MINUTES
TOWNSHIP OF WEST ORANGE
PLANNING BOARD MEETING
August 12, 2026, 6:30 P.M.

The Township of West Orange Planning Board held a special meeting on August 12, 2026, at 6:30 P.M. via virtual ZOOM videoconference.

Chairman Bagoff called the meeting to order at approximately 6:30 P.M. He announced that notification of the meeting was given to the Township Clerk, and posted on the Township Bulletin Board, sent to the West Orange Chronicle and the Star Ledger, and posted on the Township's website calendar. This meeting has been properly noticed to the public in accordance with the Open Public Meetings Act. No new matters will start after 10:30 P.M.

PLEDGE OF ALLEGIANCE

• *Chairman Bagoff* requested all persons stand for the Pledge of Allegiance.

ANNOUNCEMENTS

- The next Planner Board regular meeting will be held **Wednesday, September 2, 2026, at 6:30 p.m.** via Zoom.
- The next Planner Board special meeting will be held **Wednesday, September 9, 2026 at 6:30 p.m.** via Zoom.

ROLL CALL

PRESENT: Dr. Robert Bagoff; Mr. Ken Alper; Mr. Christopher Morgan, Sr.; Mayor Susan McCartney; Mr. Frank Noborine; Council President Susan Scarpa; Ms. Lori Kapferer; Mr. John Cardoza; Mr. Lee Klein; Mr. Jerry Guarino;

ABSENT: Mr. William Wilkes

ALSO PRESENT: Diana P. McGovern, Esq., Planning Board Attorney; Jamilet Baquerizo Vite, Planning Board Secretary

SWEARING IN

- The Township Professionals: Mr. Greg Valesi (Consultant Engineer) and Mr. Michael Davis (Consultant Planner) were sworn under oath.

MINUTES & RESOLUTIONS

PB 26-04 Orange Prospect LLC Draft Resolution

Motion: Chairman Bagoff
Second: Mayor McCartney

Alper: Y	**Mayor McCartney: Y**

Bagoff: Y	**Morgan: Y**
Cardoza (Alt.2): Y	**Noborine: ---**
Guarino: ----	**Scarpa: ---**
Kapferer: ----	**Wilkes: ---**
Klein: Y	

APPLICATIONS

- **PB-26-03 Crestmont Country Club**
  750 Eagle Rock Avenue
  Block: 174 Lot: 1.01 Zone: R-2
  [Application only appearing with preservation of notice to schedule to another meeting. No testimony provided/nor a vote on this application tonight.] The applicant is proposing the installation of a traffic signal at the intersection of Eagle Rock Avenue and Oval Road. Modifications to the existing driveway and parking area are also being proposed.

The application will be carried to the next planning board regular meeting on September 2, 2026, without further notice at 6:30 P.M.

- **PB-25-09 Perez**
  68 Whittlesey Avenue
  Block: 129 Lot: 58 Zone: R-T
  The applicant proposes to subdivide the property into two 50-foot lots, convert the existing single-family dwelling to a two-family dwelling, and construct a new two-family dwelling on the subdivided lot.

PRESENTATION

- Alan Trembulak appeared on behalf of Johnny Perez, the applicant.
- Mr. Trembulak stated that this was a continuation of the hearing on the minor subdivision application for 68 Whittlesey Avenue, which commenced on May 6th.
- Mr. Trembulak reviewed the relief being sought.
  - The property is a 100-foot-wide lot in the RT zone district.
  - The application proposes to subdivide the existing lot into two 50-foot-wide lots, convert or expand the existing single-family house to a two-family dwelling, and construct a new two-family dwelling on the subdivided lot.
  - Each of the two lots would contain a two-family dwelling, with all dwelling units being two-bedroom units. He noted that this was important because of the parking requirement.
- Mr. Trembulak stated that the RT zone permits two-family dwellings and 50-foot lots; however, a two-family dwelling requires a 75-foot-wide lot, and the lot area requirements also differ for single-family and two-family dwellings.
- Mr. Trembulak referred to testimony provided by his client, Johnny Perez, at the May 6th hearing.
  - He stated that Mr. Perez and his family have a history on Whittlesey Avenue.

    - Mr. Perez grew up on the block, and his parents and brother currently live at 66 Whittlesey Avenue, next door to 68 Whittlesey Avenue.
    - Mr. Perez lives at 68 Whittlesey Avenue.
- Mr. Trembulak stated that Mr. Perez intends to create the two two-family units for his two sons, with each son anticipated to live in one of the houses.
    - Ultimately, Mr. Perez intends to pass the houses on and keep them in the family, resulting in three generations of Perezes on Whittlesey Avenue.
- Mr. Trembulak stated that the Board requested additional information on the subdivision plan showing how the required parking would be provided while remaining within the lot coverage and building coverage requirements.
- Mr. Trembulak stated that a revised plan had been submitted, although it did not reach the Board until that day.
    - The revised plans show four parking spaces on one lot and three parking spaces on the other, while remaining within the coverage requirements.
- Mr. Trembulak stated that Matt Flynn, the applicant's professional Planner, would discuss the plans, the variances, and provide additional testimony in support of the application.
- Mr. Trembulak noted that the applicant received a supplemental memorandum from the Board's Planner dated June 26, 2026.
    - He stated that the applicant intends to comply with all comments in the Planner's memorandum, most of which concern building code issues or other matters more appropriately addressed when building permit applications are submitted.
- Mr. Trembulak stated that the current application is only seeking subdivision approval, but the applicant would comply with all building code requirements, height requirements, and the Board's design requirements concerning the appearance of the houses.
- The professional planner, Matt Flynn, entered on the record and was sworn under oath. He testified to the following:
- Mr. Flynn confirmed that he was familiar with the application and had reviewed the subdivision plans, including the most recent revised plan dated July 1 of the current year.
- Mr. Flynn referred to his two-page planning exhibit, entitled "Planning Exhibits for Johnny R. Perez," which he stated was dated May 6, 2026. The exhibit showed the subject property highlighted in red, with the proposed subdivision line represented by a red dashed line splitting the existing property approximately in half.
- Mr. Flynn stated that a variance was required for lot area because the existing property is 10,000 square feet and the proposed subdivision would create two 5,000-square-foot properties. He stated that a two-family dwelling requires 7,500 square feet, resulting in a deficiency for both proposed properties.
- Mr. Flynn stated that the purpose of his exhibit was to show that, despite the strict requirements in the zoning ordinance, the properties in the immediate area include several lots that are just as small, or smaller, than what is being proposed and are similarly developed with two-family dwellings.
- Mr. Flynn stated that the properties highlighted in yellow on his exhibit are two-family properties on 5,000-square-foot lots or smaller.
    - He noted that several properties are 2,500 square feet, approximately half the size of the proposed lots, with frontages of approximately 25 feet and 34 feet in some cases. He stated that the 2,500-square-foot lot size is prevalent in the area.
- Mr. Flynn also pointed out that there are many three-family properties in the neighborhood.
    - The properties shown in orange are developed with three-family structures, and many are located on 50-by-100-foot lots, similar to what is being proposed.

    - He stated that, from a density standpoint, the proposal is "right on par" with what is seen in the immediate neighborhood.
- Mr. Flynn stated that the lot area and lot width are both variance conditions for the two proposed lots.
- Mr. Flynn moved to the second sheet of the exhibit, which showed the property outlined in yellow. He identified the existing two-family home that would remain on what he referred to as the bottom property based on the orientation of the exhibit.
    - The newly created property would be above it, where there is currently a surface parking condition.
- Mr. Flynn stated that the area contains many 25-foot and 50-foot lot widths. He stated that the existing 10,000-square-foot property with 100 feet of width, with approximately half of the property dedicated to parking, is out of context with the area and "sort of stands out as a void in the streetscape."
- Mr. Flynn stated that there is a lot of variety in the area in terms of building separation and density. He pointed out several buildings across the street that are relatively close together in terms of their setbacks.
- Mr. Flynn stated that building separation relates to another variance being sought for the existing building, involving the proposed side setback relative to the new shared property line in the middle of the property.
- Mr. Flynn then presented the revised site plan and reviewed the bulk table. He stated that the relief included variances for lot area and lot width.
- Mr. Flynn stated that the existing home has a non-conforming front setback of 16.71 feet, where 30 feet is required. The property on the newly created lot would comply with all setbacks.
- Mr. Flynn emphasized that, even with the proposed new building, the building and lot coverages would be compliant.
- Mr. Flynn reviewed the existing and proposed conditions.
    - The existing property currently contains one two-family dwelling.
    - Under the proposed conditions, the existing two-family dwelling would remain, with an addition extending to the left. A new two-family dwelling would be constructed on the newly created lot to the right.
- Mr. Flynn stated that the existing non-conforming front setback is 16.71 feet and would remain unchanged. He noted that the proposed work would not bring the building any closer to the front property line.
- Mr. Flynn identified the side setback variance associated with the existing building and the new shared property line. He stated that the setback is 1.67 feet, where 8 feet is required.
- In response to Mr. Trembulak's question regarding the distance between the existing house and the proposed two-family dwelling on the subdivided lot, Mr. Flynn stated that the separation would be a little over 15 and a half feet.
- Mr. Trembulak noted that the zoning permits 8-foot side yard setbacks, which would translate to approximately 16 feet of separation between the two structures if both houses had compliant setbacks.
- Mr. Flynn stated that the proposed building separation of a little over 15 and a half feet would not stand out and that the immediate area contains buildings that are much closer together.
- Mr. Flynn stated that there are waivers associated with the parking, including an RSIS waiver for the proposed parking stall size.

- He stated that RSIS requires parking spaces to be 9 feet by 18 feet. The proposed parking spaces are 8 feet wide, with two spaces being 16 feet long and the remaining spaces being 18 feet long.
- Mr. Trembulak confirmed that the plan shows four parking spaces for proposed Lot 58.02, which is one more space than required.
    - Mr. Flynn confirmed that one and one-half parking spaces are required for a two-bedroom unit and that the plan therefore provides one additional parking space.
- Mr. Flynn stated that there may be room in the backyard to move one of the parking spaces from the front to the back, which could allow for an 18-foot-long space instead of a 16-foot-long space. He stated that there was some room to adjust the plan if the Board was uncomfortable with the current arrangement.
- Mr. Trembulak stated that, if necessary, one of the parking spaces could be eliminated, which would allow for a better plan because the proposal provides one more parking space than required. Mr. Flynn agreed.
- Mr. Trembulak asked Mr. Flynn to discuss the driveway widths shown on the plan. Mr. Flynn stated that one of the driveways, for proposed Lot 58.02, is shown at 8 feet in width. He stated that the other driveway appeared to be somewhat wider, although the exact width was not clearly shown.
- Mr. Flynn stated that 14 feet is required for the driveway width and that both proposed driveways would therefore be variance conditions.
- In response to Mr. Trembulak's question as to whether an 8-foot-wide driveway was sufficient, Mr. Flynn stated that a car could easily get in and out. He added that, on Lot 58.02, approximately 2 additional feet could conceivably be added if the Board felt that was necessary to get closer to the property line.
- Mr. Flynn stated that, as proposed, the variance conditions would include variances for the size of the parking spaces and the driveway width.
- Mr. Flynn stated that, from a planning standpoint, for C relief, they look to either the C2 test or the C1 test.
    - He addressed the C2 test, known as the balancing test, under which the benefits of the application as a whole substantially outweigh any detriments.
    - He referenced the Pullen case and stated that the Board does not need to look at the benefits accruing from each individual variance, but rather the project as a whole.
- Mr. Flynn stated that Purpose A of the Municipal Land Use Law concerns promotion of the general welfare.
    - He stated that the application would improve the existing housing stock by bringing the relatively small existing home up to modern living conditions and would also contribute to new housing stock.
- Mr. Flynn stated that the proposal would contribute housing not only for the applicant, but for anyone who wishes to live in the community.
- He described two-family housing as "missing middle housing," noting that not everyone can afford to live in a single-family dwelling and not everyone wants to live in an apartment building.
- Mr. Flynn addressed Purpose G, variety of uses in appropriate locations.
    - Referring to his exhibit, he stated that, in terms of neighborhood compatibility, there are two-family homes on similarly sized and even smaller properties, and that the particular property size frequently contains three-family homes.
- Mr. Flynn addressed Purpose I, desirable aesthetics.

