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Millburn, NJ 07041

**Law Offices of
Richard Schkolnick, LLC**

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August 17, 2026

Via Lawyer's Service and Email

Jamilet Baquerizo Vite, Secretary
Planning Board
Township of West Orange
66 Main Street
Room 210
West Orange, NJ 07052-5404

**RE: Application of Tompkins Realty LLC
34 Tompkins Street
Block 7, (formerly) Lot 12.02; now Lots 12.03 and 12.04**

Dear Jamilet:

This Firm represents Tompkins Realty LLC. Enclosed please find the Planning Board's resolution granting minor subdivision approval with variances, memorialized February 7, 2024. The purpose of this minor subdivision was to permit my client to subdivide its property and construct one, two-family structure on the 'remainder' lot.

The deed perfecting the subdivision was recorded on May 7, 2024.

Pursuant to West Orange Ordinance Section 25-48.10, a construction permit must be secured within two years (and one day) from the approval, or by February 8, 2026. "For good cause shown," the Planning Board is permitted to extend the time period for securing the construction permit.

My client now requests a retroactive 'extension' of the time period to secure a construction permit, due to economic and other factors. We note the following:

1. there have been no material changes to the neighborhood since the February 2024 approval.
2. the zoning on the property has not changed since the February 2024 approval.
3. the contemplated subdivision was perfected in a timely manner.
4. my client fully intends to move forward with this project and has not abandoned it in any way.

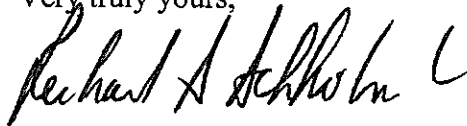
We are requesting an extension until July 1, 2027 to secure a construction permit for the one, two family home that is the subject of this application.

Ms. Jamilet Baquerizo Vite, Planning Board Secretary
August 17, 2026
Page 2

We understand that public notice must be published and served when this matter is scheduled.

Thank you for your consideration of this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Richard S. Schkolnick", followed by a large, stylized flourish or checkmark.

Richard S. Schkolnick

RS/lp
Enclosures
Tompkins Realty LLC/34 Tompkins Street

RESOLUTION

Township of West Orange

Planning Board

PB 23-11 Tompkins Realty, LLC/ 34 Tompkins Street

Block: 7 Lot: 12.02; Zone: R-M

Decided on January 3, 2024

Memorialized on February 7, 2024

Application for Minor Subdivision Approval with Bulk Variances

WHEREAS, Tompkins Realty, LLC (Hereinafter the "Applicant") has made an application for Minor Subdivision Approval with Variances to subdivide an existing lot developed with a two-family home and related improvements into two lots at property located at 34 Tompkins Street, also known as Block: 7; Lot 12.02(the "Property"), in the R-M zone; and

WHEREAS, a properly noticed public hearing was conducted on January 3, 2024; and

WHEREAS, the Applicant was represented by Richard Schkolnick, Esq.; and

WHEREAS, the Applicant provided testimony from Dr. Carmine Allonardo, owner, Frank D. Mileto, A.I.A., as a professional architect and Michael Tobia, P.P., as a planning expert; (the "Witnesses"); and

WHEREAS, the Applicant submitted the following documents to the Board in the form of the application package:

ITEM	SIGNED BY	DATE/REVISION
Survey of property	David J. VonSteenburg, PLS	12/8/2021
Minor Subdivision Plat	David J. VonSteenburg, PLS	8/28/2023
Architectural Plans	Frank D. Mileto, A.I.A.	5/9/2023
Planner's Report	Lisa Phillips, P.P., AICP	10/13/2023

Exh A

WHEREAS, representatives of the public were provided with an opportunity to pose questions of the Witnesses and also had an opportunity to offer statements in regard to the Application; and

WHEREAS, the Board reviewed and considered the Application and the documents submitted therewith, the testimony of the Witnesses and members of the public; and

WHEREAS, the Board also considered the testimony and filed review letters of its professionals at the hearing, including a review memo dated November 29, 2023, from John J. Hess, P.E., PP, CME (Township Engineer) and a Planner's Report by Paul Grygiel, AICP, PP, Township Planner dated October 23, 2023.

