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September 16, 2026

Dr. Robert Bagoff, Chairperson
West Orange Planning Board
Township of West Orange
66 Main Street
West Orange, New Jersey 07052

Re: PB-26-03 — Crestmont Country Club
Request for Issuance of Subpoena Duces Tecum

Dear Chairperson Bagoff:

I am an interested party/objector in the above-referenced application. I respectfully request that you exercise the subpoena authority expressly conferred upon the chair of the West Orange Planning Board by the Municipal Land Use Law and the West Orange Land Use Regulations and issue a subpoena duces tecum requiring Crestmont Country Club, Inc., and/or the appropriate custodian or representative having possession, custody or control of the records identified below, to produce those records sufficiently in advance of the next substantive hearing on PB-26-03 to permit their review by the Board and interested parties.

I. AUTHORITY FOR ISSUANCE OF THE SUBPOENA

The authority to issue the requested subpoena is explicit.

N.J.S.A. 40:55D-10(c) provides that the officer presiding at a municipal land-use hearing, or that officer's designee, has the power to administer oaths and issue subpoenas compelling the attendance of witnesses and production of relevant evidence, including witnesses and documents presented by the parties. It further makes the County and Municipal Investigations Law, N.J.S.A. 2A:67A-1 et seq., applicable.

West Orange has incorporated that authority directly into its own Land Use Regulations. West Orange Code §25-48.4(b) provides that, in accordance with the County and Municipal Investigations Law, N.J.S.A. 2A:67A-1 et seq.:

The chairman of each Board, or such person as he or she may designate, shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and production of documents.

In addition, West Orange Code §25-46.7, governing the powers and duties of the Planning Board, expressly provides that the County and Municipal Investigations Law applies to “the issuance of subpoenas, the administration of oaths and the taking of testimony.”

Finally, West Orange Code §25-48.4(a) provides that interested parties shall be afforded the right to cross-examine witnesses, either through counsel or directly if unrepresented, subject to the presiding officer's discretion and reasonable limitations consistent with due process.

Thus, both State law and the Township's own Land Use Regulations expressly authorize the Chair to compel production of relevant documents. The documents requested below bear directly upon issues raised by the application and upon the meaningful examination and cross-examination of witnesses concerning those issues.

II. DOCUMENTS REQUESTED

I respectfully request issuance of a subpoena duces tecum requiring production of the following:

1. December 2025 WEHI–Crestmont Agreement

As testified to by Crestmont’s attorney and club manager at the July 1, 2026, West Orange Planning Board hearing regarding PB 26-03, the complete executed agreement entered into in or about December 2025 between Crestmont Country Club, Inc. and West Essex Highlands, West Essex LLC, Garden Homes, and/or any affiliated entity concerning the proposed traffic signal, Crestmont improvements, the West Essex Highlands development, or PB-26-03, including all exhibits, schedules, amendments, supplements, side agreements and attachments.

2. W-9 and Escrow-Funding Documents

As identified in the April 14, 2026, Completeness Review memorandum from the Township Consulting Planner Malvika Apte and Langley Oudemans, Associate Planner, of Heyer, Gruel & Associates to Richard Schkolnick, Esq., counsel for Crestmont, the W-9(s?) submitted in connection with the Planning Board escrow account for PB-26-03, together with documents sufficient to identify the person or entity that supplied, deposited, reimbursed or agreed to provide funds for that escrow account, including checks, wire-transfer records, transmittal correspondence, reimbursement agreements and related payment records.

3. Crestmont–Langan Agreements

All engagement letters, retainer agreements, contracts, proposals, scopes of work, amendments and other agreements between Crestmont Country Club and Langan Engineering

and Environmental Services, LLC, or any Langan affiliate, concerning PB-26-03, the proposed Eagle Rock Avenue/Oval Road traffic signal, relocation or realignment of the Crestmont driveway, associated roadway or parking improvements, or related work.

4. Langan Billing and Payment Records

Documents sufficient to identify the person or entity that has paid, reimbursed or is obligated to pay Langan for its work relating to the Crestmont application, proposed traffic signal and associated improvements, including relevant invoices and payment records.

5. WEHI/Garden Homes–Langan Arrangements Relating to Crestmont

All agreements, authorizations, proposals, invoices, payment records or other documents reflecting any arrangement under which West Essex Highlands, West Essex LLC, Garden Homes, or an affiliated entity retained, authorized, directed, paid, reimbursed or agreed to pay Langan for work relating in whole or in part to Crestmont, PB-26-03, the proposed traffic signal, the Crestmont driveway relocation, or the Eagle Rock Avenue/Oval Road intersection.

6. Related Communications

Communications among Crestmont, WEHI/West Essex LLC/Garden Homes and Langan concerning: (a) the December 2025 agreement; (b) financing of PB-26-03; (c) funding of the Planning Board escrow; (d) financing or design of the proposed traffic signal and associated improvements; and (e) the relationship between those improvements and the proposed West Essex development.

III. THE REQUEST IS BASED UPON A SPECIFIC, DOCUMENTED CONNECTION BETWEEN PB-26-03 AND PB 24-01

This request is not speculative and is not a fishing expedition. Specific evidence establishes a direct connection between the improvements presently before the Board in PB-26-03 and the West Essex Highlands development.

Most significantly, Langan Engineering and Environmental Services, LLC's January 21, 2026, Traffic Signal Design Report expressly establishes that connection.

