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September 9, 2026

Via Email & FedEx
Attn: Jamilet Baquerizo Vite, Planning Board Secretary
Township of West Orange
66 Main Street
West Orange, NJ 07502
E: jvite@westorange.org

Re: Section 31A Referral to Planning Board
Proposed Capital Improvement Projects
Fire Station No. 1 – 415 Valley Road
Fire Station No. 3 – 93 Ridgeway Avenue

Dear Ms. Baquerizo Vite:

The undersigned serves as Township Attorney for the Township of West Orange (the "Township"). The Township seeks to undertake improvements and renovations at Fire Station No. 1, located at 415 Valley Road, and Fire Station No. 3, located at 93 Ridgeway Avenue.

This letter and the enclosed materials are submitted to the Planning Board for review and recommendation pursuant to N.J.S.A. 40:55D-31(a), which provides, in relevant part:

> Whenever the planning board shall have adopted any portion of the master plan, the governing body or other public agency having jurisdiction over the subject matter, before taking action necessitating

> the expenditure of any public funds, incidental to the location, character or extent of such project, shall refer the action involving such specific project to the planning board for review and recommendation in conjunction with such master plan and shall not act thereon, without such recommendation or until 45 days have elapsed after such reference without receiving such recommendation.

Accordingly, please accept this letter and the enclosed materials as referral for review and recommendation and place the matter on the next agenda. Please note this referral is not an "application for development" under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., thus no site plan review is required.[1] Further, please note that Section 31A does not require public notice, and the notice provisions under N.J.S.A. 40:55D-12 similarly do not apply to Section 31A.

The Township is seeking to undertake interior and exterior renovations to existing Firehouse No. 3 and Firehouse No. 1 including architectural, mechanical, electrical, plumbing, and life safety upgrades to extent the facility's service life and improve functions for emergency personnel.

Enclosed for review and recommendation are the following:

1. Fire Station #3 Base Bid and Fire Station #3 and Fire Station #1 Alternate Work prepared by Herbst-Musciano, LLC;
2. Fire Station 1 Construction, Floor Plan, Legend, and Notes (Sheet A-02) prepared by Gary Musciano, RA, PP, of Herbst-Musciano, LLC;
3. Fire Station 1 Site Plan Lighting (Sheet ST-01), prepared by Gary Musciano, RA, PP, of Herbst-Musciano, LLC, dated December 22, 2025;
4. Fire Station 1 Demolition and Construction Floor Plan, Legends, and Notes (Sheet A-01) prepared by Gary Musciano, RA, PP, of Herbst-Musciano, LLC, dated December 22, 2025;
5. Fire Station 1 Electrical Plan and Lighting Specification (Sheet AE-01), prepared by Gary Musciano, RA, PP, of Herbst-Musciano, LLC, dated December 22, 2025; and

[1] *See also*, Murnick v. Board of Educ. Of City of Asbury Park, 235 N.J. Super. 225 (1989) (holding Board only bound by municipal zoning ordinance's use restrictions and did not have to obtain site plan approval from planning board.).

6. Fire Station 3 Construction Floor Plans and Scope of Work Notes (Sheet A-01) prepared by Gary Musciano, RA, PP, of Herbst-Musciano, LLC, dated 2026.

Please do not hesitate to contact me with any questions or concerns.

Sincerely,

Mark J. Semeraro, Esq.

Mark J. Semeraro, Esq.

Encl.

Cc: Zayibeth Carballo (via email zcarballo@westorange.org)