



CITY OF ORANGE TOWNSHIP
29 North Day Street
Orange, NJ 07050
ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
Monday, September 25, 2023 | 7:00pm

A meeting of the City of Orange Township Zoning Board of Adjustment on Monday September 25, 2023.

The Board Secretary wanted to put on the record that resident Devon Livingston was not put off of the zoom call.

Chairperson, Murphy Wilson called the meeting to order at 7:05 pm.

Chairperson, Murphy Wilson led all assembled in the Pledge of Allegiance to the Flag.

Board Secretary, Trisha Scipio confirmed that the conditions of the “Sunshine Law” had been met.

ROLL CALL

Present

Ashante S. Connor, Ed.D.
Cheryl Gayle
Mary L. Reed-Learmont, Vice Chairperson
Gerard John Schubert
James H. Ward, III
JoAnne Ware
Carl Fields, Jr. (1st Alternate)
Lynn A. Ogbourne (4th Alternate)
Murphy Wilson, Chairperson

Also Present

David A. Clark, P.E., Board Engineer
Gerard M. Haizel, PP, AICP, Board Planner
Gail J. Mitchell, Esq., Board Attorney
Trisha Scipio, Board Secretary

Absent

Errica Quartey (2nd Alternate)
Henry Thompson (3rd Alternate) (with notification)

Chairperson Murphy Wilson announced that as a matter of procedure, it is the intention of the Zoning Board of Adjustments not to continue any matter past 10:00 p.m. unless otherwise ordered in the discretion of the board.

Chairperson Murphy Wilson welcomed the new board members. Gail J. Mitchell, Esq. also welcomed the two new members and was impressed with their resumes. The Board Secretary informed the Board that the two new members had been sworn in by the City Clerk on Friday, September 22, 2023.

Chairperson Murphy Wilson stated the Zoning Board of Adjustments now has a full complement and roster list should be updated. The Board Secretary stated the information had been sent to the webmasters for both the City’s website and the Council’s website. The Council’s website should be updated within 24 hours. The roster will be sent to the board this week.

RESOLUTIONS

Resolution 6-2023 A Resolution appointing Trisha Scipio as Zoning Board Secretary for a term beginning June 26, 2023, and continuing through December 31, 2023.

(Ashante S. Connor, Ed.D, Mary L. Reed-Learmont, James H. Ward, III, Errica Quartey were absent during the June 26, 2023 meeting. Henry Thompson and Lynn A. Ogbourne were not yet appointed. These members should abstain)

A motion to memorialize Resolution 6-2023 appointing Trisha Scipio as Zoning Board Secretary was made Gerard John Schubert by and seconded by Carl Fields, Jr.

Roll Call

YEAS: Cheryl Gayle, Gerard John Schubert, JoAnne Ware, Carl Fields, Jr., and Murphy Wilson

NAYS: None

ABSTAIN: Ashante S. Connor, Ed.D, Mary L. Reed-Learmont, Lynn A. Ogbourne, and James H. Ward, III

ABSENT: Henry Thompson and Errica Quartey

Motion adopted

MINUTES TO BE APPROVED

Minutes from the July 24, 2023 Zoning Board of Adjustments Meeting

(Mary L. Reed-Learmont and Errica Quartey were absent and should abstain)

A motion to adopt the minutes from the July 24, 2023 Zoning Board of Adjustments Meeting was made by Carl Fields, Jr. and seconded by Ashante S. Connor, Ed.D.

Roll Call

YEAS: Ashante S. Connor, Ed.D, Cheryl Gayle, Gerard John Schubert, James H. Ward, III, JoAnne Ware, Carl Fields, Jr., and Murphy Wilson

NAYS: None

ABSTAIN: Lynn Ogbourne and Mary L. Reed-Learmont

ABSENT: Henry Thompson and Errica Quartey

Motion adopted

CASES

- **MW-23-006 493 Madison Street** – This application for a new second floor addition to an existing Single-Family Home.

Diana McGovern, Esq. of Gaccione Pomaco, P.C., One Boland Drive, Suite 102, West Orange, New Jersey 07052 presented an application for a new second floor addition to an existing single-family home. The applicant is applying for a D-2 Variance. When the property was purchased it was in the condition the board may have already observed it as where a second story was built. They are looking to keep the property a One-Family Home and add two bedrooms and bathrooms on the second level. The board questioned the need for a variance since the addition is to an already existing non-conforming use. Witnesses provided information about the property purchase and its history. The board asked questions about the sellers and previous ownership.

Edgar Garcia of 16 Kenlen Drive, Edison, NJ 08817 is the principal of Sesa Investments, LLC and the property owner. Board Attorney Gail J. Mitchell, Esq. swore in Mr. Garcia. Mr. Garcia gave testimony that he purchased the property at 493 Madison Street “AS-IS” on May 18, 2024. He is the principal of. There was nothing finished at this address but a second floor was added. He intends to keep this as a One-Family home and add two bedrooms and two bathrooms to the second floor. The existing set-backs will remain the same.