NOW THEREFORE, the Board makes the following findings of fact, based upon the evidence presented at its public hearing, at which a record was made:

1. The Applicant is requesting approval for minor subdivision with variances to subdivide an existing lot developed with a two-family house and related improvements into two lots at property located at 34 Tompkins Street, also known as Block 7, Lot 12. 02.
2. The property is 4,098 square feet and is a through lot presently developed as a two-family dwelling on Tompkins Street and a detached one-story garage fronting Stockman Street.
3. The subject property is located in the southeastern section of West Orange and is located on a block bounded by Freeman Street and Mitchell Street.
4. The area surrounding the subject property is developed with a mix of land uses, which include one, two and multi-family residential, commercial and institutional uses.

5. A commercial use is located on the adjacent lot to the north and New Jersey Transit's Highland Avenue railroad station is located two blocks to the east and bus stops are located in the vicinity.
6. The applicant proposes subdividing the existing parcel into two lots with the existing home remaining on Lot A and demolishing the existing garage and replacing the garage with a two-family dwelling above the existing foundation.
7. The proposed two-family house on Lot B would have two bedrooms in each dwelling unit, along with one garage for each unit.
8. The garage for the proposed new two-family on Lot B would allow for two stacked cars, for a total of four off-street parking spaces on Lot B.
9. Applicant proposed construction of a paver parking area for two vehicles in the front of the existing dwelling on Lot A; however, the majority of the Board preferred that the property maintain the front hedge and lawn area which is aesthetically more pleasing and in keeping with the current neighborhood.
10. The Board did not foreclose a request in the future for on site parking in the front of the house on Lot A should conditions which currently are favorable for sufficient on street parking change.
11. Dr. Carmine Allonardo, the property owner's principal, testified that he bought the home from his mother-in-law in December of 2021, cleaned up the existing house with new windows, siding and interior improvements such as new bathrooms and plumbing.
12. Dr. Allonardo testified that the existing garage is falling apart and cannot be used.

13. The existing two-family house consists of a one bedroom unit on the first floor and a three bedroom unit on the second floor, which equates to a required 3.5 parking spaces as per the Code.
14. The proposed new two-family house would have a total of four bedrooms (with two bedrooms per unit) which would require 3 parking spaces (four spaces are proposed).
15. Applicant's planner, Michael Tobia, testified that the proposed new two-family fronting on Stockman Street would be an aesthetic improvement, bringing the street scape which now, though zoned residential, is not a residential street scape, into better conformity with the appearance of a residential zone.
16. As for the front yard setback and position of the new home on Lot B, Mr. Tobia testified that other houses on Stockman (specifically #'s 16, 18 and 22) are built close to the sidewalk.
17. The proposed new two family would be 31 feet high, which is 4 feet less than what is permitted and is three stories, designed as a duplex style with a rooftop amenity constructed with enclosed parapet for safety.
18. The rear yard of the new house on Lot B is proposed to be six (6') feet and the rear yard for the existing two family on Lot A would be 10.7 feet.
19. The Applicant's planner testified that the proposed new lot and two-family house would promote the purposes of the MLUL, specifically paragraphs a. (promote the public health, safety, morals and general welfare), c. (to provide adequate light, air and open space), e. (promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment), g. (to provide sufficient

space for a variety of residential uses to meet the needs of all New Jersey citizens), i. (to promote a desirable visual environment), and h. (to encourage location and design of transportation routes.)

20. As for the negative criteria, Mr. Tobia testified that there was little negative impact caused by the proposed new house and removing blighted buildings (such as the dilapidated garage) is good civic design.
21. The subject property is in the R-M Residential zone, which permits one-family detached dwellings, two-family dwellings and multi-family development, in addition to certain nonresidential uses permitted in all of the Township's residential zones. Therefore, the existing two-family dwelling and the proposed two-family dwelling are permitted uses in the zone.
22. There are a number of existing non-conforming conditions with regard to the R-M zone bulk standards and other zoning regulations, and various new noncompliant conditions that are proposed.

