

**DATE: JANUARY 24, 2022**

**RESOLUTION: 4-2022**

**A RESOLUTION GRANTING  
PRELIMINARY AND FINAL SITE PLAN APPROVAL  
AND VARIANCES FOR DENSITY, FLOOR AREA RATIO,  
LOT AREA, LOT WIDTH, FRONT YARD SETBACK,  
SIDE YARD SET BACKS (NORTH-EAST AND SOUTH-WEST)  
AND BUILDING COVERAGE  
IN ORDER TO CONVERT AN EXISTING TWO-FAMILY  
DWELLING INTO A THREE-FAMILY DWELLING  
ON A LOT  
LOCATED AT  
151 NORTH DAY  
STREET, ORANGE, NEW  
JERSEY,  
IN A MIXED-USE LOW DENSITY RESIDENTIAL  
AND NEIGHBORHOOD COMMERCIAL (MX-1) ZONE,  
BLOCK 1503, LOT 7  
FILED BY:  
YOSEF CHAIM, INC.  
CASE NO. MW 21-003**

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

## **RESOLUTION**

**WHEREAS**, by Application MW-21-003, Yosef Chaim, LLC, Owner of property located at 151 North Day Street, 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 Michael Rubin, Esq., appearing on this application; and

**WHEREAS**, said application requested preliminary and final site plan approval and variances for Density, Floor Area Ratio, Lot Area, Lot Width, Front Yard Setback, Side Yard Set Backs (North-East and South-West) and Building Coverage in order to convert an existing two-family dwelling into a three-family dwelling on a lot located at 151 North Day Street, Orange, New Jersey, in a Mixed-Use Low Density Residential and Neighborhood Commercial (MX-1) Zone, on Block 1503, Lot 7; and

**WHEREAS**, a public hearing was held on August 28, 2021 at which time the application had been denied and at which time the applicant requested to return to the Board with revised plans and did return on December 3, 2021, for a new hearing (*de novo*) and 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 43 units per acre is greater than the maximum allowed of 26 units per acre and also greater than the existing non conforming use of 29 units per acre;
2. The proposed Floor Area Ratio of 1.17 is greater than the maximum allowed and greater than the exiting one of 1.079;
3. The proposed Lot Area of 3,018.2 square feet is less than the minimum required of 5,000 square feet which is pre-existing and non conforming and is not being changed by the applicant;
4. The proposed Lot Width of 27.35 feet is less than the minimum required of 50 feet which is pre-existing and non conforming;
5. The proposed Front Yard Set Back of 15 feet is less than the minimum required of 20 feet and is pre-existing and non conforming;

MW 21-003

Dated voted upon December 3, 2021

Date memorialized January 24, 2022

Page 2 of 6

6. The proposed Side Yard Set back on the North-East side of 5.68 feet is less than the minimum required side yard set back of 8 feet and is pre-existing and non conforming.
7. The proposed Side Yard Set back on the South-West side of 0 feet is less than the minimum required side yard set back of 8 feet and is pre-existing and non conforming;
8. The proposed Building Coverage of 43.2% is greater than the maximum allowed of 40% and is pre-existing and non conforming;
9. One (1) off-street parking space is proposed which is less than the required 2 off-street parking spaces because the applicant must provide (2/3) parking spaces per dwelling unit and will have three (3) dwelling units.
10. William J. Gentile, RA the applicant's architect, was sworn in (for both the first hearing and the second one). He recited his credentials and was accepted as an expert architect, who had been in his profession since 1994 and is currently working in the office of Square Center, LLC in West Orange, New Jersey. He explained that the property had suffered a major fire making it currently uninhabitable and that it had been used illegally as a four (4) family dwelling when it was listed as a two (2) family dwelling on the tax records.
11. He continued that the applicant wants to now convert the property into a legal three-family dwelling with many needed improvements such as a reinforcement of the deck, more storage, and individual mechanical units. The first and second floor apartments would each have three (3) bedrooms and the third floor apartment would have two (2) bedrooms. All apartments would have bathrooms, a kitchen, a living and dining room area, a washer/dryer, and an improved ventilation system. There would be no bathroom in the basement.
12. The exterior would remain as it is with the existing stucco like appearance. The existing fire escape would be repaired and improved and there would be another means of egress from the third floor, such that there would be two (2) means of ingress and egress. Each side of the building would have fire protection.
13. One (1) off-street parking space would be provided in the front of the house because there is no room to provide a space for a vehicle in the back and there is insufficient room for a car to be parked behind the property without trespassing on the neighbor's property. A motorcycle or bicycle could however easily be parked

MW 21-003

Dated voted upon December 3, 2021

Date memorialized January 24, 2022

Page 3 of 6

in the rear of the property and the applicant proposed to provide a bike rack in the rear against the building.

14. Mr. Gentile concluded by stating that the applicant would be getting rid of an eye sore because the property had been damaged by fire and could now be made habitable again. The applicant would also improve the aesthetics in the neighborhood by removing a burnt down eyesore and would maintain the character of the neighborhood. Providing at least one (1) off-street parking space is also more advantageous than having none.
15. The applicant's attorney concluded the presentation by encouraging the Board to approve the application which would be beneficial to the City of Orange and to the neighborhood.
16. 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
17. 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.

**WHEREAS**, no one from the public commented on the application; and

**WHEREAS**, Board Member Gerard Schubert moved to grant the application with the following conditions:

- a. The basement kitchen would be removed;
  - 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

MW 21-003

Dated voted upon December 3, 2021

Date memorialized January 24, 2022

Page 4 of 6

**WHEREAS** the Board has also determined that the application is a wonderful opportunity to refurbish a burned out dwelling that is an eyesore and turn it into a habitable and permitted three-family dwelling is beneficial to the municipality and 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, Floor Area Ratio, Lot Area, Lot Width, Front Yard Setback, Side Yard Set Backs (North-East and South-West) and Building Coverage in order to convert an existing two-family dwelling into a three-family dwelling on a lot located at 151 North Day Street, Orange, New Jersey, in a mixed-use Low Density Residential and Neighborhood Commercial (MX-1) Zone, on Block 1503, Lot 7 shall be and hereby is granted on the following conditions:

- a. The basement kitchen would be removed;
- 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 December 3, 2021 on the following vote:

**IN FAVOR**

**NOT IN FAVOR**

Cheryl Gayle  
Carl Fields  
Mary L. Reed-Learmont  
Gerard Schubert  
James Ward. III  
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:

MW 21-003  
Dated voted upon December 3, 2021  
Date memorialized January 24, 2022  
Page 5 of 6

**IN FAVOR**

**NOT IN FAVOR**

Carl Fields  
Mary L. Reed-Learmont  
Gerard Schubert  
James Ward. III  
JoAnne Ware  
Murphy Wilson

  
JOYCE L. LANIER, Secretary

  
MURPHY WILSON, Chairperson