



Date: October 23, 2023

Resolution Number: 7-2023

**TITLE: A RESOLUTION GRANTING A D-2 VARIANCE AND BULK VARIANCES TO PERMIT A NEW SECOND FLOOR ADDITION ON AN EXISTING ONE-FAMILY DETACHED HOME, ON A LOT LOCATED AT 493 MADISON STREET, ORANGE, NEW JERSEY, IN AN MX-3 MIXED-USE HIGH DENSITY RESIDENTIAL AND REGIONAL COMMERCIAL ZONE, BLOCK 2504, LOT 23 FILED BY: SESA INVESTMENTS, LLC. CASE NO. MW 23-006.**

**WHEREAS**, by Application MW-23-006, Sesa Investments, LLC., owner of property located at 493 Madison 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 the law firm of Gaccione Pomaco, P.C., One Boland Drive, Suite 102, West Orange, New Jersey 07052, Diana McGovern, Esq., appearing on this application; and

**WHEREAS**, said application requested a D-2 Variance and Bulk Variances to permit a new second floor addition on an existing one-family detached home, on a lot located at 493 Madison Street, Orange, New Jersey, in an MX-3 Mixed-Use High Density Residential and Regional Commercial Zone, Block 2504, Lot 23; and

**WHEREAS**, a public hearing was held on September 25, 2023 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 Applicant desires to complete a new second floor addition on an existing one-family detached home in an MX-3 Mixed-Use High Density Residential and Regional Commercial Zone where single family homes are no longer permitted.
2. The Applicant requires the following variances:
  - a. Single family home: One family homes are not permitted in the zone pursuant to the City of Orange Developmental Regulations (the Ordinance) Chapter 210- 24.14.
  - b. Building typology: A single family detached home is not permitted in the zone pursuant to Chapter 210-24.2 of the Ordinance;
  - c. Density: 8.8 dwelling units per acre are permitted and the applicant proposes a density of 16.4 pursuant to Chapter 210-24.3 of the Ordinance.
  - d. Lot Area: The minimum required lot area is 5,000 square feet pursuant to Chapter 210-24.3 of the Ordinance and 2 ,662 square feet are proposed;
  - e. Lot Width: 50 feet are required pursuant to Chapter 210-24.3 of the Ordinance and 25 feet are proposed;
  - f. Front Yard Set Back: 20 feet are required pursuant to Chapter 210-24.3 of the Ordinance and 11 feet are proposed;
  - g. Side Yard Set Back on the Western side: 8 feet are required pursuant to Chapter 210-24.3 of the Ordinance and 6.3 feet are proposed;
  - h. Side Yard Set Back on the Eastern side: 8 feet are required pursuant to Chapter 210-24.3 of the Ordinance and 2.4 feet are proposed;
  - i. Parking: 2 spaces are required pursuant to Chapter 210-29.1 of the Ordinance where 1 space is required for each 2/3 dwelling unit and here we have 1 full dwelling unit and no off street parking is proposed.

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3. All variances needed are due to previously existing non-conforming conditions where the Zone used to be an A-2 Residential Zone and was subsequently changed to an MX-3 Mixed-Use High Density Residential and Regional Commercial Zone.
4. Edgar Garcia of 16 Kenlen Drive, Edison, NJ 08817 is the principal of Sesa Investments, LLC, was sworn in and testified that the applicant purchased the house on May 18, 2023. According to Mr. Garcia, the second floor was already built but nothing was on that floor. He proposes to have two (2) bedrooms and two (2) bathrooms on the second floor and one (1) bedroom and one (1) bathroom on the first floor. He also stated that the applicant is looking to keep the property a One-Family Home and add two bedrooms and bathrooms on the second level.
5. Jorge Casalins of 122 Bender Avenue, Roselle Park, NJ, the Realtor was sworn and testified that the property had been purchased as an off market house wherein the previous owner did not have the proper permits and that the property had been sitting vacant and dilapidated for a substantial amount of time.
6. Ali Qureshi was sworn in and qualified as a licensed Architect. He prepared the plans and described the interior and exterior of the property including the landscaping and the lighting. He shared his screen showing the layout and described the property as a small house, with a ground floor measuring 730 square feet, and the second floor 639 square feet. The house is currently just a shell that is 25 feet wide and 106.5 feet deep. He added that the applicant proposes to install lighting on the front and rear doors with motion sensor lighting in the rear. There would be no off street parking which would remain the same as is. There would also be no basement but a crawl space. There is also no known easement as inquired by Chairperson Murphy Wilson but according to the attorney they would made an effort to speak with the neighbor regarding the same.
7. Anthony Marucci, whose credentials are well known to the Board was sworn in and accepted as both an engineer and a planner. He discussed the history of the area and how the construction of route 280 cut through that community. He also stated that the Zoning of this property was changed recently to MX3 Zone as of November of 2020 when prior thereto it as an A2 Residential Zone.
8. According to Mr. Marucci, the property met all requirements of the prior Ordinance but did not meet the requirements of the new Ordinance. He opined that the variances can be granted without substantially impairing the intent and purpose of the zone plan or causing any detriment to the public good. The reason for the same is because the application is in keeping with other properties on the street, pictures of which properties he showed the Board. He continued that it would also enhance the aesthetics of the area, by eliminating a dilapidated house and replacing it with a beautiful new house.
9. Mr. Marucci agreed with reports from the Board Engineer, David A. Clark and the Board's Planner, Gerard Haizel.
10. 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 August 18, 2023 and suggested using precedents to acquire off-street parking.
11. Gerard Haziel, PP, AICP with the Nishuane Group, LLC, was sworn and testified that the use was in keeping with the neighborhood. He also explained that the area was re-zoned in 2020 because Bell Stadium is located in that zone together with industrial and commercial sites in the vicinity. The municipality therefore believed that it was more appropriate to grow and promote such uses in that area as opposed to residential uses.