    - He stated that, in terms of compatibility, the proposed development would blend in and would not stand out as buildings crammed together in the context of the neighborhood and streetscape.
    - Mr. Flynn stated that, aesthetically, because the property is currently oversized, the proposal would have a cleaner aesthetic than one very large home, which could have much more building massing than what is being proposed.
- Mr. Flynn discussed the Kauffman case, which he identified as the pertinent case law for subdivision applications.
    - He stated that the court found a two-lot subdivision creating deficient lot widths and areas to be appropriate when the proposed subdivision provided for more consistent lot sizes with the surrounding area.
    - He stated that the existing 10,000-square-foot lot stands out in its existing condition because many lots in the area are much smaller.
- Mr. Flynn addressed the negative criteria and stated that there would be no substantial detriment to the public or the zone.
    - He again stated that the proposal would be less impactful than one very large home.
- Mr. Flynn stated that the proposed building coverage for both lots combined is approximately 2,400 square feet. He stated that up to 4,000 square feet could be placed in one building on the property in its current form, resulting in much more building massing than proposed. He stated that the proposal is therefore not maximizing the development potential of the property.
- Mr. Flynn stated that two dwellings could still be placed on the property and that having two distinct homes is not out of keeping with the zoning because two single-family homes could be developed as of right. The proposal differs in that the two homes would be two-family rather than single-family.
- Mr. Flynn stated that the Master Plan discusses improving and maintaining existing residential neighborhoods.
    - He stated that the proposal would improve and maintain what is currently in the neighborhood and would provide appropriate residential development taking into account the distinct areas throughout the community.
- Mr. Flynn stated that, based on his analysis, the application is appropriate and is a blend of what is permitted by zoning and what is seen in the community today.
- Mr. Trembulak asked Mr. Flynn whether he had reviewed the Board Planner's June 26th memorandum. Mr. Flynn confirmed that he had.
- Mr. Trembulak asked whether Mr. Flynn agreed that the applicant is able and willing to comply with all other code and ordinance requirements identified in the memorandum. Mr. Flynn agreed.

BOARD QUESTIONS

- Chairman Bagoff asked Mr. Flynn whether he would characterize the proposal as infill housing in the area. Mr. Flynn stated that he would.
- Chairman Bagoff asked whether the Kauffman case was Kauffman versus the Planning Board of the Township of Warren, 1988. Mr. Flynn stated that he believed so.
- Mr. Guarino stated that his concern was that the proposal would take away lawn and curb appearance and load the front with parking spaces. He asked whether the parking spaces could be placed in the rear of the property. Mr. Flynn stated that, on proposed Lot 58.01, the rear yard setback is 30 feet and that, based on the dimensions, it appeared that the parking could probably be placed in the rear.

    - Mr. Guarino stated that he would like to see the parking moved to the rear because it would provide a nicer curb appearance and avoid seeing cars in front of the building.
    - Ms. McGovern asked whether Mr. Guarino was referring to all three spaces. Mr. Guarino confirmed that he was.
- Ms. McGovern identified the other lot as Lot 58.02 and asked whether the four parking spaces proposed on that lot could all fit in the rear. Mr. Flynn stated that, without being an engineer, he did not want to say anything definitively, but it appeared that they could. He added that if four spaces did not work, only three spaces were required on that property.
    - Mr. Flynn stated that, if the Board wanted the parking moved to the rear as a condition of approval, the applicant could provide four spaces if they fit, and three spaces if four did not fit.
    - Mr. Trembulak stated, on behalf of the applicant, that the applicant could stipulate that the Board requirement eliminates the front-yard parking and placing the parking in the rear. He noted that only three parking spaces are required on Lot 58.02, so the additional fourth space could be eliminated if necessary. He also noted that the driveways on both properties could provide additional off-street parking.
- Chairman Bagoff asked whether any of the other homes on Whittlesey Avenue have one parking space facing Whittlesey Avenue in the front. Mr. Flynn referred to his exhibit and stated that the proposed arrangement is somewhat different from what is seen in the neighborhood. He noted that, across the street, there are wider driveways where cars can park side by side, and that many properties have similar arrangements. He also pointed out that some properties have tandem parking.
- Chairman Bagoff asked whether having one parking space in front while preserving green space in the backyard would be inconsistent with the neighborhood. Mr. Flynn stated having one or two spaces in front would not stand out.
    - Chairman Bagoff suggested that moving one parking space to the rear would result in one parking space in front of each of the units and would be more consistent with the neighborhood. He also suggested that trees, bushes, or other greenery could be provided in the front and rear.
- Mayor McCartney asked whether tandem parking, front and back, could be placed in the rear to save some backyard space. Mr. Flynn stated that it appeared possible if that was the Board's preference and, provided the applicant agreed, could be done.
- Mayor McCartney asked for more details concerning the proposed addition to the existing home, including the amount of livable space. Mayor McCartney noted that there is currently a two-story frame structure and asked whether it is a two-family home. Mr. Flynn initially confirmed that it was.
    - Mr. Trembulak corrected the testimony, stating that the existing house is a one-family dwelling and that the proposal is to convert it to a two-family dwelling.
    - Mayor McCartney stated that her remaining consideration was the parking in the rear, which she believed would be more compatible with the neighborhood, including tandem parking if it would work.
- Mr. Alper asked whether, if the parking were moved to the rear, particularly on the lot on the right side of the map, the new structure could be moved closer to the street to use some of the 30-foot setback and provide more backyard area for the parking, while creating a cleaner front and potentially matching the approximately 16-foot setback on the left-hand lot. Mr. Flynn stated that he believed this would be possible. He noted that

the required front setback is 30 feet and that moving the building forward would technically require a variance.

- Mr. Klein asked whether, if the building on Lot 58.01 were moved forward to approximately 16 feet from the street or right-of-way line and three parking spaces were placed in the rear, a turning template would be provided to ensure that vehicles could enter, make a K-turn, and exit facing forward. Mr. Trembulak stated that the applicant would agree to such a requirement and that it was reasonable. He noted that Mr. Flynn was not the person to provide the turning template.

BOARD COMMENTS

- Mr. Klein stated that, concerning Lot 58.02, in his professional opinion, none of the proposed parking spaces were maneuverable. He stated that there are only 10 feet behind a parking space and questioned how vehicles would make the necessary K-turns or loops to enter and exit. He stated that at least 22 feet is needed behind the spaces to make the swing.
- Mr. Klein stated that all of the parking spaces should be placed in the rear and that turning templates should be prepared before determining the size of the proposed addition.
- Mr. Flynn asked whether moving the rear parking spaces toward the right or north would provide enough room for the necessary vehicle movements. Mr. Klein stated that it probably would.
- Mr. Klein also stated that an 8-foot driveway is somewhat narrow. He noted that there is approximately 10 feet between the edge of the addition and what he understood to be a fence between the neighbors, and suggested shrinking the addition somewhat to make the driveway wider.
- Mr. Klein stated that, with mirrors and other considerations, the driveway should be approximately 10 feet wide, but that the turning templates would determine what is necessary.
- Mr. Trembulak agreed that, based upon the turning templates, the size of the proposed addition might need to be reduced to provide adequate space for a wider driveway and the relocated parking.
- Mr. Klein stated that he had no problem with three spaces facing north or east, depending on how vehicles need to maneuver. He stated that he definitely believed the two-family dwelling on Lot 58.01 should be pushed forward.
- Mr. Klein concluded that the applicant should run turning templates, determine how to place the parking in the rear, move the building forward, and shrink the addition if necessary.

PROFESSIONAL COMMENTS

- Mr. Davis agreed that parking in the rear was a better planning alternative and that moving the building forward was also preferable. He stated that his concerns had been about maneuverability of the parking spaces and that he believed the turning templates would address those concerns.

PROFESSIONAL QUESTIONS

- Mr. Valesi asked whether the subdivision would be filed by plat or by deed. Mr. Trembulak stated that it would be filed by deed.

PUBLIC QUESTIONS

- Kevin Malanga asked whether the applicant is presently the occupant of the house in question. Mr. Trembulak stated that his client lives there when he is in town and also spends time in Virginia, to the best of his understanding. He stated that when Mr. Perez is in New Jersey, he stays at the house.
- Mr. Malanga asked whether the property is not currently Mr. Perez's primary residence. Mr. Trembulak stated that his understanding is that it is not currently his primary residence, but that Mr. Perez plans to relocate back to New Jersey, at which point the property would become his primary residence.
- Mr. Malanga asked Mr. Flynn what planning goals sought to be advanced when the Township established the lot widths applicable to the street. Mr. Flynn stated that the reason behind dimensional variances is usually to ensure consistency among properties, so that one property is not excessively narrow or small compared with the rest. Mr. Flynn stated that, when considering the intent behind the requirement, including neighborhood consistency, adequate light, air, open space, and building separation, he believed all of those intents are met by the proposal.
- Mr. Malanga asked whether those purposes were met by the establishment of the current lot width requirement. Mr. Flynn stated that he believed they were being met by the proposal.
- Mr. Malanga clarified that he was asking what the Township sought to accomplish when it established the current lot widths. Mr. Flynn stated that one of the intents behind those requirements is consistency between properties so that something does not stand out in the context of the area, as well as concerns about building separation and density.
- Mr. Malanga asked whether Mr. Flynn was seeking to subvert the intention of the zoning by establishing the lot width that the applicant is seeking to overcome. Mr. Flynn stated that, given the neighborhood, the consistency of the proposed lot width makes it appropriate for this particular property.
- Mr. Malanga asked whether Mr. Flynn had calculated how many lots meet the current zoning-required width versus the number that do not. Mr. Trembulak asked what area Mr. Malanga was referring to. Mr. Malanga stated that he was referring to the neighborhood identified by Mr. Flynn. Mr. Flynn returned to his planning exhibit and stated that, when considering neighborhood compatibility, he starts with the block itself because those are the most immediately surrounding properties. He stated that he sometimes looks farther out, but in this case believed the point was clear by focusing on the particular block.
    - Mr. Flynn stated that, on the block, there are several properties developed with two-family dwellings that have 50-foot lot widths or smaller, as well as three-family properties on similarly sized lots.
- Mr. Malanga stated that Mr. Flynn had not provided the Board with a numerical calculation comparing those properties to the total number of lots on the block.
- Mr. Flynn asked whether Mr. Malanga was referring to the total number of lots in the town. Mr. Malanga clarified that he was referring to the one block because Mr. Flynn based his opinion on that block and asked what percentage complies and what percentage does not comply. Mr. Trembulak objected to the question and stated that the calculation could be made by counting the lots.
    - Mr. Flynn stated that he disagreed that such a calculation was necessarily required to determine whether something is consistent. He stated that when walking down a street, a person is not doing math in their head but is considering what is apparent. He stated that this was the intention behind the way he prepared his analysis.