23. The Application requires the following variance relief from the Board:

SECTION/REQUIREMENT	PERMITTED/ REQUIRED	EXISTING	PROPOSED LOT A	PROPOSED LOT B
25-7.1 Minimum lot area- two-family dwelling	7,500 sq. ft.	4,098 sq. ft.	2,584 sq. ft.	1,514 sq. ft.
25-7.1 Minimum lot area per unit- two-family dwelling	3,750 sq. ft.	4,098 sq. ft.	1,292 sq. ft.	757 sq. ft.
25-7.1 Minimum front yard	30 feet	20.5 feet/ 2.4ft	20.5 feet	5.0 feet
25-7.1 Minimum side yard	10 ft. & 8 ft.	2.3 ft./0.3ft.	4.7 ft/0.3 ft.	2.3ft./0.7ft.
25-7.1 Minimum rear yard	30 feet	N/A	10.7 feet	6 feet

25-7.1 Maximum building coverage	40%	45.7%	45.2%	69.6%
25-7.1 Maximum lot coverage	50%	50.4%	63.4%	78.7%
25-12.2a.1 Minimum off-street parking spaces- two-family dwelling	2 BR: 1.5 3BR:2.0 4BR:2.5	Three (3)	Two (2)	Four (4)
25.12.4a.2 Minimum driveway setback to side lot line	5 feet	<5 feet	<5 feet	< 5 feet
25-12.4. b.2 Maximum portion of required front, side or rear yard used as a parking area	30%	Not provided	>30%	>30%

24. N.J.S.A. 40:55D-47 governs the Board's review of the minor subdivision application. N.J.S.A. 40:55D-47 provides that minor subdivision approval shall be deemed to be final approval of the subdivision by the board, provided that the board or said subcommittee may condition such approval on terms ensuring the provision of improvements. Further, approval of a minor subdivision shall expire 190 days from the date on which the resolution of municipal approval is adopted unless within such period a plat in conformity with such approval and the provisions of the "Map Filing Law," (or a deed clearly describing the approved minor subdivision is filed by the developer with the county recording officer, the municipal engineer and the municipal tax assessor. Any such plat or deed accepted for such filing shall have been signed by the chairman and secretary of the planning board. As such, if the applicant meets the standards set forth in the ordinances, the planning board lacks the authority to deny approval of the subdivision. N.J.S.A. 40:55D-50a; PRB Enters., Inc. v. S. Brunswick Planning Bd., 105 N.J. 1, 7 (1987); Dunkin' Donuts of N.J., Inc. v. Twp. of N. Brunswick Planning Bd., 193 N.J. Super. 513, 515 (App. Div. 1984).

Conversely, if the application does not comply with all ordinance requirements, the Board must deny approval. Cortesini v. Hamilton Planning Board, 417 N.J. Super. 201, 215 (App. Div. 2010). However, there are two exceptions: (1) The first exception is where an application does not comply with all ordinance requirements but the Board grants relief in terms of variances or exceptions. In that case, the Board then must review the application against all remaining ordinance requirements and grant approval if the application complies with all such remaining requirements.

25. N.J.S.A. 40:55D-60 permits a planning board to grant variances from the bulk regulations of a zoning ordinance and other zoning deviations that do not require a "d" variance as part of site plan or subdivision review. The variance proofs are the same as for "c" variances as set forth in N.J.S.A. 40:55D-70. A c (2) variance may be granted when the purposes of zoning are advanced and the benefits of deviating from the ordinance requirements outweigh any detriments. The benefits derived from granting a "c (2)" variance must include benefits to the community as a whole, not just the applicant or property owner. A "c" variance must address the "negative criteria," and affirmatively demonstrate that the variance can be granted "without substantial detriment to the public good" and "without substantial impairment to the intent and purpose of the zone plan and zoning ordinance" of the municipality.

NOW, THEREFORE, based upon the foregoing findings of fact, the Board reaches the following conclusions of law:

1. The proposed two-family house on Lot B is a permitted use in the zone.

2. The requested variances satisfy the c (2) criteria as noted in the case of Kaufman v. Planning Bd. For Warren Tp., 110 N.J. 551 (1988) and Pullen v. Tp. Of South Plainfield, 291 N.J. Super. 1 at 9 (App. Div. 1996) "cannot be considered in isolation, but must be considered in the context of its effect on the development proposal, the neighborhood, and the zoning plan."
3. The proposed two family home satisfies the c (2) criteria because the project as a whole advances the purpose of the MLUL as it satisfies a number of the principals of the MLUL (specifically paragraphs a, c, e, g, h and i), provides needed in-fill housing, and is a significant aesthetic improvement to the neighborhood.
4. The benefits of the project outweigh any negatives.
5. The proposed minor subdivision and related bulk variances for the proposed two-family house meets the goals set forth in the Master Plan.