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Gerard John Schubert wanted clarification as this property was purchased with an existing condition and the applicant is only having interior work done. Diana McGovern Esq., explained that the property is a MX3 zone, the zoning map was changed approximately two years ago. When the home was built it was an A2 Zone.

Board Attorney Gail J. Mitchell, Esq. stated this was a combination of an expansion of a currently nonconforming use. The second floor was added before it was purchased by the current owner. Density and expansion of the non-conforming use is needed. Mr. Garcia stated there was not a Certificate of Occupancy.

Jorge Casalins of 122 Bender Avenue, Roselle Park, NJ, the Realtor was sworn in by Gail J. Mitchell, Esq., Board Attorney. Jorge Casalins is the Realtor Broker and appeared as a fact witness. Property was purchased as an off market house and the previous owner did not previously have the proper permits and it had been sitting for over a year with no construction prior to the current owner purchasing. There was no CO when the property was purchased by the applicant.

Ali Qureshi appeared as a licensed Architect. Gail J. Mitchell Esq., qualified and swore him in. He prepared the plans for the site and he shared his screen showing the layout. The revised plans were done August 2023. This is a small house, the ground floor is 730 square feet, and the second floor is 639 square feet. The house is 25 feet wide and 106.5 feet deep. This property is just a shell. There will be foundational planting and a lawn in the front and back yard. There will lighting on front and rear door with motion sensor lighting. There is no parking which will remain the same. There is no basement but a crawl space. Chairperson Murphy Wilson inquired about an easement which there is a possibility of speaking with the neighbor to share. The lot to the right is not owned by the applicant. Diana McGovern, Esq. stated they hope to work something out with the neighbor at a later time for a driveway.

Anthony Marucci the Planner was qualified and sworn in by Gail M. Mitchell, Esq. He was qualified as an Engineer and a Planner. Mr. Marucci stated the Zoning of this property was changed recently to MX3 Zone as of November of 2020, prior to that it was A2. He shared his screen showing an aerial view noting most of the properties in this area are 1, 2, or 3 family homes. Because the zoning was changed, it becomes a non-conforming use and that is the reason they are before the board for a D-2 Variance. The former owner had done no interior work which is where the current owner would like to add two bedrooms on the upper level. This remains in the character of the area. An aesthetic improvement is sufficient special reason to justify a D Variance to expand the preexisting non-conforming use. He agreed with reports from the Board Engineer, David A. Clark and Planner, Gerard Haizel.

The architect and engineer were called to testify about the architectural plans for the property, including the layout, exterior, and parking. The board asked questions about the property's easements and shared driveways, and the engineer suggested using precedents to acquire off-street parking. The engineer reported on the non-conforming building typology and variances required by the applicant, while also addressing minor cleanup items.

Board Engineer, David A. Clark and Board Planner, Gerard Haizel summarized their reports which had been shared with the board and applicant prior to the meeting.

Chairperson Murphy Wilson opened the floor for public comments.

Rachel Tennant of 461 Waverly Place was sworn in by Board Attorney Gail J. Mitchell, Esq. She asked if it was the applicant's intent to rent rooms on this property or occupy the space with his family. Jorge Casalins stated it was the intent to renovate, add value and resale the property.

Chairperson Murphy Wilson declared the public session closed.

Diana McGovern, Esq. gave closing statements.

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Ashante Connor would like to memorialize the statement that the owner’s intent was not to rent these rooms separately as parking is one of the things that would be a negative impact on the community.

A motion to accept application MW-23-006 493 Madison Avenue with the aforementioned memorialization of no rooming housing and that all taxes and assessments be paid was made by James H. Ward, III and seconded by Ashante S. Connor, Ed.D.

Roll Call

YEAS: Ashante S. Connor, Ed.D, Cheryl Gayle, Mary L. Reed-Learmont, Gerard John Schubert, James H. Ward, III, JoAnne Ware, and Murphy Wilson

NAYS: None

ABSTAIN: None

ABSENT: None

Motion adopted

The board discussed the need for changes to the zoning map in the area to prevent similar issues in the future, and expressed support for property improvements in general. However, some members of the board also expressed frustration with the current zoning regulations, which they felt placed an unfair burden on property owners looking to make improvements. Chairperson Murphy Wilson and Gerard Schubert discussed the need for proper zoning in the town and expressed concern for property owners facing extra expenses and aggravation. Board Planner Gerard M. Haizel defended the zoning decision, stating that it was not done arbitrarily and was based on a lot of thought and discussion. Cheryl Gayle stated there were red flags with the addition of two bedrooms. James H. Ward, III stated this specific zone is listed as MX3 and it is residential. It should not be MX3. We need to come up with creative ideas to help the community. The lot next to this house could have been acquired for parking.

Old Business

There was no Old Business.

NEW BUSINESS

There was no New Business.

A motion to adjourn the meeting was made by Ashante S. Connor, Ed.D and seconded by James H. Ward, III.

The meeting was adjourned at 8:20pm

The next meeting is scheduled for October 23, 2023

Approved: October 23, 2023

Trisha Scipio

Murphy Wilson

**Trisha Scipio,
Board Secretary**

**Murphy Wilson,
Chairperson**