APPLICANT CONCLUSION

- Mr. Trembulak stated that, as Mr. Flynn had shown through his exhibit and testimony, the proposal is not out of character with the neighborhood. He stated that the neighborhood is fairly dense, with many smaller lot sizes and a multitude of existing non-compliant two-family dwellings.
- Mr. Trembulak stated that he counted approximately 24 two-family dwellings, including houses on the opposite side of Whittlesey Avenue, as shown on Mr. Flynn's exhibit.
- Mr. Trembulak stated that the proposal is not inconsistent, but very much consistent with the neighborhood. He noted that the zoning permits 50-foot lots and two-family dwellings and stated that the proposal blends well with the existing conditions on the block.
- Mr. Trembulak stated that Mr. Flynn provided planning testimony supporting the requested C2 variances.
- Mr. Trembulak stated that the applicant is willing to address all of the Board's concerns and agreed with the Board's comments about relocating the parking to the rear of the buildings. He stated that the applicant would provide turning templates to show that the parking spaces can be accessed if necessary.
- Mr. Trembulak stated that the driveway on one lot would be widened and that, if necessary, the size of the addition could be reduced to accommodate a widened driveway and relocated parking.
- Mr. Trembulak reiterated that the applicant agrees to comply with all requirements identified in the Board Planner's memorandum.
- Mr. Trembulak specifically stated that the applicant would comply with all building design requirements concerning exterior design and appearance so that the houses do not look the same.
- Mr. Trembulak stated that the applicant would comply with building height requirements and the minimum square footage requirement of 1,100 square feet for each unit.
- Mr. Trembulak stated that the applicant would comply with tree removal and tree replacement ordinance requirements and all other building code requirements, including separate entrances.
- Mr. Trembulak stated that everything identified by the Planner would be acceptable as conditions of approval.
- Mr. Trembulak respectfully requested that the Board approve the application with the variances and subject to the changes and conditions outlined.

GENERAL DISCUSSION

- Mr. Klein stated that the Board was voting on a subdivision while also relying on an image of changes that had not yet been shown in a final plan, including moving the building forward, fitting three parking spaces in the rear in some orientation, widening the driveway, and potentially shrinking the addition. He asked whether the Board should proceed based on those anticipated changes or require a hard copy or image before voting. Mr. Klein asked whether the Board would leave it to its experts to work out those changes separately. Chairman Bagoff stated that the property would have to be subdivided if the Board determined that the subdivision made sense. He noted that the applicant would then have to go to the Building Department because there was not an exact plan for either side and there were no turning templates to confirm that the proposed arrangement would work.

- Mr. Klein asked whether the Building Department would require turning templates if the applicant submitted a site plan. Chairman Bagoff stated that the Board had asked that turning templates be supplied to the Building Department and that this would be a condition of the application.
    - Mr. Trembulak confirmed that the applicant agreed to the condition.
- Ms. McGovern stated that, based on Mr. Klein's comment, she understood that turning templates were needed for both houses, but that the primary concern was the existing house and addition, where an adjustment could be made to the addition on the new house if necessary to accomplish the turning template. She asked about the status of the other house.
- Mr. Klein clarified that his concern was that the image shown on the right side of the latest plan would not look anything like the final plan presented to the Building Department. The parking would not be in the front, the building would be shifted forward, and the parking would be arranged in the rear.
- Mr. Klein further stated that, for the other property, there would not be parking in the front, the addition would be a different shape or size, the parking would be in the rear, and the driveway would be at least approximately 10 feet wide.
- Mr. Klein stated that he wanted to ensure that the Board was comfortable with its Building Department or Board professionals reviewing the revised plan before it went to the Building Department.
- Chairman Bagoff stated that one of the problems is that the variances requested based on the current presentation are not necessarily the variances that will be required once all of the proposed changes are made.
- Chairman Bagoff stated that he believed the best approach would be to subdivide the land and have the applicant return with the appropriate plan, including a turning template, so the Board can determine what variances are actually needed.
- Ms. McGovern stated that the Board's proposal would require the applicant to re-notice and return with a Planner on the variances, even though the applicant had already provided the Planner's expert testimony.
- Ms. McGovern stated that, if the Board wants to see the turning template, position of the house, size of the addition, size of the driveway, and placement of the parking spaces, those matters had already been covered through the Planner's expert testimony.
- Ms. McGovern suggested that it would be more efficient for the applicant to submit the revised information and have the Board vote on it at the next meeting rather than require the applicant to go through the entire noticing process again, including newspaper publication and another application.
- Ms. McGovern stated that requiring another application would also result in additional expense for the applicant.
- Mr. Klein stated that he had thought the applicant could simply carry the matter until September and provide the requested information. He noted that he believed he had asked for turning templates at the prior hearing but apparently had not.
- Mr. Klein stated that the building shown on the current plan might not be the size of the building the applicant ultimately wants and that the proposed addition might not be the final size or shape. He stated that the applicant would therefore need to come back with a real drawing.
- Chairman Bagoff stated that the Board cannot grant variances for something that may not be the final proposal, particularly where additional variances may be required. He stated that this could otherwise require the applicant to return for another application.

- Chairman Bagoff stated that, if the applicant agrees, he would support the approach suggested by Ms. McGovern: return with the appropriate turning templates and the appropriate position of the new house.
- Mr. Klein asked whether the variance for the front yard setback was noticed. Ms. McGovern stated that she believed it was included in the catch-all notice and indicated that she would review the notice again.
- Mr. Trembulak stated that if the Board wanted the new house moved forward, which he believed everyone agreed was a good plan, that would require an additional variance. He stated that, because of the catch-all notice, he was not concerned about a notice issue.
- Mr. Klein recalled Ms. Apti discussing that the new building had to look substantially different from the existing building, including differences in color and design, and asked who would verify compliance. Ms. McGovern stated that the zoning official would verify this and that the applicant had already testified that it would comply with the design condition.
- Chairman Bagoff stated that, if the application were approved, the Board's experts, the building department, and the zoning official would review the plans and the proposed addition based upon the Board's direction.
- Chairman Bagoff noted that the existing house had a pre-existing non-conforming condition and that, if the turning templates did not work, the applicant would have to address the issue. Mr. Klein expressed concern that the applicant could otherwise have a subdivided lot that could not be built on because parking could not be provided in the rear.
- Mr. Trembulak stated that they could make the turning templates work and would do what was necessary, including shrinking the addition or the proposed new house. He agreed to provide turning templates.
- Mr. Trembulak asked for direction from the Board regarding the location and front yard setback for the new house and the minimum driveway width for Lot 58.02. He stated that, if a variance were required, he asked that the Board grant it, after which the remaining issues could be handled by the professionals and building department during the building permit review. He stated that the review could confirm the required parking, sufficient turning templates, and related requirements.
- Council President Scarpa stated that she felt there was not enough information completed to make a decision at that time because there were too many variables that could change.
- Chairman Bagoff stated that the Board was working through the variables and could set parameters for the experts, building department, and zoning official to use in making those decisions. Mr. Alper agreed that the Board could essentially set parameters.
- Mr. Klein asked whether there was a minimum driveway width and questioned why an 8-foot driveway was being proposed. Chairman Bagoff noted that the applicant was seeking a variance for the minimum driveway width.
- Mr. Klein stated that the driveway needed to be adequate because two sets of families would be sharing it and that it could not be a substandard width.
- Mr. Trembulak stated that 14 feet seemed excessive for a driveway. Mr. Klein clarified that the 14 feet was not the driveway width. He stated that the driveway appeared to be approximately 10 feet wide, with approximately 2 feet on either side within the 14-foot area from the building to the property line.
- Mr. Klein stated that Lot 58.01 appeared to have a 10-foot setback and a 10-foot driveway, while Lot 58.02 appeared to have a 10-foot setback and an 8-foot driveway.
- Mr. Trembulak asked whether 10 feet would be acceptable for the driveway width. Mr. Klein stated yes

- Chairman Bagoff asked Ms. McGovern to review the conditions before the Board proceeded.
- Ms. McGovern stated that the applicant would agree to abide by all suggestions and directives set forth in the CME reports dated December 16, 2025 and January 28, 2026, and the Board Planner's report dated June 26, 2026.
- Ms. McGovern stated that the applicant would eliminate front yard parking and put the parking in the rear of the property for Lot 58.01, the new lot.
- Ms. McGovern stated that the applicant would move the house up to match the house on the existing lot, with a 16.71-foot front yard setback, and would comply with all building requirements, including height and design requirements. She clarified that the setback requirement would be addressed separately and that the design condition included a difference in the front design.
- Ms. McGovern stated that, based upon a turning template, the applicant would adjust the addition to Lot 58.02 and create a 10-foot driveway.
- Ms. McGovern stated that both two-family houses would contain two-bedroom units, with all units being two-bedroom units.
- Ms. McGovern stated that each apartment must contain 1,100 square feet of space.
- Ms. McGovern stated that the applicant would comply with the design regulations and would remove the shed at the rear of the property, as had been discussed at the first hearing.
- Ms. McGovern stated that the applicant would submit a grading and drainage plan for the new Lot 58.01 to the Office of the Municipal Engineer for review and approval at the time of obtaining building permits.
- Chairman Bagoff asked about the C2 variances. Ms. McGovern stated that there was a front yard variance for the new Lot 58.01.
- Chairman Bagoff noted that the new addition on the existing lot would need a front yard setback variance.
- Ms. McGovern stated that Lot 58.02 was already pre-existing at a 16.82-foot front yard setback. She stated that Lot 58.01, as currently shown, would be moved up and would therefore need a front yard variance.
- Ms. McGovern stated that the newly created lot also needed a side yard setback variance because the side yard to the property line was approximately 2.5 feet. She noted that there was enough space for the driveway, but the applicant would have to create a 10-foot driveway on Lot 58.02.
- Ms. McGovern stated that the applicant also needed a variance for 5,000 square feet of lot area because a two-family house required 7,500 square feet, and a variance for lot width because a two-family house required 75 feet while the proposed lot width was 50 feet.
- Ms. McGovern asked whether the rear yard setback was measured from the last parking space to the rear or whether the parking spaces could be included within the rear yard setback. Mr. Davis stated that the rear yard setback was measured to the principal building, not the rear of the property. Ms. McGovern confirmed that parking spaces could therefore be located within the rear yard area without affecting the rear yard setback.
- Mr. Klein asked whether the pavement for the parking spaces could extend all the way to the rear property line. Mr. Davis stated that, as far as he understood, it could, noting that many existing properties shown in the aerial were completely paved to the rear.
- Chairman Bagoff noted that the applicant had requested an RSIS waiver for parking stall size, but that this might change.
- Ms. McGovern asked whether the RSIS waiver was still necessary with the parking being placed in the rear.

- Mr. Trembulak stated that the applicant could agree to comply with the required parking space dimensions or otherwise return for relief.
- Mayor McCartney asked whether revised plans would be submitted to the building department if the Board agreed to all of the conditions. Chairman Bagoff stated that revised plans would have to be submitted. He explained that the revised plans would go directly to the zoning official in the building department and the Board's experts for compliance review.
- Chairman Bagoff then made a motion to approve PB25-09, Perez, 68 Whittlesley Avenue, Block 129, Lot 58, Zone RT, with all of the previously mentioned conditions and requirements.