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Township of West Orange that approval for minor subdivision with c variances to construct a new two-family house on Lot B is granted; and

IT IS FURTHER RESOLVED that the approval granted to Tompkins Realty, LLC, is subject to the following terms and conditions:

1. The Applicant shall comply with all applicable Township, County, State and Federal laws, ordinances, regulations, and directives, including without limitation, obtaining all applicable local, state, and federal approvals, or permits. If another governmental entity or agency grants a waiver or a variance affecting the plans and/or exhibits submitted by the Applicant, this approval or the conditions attached to it, then the Applicant shall re-apply to this Board respecting the same and this Board shall have the right to view

that issue as it relates to this approval and these conditions and modify and amend same, if appropriate.

2. In the event that any other required regulatory approval conflicts with the terms and conditions hereof, or materially alters the same, or the terms and conditions hereof are materially altered by any change in applicable law or regulation other than those municipal regulations for which change is prohibited by the Municipal Land Use Law (MLUL), or in the event Applicant or its successor or assigns construct or attempt to construct any improvement in conflict with or in violation of the terms of this approval, the Board hereby reserves the right to withdraw, amend or supplant the instant approval.
3. All construction, use and development of the property shall be in conformance with the plans approved herein, all representations of the Applicant and its witnesses during the public hearing, all exhibits introduced by the Applicant, and all terms and conditions of this resolution.
4. ~~The Applicant shall pay all outstanding application fees and technical review fees,~~ board attorney fees for preparation of the resolution, as well as any inspection fees that may be required hereunder. The Applicant shall pay any additional fees or escrow deposits which may be due and owing within thirty (30) days of the notification or this approval shall be deemed withdrawn.
5. All notes included in the approved plans, including notes required by this Resolution, shall be deemed conditions of approval having the same force and effect as conditions expressly set forth in this Resolution.

6. Applicant agrees to abide by all of the suggestions and directives set forth in the Hess report dated November 29, 2023.
7. The new two-family on Lot B will be constructed with a white roof.
8. The garage area of the two-family house on Lot B may not be used as living space.
9. Trash and recycling containers must be stored in the back of the house or in the garage and not on the street.
10. Rear man doors will be added to the rear of each garage or provide access to the backyard.
11. The fire and sub code official shall each provide guidance for the roof amenity area.
12. No flame producing appliances or grills may be used on the roof amenity area.
13. A wall mounted rubber bumper shall be installed at the rear of each of the garage units.
14. The plans shall be revised to remove the proposed parking area in front of the existing structure on Tompkins Street, with the front hedges and lawn area to remain. Applicant may return to the Board at a later date if parking for Lot A becomes a problem and on-site property is necessary.
15. The property shall be graded to drain toward Stockman Street.
16. The garage shall be equipped and maintained with a functioning warning system to alert pedestrians and vehicles of vehicles exiting the garage. Applicant shall provide notes or cut sheets or similar documentation of the warning system, which shall be subject to review and approval by the Board Engineer.
17. When selecting an automatic garage door system, Applicant must consider noise and safety and such system must be approved by the West Orange Township Zoning Official.

18. Applicant shall perfect the subdivision with a deed to be reviewed by the Township Planning Board Attorney and Township Engineer within the time frame allowed under the MLUL.

The undersigned secretary certifies the decision set forth herein was made by this Board on January 3, 2024, and memorialized herein pursuant to N.J.S.A. 40:55D10(g) on February 7, 2024.



Jamilet Baquerizo Vite
Planning Board Secretary

Vote Action Taken by the Board on January 3, 2024:

Board Member	Motion	Second	Aye	Nay	Abstain	Absent
K. Alper			X			
J. Guarino			X			
L. Klein			X			
S. McCartney			X			
C. Morgan						----
P. Smeraldo		X	X			
W. Wilkes			X			
W. Rutherford			X			
J. Cardoza			X			
R. Bagoff	X		X			

Vote on Memorialization on February 7, 2024:

Board Member	Motion	Second	Aye	Nay	Abstain	Absent
K. Alper			X			
J. Guarino		X	X			
L. Klein			X			
S. McCartney			X			
C. Morgan					X	
P. Smeraldo			X			
W. Wilkes			X			
W. Rutherford			X			
J. Cardoza			X			
R. Bagoff	X		X			

JUAN M. RIVERA, JR
ESSEX COUNTY REGISTER OF DEEDS & MORTGAGES



Hall of Records
465 Martin Luther King Jr Blvd
Room 130
Newark, NJ 07102
(973) 621-4960

