CITY OF ORANGE TOWNSHIP ORANGE PLANNING BOARD

227-231 MAIN STREET, ORANGE, NEW JERSEY
Block: 1901, Lots: 19 and 20
Case No. 20-01

RESOLUTION OF MEMORIALIZATION

WHEREAS, 229 Main Orange, LLC (the "Applicant"), filed an application with the City of Orange Township Planning Board (the "Board"), for a minor subdivision and associated “c” variances, for a lot line adjustment between Lot 19 and Lot 20, removing the portion of Lot 19 that lies behind Lot 20 and joining said portion to Lot 20; and

WHEREAS, the Property is located in the TVO - Transit Village Overlay Zone; and

WHEREAS, the Applicant presented proof that adequate notice of 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 submitted the following documents and drawings to the Planning Board for consideration:

1. City of Orange Township Planning Board Application for Development dated October 8, 2019;

2. City of Orange Township, Zoning Denial dated December 4, 2019;

3. Development Checklist for Minor Subdivision;

4. Development Checklist for Bulk Variance;

5. Certifications of Taxes and utilities for Block 1901, Lots 19 and 20;

6. Affidavit of Ownership for Block 1901, Lots 19 and 20;
7. Certified Property Owner's List;
8. Written metes and bounds descriptions for Block 1901, Lot 20, as prepare by Lakeland Surveying, Inc.;
9. Written metes and bounds descriptions for Block 1901, Lot 19, as prepare by Lakeland Surveying, Inc.;
10. Signed and sealed Plans titled “Survey of Property Tax Lots 19 and 20 - Block 1901, 227-231 Main Street, City of Orange, Essex County, New Jersey” prepared by Lakeland Surveying Inc., dated July 25, 2019; and
11. Signed and sealed Plan titled “Minor Subdivision Plat” prepared by Lakeland Surveying, Inc., dated October 25, 2019; and

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

1. Completeness and Technical Review Memorandum from the Planning Board Engineer, Richard Wostbrock, P.E., C.M.E, of CP Professional Services, dated January 23, 2020; and

WHEREAS, a public hearing was held on such application on February 26, 2020; and

WHEREAS, Jennifer M. Carrillo-Perez, of Connell Foley LLP presented the Application to the Orange Planning Board on behalf of the Applicant; and

WHEREAS, the Applicant presented testimony from the following witness:

1. Michael E. Dipple, P.E., Licensed Professional Engineer, L2A Land Design, LLC, who was duly sworn and qualified as an expert Civil Engineer, in his respective field; and

WHEREAS, Board Engineer Richard Wostbrock P.E., C.M.E presented testimony after being sworn and duly qualified as an expert in his 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 the following came forward to do so:

1. Jeff Feld, a non-resident but local business owner.

WHEREAS, this Resolution incorporates by reference, all discussions, presentations of exhibits and testimony taken at the hearing on February 26, 2020, as if set forth at length herein below, and;

WHEREAS, the City of Orange Township Planning Board makes the following findings of fact:

1. The Applicant, 229 Main Orange, LLC filed an application for minor subdivision and associated “c” variances approval for 227-231 Main Street, a 24,270 SF (0.558 Acre) corner parcel with frontage on Main Street and Glenwood Avenue;

2. The Applicant is the owner of 231 Main Street, the property identified as Block 1901, Lot 20; and

3. The Applicant seeks to subdivide a built-on portion of 227 Main Street, the property identified as Block 1901, Lot 19 and acquire said portion of property;

4. The Property is located in the C-2 Zone/TVO- Transit Village Overlay Zone;

5. The Property is fully developed with existing buildings and is approximately 3,537 square feet (0.08 acres);

6. The Property is located 67.75 feet from the intersection of Main Street and Canfield Street;

7. The Applicant is proposing to subdivide the Property to remove a portion of Lot 19
that lies behind Lot 20 and join said portion to 231 Main Street, also referred to as Block 1901.
Lot 20; and

8. As a result of the subdivision, the Property, Block 1901, Lot 19 will be 2,938.18
square feet (0.067 acres) and 231 Main Street, also referred to as Block 1901. Lot 20 will be
3,805.75 square feet (0.087 acres);

9. The Board further finds that Applicant has established good cause for the
subdivision approval, having satisfied its burden of proof pursuant to the Municipal Land Use Law,
that this Application will advance the purposes of the Municipal Land Use Law and the benefits
of granting any deviations and approvals substantially outweigh any detriments.

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

Applicant's request under Case 20-01 for minor subdivision and related "c" variances for
the subject property located at 227-231 Main Street, and further identified as Block 1901, Lots 19
and 20, on the City of Orange Township Tax Map is hereby APPROVED.

1. Further, the Board finds that, using prudent zoning and planning principles, the
request for the subject approvals will not adversely affect the existing neighborhood, or the
community as a whole, in consideration of the benefits that will be received.

2. The Board finds that any existing conditions which are non-conforming to the
Ordinance, and any deviations from the Ordinance for which variances and waivers were granted
under the prior approval, have not been exacerbated or expanded.

3. The Board finds that granting the approvals will not result in substantial detriment
to the public good. The granting of the requested approvals will not substantially impair the intent
and purpose of the Ordinance or Master Plan. Accordingly, the any variances and waivers can be
granted in that the positive and negative criteria of the MLUL have been satisfied. Moreover, the benefits of granting the any variances and waivers would substantially outweigh any detriments relative to deviations from bulk criteria.

**FURTHERMORE, APPROVAL** on motion by Vice Chair John and seconded by Member Tanis to approve the minor subdivision and variance relief sought is subject to the following conditions:

1. Applicant will comply with all recommendations by the Planning Board Experts. Subdivision plan to be updated to reflect the recommendations and testimony.

2. Parking at the rear of lot 19.01 shall be eliminated unless proof of legal access rights is provided to the Zoning Department.

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

4. Pursuant to the provisions of N.J.S.A. 40:55D-39, the Applicant shall provide proof that no taxes or assessments for local improvements are due on the property.

5. The Applicant shall file the appropriate documentation to consolidate the lots.

**WHEREAS,** the Board took action on this application at its regular meeting on February 26, 2020 and this Resolution constitutes a Resolution of Memorialization of the action taken on Case No.20-01 by those Planning Board Members voting and present.
February 26, 2020:
Date of Motion to Approve Minor Subdivision
Case No. 20-01

The motion to approve this minor, amended site plan application was made by Motion by Vice-Chair Antoinette Jones and seconded by Member Hans Tanis. The motion carried 5 in favor, 0 opposed and 2 abstentions.

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April 22, 2020:
Date of Motion to Memorialize Resolution
Case No. 20-01

The Motion to approve the Memorialization of this Resolution was made by Vice-Chair Antoinette Jones and seconded by Council President Eason.
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 April 22, 2020 and said resolution memorializes the action of the Planning Board taken at is meeting of February 26, 2020, in the matter of 229 Main Orange. LLC (227-231 Main Street), Orange, NJ, Case No. 20-01.

Presented: February 26, 2020
Adopted: April 22, 2020

Dwight Holmes
Planning Board Chairperson

Laquana Best
Planning Board Secretary

Planning Board Attorney

Gracia Montilus
Approved as to Form and Legality

1. The Secretary of the Planning Board shall file a copy of the executed agreements herein authorized, in the Office of the Orange City Clerk and same shall be made available for public inspection.

2. 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.