

PLANNING BOARD
City of Orange Township
29 North Day Street
Orange, NJ 07050

MEETING MINUTES
APRIL 23, 2025

Chairman Holmes called the April 23, 2025 City of Orange Township Planning Board Meeting to order at 7:32 p.m. Salute to the Flag. Compliance with the “Sunshine Law” was acknowledged. Roll Call. Meeting Notice.

Please note this meeting was held virtually via Zoom Meeting and all login information has been posted on the City of Orange Township website (www.orangenj.gov) as well as the local newspaper “Transcript.”

Board Members Present: Enock Faustin, Christopher Mobley(Arrived 7:42), Council Vice-President Tency Eason , Mayor Dwayne Warren , Vice- Chair Antoinette Jones, Chairman Dwight Holmes.

Board Members Absent: Callistus Onyiuke, Jean-Guy Lauture

Professionals Present:
Alexandra Reyes, Board Secretary
Gerard Haizel, Board Planner
Joseph Wenzel, Board Attorney
John Cahillane, Board Engineer

Correspondence:

Correspondence from the law firm of Jalloh & Jalloh. Attorney Gregory Pasquale represented the applicant Cross and Crown Christian Church at 476 Thomas Blvd for Case# 22-05, applicant is requesting a (1) year extension of approval pursuant to N.J.S.A 40:55D- 52.

Motion by Member Mobley Second by Member Faustin for a one-year extension of approval for Case# 22-05 Cross and Crown Christian Church- 476 Thomas Blvd.

Those in Favor: Member Faustin , Member Mobley, Council Vice-President Eason, Mayor Warren, Vice Chair Jones, Chairman Holmes.

Those Opposed: None

Those Absent: Member Onyiuke, Member Lauture

Those Abstained: None

Motion carried: 6-0-2-0

Correspondence from Attorney Reginald Jenkins, Jr. from the firm Trenk Isabel Siddiqi & Shahdanian for the Applicant Vida Capital, LLC- Nassau Commons at 554 Nassau Street. Request for adjournment of the hearing on this application, currently scheduled to be heard April 23, 2025. Applicant request to the matter to be carried to the Board's June 25, 2025 agenda.

Minutes:

Adoption of the February 23, 2025 Minutes

Motion by Council Vice-President Eason Second by Member Mobley to adopt the February 23, 2025 Minutes.

Those in Favor: Member Faustin , Member Mobley, Council Vice-President Eason, Mayor Warren, Vice Chair Jones, Chairman Holmes.

Those Opposed: None

Those Absent: Member Onyiuke, Member Lauture

Those Abstained: None

Motion carried: 6-0-2-0

Adoption of the March 26, 2025 Minutes

Motion by Council Vice-President Eason Second by Vice-Chair Jones to adopt the March 26, 2025 Minutes.

Those in Favor: Member Faustin , Member Mobley, Council Vice-President Eason, Mayor Warren, Vice Chair Jones, Chairman Holmes.

Those Opposed: None

Those Absent: Member Onyiuke, Member Lauture

Those Abstained: None

Motion carried: 6-0-2-0

Extension request for approval for Case# 22-14 AEN Urban Renewal, LLC- 48 S. Day Street.

Attorney Gregory Asadurian, Esq from the Law office of Decotiis, FitzPatrick, Cole & Giblin.\, LLP represented the applicant for the extension request for Case# 22-14 AEN Urban Renewal, LLC- 48 S. Day Street pursuant to N.J.S.A 40:55D- 52 . Applicant has been proceeding diligently and has obtained approval from the Essex County Planning Board on June 28, 2023. Moreover, the lot consolidation and lot adjustment was recorded on July 19, 2024.

Motion by Vice-Chair Jones by Council Vice-President Eason for a one-year extension of Approval for Case# 22-14 AEN Urban Renewal, LLC- 48 S. Day Street.

Those in Favor: Member Faustin , Member Mobley, Council Vice-President Eason, Mayor Warren, Vice Chair Jones, Chairman Holmes.

Those Opposed: None

Those Absent: Member Onyiuke, Member Lauture

Those Abstained: None

Motion carried: 6-0-2-0

Memorialize resolution for extension request for approval for Case# 22-07 Orange Remax Properties LLC- 85 Main Street.

Motion Member Mobley by Second by Member Faustin to memorialize resolution for a one-year extension of approval for Case# 22-07 Orange Remax Properties LLC- 85 Main Street.

Those in Favor: Member Faustin , Member Mobley, Mayor Warren, Vice Chair Jones, Chairman Holmes.

Those Opposed: None

Those Absent: Member Onyiuke, Member Lauture

Those Abstained: Council Vice-President Eason

Motion carried: 5-0-2-1

Memorialize resolution for extension request for approval for Case# 22-15 617 Scotland Urban Renewal, LLC- 617 Scotland Rd.

Motion Vice Chair Jones by Second by Member Faustin to memorialize resolution for a one-year extension of approval for Case# 22- 15 617 Scotland Urban Renewal, LLC – 617 Scotland Rd.

Those in Favor: Member Faustin , Vice Chair Jones, Chairman Holmes.