*RETURN DOCUMENT TO:
LAW OFFICE OF RICHARD SCHKOLNICK, LLC
75 MAIN STREET
SUITE 201
MILLBURN, NJ 07041
ATTN: RICHARD S. SCHKOLNICK, ESQ

Instrument Number - 2024026177

Recorded On 5/7/2024 At 10:48:45 AM

* Instrument Type - DEED

Invoice Number - 706297 User ID: TA

*Total Pages - 24

* Grantor - ALLONARDO, CARMINE ALLONARDO, KIMBERLY H/W

* Grantee - ALLONARDO, CARMINE ALLONARDO, KIMBERLY H/W

* PARCEL IDENTIFICATION NUMBER

Block: 7 Lot: 12.02 - WEST ORANGE

* FEES

NJ PRESERVATION	\$120.00
ACCOUNT	
REGISTER RECORDING FEE	\$130.00
HOMELESSNESS TRUST FUND	\$3.00
CODE BLUE EMERGENCY	\$2.00
SHELTER SERVICES	
TOTAL PAID	\$255.00

I hereby CERTIFY that this document is
Recorded in the Register of Deeds & Mortgages Office
of Essex County, New Jersey

Juan M. Rivera, Jr
Register of Deeds & Mortgages

THIS IS A CERTIFICATION PAGE

Do Not Detach

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

INSTRUMENT NUMBER - 2024026177



Essex County Recording Data Page Honorable Juan M. Rivera, Jr. Essex County Register				Official Use Only	
Official Use Only:					
Date of Document: Feb 28, 2024		Type of Document: DEED CONFIRMING MINOR SUBDIVISION			
First Party Name: CARMINE ALLONARDO and		Second Party Name: CARMINE ALLONARDO and KIMBERLY ALLONARDO,			
KIMBERLY ALLONARDO, husband and wife		husband and wife			
THE FOLLOWING SECTION IS REQUIRED FOR DEEDS ONLY					
Block: 7		Lot: 12.02		Qualifier:	
Municipality: WEST ORANGE					
Consideration: \$1.00					
Mailing Address of Grantee: 5 OAK LAWN DRIVE EAST HANOVER, NJ 07936					
THE FOLLOWING SECTION IS FOR ORIGINAL MORTGAGE BOOKING & PAGING INFORMATION ASSIGNMENTS, RELEASES, SATISFACTIONS, DISCHARGES & OTHER ORIGINAL MORTGAGE AGREEMENTS ONLY					
Original Book:		Original Page:			
ESSEX COUNTY RECORDING DATA PAGE Please do not detach this page from the original document as it contains important recording information and is part of the permanent record.					

PLEASE RECORD AND RETURN TO:

Law Offices of Richard Schkolnick, LLC
75 Main Street, Suite 201
Millburn, NJ 07041
Attention: Richard S. Schkolnick, Esq.

Prepared By: Richard S. Schkolnick, Esq.

DEED CONFIRMING MINOR SUBDIVISION

This Deed is made effective as of February 28th 2024

Between Carmine Allonardo and Kimberly Allonardo, Husband and Wife, having their residence at 5 Oak Lawn Drive, East Hanover, New Jersey 07936,

hereinafter referred to as "Grantor"

And Carmine Allonardo and Kimberly Allonardo, Husband and Wife, having their residence at 5 Oak Lawn Drive, East Hanover, New Jersey 07936,

hereinafter referred to as "Grantee"

WITNESSETH:

WHEREAS, Grantors are the owners in fee simple of a certain parcel of land, situated, lying and being in the Township of West Orange, County of Essex, State of New Jersey, shown on the Official Tax Maps of the Township of West Orange as Block 7, Lot 12.02 ("Parcel A"); and

WHEREAS, by Resolution of the Planning Board of the Township of West Orange ("Planning Board") memorialized on February 7, 2024 (the "Resolution"), which Resolution is attached as Exhibit A, the Planning Board granted minor subdivision approval (along with bulk variance approval) to permit a minor subdivision to create two new tax lots; and

WHEREAS, the minor subdivision contemplated herein is depicted on a plan entitled "Minor Subdivision," prepared by Morgan Engineering & Surveying, dated August 28, 2023, which is attached hereto as Exhibit B; and

WHEREAS, the purpose of this Deed Confirming Minor Subdivision is to perfect the minor subdivision contemplated by the Resolution by filing this Deed Confirming Minor Subdivision with the Register of Deeds & Mortgages of the County of Essex; and

WHEREAS, in order to comply with the aforesaid requirements, Grantors are executing and delivering this Deed Confirming Minor Subdivision, thereby subdividing existing Parcel A into two new tax lots; and

WHEREAS, this Deed Confirming Minor Subdivision is executed and is being recorded pursuant to N.J.S.A. 40:55D-47.