Langan states that “The proposed traffic signal and associated signal improvements are being implemented in connection with the West Essex LLC development, Planning Board Application No. PB 24-01.” (p.1)

Langan further selected **2027 as its design year**. In projecting future traffic volumes, it included existing traffic, general background growth and “approved or pending developments in the surrounding area.” (p. 4). Lest there be any doubt that referenced the proposed and then still pending West Essex Highlands development application, the Langan report states that “traffic generated by the West Essex LLC development (Planning Board Application No. PB 24-01) was incorporated into the analysis.” (p. 4).

The report further explains that, as part of the signalization project, Crestmont's existing exit-only driveway along Eagle Rock Avenue would be relocated and aligned directly opposite Oval Road, thereby becoming the southern leg of the proposed signalized intersection.

Most importantly, Langan's conclusion is that the proposed traffic signal is “warranted and operationally justified under the 2027 Build condition.” (p. 9). Its conclusion further states that the applicable traffic-signal warrants reflect existing and anticipated traffic demands associated with both general background growth and “the West Essex LLC development (Planning Board Application No. PB 24-01).” (p. 9).

Thus, the connection between the Crestmont improvements and the now-denied West Essex Highlands development application is not an inference advanced by objectors. It is expressly stated in the professional engineering report supporting the proposed signal and associated improvements.

IV. THE JUNE 10, 2026, DENIAL OF P B 24-01 HEIGHTENS THE RELEVANCE OF THESE DOCUMENTS

The relationship between the two projects has assumed additional significance because the Planning Board denied PB 24-01 on June 10, 2026, and that denial is presently the subject of judicial proceedings.

Accordingly, traffic from the proposed West Essex development that Langan incorporated into its 2027 Build analysis cannot simply be assumed to materialize in 2027. Indeed, even if the Planning Board had approved PB 24-01 in June 2026, there was no possibility that the Oval Road traffic would have been increased beyond possible construction vehicle traffic.

This presents an important factual question for the Board in considering PB-26-03:

Would the proposed signal satisfy the applicable traffic-signal warrants, and would the proposed improvements otherwise be justified, if traffic attributable to the presently unapproved West Essex development were removed from Langan's analysis?

It also raises a separate but related question concerning how and why the improvements presently before the Board were conceived, commissioned, financed and designed.

V. THE CONTRACTUAL AND FINANCIAL DOCUMENTS ARE DIRECTLY RELEVANT TO THOSE QUESTIONS

Against this factual background, the December 2025, agreement between Crestmont and WEHI/Garden Homes, the W-9 and records concerning funding of the PB-26-03 escrow, and the agreements and payment arrangements involving Crestmont, WEHI/Garden Homes and Langan are directly relevant.

They may establish that Crestmont independently conceived, commissioned and financed the improvements presently before the Board.

Alternatively, they may establish that WEHI/Garden Homes commissioned, financed, reimbursed, directed or otherwise caused some or all those improvements to be pursued in connection with PB 24-01.

The documents themselves are the best evidence of which is true. The requested documents therefore bear directly upon who is sponsoring and financing the improvements; who retained and is compensating the professionals whose work supports the application; what contractual obligations Crestmont and WEHI/Garden Homes have undertaken toward one another; and the extent to which PB-26-03 arose from or remains connected to PB 24-01.

These questions are particularly material where the engineering justification presented for the signal expressly incorporates traffic from a separate development that the Planning Board has denied.

VI. THE REQUEST IS NARROWLY TAILORED

This request is not intended as general civil discovery into the private affairs of Crestmont, WEHI/Garden Homes or Langan.

It seeks identifiable categories of documents bearing upon the contractual, financial and professional relationships underlying the particular improvements presently before the Board.

Nor does this request seek privileged attorney-client communications or attorney work product. If privilege is asserted as to a responsive document, I request production of any reasonably segregable nonprivileged portion and identification of the withheld document sufficiently to permit the basis for the asserted privilege to be understood.

VII. PRODUCTION SHOULD PRECEDE FURTHER SUBSTANTIVE TESTIMONY

The requested documents potentially bear upon the factual foundation of the application and upon the examination and cross-examination of witnesses concerning the traffic signal and associated improvements.

West Orange Code §25-48.4(a) expressly affords interested parties the right of cross-examination, subject to reasonable limitations consistent with due process. That right cannot be exercised meaningfully with respect to these issues unless material documents concerning the relationships among Crestmont, WEHI/Garden Homes and Langan are disclosed prior to the conclusion of the relevant testimony and of Crestmont's presentation to the Planning Board.

I therefore respectfully request that the subpoena require production sufficiently in advance of the next substantive hearing to afford the Board and interested parties a reasonable opportunity to review the documents before examination and cross-examination of the relevant witnesses.

VIII. REQUESTED ACTION

For these reasons, I respectfully request that you exercise the subpoena authority expressly vested in the presiding officer by N.J.S.A. 40:55D-10(c), West Orange Code §25-46.7 and West Orange Code §25-48.4(b) and issue the requested subpoena duces tecum.

If the request is denied or limited, I respectfully request that:

1. the ruling be made on the record;
2. each category of documents for which compulsory production is denied be identified;
3. the legal or factual basis for denying production of that category be stated; and
4. this letter and the disposition of this request be included in the official record of PB-26-03.

The purpose of this request is straightforward. Before acting upon PB-26-03, the Board and interested parties should have the primary documents necessary to determine the contractual, financial and professional relationship between the Crestmont improvements and the West Essex Highlands development that Langan itself expressly identified as connected to those improvements.

Respectfully submitted,

Paul Tractenberg

cc: Diana McGovern, Esq., Planning Board Attorney
Jamilet Baquerizo Vite, Planning Board Secretary
Richard Schkolnick, Esq., Counsel for Crestmont Country Club