



CITY OF ORANGE TOWNSHIP

29 North Day Street
Orange, NJ 07050

ZONING BOARD OF ADJUSTMENT MEETING MINUTES

Monday, June 24, 2024 | 7:00pm

A meeting of the City of Orange Township Zoning Board of Adjustment on Monday, June 23, 2024. Chairperson, Murphy Wilson called the meeting to order at 7:13pm.

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.

Chairperson Murphy Wilson announced it is the policy of this board for ALL participants of the meeting, to turn their video on while board attendance is being taken. Members of the PUBLIC do NOT have to identify themselves otherwise at this time and do not have to keep their video on after roll call unless specifically requested or they opt to give testimony. Board members and applicant members shall keep their video ON for the duration of the meeting.

ROLL CALL

Present

Ashante S. Connor, Ed.D., Cheryl Gayle, James H. Ward, III, JoAnne Ware, Carl Fields, Jr. (1st Alternate), Lynn A. Ogbourne (2nd Alternate), Mary L. Reed-Learmont, Vice Chairperson and Murphy Wilson, Chairperson

Also Present

Dave A. Clark, PE, Board Engineer, Gerald Haizel, Board Planner,
Gail J. Mitchell, Esq., Board Attorney, and Trisha Scipio, Board Secretary

Absent

Gerard John Schubert (with notice) and Henry Thompson (3rd Alternate),

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.

MINUTES

Zoning Board of Adjustment Meeting Minutes for April 22, 2024.

(Ashante S. Connor, Ed.D., and Henry Thompson were absent and should abstain.)

A motion to accept the April 22, 2024 Meeting Minutes was made by James H. Ward, III and seconded by Mary L. Reed-Learmont.

Roll Call

YEAS: Cheryl Gayle, James H. Ward, III, Mary L. Reed-Learmont, Gerard John Schubert, JoAnne Ware, Carl Fields, Jr., Lynn A. Ogbourne, and Murphy Wilson

NAYS: None

ABSTAIN: Ashante S. Connor, Ed.D

ABSENT: Gerard John Schubert and Henry Thompson

Motion adopted

RESOLUTIONS

There were no resolutions to adopt.

NEW BUSINESS

Case MW24-002 | 47 Hillyer Street Block 1802 Lot 30 Zone R2.

The Applicant, B2C Hillyer Development, LLC, requests approval to construct a three-story "stacked" two family-dwelling on a lot in the One and Two Family Residential (R2) Zone. The site is currently vacant, but it was formerly developed with a three-story, two-family dwelling that was demolished due to fire damage.

Sara R. Werner, Esq., attorney for applicant, B2C Hillyer Development, LLC, 47 Hillyer Street, stated the property is irregularly shaped and undersized based on the zoning requirements, containing just 2,748 square feet. The applicant last appeared before this board on April 22, 2024 in connection with their proposal to develop the property with a two-family dwelling.

Sara R. Werner, Esq. stated two-family dwellings are an expressly permitted use in the R2 zone, given the undersized nature and irregular shape of the property, the applicant requires a number of bulk or C variances, as well as a density or D5 variance to permit the construction of the otherwise permitted dwelling. At the April meeting, concerns were raised relating to the appearance, and the applicant elected to adjourn the hearing in order to reassess and revise their proposal in a manner consistent with the feedback it received.

The bulk variances requested have changed as a result of the updated design. Notably, the applicant no longer requires a bulk variance for building coverage, having reduced the proposed coverage from 49% to 40%, thereby rendering it compliant with the applicable zoning standard. This was achieved by eliminating the previously proposed storage area. It will simply be the two residential dwellings and two garage spaces on the lowest floor. This reduced the severity of the rear yard setbacks variance they are seeking. As a result of the redesign, a rear yard setback of 23 feet 9 inches is now proposed, rendering it almost compliant, though a variance is still required. Applicant also reduced the severity of the variance relating to minimum fenestration on the right elevation by increasing the window area on that facade from zero square feet to 16 square feet. Two windows have been added to the right façade as requested. Finally, the applicant previously required a variance from the requirement that both dwelling units have both a front and rear entrance, whereas as previously designed, the upper unit did not. As redesigned, both units now have entrances in the front and the rear, thereby eliminating the need for this variance. The applicant heard the concerns and changed the window style, roof line, added windows and lighting, and revamped the color palette.