- Chairman Bagoff stated that the application did not deviate from the goals of the Master Plan. He stated that, based on Mr. Flynn's testimony, it was infill housing, was consistent with the neighborhood, and was a better use of the space, which was also part of the improvements to the Master Plan.

- **Motion: Chairman Bagoff**
- **Second: Mr. Noborine**

Alper: Y	**Mayor McCartney: Y**
Bagoff: Y	**Morgan: Y**
Cardoza (Alt.2): Y	**Noborine: Y**
Guarino: Y	**Scarpa: A**
Kapferer: ----	**Wilkes: ---**
Klein: Y	

- **PB-25-12 262 & 270 Main Street Realty LLC**
  262 & 270 Main Street
  Block: 114 Lot: 50 & 55 Zone: B-1
  The applicant proposes to construct a two-story supermarket building consisting of 13,934 square feet on the first floor and 5,810 square feet on the second floor, for a total of 19,744 square feet.

PRESENTATION

- Ms. Amanda Wolfe, of Norris McLaughlin, appeared on behalf of the applicant and the owner of 262 and 270 Main Street.
- Ms. Wolfe stated that the application began on May 6, returned on June 3 for additional testimony, and included a PowerPoint presentation by the architect, Jorge. She stated that the application was also scheduled for July 1 but was not heard, and the applicant was now returning on August 12.
- Ms. Wolfe stated that, in the interim, the applicant had made progress and received a report from the Downtown Alliance.
- Ms. Wolfe stated that the applicant had also communicated with the forester, who submitted a revised memo confirming that the landscaping plan was acceptable.

- Ms. Wolfe stated that the applicant reached out to the Community House, the school adjacent to the property, to determine whether it had any concerns about the project. She stated that she could not provide hearsay testimony but indicated that the school had no objections to the project.
- The engineer, Jordan Cecini, entered on the record; he was sworn under oath. His credentials were accepted by the board and he testified to the following:
- Mr. Cecini stated that the plans he was presenting were the current plans submitted to the Board, with a last revised date of May 26, 2026. Ms. Wolfe confirmed that this was the plan set previously introduced as Exhibit A2.
- Mr. Cecini stated that he was engaged to perform the engineering design for the drawings, focusing primarily on drainage, parking, lighting, and associated site plan requirements. He stated that he worked closely with the architect, Jorge Masto Priestro, in developing the plan.
- Mr. Cecini began with the drainage design and referred to Sheet C1.07.
- Mr. Cecini stated that, because this was a major development, the project had to control total suspended solids (TSS) as well as additional runoff under the new New Jersey requirements.
- Mr. Cecini described two separate drainage designs. Because a large amount of rainwater would be collected from the roof, one stormwater detention basin would outflow into the storm sewer in a controlled manner.
- Mr. Cecini stated that a pervious pavement system would collect direct runoff from the parking stalls along the edge of the property. A swale would collect the runoff and direct it into an aquaponic filter that would remove total suspended solids before the water entered the basin.
- Mr. Cecini stated that the piping was designed for overflows if the project exceeded the design storm and that the system complied with the stormwater design criteria.
- Ms. Wolfe asked Mr. Cecini to discuss the existing drainage conditions and whether the proposed system would be an improvement.
- Mr. Cecini stated that the proposed system would definitely be an improvement. He stated that no inlets collecting runoff from the existing site were indicated on the survey and that he did not recall seeing any during his site visit.
- Mr. Cecini stated that the existing site was 100% impervious coverage and that all runoff was going into the stormwater system.
- Mr. Cecini stated that the new design would reduce runoff and collect a good portion of it into the stormwater collection system, including runoff from the roof area.
- Mr. Cecini stated that the project would also remove total suspended solids from the roadway and parking lot, including oil residues and dirt from vehicles.
- Mr. Cecini described the proposed green infrastructure, including pervious pavers. He stated that a portion of the parking lot would be converted from asphalt to pavers with gaps that allow water to pass through into a gravel basin, where the water would be stored within the gravel.
- Mr. Cecini stated that the pervious pavement system was designed in compliance with the New Jersey Best Practices Manual and its recommendations for green infrastructure.
- Ms. Wolfe asked about the proposed rain gardens. Mr. Cecini stated that the rain gardens would be located in the swale and would collect water flowing from the asphalt down the driveway. A structure within the rain gardens would collect the water and direct it into the stormwater system.
- Mr. Cecini stated that the lighting plan met the ordinance criteria, with 0.5 foot-candles that did not protrude outside the area.

- Mr. Cecini noted that the plans were somewhat old and that there had been comments from the planner. He stated that the architect was proposing lighting for the structure and that the applicant intended to provide the lighting as a condition to demonstrate compliance with the 0.5 foot-candle requirement.
- Mr. Cecini then addressed parking, which he identified as the variance being sought.
- Mr. Cecini stated that when the drawings were originally submitted, the applicant had assumed that the warehouse/storage space on the second floor could be excluded from the parking calculation because it was not intended for customers and was primarily for storing materials needed for the supermarket.
- Mr. Cecini stated that the Planner requested that the second-floor space be included in the parking calculation.
- Mr. Cecini stated that he therefore ran the parking calculation two different ways. Under the B1 calculation, including the second-floor storage area, the total square footage less 1,000 square feet, divided by 300, resulted in 56.92 spaces, which rounded up to 57 spaces.
- Mr. Cecini stated that because the project proposed four EV spaces, the applicant received the benefit of adding four spaces to the design, bringing the required number down to 53 spaces.
- Mr. Cecini stated that the plan currently provided 58 spaces, but there was no way to fit the additional five spaces within the proposed area.
- Mr. Cecini stated that the second calculation considered how necessary the additional five spaces were by looking at the ordinances governing other parts of the city.
- Under the second calculation, the 13,934-square-foot retail space divided by 300 resulted in 46.44 spaces.
- The 3,144-square-foot storage space divided by the warehouse requirement of 600 resulted in 5.24 spaces, for a total of 52 spaces. After subtracting the four EV spaces, the calculation resulted in 48 stalls.
- Mr. Cecini stated that, based on the two different calculations, a parking variance was required, but in his opinion the design should meet the requirement for the intended use of the property.
- Mr. Cecini stated that there had also been discussion regarding turnarounds but that he would leave that issue to the traffic engineer because he had not performed a turnaround analysis.
- Mr. Cecini stated that, in general, he considered the application a solid application that met the stormwater and lighting requirements and that the parking variance was related to the different type of building proposed compared with prior CVS, Walmart, and Walgreens uses at the site.
- Ms. Wolfe asked whether Mr. Cecini would address landscaping. Mr. Cecini stated that it would be more appropriate for Jorge to address landscaping because the architect had the better presentation and 3D outputs.
- Mr. Cecini stated that the landscaping was being coordinated with the architect and had been taken into consideration in the drainage design.
- Ms. Wolfe asked whether the utilities remained the same. Mr. Cecini stated that they did.
- Ms. Wolfe asked where the refuse area and dumpster would be located. Mr. Cecini stated that he believed the refuse area would be inside the building and that the architect had addressed it during his prior presentation.

BOARD QUESTIONS

- Chairman Bagoff asked whether there would be a bench for seniors to sit on while waiting for the jitney. Mr. Cecini stated that he believed there was a location for the bench and recalled that, after the prior meeting, the team had discussed it with the architect. He stated that the architect had a place for the bench and that it would not interfere with parking or other requirements.
- Mr. Guarino asked Mr. Cecini about the water retention facility in front by the street and asked how many gallons it retained. Mr. Cecini reviewed the stormwater report and testified that the project has a runoff volume of approximately 7,800, with the exact number to be confirmed upon further review of his report.
- Mr. Guarino asked whether, after the stormwater system reaches its maximum retention, the water would flow into the Township's stormwater system. Mr. Cecini confirmed that it would.
- Mr. Guarino asked whether the proposed drainage system would include new infrastructure or connections between the property and the Township facility. Mr. Cecini confirmed that the project intends to connect to existing or proposed manholes in the street.
- Mr Guarino asked about the delivery trailer and the reference in the first presentation to parking the delivery trailer on Main Street. He stated that he had a significant concern with that arrangement. Mr. Cecini stated that he understood the concern and explained that he had performed turning-radius work, but that the traffic engineer would be the most appropriate person to address the reasoning for the proposed delivery arrangement.
    - Mr. Cecini stated that, within the site, it would not make sense to place the delivery trailer there because it would be very difficult to turn around and would require the truck to back in or back out.
- Council president Scarpa asked if she could hear more about how the delivery truck issue would be mitigated. Mr. Cecini stated that someone who specializes in the matter was taking a very close look at it and that it would be appropriate for the traffic engineer to address it.
- Mr. Klein asked whether sight triangles had been placed on the site plan for the site driveways, showing the distance that could be seen when exiting the driveway. Mr. Cecini initially referred to the directional arrows, but Mr. Klein clarified that he was asking about sight triangles.
    - Mr. Klein stated that he did not see the sight triangles on the site plan and noted that he was not sure whether the matter had been included as a comment in a prior review letter.
    - The architect, Mr. Jorge Mastropietro, stated that the sight triangles were included in the architectural drawings. The sight triangles were identified on Sheet 13.
- Ms. Kapferer asked whether a geotechnical analysis had been performed. Mr. Cecini confirmed that it had.
- Ms. Kapferer asked whether the stormwater design provided adequate separation between the stormwater features and the high groundwater table, and whether the percolation rates were adequate. Mr. Cecini confirmed both.
- Ms. Kapferer asked about the proposed grocery store and neighboring properties, specifically whether nearby buildings have basements and whether infiltration facilities located near those buildings could create a concern. Mr. Cecini stated that most buildings are designed to have waterproofing up to the grade line as required by code. He noted that water tables fluctuate even without stormwater percolating into the area and stated that he did not have concerns about additional water entering basements.
- Ms. Kapferer asked whether Mr. Cecini knew if the neighboring structures had basements. Mr. Cecini stated that he did not know.

- Ms. Kapferer asked about maintenance of the permeable pavement and how the applicant would ensure that it continues functioning as designed. Mr. Cecini stated that there is a maintenance plan in his report. He indicated that he would need to review the report further to provide the specific maintenance requirements and noted that the requirements depend on the system used and generally follow the manufacturer's requirements.

BOARD COMMENTS

- Mr. Guarino explained that the Community House next door currently has approximately 125 children and, as the program increases with the completion of the structure and new classrooms, there could be 300 children or more crossing Main Street during daytime and afternoon hours. He stated that a truck on Main Street would create a significant blindside and that this was one of his main concerns.
    - Ms. Wolfe stated that the applicant had reached out to the Community House to determine whether it had reviewed the plans. She stated that the Community House was familiar with the plans and did not have concerns about the project itself, but its concern was more about the overall circulation of the street and not the impact of this project.
- Mr. Guarino stated that he had spoken with the Executive Director of the Community House. He noted that he also sits on the Community House Board and is Chairman of the Pedestrian Safety Advisory Board, which includes two other Planning Board members.
- Ms. Wolfe stated that she had spoken with Mr. Paul Cito regarding the plans. Mr. Guarino confirmed that Mr. Cito had also contacted him and that this was the basis for his concerns.
- Chairman Bagoff asked Mr. Cecini to confirm for the record that the stormwater management controls would comply with the West Orange Stormwater Management Ordinance. Mr. Cecini confirmed that they would.
- Council President Scarpa stated that the project looked beautiful, but that she shared Mr. Guarino's concern regarding the delivery truck. She stated that she works at Washington School and is intimately familiar with the traffic and dangerous conditions on Main Street, noting that she had personally been involved in an accident there.
- Mr. Guarino stated that, because he is a member of the Executive Board of the West Orange Community House and a member of the Boys & Girls Clubs of the United States, and because the organization is a non-profit located directly across the street, he felt it was pertinent to recuse himself from any further participation in the application.
    - Ms. McGovern stated that Ms. Kapferer would be voting as an alternate due to the recusal.