Those Opposed: None

Those Absent: Member Onyiuke, Member Lauture

Those Abstained: Member Mobley, Council Vice-President Eason, Mayor Warren.

Motion carried: 3-0-2-3

Memorialize resolution for Case# 25-02 Peek Reock III Owner Urban Renewal -72 S. Essex Ave- Amended Site Plan and Final Approval.

Motion Member Faustin by Second by Member Mobley to memorialize resolution for approval Case# 25-02 Peek Reock III Owner Urban Renewal- 72 S. Essex Ave- Amended Site plan and Final approval.

Those in Favor: Member Faustin , Member Mobley, Council Vice-President Eason, Mayor Warren, Vice Chair Jones, Chairman Holmes.

Those Opposed: None

Those Absent: Member Onyiuke, Member Lauture

Those Abstained: None

Motion carried: 6-0-2-0

Case# 23-05 492 Conover Terrace LLC- 492 Conover Terrace – Preliminary and Final Site Plan Approval.

Attorney Lisa Lomelo from the law firm of Murphy Schiller & Wilkes LLP represented the applicant 492 Conover Terrace LLC. Attorney Lomelo deferred to Board Attorney Wenzel for discussion on Judge Gardner order to the Planning Board.

Attorney Wenzel addressed the Board by stating the following:

This matter was presented before the board July 26, 2023 for a site plan application with no variances. The applicant presented the case and, at that time, the board denied the application. The applicant, then, expressed their rights to appeal the matter to the Superior Court and the matter was heard before the Superior Court in front of Judge Gardner. Judge Gardner made the following determination:

Judge Gardner On January 30, 2025 found that the denial of the site plan was arbitrary and capricious; it was improper and he remanded the matter back to the Board to approve the site plan application. Judge Gardner has determined that the site plan should be approved; furthermore, Judge Gardner order does not state that the matter should be reheard.

The Board would be in contravention of Judge Gardner order should the board not approve the application. Attorney Wenzel has reviewed the Judge order and has been in communication with the applicant attorney regarding the matter.

Vice-Chair Jones requested clarification if the application would have any condition of approval that they will work with the Board Engineer and the Board Planner.

Attorney Wenzel requested if the applicant attorney would agree that the normal and usual and customary conditions that we place on any type of site plan applicant to work with the City officials going forward to ensure that they maintain the site, that it's handled appropriate under the city code. Attorney Lomelo agreed to Attorney Wenzel request.

Motion by Vice Chair Jones **second** by Council Vice-President Eason to approve Preliminary and Final Site plan for Case#23-05 – 495 Conover Terrace with no variance. As a condition of approval the applicant will comply with the recommendations of the Board experts, as detailed in the Planner's report dated Amy 12, 2023 along with the conditions described earlier in this meeting.

Those in Favor: Member Faustin , Council Vice-President Eason, Vice Chair Jones.

Those Opposed: Member Mobley, Mayor Warren, Chairman Holmes.

Those Absent: Member Onyiuke, Member Lauture

Those Abstained: None

Motion not carried: 3-3-2-0

Attorney Wenzel clarified to the board that those non-approval means that you are not voting in compliance with the Judge's order.

Chairman Holmes requested to change his vote to yes as to the order of the Judge.

Mayor Warren requested clarification from the Board Attorney if the members of the board were sued individually and were they ordered individually on how to vote?

Attorney Wenzel stated no.

Based on discussion and information provided to the board, the board chose to do a recall of votes:

Motion by Vice Chair Jones **second** by Council Vice-President Eason to approve Preliminary and Final Site plan for Case#23-05 – 495 Conover Terrace with no variance. As a condition of approval the applicant will comply with the recommendations of the Board experts, as detailed in the Planner’s report dated Amy 12, 2023 along with the conditions described earlier in this meeting.

Those in Favor: Council Vice-President Eason, Vice Chair Jones.

Those Opposed: Member Mobley, Mayor Warren, Chairman Holmes.

Those Absent: Member Onyiuke, Member Lauture

Those Abstained: Member Faustin

Motion not carried: 2-3-2-1

Case# 24-04 Sandra Fisler–270 Elmwynd Drive-Subdivision

Attorney William J. Rush represented the applicant Sandra Fisler seeking minor sub-division approval of an existing single family residential lot and approval of a pre-existing nonconforming rear yard setback for property located at 270 Elmwynd Drive in the City of Orange Township designated as block 5701 Lot 5 and located in One Family Residential Zone (R1). The application was carried from the previous month at the request of the board. Proper notice was provided at the March 26, 2025 meeting, no re-notice required for this meeting.

Witness# 1 Lauri Anderson was sworn in as a Professional Land Surveyor. Ms. Anderson presented the survey prepared by her. The Survey prepared was provided to the board for review. The subject site is a49,274.6-SFcorner parcel with frontage on Elmwynd Drive to the north and Sylvan Way to the east. The site is comprised of one (1) tax lot designated as Lot 5. The site is improved with a one-family dwelling, which is classified as a Suburban One Family Detached Dwelling under the City’s Building Typologies. The applicant proposes to subdivide the subject site into two new lots designated as Lots 5.01 and 5.02. Following the subdivision, the existing dwelling will occupy proposed Lot 5.02 while proposed Lot 5.01 will be vacant and unimproved.