Arlenis Dominquez was qualified and sworn in at the last meeting. She shared her screen displaying Exhibit A3 revised as of May 22, 2024 sight plans which is four pages. They changed the exterior aesthetic by changing the shape of the roof to a more traditional gable. They tried to incorporate trim work and change the color palette on one part of the façade. At each doorway they added some light fixtures. She pointed out the shed as it is a more traditional gable, the right facade where there was no fenestration and that was mostly because of fire code (they were very close to the property line). They inset a portion of the building to give that proper clearance where they could add those two windows. They removed the storage which gave them setback. The entrance to the basement remains and it would be the only form of storage for the tenants. There are two car garages which did not change. On page three, the floor plans stayed the same except for one setback to allow for fenestration added. Bathrooms were condensed on both floors in order to introduce that second means of access were they added a door.

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On page four, they included elevations of each facade. She mentioned the site setback or inset, fenestration that was added on the right side, and then at the rear, this is what that second entrance for that second unit on the top floor looks like, which falls above the deck of the first floor. She pointed out the facade where they have an interior stair that goes up to where the tenant for the second floor would go up the stairs to access their unit.

There were no questions from the board at this time.

Spach Trahan was qualified and sworn in at the last meeting. Board Attorney Gail Mitchell, Esq., swore the witness in.

Spach Trahan stated there's still no overcrowding on this site, especially given the past density of this particular property. It still meets purposes A, C, E, G, and I of the Municipal Land Use Law, And it can still be reconciled with the goals of the master plan. The concerns that were raised in the last hearing related to design have been met. This design is better incorporated into the neighborhood context based on the various specific changes that were requested.

Some of the C variances have been reduced or eliminated. So the building coverage variance has been eliminated. The coverage is now compliant at 40% for building coverage. The rear entrance variance is eliminated, and right now the rear yard setback was reduced quite a bit. Previously, there was storage space at the rear on the ground floor and the setback to that space was 10 feet. Now, the building setback to the ground floor is 23 feet 9 inches, 20 feet is the minimum requirement. The upper two floors at the rear are cantilevered slightly and the setback to that cantilevered portion is 20 feet 5 inches. The rear yard setback, continues to be a C1 variance due to the highly undersized shape of the lot and a regular shape of it, which restricts its ability to comply fully with the, especially the front and the rear yard setbacks because the lot is fairly shallow. The other setbacks are proposed to remain. The rear yard setback as proposed, it provides enough buffer of the bulk of the structure between In the rear property line, there's outdoor space in the rear. There's still a terrace space for the second floor unit in the rear. I think that there's still good use of the property in that sense.

In terms of the fenestration variance, the upper right-hand corner facade, the north facade, that's where you see this change in the fenestration, where previously that facade had no fenestration, no windows. Now it is showing those two windows that go to the bathrooms on the second and third floor. Both the windows and that inset make this a much better design on the north wall. The side yard is too narrow to provide ample windows and still provide comfortable living spaces for the residents because of that fire code restriction. She pointed out that there was a variance for the lighting in the driveway areas, and that has also been eliminated.

Cheryl Gayle inquired about the driveway which will be the small area going into the garage. She also inquired about the roof height which is the same. Mary Reed Learmont inquired about the rendering on the first page - the door accessing the second floor which was on the left. She also inquired about the back doors which both have lights. She inquired about the setback which was not changed but two windows were added. The applicant remains amenable to working with the Boards Professionals on landscaping. Ashante Conner inquired if the curbs are already cut which they are not. Both garages will allow for four parking spaces and it will not remove parking in front of this lot as parking is currently not allowed. James Ward, III wanted to ensure homeowners would not park across the garage instead of using the garage. There will be landscaping to delineate the two garages.

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Dave A. Clark, PE, Board Engineer has reviewed the revisions. The front yard setback has not changed in the revisions, and the rear yard setback has provided a larger setback. The Building Coverage and separate entrances has been addressed. Separate entrances has been addressed. The overall items, the lot area question, it was a previously existing nonconforming and we recommended the variance for that. The density variance that they previously had with the two units is still required. The front yard setback has not changed in their updated plan set. So the 1.9 or 1 foot 11 is still the close corner on that right side. The applicant has provided the removal of that first floor storage area. They have provided a larger setback in the rear yard, a bigger yard area, and the closest location to the rear yard is at 23.75 feet versus what was 10 previously. The requirement is 25. The applicant still needs that rear yard setback variance but they have done a good job in increasing or lessening that. The side yard setback on the west side or left side is still the same at 3.6 feet. The side yard setback on the east side or right side has no change to that. There is still 1.08 feet or 1 foot 1 inch. The building coverage has been addressed with the reduction. They meet the 40% requirement and that variance is no longer required. Separate entrances to the units under the two family building typology has been addressed with two entrances and egresses from each of the dwelling units. Fenestration has also been addressed to a point. The item on the right hand side where they had no fenestration previously, but still require variances on fenestration for less than 20% for the right, rear, and left facades. Lighting levels has been addressed, so they do meet that requirement. There is still concerns on the storm water for the engineer and some mirror annotations. There is still a need for a variance on fenestration. Approval of this application should have conditions.