PROFESSIONAL QUESTIONS

- Mr. Greg Valesi asked about the stormwater management system and a comment requesting drainage calculations and drainage area maps. He asked whether those materials had been submitted. Mr. Cecini stated that they should have been submitted but that he was not 100% sure which report Mr. Valesi was reviewing.
- Mr. Valesi identified the April 10, 2026 Archeon report and stated that, based on his understanding, the requested materials had not been submitted. Mr. Valesi stated that, although Mr. Cecini had testified that the project complies with the ordinance, he wanted the requested documentation submitted if it had not already been provided.

    - Mr. Cecini stated that he had a May 26 report and offered to send it to Mr. Valesi so that the comments could be reviewed and any requirements necessary to comply with the ordinance could be addressed.
- Mr. Valesi asked whether Mr. Cecini would agree to comply with the comments contained in the engineering report. Mr. Cecini stated that he would comply as long as the comments were within the ordinance.
- Mr. Valesi asked whether the applicant had identified the location of the ADA EV space. Mr. Cecini stated that the current plan did not have an ADA EV space, but that one of the ADA stalls could be converted to an ADA EV space. He noted that some parking would have to be moved because of issues regarding the Fire Department's preferred location for those spaces.

PUBLIC QUESTIONS

- Mr. Kevin Malanga, Ridge Road, asked Mr. Cecini about the collection of runoff from the roof. Mr. Cecini stated that the roof runoff would be collected through storm pipes or drains on the roof, which would go to a leader and then connect into the runoff and ultimately the basin.
- Mr. Malanga asked where the gutters and leaders would be located on the building. Mr. Cecini stated that their specific locations had not been established for a zoning plan application because that level of detail is typically provided with the construction documents. He stated that the drainage plan does provide a location for the runoff to enter the drainage system.
- Mr. Malanga asked whether there would be gutters for the roof along Main Street. Mr. Cecini stated that there would be some form of drainage collection, which could be internal to the roof or could use exterior gutters.
- Mr. Malanga asked about a structure that is an extension of the roof attached to the building along the Main Street side. Mr. Cecini stated that the architect would be more appropriate to address that issue because he is handling the site plan.
- Mr. Malanga asked whether Mr. Cecini was aware of rain gutters for that structure. Mr. Cecini stated that he was not responsible for the building design and that he is the site plan engineer. He explained that he tells the building designers where the pipe must be placed so that the water enters his storm collection system.
- Mr. Malanga asked whether Mr. Cecini had designed a collection system for the structure along Main Street. Mr. Cecini stated that he designed a system that collects the rainwater where it ends, but that the conveyance system is part of the building design, which is typically completed after approvals.
- Mr. Malanga asked whether Mr. Mastropietro had discussed rain gutters for the building with Mr. Cecini. Mr. Cecini stated that he believed the matter had been discussed as part of Mr. Mastropietro's prior testimony and stated that he would leave it to Mr. Mastropietro to address in his testimony.
    - Mr. Malanga stated that he had asked Mr. Mastropietro about the issue and that Mr. Mastropietro had said there would be rain gutters, so he was surprised to hear that the matter had not been discussed with Mr. Cecini.

PRESENTATION

- The traffic engineer, Mr. Gary Dean, entered on the record; he was sworn under oath. His credentials were accepted by the board and he testified to the following:

- Mr. Dean stated that the applicant had submitted a Traffic Impact Assessment dated March 11, 2026.
- Mr. Dean stated that the Traffic Impact Assessment included background traffic counts at the site and on streets in the immediate vicinity, including Kling Street, Main Street, and Irwin.
- Mr. Dean explained that the site is, in essence, a redevelopment. The property is currently developed with a Walgreens that has since closed and a small diner at the northern end of the property.
- Mr. Dean stated that the two existing structures would be removed and that the new store would be constructed essentially in their place, but more toward the southern end of the site.
- Mr. Dean explained that, instead of having two separate parking lots with two-way driveways as currently exists, the professional team spent significant time evaluating what type of circulation made the most sense for the property given its nature as a grocer.
- Mr. Dean stated that the team understood early on that there was sensitivity regarding traffic movement and operations, particularly at Kling Street.
- Mr. Dean stated that the team considered two-way driveways as well as one-way driveways with an entrance to the north and an exit to the south.
- Mr. Dean explained that, in an effort to minimize the impact on Kling Street, the proposed access has the ingress located opposite Kling Street.
    - This would allow anyone on Kling Street who wanted to come straight across Main Street to do so, while movements would otherwise not be subordinate to or affected by vehicles leaving the site.
- Mr. Dean stated that the exit driveway is further to the north, between Kling and Prospect.
- Mr. Dean stated that this arrangement was considered the most efficient manner of on-site circulation. It keeps traffic moving in a clockwise orientation and continues to allow access to 90-degree parking spaces.
- Mr. Dean stated that, through the process, Mr. Mastropietro had been responsive to concerns regarding cart corrals and other elements typical of a grocery store.
- Mr. Dean stated that one of the more significant issues addressed during the various TRC meetings was the desire not to put tractor trailers on Irwin.
- Mr. Dean stated that the team looked at a variety of options and determined that, without having the truck penetrate farther to the west and affect the residences, it was prudent to keep that activity away from Irwin.
- Mr. Dean stated that the applicant did not want to ignore the loading issue but also recognized that bringing the loading activity within the parking lot would result in the loss of too much parking.
- Mr. Dean stated that the team therefore considered how Main Street had been re-striped approximately four or five years ago.
- Mr. Dean explained that Main Street had previously had two lanes in each direction with no on-street parking, but had been re-striped to one lane in each direction with typical village or CBD-type parallel parking.
- Mr. Dean explained that, with the proposed relocation of the various driveways, on-street parking would still be retained, but the parking closest to the building entrance would be restricted as a loading zone so that a truck could safely park along Main Street and merchandise could be offloaded directly into the store.
- Mr. Dean presented a Google Street View photograph, identified as Exhibit A3 dated October 2021, as an example of what the applicant did not want to occur.

- Mr. Dean explained that the photograph showed a typical delivery occurring at the neighboring property, where the truck left insufficient width for traffic to safely pass. He stated that the applicant wanted to capitalize on the parallel parking availability along Main Street to create a temporary loading zone, which he said is frequently done in downtown areas.
- Mr. Dean stated that the loading zone would be used for a limited duration, approximately 20 to 25 minutes, to allow a few pallets to be removed from the truck and brought into the store, after which the area would revert to available on-street parking.
- Mr. Dean said that the proposed loading arrangement was considered a very practical solution that allowed the applicant to design a sufficient amount of parking for the project.
- Mr. Dean explained that if trucks were required to make deliveries on the property, they would have to cross the sidewalk twice, once to enter the site and once to exit. He stated that, out of concern for providing the highest level of safety, the applicant did not want trucks crossing the sidewalk and conflicting with pedestrians.
- Mr. Dean stated that, because Main Street is part of the Essex County roadway system, the proposal was reviewed with the County planner, who took no exception to the proposal in terms of safety, traffic, or movements and considered it a creative solution to a typical urban or downtown concern.
- Mr. Dean reiterated that keeping trucks off the sidewalk and out of conflict with pedestrians was considered a very practical and safe design that would adequately serve the store, and that the proposal had also been vetted with the applicant.
- Mr. Dean stated that he did not intend to get into the details of the traffic study, other than to identify it and discuss the comparison between the current site uses and the proposed use.
- Mr. Dean acknowledged that a thriving new grocer on Main Street would likely be a more vibrant business than the current use, or than the uses that could occupy the two existing buildings if they were re-tenanted.
- Regarding access and circulation, Mr. Dean explained that the proposed plan provides total on-site traffic flow, with parking essentially all the way around the site, head-in along the perimeter, and rows of parking in the central core to maximize the number of spaces.
- Mr. Dean stated that one parking space had been lost due to the cart corral, which he believed was appropriate in response to a concern previously raised by a Board member.
- Mr. Dean explained that the plan eliminated the need for individuals to back out of parking spaces and across the sidewalk.
- Mr. Dean stated that the parking directly along the north side of the building would be head-in parking and would include two handicap/ADA spaces. The parking would wrap all the way around the parking field, maximizing the number of available spaces.
- Mr. Dean stated that there were approximately a dozen interior traditional tandem spaces, all served by 24-foot-wide aisles that allow vehicles to exit from the perpendicular spaces.
- Mr. Dean addressed the question of site triangles and stated that the applicant had endeavored to provide low-level landscaping at the exit, below 36 inches in driver height. He said that, if necessary, the landscaping plan could be amended to clarify that requirement.
- Mr. Dean explained that there are no buildings or other obstructions affecting the site triangles. He noted that parallel parking spaces are the one feature that theoretically affects site triangles because vehicles parked on the street can be within the sight triangle,

although people are expected to be able to look through the glass of a parked vehicle to safely enter and exit a driveway.

- Mr. Dean stated that this condition is common along Main Street, both at driveways and various intersections, because parallel parking can theoretically place an object within a site triangle.
- Mr. Dean discussed the proposed bump-out at Irwin Place, explaining that it would clean up the area, improve sight triangles, provide additional curbing, improve visibility of the turning path, and allow a clearer line of sight for vehicles exiting Irwin Place.
- Mr. Dean stated that the proposed treatment at Irwin Place would allow for additional landscaping or streetscape treatment, or potentially a combination of both.
- Mr. Dean stated that the applicant was retaining, and potentially augmenting, landscaping and street trees along Main Street.
- Mr. Dean explained that the store entrance would be located at the northeast corner of the building, providing a convenient means of access for pedestrians. He stated that residents in the immediate neighborhood could have access to a grocer directly along Main Street instead of getting into a car and driving elsewhere.
- Mr. Dean said that the applicant hoped the location would attract some pedestrian traffic and that every effort had been made to ensure pedestrians and drivers have clear lines of sight.
- Mr. Dean clarified that the truck depicted on the plan was not a lowboy but a standard refrigerated tractor-trailer with either a 48-foot or 53-foot trailer.
- Mr. Dean explained that the tractor-trailer would position itself within the parallel parking spaces near the building entrance, allowing inventory to be brought directly into the store. The truck would pull across the entrance driveway, pull straight in, and then move forward to exit.
- Mr. Dean stated that if the truck and its circulation were accommodated on-site, the applicant would lose at least four parking spaces and probably more. He explained that during the design process, truck templates had been placed on the plan and evaluated.
- Mr. Dean stated that, considering the limited duration of deliveries, bringing the truck on-site would be a detriment to the efficiency and functionality of the overall site. He said the proposed loading arrangement was considered the more prudent and practical design solution.
- Mr. Dean discussed the EV spaces and stated that the applicant would comply with the applicable requirements. He referenced a 2024 DCA clarifying memo and explained that, as he read it, only new parking spaces were required to meet the EV percentage.
- Mr. Dean stated that because the applicant was effectively scraping the site clean and building from scratch, it would comply with the applicable EV requirement rather than debate whether the percentage applied to total parking or only new parking.
- Mr. Dean stated that he believed the requirement was two EV spaces for a total commercial parking supply between 50 and 100 spaces. He said the applicant would provide those spaces, with one needing to be available for disabled individuals.
- Mr. Dean stated that the EV spaces were a matter of code compliance and that the final requirements would be dictated by the Building Department.
- Mr. Dean noted that the applicant understood that the Fire Department generally does not want EV spaces immediately alongside the building, and the EV spaces would therefore be located where acceptable to the divisions of the Town having oversight.
- Mr. Dean stated that the plan showed four EV spaces in the central infield parking area and that one would need to be accessible to ADA users.
- Mr. Dean clarified that an EV space does not have to be signed as a handicapped space, but must be available and accessible to disabled individuals. He explained that a person

in an EV who is not disabled could park in the space without receiving a handicapped parking violation, provided that the space remains accessible to those individuals.

