



Date 5/28/2025

Case No. 23-05

TITLE: RESOLUTION OF MEMORIALIZATION

Applicant: 492 Conover Terrace LLC

Application: Preliminary and Final Site Plan

WHEREAS, 492 Conover Terrace LLC (“Applicant”) submitted an Application in 2023 to City of Orange Township Planning Board (“Board”) seeking approval of a preliminary and final site plan to construct a new 4-story multifamily dwelling with twelve (12) residential units over 1st floor parking for ten (10) vehicles on property identified as Block 4901, Lot 1 on the Official Tax Map of the City of Orange Township (“City” or “Orange”), commonly known as 492 Conover Terrace (collectively “Property”); and

WHEREAS, the Property is situated within the Central Valley Rehabilitation Area- District 4 Zone where this use (multi-family housing) is permitted; and

WHEREAS, the Applicant had presented proof in 2023 that, at least 10 days prior to the date scheduled for the hearing on this application, adequate notice of this application was published in an official newspaper and served on the neighboring property owners within 200 feet of the Property in accordance with the applicable law; and

WHEREAS, the Application reviewed by the Board consisted of the following plans and/or reports:

<u>Document Title</u>	<u>Date</u>
Application for Development	December 15, 2022
Site Plans, eight (8) sheets, titled Preliminary and Final Site Plan, 492 Conover Terrace – Multifamily Residence, Lot 1, Block 4901, City Of Orange Township, County of Essex, New Jersey, prepared by Matthew J. Neuls, PE of Dresdner Robin	May 13, 2022 rev. May 2, 2023
Architectural Plans, eight (8) sheets, titled 492 Conover Terrace, Proposed Multi-Family Residential Building, 492 Conover Terrace, Orange, NJ 07050, Block 4901, Lot 1, prepared by AKT Designs, LLC	May 16, 2022 May 1, 2023

Drawing titled “Boundary Survey” prepared by
Thomas F. Miller, PLS, of Stonefield Engineering
& Design July 15, 2022

Stormwater Management & Engineers Report
492 Conover Terrace – Multifamily Residential,
prepared by Dresdner Robin December 2022

Traffic Impact Analysis for 492 Conover Terrace,
Multifamily Residential, prepared by Dolan & Dean May 23, 2023

Planning Review Memorandum by
Nishuane Group LLC May 16, 2023

Engineering Review Memorandum by
CP Professional Services May 12, 2023

WHEREAS, a public hearing was held on this application in a virtual session on July 26, 2023, Chris Murphy, Esq., presenting the application to the Board on behalf of the Applicant; and

WHEREAS, during the virtual public hearing held on July 26, 2023, the Board heard testimony from the Applicant’s professionals, as well as from the Board Professionals; and

WHEREAS, the Board opened the meeting to the public and several members of the public appeared and spoke in opposition to the application; and

WHEREAS, during the virtual public hearing held on July 26, 2023, the Board, in consideration of the public objections outlined above, voted to deny the Application for Preliminary and Final Site Plan; and

WHEREAS, in its resolution dated August 23, 2023, the Board found and concluded that the proposed development will not advance the purposes of zoning and can not be granted without substantial detriment to the public good, the City’s enacted zoning for the area, the Master Plan or any other land use regulations applicable to the Property, and the benefits will not outweigh any possible detriments; and, the Applicant has not established good cause for preliminary and final site plan approval, having not satisfied its burden of proof pursuant to the Municipal Land Use Law (“MLUL”), and its proposed development will advance the purposes of the MLUL, with the Board members noting specifically:

- a) Parking on site would be inadequate for the needs of the future residents which will result in those residents seeking parking on-street thereby exacerbating the already limited on-street parking options for current property owners and residents.
- b) Building height would be out of character with neighborhood and would be too close to adjacent living structures.

- c) Vehicle traffic flow on and off site would be inefficient to the side streets of Conover Terrace and Waverly Place as well as Scotland Road because the entrance and exit points for on-site parking will cause backups and delays.
- d) These factors demonstrate that the proposed development would be a substantial detriment to the public good.