Gerald Haizel, Board Planner, stated the application has improved with the changes. The removal of the storage facility at the rear, the setback is significantly increased, almost doubled what it was originally. This allows for more usable rear yard. The most significant changes that were made was the inclusion of the second egress for the unit on the upper floor. This redesign does now allow that to be incorporated according to the ordinance, and it also provides an additional level of safety. The design, the layout and everything else remains relatively the same from what was originally proposed so that the inside living area is not really changed in any way. Entry and exit from the building is also pretty much the same as it was with the exception of the second entrance to the second unit.

There were no comments or questions from Board members.

There were no testimonies or comments from the public.

Sara R Werner gave closing comments and thanked the Board and the Board Professionals for their time and consideration. She stated the feedback was very instrumental and she hopes that they have achieved what the Board is seeking. This redesign has allowed the applicant to either eliminate or lessen the severity of a number of the bulk variances. As was testified to at length, this property was previously developed with a three-family dwelling, so this is actually less intense than what was previously there and what was known to have operated there successfully. Considering they have now been able to design this property in a manner that allows for a two-family dwelling and still meets the coverage requirements and almost meets the rear yard, it is a true testament to the fact that this would operate nicely on the property.

James H. Ward, III thanked the applicant for coming back and taking the feedback seriously. He showed his appreciation for the new design. He spoke to the roof line, right side of the façade and the color palette. He would have loved to have seen more windows. The addition of an undulating surface will help with shadows and light so it doesn't appear to be a large blank facade.

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Lynn Ogbourne also expressed her appreciation to the applicant for taking the boards feedback.

Carl Fields, Jr. gave compliments to the applicant and the redesign as he thanked them for being conscientious in trying to meet requests of the board.

Ashante Connor. Ed.D added that although she was not present for the April meeting, hearing from the applicant in a concise, condensed manner today was very clear. She echoed what her colleagues had to say and thanked the applicant for addressing the concerns of the board.

Board Attorney Gail Mitchell, Esq.
The applicant was thanked the board and planners for their comments and their time.

A motion to accept the application MW24-002 47 Hillyer Street was made by James H. Ward, III and seconded by JoAnne Ware.

Cheryl Gayle was favor of going forward because they have really made a very big effort to cure the stipulations that we outlined in the previous meeting. They are, they seem very conscientious to the needs of the neighborhood in addition to the people who came from the neighborhood in the previous call. So that is my reason. Thank you.

Mary Reed-Learmont stated the applicant did an excellent job with the size of the property, including the recommendations that the board had made based on the previous meeting. So good job and thank you. James Ward the third name in there.

James H. Ward, III was in favor and had already made comments that expressed his reasons. He was happy that there was great work done to eliminate many of the reasons for variances, even if some of them are still required, it's severely lessened, specifically with the finish and with the rear yard setback. He understood the reasons why they wanted to do the previous design, but taking into account recommendations from not only the board, but the neighborhood chime.

JoAnne Ware was in favor of the project and looking forward to see the building stand up nice and tall. The project will add to the community.

Carl Fields, Jr. was in favor and his previous comments will stand.
Lynn Ogbourne was in favor.

Murphy Wilson stated she did appreciate the work that went into taking the boards comments into consideration and making revisions. She expressed her concerns about the project being too large for the lot.

Roll Call

YEAS: Cheryl Gayle, Mary L. Reed-Learmont, James H. Ward, III, JoAnne Ware, Carl Fields, Jr., Lynn Ogbourne, and Murphy Wilson

NAYS: None

ABSTAIN: Ashante S. Connor, Ed.D,

ABSENT: Gerard John and Henry Thompson

Motion adopted

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OLD BUSINESS

There was no old business.

A motion to close public meeting and enter into Executive Session was made by James H. Ward, III and seconded by Carl Fields, Jr.

Motion Adopted

Chairperson Murphy Wilson stated that applicants should not make contact with board members prior to a meeting. She also asked Board Members to keep recommendations for other Board Members on hand.

The Board discussed whether or not to have a July meeting in 2025 needs to be considered when making the 2025 calendar.

A motion to adjourn the meeting was made by Carl Fields, Jr. and seconded by Mary Reed-Learmont.

Motion Adopted

The meeting was adjourned at 8:28pm

The next meeting is scheduled for July 22, 2024

Approved: July 22, 2024

**Trisha Scipio,
Board Secretary**

**Murphy Wilson,
Chairperson**