CITY OF ORANGE TOWNSHIP
ORANGE PLANNING BOARD
427 New England Terrace (285 Lincoln Avenue), Block 4101, Lots 9 and 11
Case No. 19-09

RESOLUTION OF APPROVAL

WHEREAS, EMB Equities, LLC ("EMB" or "Applicant"), as owner, applied to the City of Orange Township Planning Board ("Planning Board") with respect to the properties located at 427 New England Terrace (285 Lincoln Avenue), Block 4101, Lots 9 and 11 for preliminary and final site plan approval. The subject site is a 17,878 sq. ft. parcel consisting of two (2) tax lots (lots 9 and 11). Lot 9 is located at 285 Lincoln Avenue and is improved with a 5-story 22-unit apartment building. Lot 11, located to the south of lot 9, fronts on New England Terrace, and is currently vacant. EMB proposes to merge the two lots and construct a 26-space surface parking lot to be used as accessory parking for the residents of the apartment building on the site. The proposed parking will be accessible from an entry off of New England Terrace, where there is a 25-foot depressed curb that leads to a 22-foot wide two-way driveway. The driveway extends to the northern end of the lot, with two (2) rows of parking spaces located on either side. Each row will be setback 16.0 feet from the southern (New England Terrace) property line. Each row will be arranged along the western and eastern property lines and include thirteen (13) spaces, including one (1) ADA-compliant space each. Parking spaces will be 9-feet by 19-feet in size and have a curb stop. There is an increase in grade between the both lots. The ADA-compliant spaces are located at the northern end of each row, where they can readily access a proposed new concrete ramp, which extends in an eastern/western configuration, from the lower parking lot level up to a landing, which connects to a paved walkway that extends to the rear of the apartment building. A staircase is also proposed at the western end of the ramp, which leads to a paved walkway that extends to the aforementioned walkway to the rear of the building. A 6-foot
all board-on-board fence is proposed along the eastern and western property lines. There are two
17.5-foot by 9.5-foot landscaped areas proposed at the southern end of each row of parking
spaces, in the area setback from the New England Terrace property line. The plantings in these
areas will shield the parking from direct view from the street. Six (6) Arborvitae shrubs are
proposed, with three (3) proposed in each of the planting areas. Ten (10) additional shrubs are
also proposed, with five (5) each on either side. Six (6) RAB Lighting Pole mounted LED light
fixtures are proposed, with three (3) each on the eastern and western perimeter of the parking lot.

WHEREAS, in addition site plan approval, EMB sought bulk variance relief in
accordance with N.J.S.A. 40:55D-70(c) as follows:

a. variance to allow a lesser parking stall size than required where pursuant
to Orange Regulations §210-33.2B, each off-street parking space shall have an area of
not less than 180 SF, exclusive of access drives and aisles, and the applicant proposes a
parking space area of 171 SF (9-feet by 19-feet).

b. variance to permit a parking lot ingress/egress within less than 20-feet
adjacent property line Pursuant to Orange Regulations §210-33.3(4), each entrance to and
exit from the parking lot shall be at least twenty 20-feet distant from any adjacent
property located in any residential zone, and the applicants proposes an ingress/egress
that is within 16.4-feet of the adjoining property to the east.

c. Variance to allow a greater lot coverage than permitted where pursuant to
Orange Regulations §210-24.2 Table II, a maximum lot coverage of 25% is permitted
and 71.2% is proposed.

d. Pursuant to Orange Regulations §210-24.2 Table II, a minimum lot area of
43,560 SF is required, and the applicant proposes a lot area of 17,878 SF. A C-variance is
technically required to allow a lesser lot area than required. However, this is an existing nonconforming condition.

e. Pursuant to Orange Regulations §210-24.2 Table II, a minimum lot width of 100-feet is required, and the applicant proposes a lot width of 60-feet. A C-variance is technically required to allow a lesser lot width than required. However, this is an existing nonconforming condition.

f. Pursuant to Orange Regulations §210-24.2 Table II, a minimum lot depth of 150-feet is required, and the applicant proposes a lot depth of 140-feet. A C-variance is technically required to allow a lesser lot depth than required. However, this is an existing nonconforming condition.

g. Pursuant to Orange Regulations §210-24.2 Table II, a minimum front yard setback of 25-feet is required, and the applicant proposes a front yard setback of 15.10-feet. A C-variance is technically required to allow a lesser front yard setback than required. However, this is an existing nonconforming condition.

h. Pursuant to Orange Regulations §210-24.2 Table II, a minimum side yard setback of 25-feet is required, and the applicant proposes a side yard setback of 5.75-feet. A C-variance is technically required to allow a lesser side yard setback than required. However, this is an existing nonconforming condition.

i. Pursuant to Orange Regulations §210-24.2 Table II, a minimum combined side yard setback of 50-feet is required, and the applicant proposes a combined side setback of 5.75-feet. A C-variance is technically required to allow a lesser combined side yard setback than required. However, this is an existing nonconforming condition.