WHEREAS, the Applicant filed a complaint in lieu of prerogative writ with the Superior Court of New Jersey thereafter within the timeframe provided by law; and

WHEREAS, after hearing the arguments of parties, Hon. Robert H. Gardner, J.S.C., determined that the Orange Planning Board's decision was arbitrary and capricious and entered an Order on January 30, 2025 that the "*City of Orange Planning Board accept site plan as proposed by*" Applicant; and

WHEREAS, the Applicant returned and appeared before the Board pursuant to Court Order on April 23, 2025 with Lisa Lomelo, Esq. appearing; and

WHEREAS, Applicant's counsel explained that the Order required the Board to approve the application without further amendment or delay; and

WHEREAS, Counsel for the Board advised that the Order did not provide for a rehearing or discussion of the merits of the project, but rather required the Board to vote to approve the project; and

WHEREAS, several Board members expressed their dismay at the Court's ruling, further indicating that the Court order did not properly consider the effect of the development on the neighborhood nor an understanding of the Board's original objections to the project; and

WHEREAS, a Motion to Approve the application was made and seconded, however, as the motion did not reach a majority, the Motion failed and effectively denied the application; and

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD OF THE CITY OF ORANGE TOWNSHIP, that this Resolution of Memorialization be, and hereby is, adopted and that the application for Preliminary and Final Site Plan is hereby denied.

[REMAINDER OF PAGE INTENTIONALLY]

Motion to Deny Site Plan

Motion Date: April 23 , 2025

M	2d	Member		AYE	NAY	N/V	N/P
<input type="checkbox"/>	<input type="checkbox"/>	HOLMES, Dwight	Board Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	JONES, Antoinette	Board Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	WARREN, Hon. Dwayne D.	Mayor	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	EASON, Hon. Tency A.	Councilmember	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	MOBLEY, Christopher		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	ONYIUKE, Callistus		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	FAUSTIN, Enock		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	LAUTURE, Jean-Guy		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Vote Totals:

2	3	1	2
---	---	---	---

 Approved Rejected

Motion to Approve Resolution

Motion Date: May 28, 2025

M	2d	Member		AYE	NAY	N/V	N/P
<input type="checkbox"/>	<input type="checkbox"/>	HOLMES, Dwight	Board Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	JONES, Antoinette	Board Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	WARREN, Hon. Dwayne D.	Mayor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	EASON, Hon. Tency A.	Councilmember	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	MOBLEY, Christopher		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	ONYIUKE, Callistus		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	FAUSTIN, Enock		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	LAUTURE, Jean-Guy		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

Vote Totals:

5	0	2	1
---	---	---	---

 Approved Rejected

I hereby certify the foregoing Resolution was adopted by the Planning Board of the City of Orange Township at its meeting on May 28, 2025, and that said resolution memorializes the action of the Planning Board taken at its meeting on April 23, 2025.

Dwight Holmes
Dwight Holmes (May 29, 2025 19:47 EDT)
 Dwight Holmes
 Planning Board Chair

Alexandra Reyes
Alexandra Reyes (May 29, 2025 14:25 EDT)
 Alexandra Reyes
 Planning Board Secretary

Approved as to form and legality:

Joseph Wenzel, Esq.
Joseph Wenzel (May 29, 2025 14:24 EDT)
 Joseph Wenzel, Esq.
 Planning Board Attorney

492 Conover - Resolution (Denial) (Court order)

Final Audit Report

2025-05-29

Created:	2025-05-29
By:	Gisell Reyes (areyes@orangenj.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAZmBxNW3reKFxo3jtSXdAyA0CoDgaEJ4

"492 Conover - Resolution (Denial) (Court order)" History

-  Document created by Gisell Reyes (areyes@orangenj.gov)
2025-05-29 - 6:14:39 PM GMT
-  Document emailed to dwightholmes78@yahoo.com for signature
2025-05-29 - 6:14:47 PM GMT
-  Document emailed to joe@friendwenzel.com for signature
2025-05-29 - 6:14:48 PM GMT
-  Document emailed to Gisell Reyes (areyes@orangenj.gov) for signature
2025-05-29 - 6:14:48 PM GMT
-  Email viewed by joe@friendwenzel.com
2025-05-29 - 6:15:16 PM GMT
-  Signer joe@friendwenzel.com entered name at signing as Joseph Wenzel
2025-05-29 - 6:24:02 PM GMT
-  Document e-signed by Joseph Wenzel (joe@friendwenzel.com)
Signature Date: 2025-05-29 - 6:24:04 PM GMT - Time Source: server
-  Email viewed by Gisell Reyes (areyes@orangenj.gov)
2025-05-29 - 6:25:21 PM GMT
-  Document e-signed by Gisell Reyes (areyes@orangenj.gov)
Signature Date: 2025-05-29 - 6:25:47 PM GMT - Time Source: server
-  Email viewed by dwightholmes78@yahoo.com
2025-05-29 - 11:46:07 PM GMT
-  Signer dwightholmes78@yahoo.com entered name at signing as Dwight Holmes
2025-05-29 - 11:47:13 PM GMT

 Document e-signed by Dwight Holmes (dwithholmes78@yahoo.com)

Signature Date: 2025-05-29 - 11:47:15 PM GMT - Time Source: server

 Agreement completed.

2025-05-29 - 11:47:15 PM GMT