- Ms. Amanda C. Wolfe asked Mr. Dean to address the parking calculation and whether he concurred that the project provided sufficient parking.
- Mr. Dean stated that there had been discussion with the TRC regarding the parking calculation. He explained that the mezzanine area is not customer accessible and is arguably not retail.
- Mr. Dean stated that if only the ground-floor retail area were considered, without the upper floor, the project would comply with the required parking. In his opinion, the upstairs inventory and employee lounge do not independently generate additional parking demand.
- Mr. Dean explained that under the ordinance there is a waiver for the first 1,000 square feet, followed by a requirement of one parking space per 300 square feet. Based on that calculation, the requirement would be 57 spaces for the entire approximately 18,000-square-foot building, conservatively assuming that the entire upper floor is retail.
- Mr. Dean stated that the fundamental question was whether the plan provided sufficient parking. Based on the walkability of the neighborhood, the location, and the fact that the second floor was included to minimize the footprint and maximize parking, he said that, in his professional opinion as a traffic engineer, he was confident that the project would provide sufficient parking for the neighborhood.
- Mr. Dean stated that he did not believe the applicant would make this level of investment in cleaning up the site if the project would not provide adequate parking for its customers.
- Mr. Dean noted that Main Street provides on-street parallel parking, including a number of spaces across the project frontage, as well as parking along Irwin. He emphasized that these spaces would be available but would not be exclusively available to the site.
- Mr. Dean stated that, in his opinion, for the downtown setting, the project has an appropriate off-street parking supply and, in combination with the surrounding neighborhood, there is sufficient parking for the proposed use.
- Ms. Wolfe asked Mr. Dean to discuss pedestrian safety and the potential options for addressing pedestrian concerns, including the constraints associated with those options.
- Mr. Dean stated that they had spent considerable time reviewing the access scheme and attempting to devise the safest arrangement for pedestrians.
- Mr. Dean explained that having separated ingress and egress driveways was safer than the current configuration, which had existed for approximately 30 years or more.
- Mr. Dean explained the proposed apron design. He stated that, unlike the large curved radii at Irwin or Prospect, the proposed design uses an apron where the sidewalk elevation remains fixed.
- Mr. Dean stated that the apron design gives priority to pedestrian movements, with vehicles becoming subordinate because they must travel up a small ramp when entering or leaving the site.
- Mr. Dean explained that pedestrians continuing toward Irwin would encounter handicap ramps and detectable warning pads, allowing individuals to continue south across Irwin or north across Prospect.
- Mr. Dean noted that Irwin and Prospect do not currently have painted crosswalks across Main Street, and stated that this condition is endemic to the site and exists irrespective of the current application.
- Mr. Dean stated that if the Town Engineer believed that striped crosswalks would be an appropriate mitigation for increased pedestrian and vehicular traffic, and if the County concurred, the applicant would be willing to install striped crosswalks wherever they were considered warranted or preferred.

- Mr. Dean explained that there are challenges associated with driveways on the opposite side of Main Street. He stated that he would not recommend a crosswalk at the location south of Kling Street because most vehicles turning from Kling Street turn left, and he did not want to introduce a crosswalk into conflict with Kling Street traffic.
- Mr. Dean suggested that a crosswalk north of the project's entrance driveway, on the north side of Kling Street, could provide better visibility because it would be located at an intersection.
- Mr. Dean stated that the applicant was willing to contribute toward whatever location was determined to be the best place for the crosswalks.

BOARD QUESTIONS

- Chairman Bagoff noted that the upstairs area contains 5,810 square feet and asked about the size of the employee center and kitchenette within that area. Mr. Dean confirmed the existence of the employee area but deferred to Jorge regarding its exact size, stating that it was not a large area and was probably identified on the plans. Mr. Dean reviewed the mezzanine floor plan and identified 4,144 square feet of storage area on the second floor.
- Chairman Bagoff asked whether approximately half of the 13,934 square feet of retail space could be considered counter space. Mr. Dean explained the calculation, stating that the first-floor retail area contains 13,934 square feet. Because the ordinance does not require parking for the first 1,000 square feet, the remaining 12,934 square feet were calculated at a ratio of one space per 300 square feet, resulting in a requirement of 43 spaces. Mr. Dean stated that the project has 44 on-site striped parking spaces. Mr. Dean further explained that, under the EV credits, the project receives a four-space credit, representing 10 percent, bringing the calculated total to 48 spaces.
- Chairman Bagoff referenced the Board's parking ordinance, Section 25-12.2B.1, and stated that he believed it called for one parking space per 250 square feet rather than one per 300 square feet, while acknowledging that he could be mistaken. Mr. Dean stated that he had spent considerable time reviewing the ordinance and determined that the B1/CBD zone has a different parking standard. He explained that he had asked the Board's prior planner, Paul Greigel, where the CBD map was located, and after receiving the map, confirmed that the property is within the CBD. That was the basis for using the one-space-per-300-square-feet parking standard.
- Chairman Bagoff stated that, when the Board considers the parking calculation, a significant amount of the first-floor square footage will consist of counter space and space for customers purchasing items, while the upstairs area primarily involves a much smaller employee-use area.
- Council President Scarpa asked what times of day deliveries would be made, expressing concern about Main Street during rush hour. Mr. Dean deferred to Ms. Wolfe and noted that the delivery hours were already shown on the plan and had been addressed at a prior hearing.
- Chairman Bagoff asked Mr. Dean to clarify the total number of parking spaces that would be provided. Mr. Dean initially stated that he believed there were 44 striped spaces.
    - Ms. Wolfe clarified that there were 48 proposed spaces, four of which were EV spaces that receive the EV parking credit.
- Chairman Bagoff asked how many spaces were ADA spaces. Mr. Dean stated that there were two ADA spaces, but clarified that if every physical space on the site were counted, there would be 44 spaces. Mr. Dean explained that the 44 physical spaces include the four EV spaces and two ADA spaces.

- Mr. Klein asked about the delivery hours shown in the traffic report and site plan. He stated that the traffic report showed the temporary loading space from 7:00 a.m. to 11:00 a.m., while the plan set appeared to show 7:00 a.m. to 12:00 a.m., which would indicate midnight, and requested clarification. Ms. Wolfe clarified that the intended hours were 7:00 a.m. to 12:00 noon.
- Mr. Klein asked whether the applicant would then need to go to the Mayor and Council to obtain the ordinance establishing the restriction. Mr. Dean confirmed that this was correct.
- Mr. Klein raised a clarification concerning the proposed bump-out at the corner. He stated that it was shown on one drawing but not on the engineering site plans and asked whether any drainage calculations would be affected. Mr. Dean stated that the area is impervious in the existing condition and would be a combination of impervious and pervious area in the proposed condition. Mr. Dean explained that the bump-out is within the public right-of-way and would therefore require permission from the Mayor and Council and/or the County. Mr. Dean stated that treatments such as rain gardens could potentially be introduced and that the applicant had agreed to construct the treatment in whatever design was most receptive to the community, similar to the approach discussed for the crosswalk.
- Mr. Klein asked whether the proposed treatment was simply a pavement treatment or whether it would include a raised curb or other physical feature. Mr. Dean stated that he believed it would be curbed, but noted that there were concerns regarding fire access. Mr. Dean stated that the exact treatment would be reviewed with Mr. Valesi or his associates, the County, and the Town Engineer.
- Chairman Bagoff asked where the fire lanes would be located and whether areas would be marked for fire trucks. Mr. Dean stated that fire trucks would pull in where they need to, whether on Main Street or in the parking lot. He stated that the area behind the parking space could be striped as a fire lane/no parking area, or crosshatch striping could be used in the aisle itself.
- Ms. Kapferer asked about the proposed bump-outs and whether they would consist of paint and bollards, and whether the county had been consulted and was open to the proposal. Mr. Dean stated that the bump-outs had been discussed with David Antonio in the county planning office. Mr. Dean clarified that the exhibit was an illustrative example and not necessarily what would ultimately be installed. He stated that the applicant did not want to design the streets for the Board, but was committed to making them safer as a result of the application, with the specific treatment to be determined.
- Ms. Kapferer asked whether the county had been consulted about a potential crosswalk north of Kling or in the vicinity of the project, and whether a rectangular rapid flashing beacon (RRFB) had been discussed. Mr. Dean stated that an RRFB had not been specifically discussed because the idea came up after the initial discussions with the county. He stated that he did not believe rapid flashing beacons were necessarily appropriate at every intersection and that they should be used where there is a demonstrated need.
- Ms. Kapferer asked about the distance from the southern end of the loading area to Irwin and noted the concept of daylighting and the need for visibility at an intersection. Mr. Dean stated that the design provides more than 25 feet of distance and that the bump-out was also intended to provide additional visibility.
- Ms. Kapferer asked about the duration and frequency of use of the temporary parking/loading area during the stated 7 a.m. to noon period. Mr. Dean stated that he expected the space to be used for approximately 20 minutes to a half hour at a time to remove partial truckloads.

- Ms. Kapferer asked about circulation, signage, and striping to ensure that drivers understand where to enter and exit. Mr. Dean stated that there would be a combination of signing and striping. He stated that, if there is favorable action and the project proceeds to resolution compliance, there would be very conspicuous "do not enter" and "entrance only" signage, while avoiding excessive clutter. Mr. Dean stated that signing and striping would be used throughout the entire parking lot, including flow arrows similar to those shown on the plan, with additional arrows added so that internal circulation would be obvious and conspicuous.
- Chairman Bagoff noted that the 2025 Professional Planner's report stated that deliveries on Main Street would occur from 7 a.m. to 11 a.m., rather than until noon, and asked whether noon represented a change from the original proposal. Mr. Dean confirmed that noon was a change from the original proposal.