WHEREAS, the Property is located within the City’s B-2 (Apartment District); and
WHEREAS, the proposed parking area is a permitted ancillary use to the merged residential building and lot; and

WHEREAS, the Applicant has presented evidence of all consent necessary for the contemplated lot merger; and

WHEREAS, the Applicant presented proof that adequate notice of this hearing on this application was published in an official newspaper of this municipality and the notice of the hearing was served on all property owners within 200 feet of the subject property at least ten (10) days before the date set forth for the hearing; and

WHEREAS, the Applicant attended a meeting of and received comments from the City’s Technical Review Committee;

WHEREAS, the Applicant submitted the following documents and drawings to the Planning Board for consideration:

1. City of Orange Township Planning Board Application for Development submitted July 3, 2019 (with attachments)
2. Signed and Sealed Site Plans consisting of eight (8) sheets, titled Preliminary & Final Site Plan Approval to Construct a 26-Space Parking Lot (Accessory Use), 427 New England Terrace (285 Lincoln Avenue), Block 4101, Lots 9 & 11, City of Orange Township, Essex County, New Jersey, dated 6-13-2019, prepared by Brian S. Grant, PE, of Grant Engineering & Construction, LLC.

WHEREAS, the following reports relevant to this Application by reference and made a part hereof;

2. Memorandum from the Board Planner, Gerard M. Haizel, P.P., AICP of Nishuane Group, dated January 14, 2020;
WHEREAS, a public hearing was held on such application on January 22, 2020; and

WHEREAS, notice of the application was published in the official newspaper of the City of Orange Township as called for in N.J.S.A. 40:55D-12(a), the other notice requirements found in N.J.S.A. 40:55D-12 were complied with, and affidavits of service were provided to the Board Secretary;

WHEREAS, Reginald Jenkins, Jr. of Chasan Lamparello Mallon & Cappuzzo PC presented the Application to the Orange Planning Board on behalf of the Applicant, and;

WHEREAS, the Applicant presented testimony from Brian Grant, a Licensed Engineer with the firm Grant Engineering & Construction Group, LLC, who was duly sworn and qualified as an expert engineer;

WHEREAS, the Applicant marked into evidence the following exhibits:

1. Revised Signed and Sealed Site Plans consisting of eight (8) sheets, titled Preliminary & Final Site Plan Approval to Construct a 26-Space Parking Lot (Accessory Use), 427 New England Terrace (285 Lincoln Avenue), Block 4101, Lots 9 & 11, City of Orange Township, Essex County, New Jersey, dated June 13, 2019, last revised January 10, 2020, prepared by Brian S. Grant, PE, of Grant Engineering & Construction, LLC, marked as Exhibit A-1, which plans were revised in light of comments raised by the Technical Review Committee.

WHEREAS, the Board’s Engineer Richard Wostbrock, P.E., and the Board’s Planner Gerard M. Haizel, P.P. presented professional engineering and planning testimony respectively after being sworn and duly qualified as experts in their field and;

WHEREAS, Members of the Board were given an opportunity to ask questions and voice their opinions and;

WHEREAS, members of the public were given an opportunity to testify for or against the Application and none came forward to do so and;
WHEREAS, the City of Orange Township Planning Board makes the following findings of fact:

1. All the recitals hereinabove set forth are incorporated herein by reference.

2. The Board hereby incorporates, as if specifically set forth herein, all the factual and expert testimony, findings and conditions as set forth on the record at the hearing on January 22, 2020.

3. The Property located in the Township’s B-2 (Apartment District), the applicant, EMB Equities, proposes to merge two (2) adjoining lots, and construct a twenty-six (26) space surface parking lot as an accessory to their existing multifamily residential dwelling located on one of the lots to be merged. The proposed parking lot will be located on lot 11, which is vacant, and will serve as accessory parking for the residents of the existing multifamily dwelling on lot 9, which abuts lot 11 to the north. The proposed surface parking lot is permitted as an accessory use in the B-2 zone.

4. The Applicant has established good cause for the preliminary and final site plan approval, having satisfied its burden of proof pursuant to the Municipal Land Use Law, and its proposed development and application will advance the purposes of the Municipal Land Use Law.

