

DATE: JANUARY 24, 2022

RESOLUTION: 3-2022

**A RESOLUTION GRANTING
PRELIMINARY AND FINAL SITE PLAN APPROVAL
AND VARIANCES FOR DENSITY, LOT AREA, LOT WIDTH,
LOT DEPTH, SIDE YARD SET BACKS (NORTH AND
SOUTH) REAR YARD SET BACK AND BUILDING
COVERAGE
IN ORDER TO CONSTRUCT AN URBAN ONE-FAMILY
DETACHED DWELLING
ON A LOT
LOCATED AT
616 LINCOLN AVENUE,
ORANGE, NEW JERSEY,
IN A ONE FAMILY RESIDENTIAL (R1) ZONE,
BLOCK 6401, LOT 50
FILED BY:
GOZAGAI NJ HOLDINGS, LLC
CASE NO. MW 21-002**

**ZONING BOARD OF ADJUSTMENT OF
THE CITY OF ORANGE TOWNSHIP**

RESOLUTION

WHEREAS, by Application MW-21-002 Gozagai Holdings, LLC, Owner of property located at 616 Lincoln Avenue, Orange, New Jersey, has applied to the Zoning Board of Adjustment of the City of Orange Township, which application was duly filed with the Secretary; and

WHEREAS, the Applicant was represented by Alfred V. Acquaviva, Esq., appearing on this application; and

WHEREAS, said application requested preliminary and final site plan approval and variances for Density, Lot Area, Lot Width, Lot Depth, Side Yard Set Backs (North and South), Rear Yard Set Back and Building Coverage in order to construct an urban One-Family detached dwelling located at 616 Lincoln Avenue, Orange, New Jersey, in a One Family Residential (R1) Zone, on Block 6401, Lot 50; and

WHEREAS, a public hearing was held on October 25, 2021 at which time the Zoning Board of Adjustment of the City of Orange Township carefully considered all of the evidence and exhibits and made the following findings of fact and conclusions of law:

1. The proposed Density of 12.3 units per acre is greater than the maximum allowed density of 8.8 units per acre;
2. The proposed Lot Area of 3,540 square feet is less than the minimum required of 5,000 square feet and is a pre-existing and non conforming condition;
3. The proposed Lot Width of 27.35 feet is less than the minimum required of 40 feet which is pre-existing and non conforming;
4. The proposed Lot Depth of 77.2 feet is less than the minimum required of 100 feet which is pre-existing and non conforming;
5. The proposed Side Yard North Set Back of 5.44 feet is less than the minimum required set back of 8 feet;
6. The proposed Side Yard South Set Back of 4.5 feet is less than the minimum required side yard set back of 8 feet;

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7. The proposed Rear Yard Set back of 10.15 feet is less than the minimum required set back of 25 feet;
8. The proposed Building Coverage of 47.1% is greater than the maximum allowed of 40%;
9. Michael Johnson, the owner of Gozagai Holdings, LLC was sworn in. He explained to the Board that he intended to construct a one family dwelling on an undersized vacant lot and he described the variances that he was seeking as a result of the small size of the lot.
10. Rod Nyennatee, RA the applicant's architect, was sworn in. He recited his credentials and was accepted as an expert architect, who is self employed and had been in his profession since 1998.
11. He also addressed the variances needed as a result of the small size of the lot and explained the drainage system as it would relate to the neighboring properties.
12. He continued that the applicant wants to build a one and a half (1 ½) level single family residence with a garage, utilities, powder and recreational rooms on the ground level, and three (3) bedrooms and two (2) baths, a kitchen, dining and living room on the first level. He opined that the proposal is the best use of that property and a permitted use in the area but requires variances including a variance for density due to the small size of the lot.
13. The Board's Engineer David A. Clarke, P.E., C.M.E of CP Engineers, LLC, was sworn in. He referred to his letter memorandum dated October 7, 2021.
14. Gerard Haziell, PP, AICP with the Nishuane Group, LLC, was sworn and testified that the use was a positive one for the municipality and that there would be no negative impact to the city or the surrounding neighbors. He added that the lot was substantially undersized but that the use fits well between the neighboring properties; and

WHEREAS, Andrew Weinberger residing at 447 Tremont Place in Orange, New Jersey and Danielle residing at 458 Tremont Place in Orange New Jersey commented on the application and had their questions successfully answered by the applicant; and

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WHEREAS, Board Member Ashanti Connor moved to grant the application with the following conditions:

- a. The applicant shall adhere to the recommendations of the historical preservation commission;
- b. All taxes and assessments shall be paid;
- c. The applicant shall adhere to the recommendations of the city officials; and

WHEREAS, Board Member JoAnne Ware seconded the motion; and

WHEREAS the Zoning Board of Adjustment has determined that the relief requested by the applicant would contribute to the well being of persons, neighborhoods, communities and regions in the city and preserve the environment and general welfare without substantially impairing the intent and purposes of the zoning ordinance of the City of Orange Township; and

WHEREAS the Board has also determined that the application is a welcomed addition to the neighborhood and would not be detrimental to the neighbors.

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the City of Orange Township that the application requesting preliminary and final site plan approval and variances for Density, Lot Area, Lot Width, Lot Depth, Side Yard Set Backs (North and South), Rear Yard Set Back and Building Coverage in order to construct an urban One-Family detached dwelling located at 616 Lincoln Avenue, Orange, New Jersey, in a One Family Residential (R1) Zone, on Block 6401, Lot 50 shall be and hereby is granted on the following conditions:

- a. The applicant shall adhere to the recommendations of the historical preservation commission;
- b. All taxes and assessments shall be paid;
- c. The applicant shall adhere to all recommendations of the city officials.

The above is a memorialization of a Motion which was duly seconded and passed on October 25, 2021 on the following vote:

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IN FAVOR

NOT IN FAVOR

Ashante Connor
Carl Fields
Mary L. Reed-Learmont
Gerard Schubert
JoAnne Ware
Murphy Wilson

The undersigned Secretary of the Zoning Board of Adjustment of the City of Orange Township hereby certifies that the foregoing is a true copy of a resolution memorialized by said Board on January 24, 2022 on the following vote:

IN FAVOR

NOT IN FAVOR

Ashante Connor
Carl Fields
Mary L. Reed-Learmont
Gerard Schubert
JoAnne Ware
Murphy Wilson

JOYCE L. LANIER
JOYCE L. LANIER, Secretary

MURPHY WILSON
MURPHY WILSON, Chairperson