PROFESSIONAL QUESTIONS

- Mr. Davis asked whether off-site parking had been considered, noting that the B1 zone permits off-site parking on properties within 250 feet. Mr. Dean testified that the issue had been discussed during the TRC, including a suggestion that the large CVS lot down the street could be considered. He deferred to Ms. Wolfe regarding whether it had been successfully considered and stated that he did not believe there was anything else available within 250 feet. He noted that the neighborhood is fairly well developed and does not contain a lot of empty space.
- Mr. Davis asked about the two employee parking spaces that require variances because vehicles accessing them have to back out into the right-of-way at Prospect Place. Mr. Dean testified that the spaces were designated for employees to limit turnover. An employee would leave the vehicle there for the workday, approximately eight hours, rather than having frequent customer turnover. Mr. Dean testified that, in his opinion, the employee spaces were not at variance with other on-street parking along Prospect, where neighboring residents back in and out of their driveways.
- Mr. Valesi asked whether Mr. Dean would be able to provide turning movements for emergency vehicles that may have to circulate through the parking lot. Mr. Dean stated that an ambulance would fit through the site and that a fire truck would have access. He stated that a fire truck may not be able to loop all the way around, but in an emergency, everything would shut down, including Main Street and the parking lot, and emergency apparatus would come in as needed. Mr. Dean clarified that trucks were not intended to freely circulate through the parking lot, but the site would be accessible to emergency vehicles.
- Mr. Valesi asked about a potential conflict shown on the turning movement plan between a passenger car and the parallel parking space and also identified an apparent conflict involving the truck and the parallel parking space when turning into the loading space. Mr. Dean stated that he would provide a template demonstrating that the truck would not clip the parking space.
- Mr. Valesi asked about the loading zone on Irwin Place and noted a vehicle shown on street view along the curb line across the street, as well as signage for alternate side parking area. Mr. Valesi asked whether deliveries could be scheduled so there would be no chance of a vehicle being parked in that location. Mr. Dean deferred to counsel, stating that such a commitment would come from the applicant rather than the traffic expert.
    - Ms. Wolfe stated that the matter would need to be discussed further.

    - Mr. Dean stated that it was a reasonable suggestion to ensure that the truck could get in and out and testified that deliveries would be confined to the hours when parking was prohibited.
- Mr. Valesi noted that, if the bump-out were constructed with a physical curb line, the drainage structures shown on the survey would have to be considered by the site plan engineer, including the possibility of relocating structures. Mr. Dean agreed and stated that the inlets would need to be addressed if they were impacted by the bump-out design.
- Mr. Valesi asked for a sight distance triangle showing a vehicle leaving the parking lot and turning either left or right, in addition to the sight distance triangle already shown for the loading space. Mr. Dean agreed to provide the additional sight distance information and stated that the situation was no different from what exists today, but that it would be placed on a plan so it would be evidenced.

PRESENTATION

- Mr. Jorge Mastropietro entered on the record and confirmed that he was still under oath from the prior hearing. He testified to the following:
- Mr. Mastropietro addressed a question regarding rain gutters and explained that the construction documents had not yet been started because the applicant would not begin that phase until approval was obtained.
- Mr. Mastropietro testified that the building design contemplated hiding the rain gutters so that they would not be visible from Main Street. He showed an illustrative image, Exhibit A4, of a building where the gutters are concealed.
- Mr. Mastropietro stated that the other roof drainage would be within the roof and ceiling cavity so that nothing would be exterior.
    - He explained that the intent was to design a beautiful building without visible gutter downspouts or similar exterior elements.
- Mr. Mastropietro discussed the proposed lighting and stated that the applicant was considering LED strip lights running around the building, including along the other side.
- Regarding landscaping, Mr. Mastropietro stated that rain gardens were being considered and that the civil plans identify low planting for the exit sight triangle where vehicles leave the parking lot, so that visibility is maintained.
- Mr. Mastropietro stated that the information concerning the proposed trees is contained in the civil and landscaping plans.
- Mr. Mastropietro stated that the bench had not been discussed previously, but following the last meeting, the applicant had considered placing it either in the front area or another indicated area.
    - He stated that the applicant was open to suggestions from the Board or community regarding its placement.
- Mr. Mastropietro stated that, although he is not a traffic engineer, he is an advocate for pedestrian safety. He testified that he lives in the neighboring town of Millburn, is part of the pedestrian safety committee and planning board, and considers pedestrian safety very important.
- Mr. Mastropietro explained that the applicant was considering measures within the parking lot to slow vehicles down, including a patterned surface in areas where vehicles drive.
- He also discussed changing the surface of the sidewalk near the parking lot entrance and exit, including painting or otherwise changing the sidewalk surface to identify the pedestrian area.

- Mr. Mastropietro testified that having the loading space parallel to the sidewalk was the safest approach. He stated that going in and out through a loading dock is dangerous because delivery vehicles would have to cross the sidewalk multiple times, particularly for 20- to 30-minute deliveries.
- Mr. Mastropietro stated that he believed it was safer to avoid having delivery vehicles repeatedly cross the sidewalk.

BOARD QUESTIONS

- Chairman Bagoff asked Mr. Mastropietro to address Mr. Malanga's question concerning the water collection system on the roofline and how it would drain into the stormwater management system. Mr. Mastropietro reiterated that the drainage could be hidden and showed another image illustrating how the system could be constructed. Mr. Mastropietro testified that the method had been used on other buildings and was not an idea being created solely for this project. He explained that the drainage would go inside the building and down through the building.

PRESENTATION

- Ms. Wolfe stated that reducing the proposed physical spaces to 43 would be ideal. She explained that they may not need all of the space, but did not want to have to return if they could not make it work.
- She stated that, due to the Fire Department's concerns regarding placement of the EV space near the building, it was more difficult to determine where to place the ADA space. Ms. Wolfe confirmed that there was only one EV space at issue.
- The professional planner, Kate Keller, entered on the record; she was sworn under oath. Her credentials were accepted by the board and she testified to the following:
- Ms. Keller reviewed the existing site conditions, utilizing a previously marked presentation slide. She described the property as a relatively large site of almost three-quarters of an acre, approximately 0.7 acres, located in the heart of one of the downtown nodes.
    - She noted that the property had previously been a vacant pharmacy site with substantial parking and discussed the negatives of the prior site design.
- Ms. Keller stated that the existing site had approximately 99% impervious coverage and that the frontage was essentially non-existent. She explained that the proposal would replace the existing one-story, relatively nondescript buildings and parking areas with a permitted and encouraged supermarket/retail use.
- Ms. Keller described the proposed use as an appropriately scaled neighborhood market with approximately 13,000 square feet of actual retail space. She emphasized that the proposal was not a ShopRite or a large-scale market, but rather something designed to fit the context of the downtown area.
- Ms. Keller noted that the property has three street frontages: Main Street, Irwin Place, and a small Prospect Place frontage. She stated that, although she would not characterize the situation strictly as a C1 hardship because the lot was not assembled for that purpose, having three frontages represented some hardship with respect to certain of the requested variances.
- Ms. Keller stated that the requested variances could be considered in several categories, including existing conditions, parking and loading, and other site-related requirements.
- Ms. Keller identified the existing rear yard setback as 2 feet, 11 inches, which is also what is proposed. She noted that lot coverage would be reduced from 99% to 97%.

- Regarding parking, Ms. Keller stated that the ordinance strictly requires 57 parking spaces, including the first and second floors of the building and accounting for the 1,000-square-foot exception provided in the CBD.
- Ms. Keller stated that the proposal had originally provided for 44 parking spaces and had now been reduced to 43 spaces, with a credit for four EV spaces. She explained that, from the perspective of someone looking for parking on the site, there would be 43 spaces, while for purposes of variance relief and the resolution, there would be 47 spaces because of the EV credit.
- Ms. Keller stated that, in her opinion, the difference between the required 57 spaces and the proposed parking was not major and that the proposed parking was appropriate for a neighborhood supermarket.
- Ms. Keller explained that the parking was based on operational and real demand and was designed specifically for this type of market. She addressed what she believed had been some confusion regarding what areas were counted, noting that the second-floor area, mezzanine, and storage space were all part of the proofs.
- Ms. Keller stated that the proposed building and parking area were appropriately sized for the proposed use and that the balance between floor area and parking was an important consideration for the operator. She explained that the parking demand was driven by customers and not storage space.
- Ms. Keller stated that the parking calculation was a general retail parking calculation applicable throughout the CBD and B1 zones. She noted that the proposal provided parking on the site in addition to off-street parking available in the surrounding area.
- Ms. Keller stated that the site design provided a balance of usable building area while avoiding excessive pavement and keeping impervious coverage down, resulting in a better fit with the surrounding downtown setting. She also noted that ADA and EV requirements were being met on the site.
- Regarding off-site parking, Ms. Keller stated that the issue had been discussed at TRC meetings. She indicated that the applicant did not believe it was necessary to approach additional off-site parking and believed that the parking could be accommodated on the site. She noted that the requirement could not be met within 250 feet and stated that the needs of customers would be satisfied by the proposed parking.
- Ms. Keller discussed the variance required for off-street parking that abuts residential property. She explained that where a neighborhood business district, B1, is located adjacent to residential uses, it is difficult to provide the required 10-foot setback. She stated that the existing condition was generally being maintained, with improvements being made to certain portions of the parking area.
- Ms. Keller stated that the proposed site plan was a realistic plan for the proposed use. She noted that the area adjacent to the parking was residentially zoned and that the 10-foot parking setback was not a condition commonly met elsewhere in the B1 zone.
- Ms. Keller also addressed the requirement for a buffer strip from residential property. She stated that these requirements applied throughout the Township and that there could sometimes be a conflict between such requirements and downtown business district sites, as opposed to suburban, highway-oriented sites.
- Regarding two employee parking spaces shown on the site plan, Ms. Keller reiterated Mr. Dean's testimony that this was a limited-mobility scenario involving employees only. She stated that the spaces would not have high turnover and would not be used during the busiest times of the day. She stated that she did not see any safety issues associated with those spaces.
- Ms. Keller addressed the loading areas and stated that two off-street loading areas were proposed, which is the number required. Although the location and size were not

specifically aligned with the ordinance, she reiterated testimony from Mr. Dean and the other professionals that the proposal had been heavily studied, including by the County, and that the proposed arrangement was the safest and most appropriate planning alternative for the downtown location.

- Ms. Keller stated that the proposal would result in a much safer pedestrian environment because of the improvements proposed and because there would not be the same amount of vehicles turning through the crosswalk.
- Ms. Keller compared the existing conditions, where vehicles could enter and exit from multiple locations, and stated that the proposal would take traffic away from the intersection and bring it toward the middle of the street, which she considered safer.
- Ms. Keller noted that the loading space also involved a property-line issue and stated that the same testimony previously provided regarding the buffer and off-street parking applied.
- Ms. Keller addressed the requested sign variances. She stated that a façade sign was proposed at 8 feet in height, where 2 feet is permitted, and that a canopy sign was proposed at 1.5 feet, where 8 inches is permitted.
- Ms. Keller stated that the proposed signage was appropriately scaled for the building and the proposed use. She explained that a supermarket has different signage needs than a small storefront and that the building had been designed to incorporate the signage as part of a cohesive architectural package intended to activate the corner.
- Ms. Keller identified a variance for a fence located less than 5 feet from an adjacent residential building. She stated that this was related to the site configuration, existing conditions, and the relationship between the B1 zone and the adjacent properties.
- Ms. Keller also identified the requirement for a sidewalk between the parking and the building. She stated that testimony had already been provided on this issue and that, because the site would be controlled by bollards and would contain safety features, the additional sidewalk would primarily add pavement and would reduce the available parking count.
- Ms. Keller reviewed the application under the C2 flexible criteria. She stated that the benefits of the Municipal Land Use Law and the purposes of zoning would be advanced and that the benefits would substantially outweigh the detriments.
- Ms. Keller described the proposal as a state-of-the-art supermarket with food options, walkability, and parking on the site. She stated that it would provide what would be expected from a neighborhood market and would beautify a corner that had been significantly underutilized for an important site.
- Ms. Keller stated that the project would help revitalize this portion of downtown and noted that there were vacant commercial sites in the vicinity. She stated that the proposal would contribute to the pedestrian environment and the overall retail environment.
- Ms. Keller noted that the area was walkable and that a substantial portion of the Township could be covered within a 10-minute radius. She stated that this was a benefit to the community at large.
- Ms. Keller stated that, with respect to the purposes of the Municipal Land Use Law, the proposal would advance Purpose A by advancing the general welfare, filling a commercial gap, and providing an appropriately scaled, mid-size supermarket at the location.
- Ms. Keller stated that Purpose G would be advanced because the proposal provides a permitted use and sufficient space for commercial uses. She stated that, when viewed as a whole, many of the requested variances were relatively small.