5. The Board finds that the proposed deviations for the proposed parking area will advance the purposes of the Municipal Land Use Law and that the requested variance relief in accordance with N.J.S.A. 40:55D-70(c) can be granted without substantial detriment to the public good, that the benefits of the deviation would substantially outweigh any detriment and that the variance will not substantially impair the intent an purpose of the zone plan and zoning ordinance. The Board recognizes that the benefits identified in granting a C(2) variance must
include benefits to the community as a whole, not only the applicant of the property owner. The Board is satisfied that the variance can be granted “without substantial detriment to the public good” and “without substantial impairment to the intent and purpose of the zone plan and zoning ordinance” of the City. Indeed, the Board takes particular note of the fact that that parking in the neighborhood surrounding the Property is extremely limited and the proposed parking area is a positive step towards alleviating existing parking difficulties. Each of the noted deviations serve only to increase the parking available but without adverse consequence.

6. Further, the Board finds that the proposed parking area will not increase, alter or otherwise exacerbate any of the noted existing on-site nonconformities.

NOW THEREFORE BE IT RESOLVED by the City of Orange Planning Board at its meeting on February 26, 2020, as follows:

Applicant’s application under Case 19-09 for preliminary and final site plan approval and bulk variance relief for the subject property located at 427 New England Terrace (285 Lincoln Avenue), Block 4101, Lots 9 and 11, on the City of Orange Township Tax Map is hereby APPROVED.

FURTHERMORE, APPROVAL on motion by Planning Board Vice-Chair Jones and seconded by Member Tanis to approve the Application is subject to the following conditions:

1. All other State, County and Municipal Regulatory agency reviews and/or permits that may be necessary must be obtained.

2. Applicant will comply with all recommendations by the Planning Board’s Planner as set forth in his written report of January 14, 2020.

3. Applicant will comply with all recommendations by the Planning Board’s Engineer as set forth in his written report dated December 20, 2019, except that Applicant is not
required to provide light dimming controls but instead shall provide lower-wattage lighting and
shielding as proposed in its revised January 10, 2020 site plans marked as Exhibit A-1.

4. Applicant shall submit to the Board's engineer a full copy of revised site plans
marked as Exhibit A-1 for his review and comment.

5. Applicant shall install at least one (1) security camera for the proposed parking
area with the ability to accessed by Orange Township police department.

6. No additional construction permits of any type shall be issued by the Construction
Code Official of the City of Orange Township until all Planning Board escrow fees have been
paid and a Resolution of Approval has been memorialized and appropriately signed by the
Planning Board Chairman, Planning Board Secretary and Planning Board Attorney for approval
only as to the legality of the Resolution and the Construction Code Official has received final
plans, appropriately signed by the Planning Board Chairman, Planning Board Secretary and
Planning Board Engineer.

7. Prior to the initiation of construction activities, Applicant shall provide inspection
escrow funds for fees, pursuant to Section 210-56 of the City of Orange Township Ordinance.

WHEREAS, the Board took action on this application at is regular meeting on February
26, 2020 and this Resolution constitutes a Resolution of Memorialization of the action taken on
Case No.19-09 by those Planning Board Members voting and present.
January 22, 2020:
Date of Motion to Approve the Final Site Plan—Case No. 19-09

The motion to approve this site plan application was made by Planning Board Vice-Chair, Antoinette Jones and seconded by Member Hans Tanis. The motion carried 7 in favor, 0 opposed and 0 abstentions.

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February 26, 2020: Date of Motion to Memorialize Resolution—Case No. 19-09

The Motion to approve the Memorialization of this Resolution was made by Vice-Chair Jones and seconded by Member Tanis.
This motion carried 6 in favor, 0 opposed and 0 abstentions.

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X: Indicates Vote N.V.: (Abstention)
The foregoing is a true copy of the Resolution adopted by the Planning Board of the City of Orange Township, at its meeting of January 22, 2020 and said resolution memorializes the action of the Planning Board taken at its meeting of February 26, 2020, in the matter of Case No. 19-09.

Presented: February 26, 2020
Adopted: February 26, 2020

Dwight Holmes, Planning Board Chairperson

Laquana Best
Planning Board Secretary
Approved as to Form and Legality

Tamara L. Loatman-Clark, Esq.
Planning Board Attorney
Approved as to Form and Legality

1. Applicant shall publish a Notice of this action in the newspaper authorized by law to publish a legal advertisement and as required by law within (10) days of the adoption of this Resolution.