplemental Letters from Just Salad (July 15, 2026), honeygrow (July 15, 2026), and CAVA (July 20, 2026)
 - Ownership Disclosure Statement
 - Overall Layout Plan for West Orange Plaza (Approved, No Changes), prepared by Petry Engineering, LLC., revised as of November 30, 2023;
 - Architectural Plans for Just Salad
 - Architectural Plans for honeygrow, prepared by Greenberg Farrow, dated January 30, 2026;
 - Five (5) sheets of Architectural Plans for Cava, date June 28, 2026;
- 200' Buffer List, prepared by Township of West Orange Office of the Assessor, dated August 17, 2026;
- Verification of Taxes and Sewer Charges Paid for Block 152.01 Lot 1445 and Lot 1445.05, dated August 18, 2026

2. Interpretation Application

As per the application, the Applicant, West Orange Plaza, is seeking an interpretation of the Zoning Code's definitions for "fast food restaurant" and "restaurant" and the addition of a definition for "fast casual restaurant," in order to permit several proposed food establishments in the Planned Commercial (P-C) Zone. Proposed establishments include CAVA, Just Salad, and honeygrow. The Applicant is requesting that these proposed establishments, along with similar "fast casual" restaurants, receive an interpretation from the Zoning Board so that their use is permitted in the P-C Zone.

We are in receipt of previously submitted site plans and architectural plans for the property; however, ***Applicant should provide copies of written decisions adopted by the Board for previous applications related to this proposal.***

3. Site Description

The subject property is located at 235 Prospect Avenue, also known as the West Orange Plaza. The property fronts Eagle Rock Avenue on the southern edge and Prospect Avenue on the eastern edge. The Eagle Rock Reservation is directly across the street along Prospect Avenue. Similar commercial uses are present to the south, along Eagle Rock Avenue, and a banquet hall sits to the west. A forested area borders the property on the northern and northwestern edges, separating the property from residential uses.

The plaza includes one main structure with several attached storefronts in a strip-mall style arrangement. A single-store structure is present on the south end of the site and is occupied by a Verizon store, and another single-store structure sits on the north end of the site and houses an auto-repair shop. The central area of the site includes a large parking lot that takes up over half of the site. The main structure includes a Whole Foods and Target, along with other retail establishments. This plaza notably contains similar food establishments to the ones in this application, including Jersey Mikes Subs, Chipotle, and Frank's Pizza. The submitted site plan indicates that four (4) new buildings have been previously proposed. It is presumed that the CAVA, honeygrow, and Just Salad would occupy space in the proposed buildings. ***Applicant to confirm which buildings the three (3) food establishments would occupy.***



Aerial Image, Source: NJ GeoWeb

4. Planning Comments

The current relevant definitions in the Zoning Code are as follows:

- **Fast Food Restaurant:** Shall mean the retail sale of ready-to-eat foods and beverages for on and/or off premises consumption, whenever the foods and beverages are available upon a short waiting time, and orders are placed by the customer at a counter, and primarily served in or on disposable wrappers, containers or plates, and where there is a seating capacity of more than 15 individuals. This does not include restaurants which have "take-out" as accessory to a traditional restaurant.
- **Restaurant:** Shall mean a public establishment which serves food and drink primarily or exclusively for consumption on the premises and is not a "fast food restaurant" as defined in this chapter. For the purposes of this chapter, a "bar" shall also be deemed a "restaurant" only if food is prepared, served and consumed on the premises.

Fast food restaurants are not permitted in the P-C Zone; however, restaurants are permitted. Per the definitions above, a public establishment that serves food and drink for consumption on premises that does not meet the definition of a "fast food restaurant" is considered a restaurant. The criteria for a fast-food restaurant includes:

- Retail sale of ready-to-eat foods and beverages;
- Foods and beverages are available upon a short waiting time;
- Orders are placed by customers at a counter;
- Food is served in or on disposable wrappers, containers, or plates; and
- There is seating capacity of more than 15 individuals.

The Applicant has presented information which claims that all the criteria must be met in order for a food establishment to be considered a "fast food restaurant" due to the presence of "and" when listing the criteria in the definition. The Applicant has provided Operations Statements from CAVA, Just Salad, and honeygrow, stating that they do not meet all the criteria of a fast-food restaurant and should therefore be permitted in the P-C Zone.

An interpretation is required by the Zoning Board to determine if "fast casual" restaurants are permitted in the P-C Zone. If this is the case, the term "fast-causal" may need to be defined and incorporated into the Zoning Code by the Township Council via ordinance.

5. Statutory Criteria

- N.J.S.A. 40:55D-70(b) grants zoning boards of adjustment the power to "[h]ear and decide requests for interpretation of the zoning map or ordinance or for decisions upon other special questions upon which such board is authorized to pass by any zoning or official map ordinance, in accordance with this act."
- A request for interpretation, in lieu of an appeal of a zoning officer interpretation, may be made where a property owner believes that the zoning officer has erred in interpreting the ordinance or map with regard to an application for development. Alternatively, when a zoning officer is unsure of how to interpret the zoning ordinance or map on an application for development N.J.S. [40:55D-70b](#) would be an appropriate mechanism to submit the question to the board.