- Ms. Keller stated that Purpose I, promoting a desirable visual environment, would also be advanced. She described the project as exciting in terms of its purpose, design, and other features.
- Ms. Keller stated that the proposal would constitute infill development with continuous building frontage and would incorporate elements identified in the Master Plan. She also noted that the project would promote renewable energy through solar panels and other design features previously addressed by the architect.
- Regarding the negative criteria, Ms. Keller stated that she did not see any substantial detriment to the public good associated with the requested variances. She noted enhanced safety features around the site and stated that the proposal was consistent with the intended purpose of corner lots under the Master Plan and zoning.
- Ms. Keller stated that the building was not excessively high, did not require additional building setbacks or building-height relief, and that the massing was appropriate. She described the proposal as an exceptional use of the corner site within the retail environment.
- Ms. Keller stated that the loading and off-street parking variances represented a better planning alternative, in her opinion.
- Regarding substantial impairment to the zone plan, Ms. Keller stated that the applicant had reviewed the 2019 Master Plan update and believed the proposal was consistent with what the Township was seeking when the Master Plan was prepared.
- Ms. Keller noted that the 2019 Master Plan specifically recommended flexibility in downtown parking ratios. She stated that, although the ordinance had not been changed, the recommendation was indicative of the importance of balancing uses and parking in downtown sites.
- Ms. Keller identified the incorporation of green infrastructure, maintaining a balance of land uses including non-residential uses in downtown core areas, streetscape and parking improvements, and making West Orange more environmentally and economically sustainable through a mix of land uses as objectives supported by the proposal.
- Ms. Keller stated that the proposal also continued longstanding Master Plan objectives concerning development, redevelopment, and rehabilitation of the Main Street Central Business District.
- Ms. Keller stated that the Master Plan focused on ensuring continued investment and improvements to the downtown and Main Street corridor. She concluded that the proposed development was consistent with the Master Plan, would not substantially impair the zoning ordinance or zone plan, and that the positive and negative criteria had been satisfied and the requested relief could be granted.
- Ms. Wolfe asked Ms. Keller to address the requested waivers. Ms. Keller initially understood the question to concern checklist waivers and indicated that she would defer to engineering or counsel regarding those items.
- Ms. Wolfe identified the illumination waivers, including illumination levels at the pedestrian walkway.
- Ms. Keller stated that the proposed illumination level at the pedestrian walkway was 5 foot-candles, where 0.9 is required, and referred to the engineer’s testimony that the requirement could be addressed as part of resolution compliance if the application were approved.
- Ms. Keller stated that light levels at the property line abutting residential uses were proposed at 0.5 foot-candles, where a maximum of 0.3 foot-candles is permitted. She stated that, given the context of the site and the existing conditions, the waiver was reasonable.

- Ms. Keller stated that the site would use modern lighting fixtures, that the fixtures would be pointed downward, and that the purpose of the lighting was safety and illumination of the parking area, not to disturb neighboring properties. She stated that the goal was to keep the lighting on the site and provide efficient lighting levels.
- Ms. Keller addressed the CBD design standards, noting that they are listed as guidelines in the ordinance. She stated that the applicant wanted to address them, particularly the use of certain building materials, including metal and zinc panels.
- Ms. Keller stated that "context is everything" and reiterated the architect's testimony that the building had been designed as a cohesive whole. She described the metal panels as a tasteful use of the material rather than an inexpensive or incompatible feature.
- Ms. Keller stated that the purpose of the downtown design standards was not necessarily to make everything exactly cohesive, but to limit the ways in which buildings stand out in a downtown environment. She stated that this site was intended to stand out and described the design as modern without being hyper-modern.
- Ms. Keller stated that the building fit into the surrounding architecture because of the way it blended into the site and that the use of metal panels on the roof and certain building materials would not be detrimental to the overall downtown goals.
- Ms. Wolfe stated that the applicant was also seeking site plan approval and subdivision approval. She explained that the subdivision was unusual because the applicant was actually merging the lots, but wanted to place on the record that the approvals were required.
- Ms. Keller confirmed that the application required preliminary and final major site plan approval and a technical subdivision for merging the lots. Ms. McGovern referred to it as a "reverse subdivision."

NO BOARD QUESTIONS

GENERAL DISCUSSION

- Mr. Valesi stated that the submission waivers requested by the applicant were incorporated into the engineering comments and offered to review them specifically for the record.
- Mr. Valesi stated that the applicant had requested a waiver to provide additional contours extending off-site. Because of the wall separating the shopping center from the residential area, he stated that the additional contours should be provided.
- Mr. Valesi stated that, regarding the drainage calculations and drainage map, he had already spoken with Mr. Cecini, who indicated that those materials would also be provided.
- Mr. Valesi initially identified those as the only three waivers from an engineering standpoint.
- Chairman Bagoff noted that six waivers had been requested and that Mr. Valesi had discussed two.
- Ms. Wolfe identified numbers 41 and 42 as waivers, with number 41 concerning road and paving cross-sections and number 42 concerning proposed street names.
- Ms. McGovern asked him to identify the waivers that, from his perspective, were acceptable and could therefore be granted.
- Mr. Valesi identified three engineering-related waivers concerning existing and proposed contour intervals based on UGS and GS datum, and contours extending at least 200 feet beyond the subject property.

- Mr. Cecini asked whether the applicant could use USGS 7.5-minute maps to make up the difference because requiring contours 200 feet beyond the property would require a significant amount of surveying. Mr. Valesi stated that contours would need to be provided within the immediate adjacent properties so that the existing grade on those properties could be tied into the proposed site improvements and it could be confirmed that the adjacent properties would not be negatively impacted.
- Mr. Cecini agreed and asked whether the requirement could be limited to approximately 20 to 25 feet beyond the property, stating that this would sufficiently provide the necessary information. Ms. McGovern noted that the Board would make the final decision but stated that she was making a note of the proposed 20-foot area.
- Ms. McGovern addressed number 34, the drainage area map. Mr. Valesi stated that the drainage area map should be provided.
- Ms. McGovern addressed number 35, drainage calculations. Mr. Valesi confirmed that the drainage calculations should be provided.
- Ms. McGovern addressed number 41, road and paving cross-sections. Mr. Valesi stated that he saw that the Planner had approved the waiver and that he agreed with the approval.
- Ms. McGovern addressed number 42, proposed street names. Mr. Valesi stated that the Planner had also indicated that the waiver was acceptable.

APPLICANT CONCLUSION

- Ms. Wolfe summarized that the Board had heard substantial testimony and had reviewed numerous exhibits and presentations. She stated that the applicant had spent significant time working through the loading situation and pedestrian situation and had done everything within its power to make the proposal function.
- Ms. Wolfe stated that the applicant believed the proposal was better than what currently exists. She noted that Ms. Keller had identified four entrances and exits on the existing site and that the proposal would reduce that to fewer entrances and exits, which she characterized as much safer.
- Ms. Wolfe stated that the entrances and exits would be designated.
- Regarding the loading spaces, Ms. Wolfe stated that the applicant believed the proposal would work and that the applicant would work with the County and governing body to obtain the necessary approvals.
- Ms. Wolfe stated that the applicant had worked with the Board to the extent possible, attended several TRCs, and made significant changes as a result of comments and questions received during those meetings. She stated that the applicant had continued making changes throughout the entire process.
- Ms. Wolfe also directed the Board's attention to the review issued by the Downtown Commission. She stated that the Downtown Commission had provided a very positive review and explained that the proposed use was desirable and necessary in the area.
- Ms. Wolfe concluded that the applicant had done whatever it could to make the project the safest and best project possible. She stated that the proposal would be a significant improvement over the existing conditions and would bring something necessary to the community.

PUBLIC COMMENTS

- Tez Roro, 24 Hutton, stated that the presentation was great and that she was excited about potentially seeing a neighborhood grocery come to the area. She asked whether there

would be consideration for hiring local residents for the business. Ms. Wolfe stated that it was the applicant's intent to hire local residents.

BOARD RECOMMENDATION

- Chairman Bagoff stated that there had been a very clear enumeration of the potential C variances and that it was not necessary to review each one unless a member of the Board requested it.
- Chairman Bagoff noted that parking was one of the major variances and stated that the site was very amenable to people walking and bicycling, in addition to driving.
- Chairman Bagoff stated that the neighborhood would avail itself of the business and complimented the applicant on the architecture and the cohesiveness of the group assembled by the applicant.
- Chairman Bagoff stated that he appreciated the succinctness of the presentations and the ability of the applicant and its experts to listen to the Board and its experts and work with them to provide a potentially outstanding project in the Township.
- Chairman Bagoff stated that he believed the benefits outweigh the detriments and that the area was in need of redevelopment.
- Chairman Bagoff referenced the Downtown Alliance letter, which had been posted on the website, stating that the Downtown Alliance was in favor of the project, including the building structure and the concept of a supermarket in that area of town.
- Chairman Bagoff noted that the project provides walkability and that there were bicycle racks around the area. He also stated that the Board was hoping a bench would be provided for seniors so that the jitney would be able to stop there and provide space for them to sit.
- Chairman Bagoff stated that the application advances the zone plan and is exactly what the 2019 Master Plan discussed when seeking to upgrade the downtown.
- Chairman Bagoff recommended approval of PB 25-12, 262 and 270 Main Street Realty LLC, Block 114, Lots 50 and 55, Zone B1.

- **Motion: Chairman Bagoff**
- **Second: Mr. Noborine**

Alper: Y	**Mayor McCartney: Y**
Bagoff: Y	**Morgan: Y**
Cardoza (Alt.2): ----	**Noborine: Y**
Guarino: ---	**Scarpa: Y**
Kapferer: Y	**Wilkes: ---**
Klein: Y	

- **PB-25-11 525 Northfield Ave LLC**
  525 Northfield Avenue
  Block: 159.04 Lot: 1.01 Zone: B-2

The applicant is proposing a 4-story mixed-use building containing 1,200 sq. ft commercial space on the ground floor and 95 residential units on the upper floors, and 165 off-street parking spaces.

The application will be carried to the next planning board regular meeting on September 2, 2026, without further notice at 6:30 P.M. via Zoom.

- **PB-26-01 15 Ridgeway LLC**
  15 Ridgeway LLC
  Block: 158 Lot: 28.01 Zone: R4
  The applicant is seeking a minor subdivision with bulk variance approval to create an additional building lot from an oversized lot.

The application will be carried to the next Planning Board special meeting on September 9, 2026, without further notice, at 6:30 P.M. via Zoom.

ADOPTED:

_____
Jamilet Baquerizo Vite
Planning Board Secretary