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12. Rachel Tennant of 461 Waverly Place was sworn in and asked whether or not the applicant was intended to rent rooms on this property or occupy the space with his family. She expressed her concern about the owner renting out rooms to boarders because of the three (3) bedrooms and three (3) bathrooms, to which the applicant’s representative responded that the applicant intended to renovate the property and then sell it.

**WHEREAS**, Board Member James H. Ward, III moved to grant the application with the following conditions:

- a. All taxes and assessments shall be paid;
- b. No rooms can be rented to boarders;
- c. The applicant shall adhere to the recommendations of all of the city officials; and

**WHEREAS**, Board Member Ashante S. Connor seconded the motion; and

**WHEREAS** the Zoning Board of Adjustment has determined that the relief requested by the applicant would alleviate an eye sore in the neighborhood and cause a dilapidated house to finally be developed 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 single family dwelling with two (2) floors as desired by the applicant, although one that is not permitted under the current Ordinance, is in keeping with the other uses on that street and would enhance the aesthetics of that area.

**NOW, THEREFORE, BE IT RESOLVED** by the Zoning Board of Adjustment of the City of Orange Township that the application requesting a D-2 Variance and Bulk Variances to permit a new second floor addition on an existing one-family detached home, on a lot located at 493 Madison Street, Orange, New Jersey, in an MX-3 Mixed-Use High Density Residential and Regional Commercial Zone, Block 2504, Lot 23 shall be and hereby is granted on the following conditions:

- a. All taxes and assessments shall be paid;
- b. No rooms can be rented to boarders;
- c. The applicant shall adhere to all recommendations of all of the city officials.

The above is a memorialization of a Motion which was duly seconded and passed on September 25, 2023, on the following vote:

**Motion**

Motion Date: September 25, 2023

M	2d	Member	AYE	NAY	N/V	N/P
<input type="checkbox"/>	<input checked="" type="checkbox"/>	CONNOR, Ed.D., Ashante S.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	GAYLE, Cheryl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	SCHUBERT, Gerard John	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	WARD,III, James H.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	WARE, JoAnn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	FIELDS, JR., Carl	1 <sup>st</sup> Alternate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	QUARTEY, Errica	2 <sup>nd</sup> Alternate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	THOMPSON, Henry	3 <sup>rd</sup> Alternate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	OGBOURNE, Lynn A.	4 <sup>th</sup> Alternate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	REED-LEARMONT, Mary L.	Board Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	WILSON. Murphy	Board Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

M: Motion  
 2d: Second  
 N/V: No Vote  
 (Abstain/Excused)  
 N/P: Not Present

Vote Totals: 

7	0	0	0
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 Approved  Rejected

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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 October 23, 2023 on the following vote:

**Motion to Approve Resolution**

Motion Date:

M	2d	Member		AYE	NAY	N/V	N/P
<input type="checkbox"/>	<input checked="" type="checkbox"/>	CONNOR, Ed.D., Ashante S.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	GAYLE, Cheryl		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	SCHUBERT, Gerard John		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	WARD,III, James H.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	WARE, JoAnne		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	FIELDS, JR., Carl	1 <sup>st</sup> Alternate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	QUARTEY, Errica	2 <sup>nd</sup> Alternate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	THOMPSON, Henry	3 <sup>rd</sup> Alternate	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	OGBOURNE, Lynn A.	4 <sup>th</sup> Alternate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	REED-LEARMONT, Mary L.	Board Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	WILSON. Murphy	Board Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

M: Motion  
 2d: Second  
 N/V: No Vote  
 (Abstain/Excused)  
 N/P: Not Present

Vote Totals: 

7	0	1	3
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 Approved  Rejected

*Trisha Scipio*

*Murphy Wilson*

**TRISHA SCIPIO**  
 Board Secretary

**MURPHY WILSON**  
 Chairperson