NOW, THEREFORE, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, and in order to comply with the Resolution and the aforesaid requirements of the Planning Board of the Township of West Orange and the Municipal Land Use Law, Grantors hereby declare on behalf of themselves, their successors and assigns, and on behalf of all others who may acquire any interest in Parcel A, as follows:

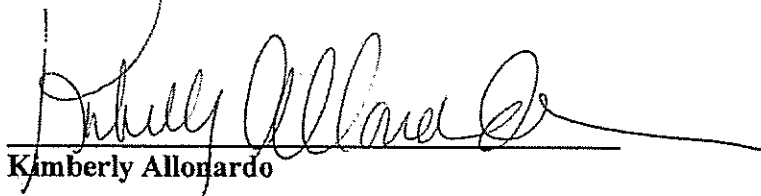
1. The metes and bounds description of existing Parcel A (Block 7, Lot 12.02) is attached hereto as Exhibit C.
2. The metes and bounds description of proposed Block 7, Lot 12.03 is attached hereto as Exhibit D.
3. The metes and bounds description of the proposed Block 7, Lot 12.04 is attached hereto as Exhibit E.

The existing Block 7, Lot 12.02 ("Parcel A") being the same premises conveyed to Grantors herein by Deed from Angela D'Aries, Executrix of the Estate of Ann Louise D'Aries and Ralph D'Aries, Jr. and Janice D'Aries, husband and wife, dated November 30, 2021, and recorded with the Essex County Register on December 29, 2021 as Instrument No. 2021151518.

IN WITNESS WHEREOF, Grantors have executed and delivered this Deed Confirming Minor Subdivision as of the date first set forth above.



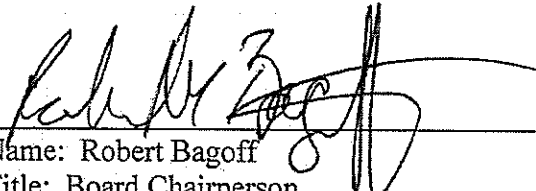
Carmine Allonardo

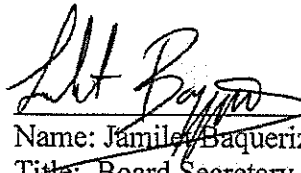


Kimberly Allonardo

We hereby certify pursuant to N.J.S.A. 40:55D-47(d) that the subdivision of the premises set forth herein was approved as a minor subdivision by the Planning Board of the Township of West Orange on January 3, 2024 and memorialized by Resolution adopted on February 7, 2024. In accordance with the requirements of N.J.S.A. 40:55D-47(d), the Chairperson and Secretary of the Planning Board of the Township of West Orange affix their signatures to this Deed Confirming Minor Subdivision, pursuant to said Resolution, within the time period for perfecting minor subdivisions as proscribed by the Municipal Land Use Law.

PLANNING BOARD OF THE TOWNSHIP OF WEST ORANGE


Name: Robert Bagoff
Title: Board Chairperson

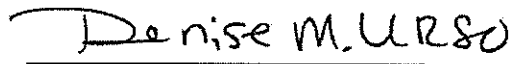

Name: Jamile Baquerizo Vite
Title: Board Secretary

State of New Jersey

County Of Essex

I CERTIFY that on April 12, 2024, Carmine Allonardo and Kimberly Allonardo personally came before me and stated to my satisfaction that they:

- (a) were the makers of the attached Deed Confirming Minor Subdivision;
- (b) were authorized to and did execute this Deed Confirming Minor Subdivision as their own individual act and deed;
- (c) made this Deed Confirming Minor Subdivision for \$1.00 as the full and actual consideration paid or to be paid for the and transfer of title (Such consideration is defined in N.J.S.A. 46:15-5) to such person.


Notary Public

State of NJ
County of Essex
The foregoing document was acknowledged before me
this 10 day of April, 2023
DENISE M. URSO, Notary Public
My Commission Expires 07/14/2024