Proposed Lot 5.01 will be located at the northwestern area of the site and will encompass 12,570.1-SF. Proposed Lot 5.02 will be located to the south east of Lot 5.01 and will encompass 36,705.7-SF. Proposed Lot 5.02 will be an irregular shaped corner parcel with frontage on Elmwynd Drive and Sylvan Way.

Witness# 2 Frank Cunha was sworn in as an Architect. Mr. Cunha presented the Exhibit A1 Architect Chart. The presented is a proposed preliminary zoning study for lot 5, the proposed does not have ownership, it serves as purpose to demonstrate that in accordance to the zoning requirement for that are a one family house can be constructed without need for a variance.

Exhibit A2- SKA- 1 Architectural rendering 3 pages. The proposed depicts a single family house with a (2) car garage, entrance foyer, living room, open kitchen and a second floor with 4 bedroom. The proposed can be built with a total foot print of 5,840 SF. The proposed design would be a Tudor home.

Board Members raised concerns if the proposed drawing would be part of the board approval for this application. Attorney Wenzel stated it would not be and Attorney Rush agreed. The proposed presented is for visual concept only.

Board Professionals

Gerard Haizel was sworn in as the Board Planner. The Planner Memorandum dated March 14, 2025 was provided to the Board and the Applicant. The proposed subdivision is within an area where subdivisions is disfavored, the area of the City is very distinctive to larger lots. Mr. Haizel raised concerns regarding the irregular shape of the proposed subdivided lot. The architect however, has shown that a single family home can be accommodated in the proposed without negative impact.

At the Board request, the applicant was called to provide testimony on the purpose for seeking a subdivision.

Attorney Wenzel clarified that should an applicant in the future submit an application that doesn't meet the standard to building a single family house, the applicant would have to obtain approval from a board.

Board Engineer John Cahillane was sworn in. Mr. Cahillane provided his report to the Board and applicant dated February 18, 2025. From an engineering perspective the proposed meets all the requirements.

Witness# 3 Sandra Fisler was sworn in. Ms. Fisler is the current owner of the property. Ms. Fisler stated that her personal circumstances changed from the time of purchasing the property have changed and maintaining the property is no longer feasible. Ms. Fisler intends to sale the subdivided lot should the board approve the subdivision. Ms. Fisler stated that it would be easier for her to maintain the property if subdivided.

Motion by Member Faustin and **second** by Vice-Chair Jones to open public portion. All in favor.

Aisha Samuel- 401 Highland Terrace. Ms. Samuel is in agreeance that the maintenance of a large property is a burden and that the applicant should be granted relieve to sale the proposed subdivision.

Dara Paesante- 226 Elmwynd Drive. Raised concerns regarding the subdivision due to the surrounding properties typography, which have large lots. Ms. Paesante raised concerns regarding not receiving notice.

Ms. Peasante was not part of the 200 FT list as provided by the Tax assessor.

Alysha Rodriguez- 47 Mountainview. Requested if the board can set restrictions as to what can be built in the proposed subdivision. Mr. Haizel stated that there are standards in place for the zone.

Ms. Rodriguez raised concern regarding the notice to the 200 FT list. Attorney Rushed addressed Ms. Rodriguez concerns and stated that proper notice was provided to the residents listed on the 200FT list provided by the Tax Assessor.

Motion by Council Vice-President Eason and **second** by Member Faustin to close public portion. All in favor.

Motion to approve by Vice-Chair Jones and **Second** Member Mobley Case# 24-04 Sandra Fisler–270 Elmwynd Drive-Subdivision with a variance for rear yard setback on Lot 5.02 of 2.01 Ft where 10Ft is required.

As a condition of approval, applicant will comply with the recommendations of the Board professionals as detailed in the Planners report dated March 14, 2025 and the Engineer report dated February 18, 2025.

Those in Favor: Member Faustin , Member Mobley, Council Vice-President Eason, Mayor Warren, Vice Chair Jones, Chairman Holmes.

Those Opposed: None

Those Absent: Member Onyiuke, Member Lauture

Those Abstained: None

Motion carried: 6-0-2-0

Old Business:

Board Attorney Wenzel stated that he has been working with board secretary from the zoning board and the planning board secretary to have a joint meeting as previously discussed.

New Business:

Council Vice-President Eason requested that moving forward please take into consideration for larger refuge disposable to reduce the overflow of garbage on all future developments.

Chairman requested clarification on voting abstained during an application. Attorney Wenzel stated that abstention counts as a no vote.

Member Faustin requested closed session to review status of all approved developments. Requested denied by the board. Planning Board application status is provided to the board on an annual basis.

Mayor Warren stated that he is collaborating with the Planning Department to present a developers status of where they are with the projects.

Motion to adjourn from Vice-Chair Jones **second** by Council Vice-President Eason at 10:02PM. All in favor

Next meeting scheduled for Wednesday, May 28 , 2025 at 7:30 p.m. via virtually using Zoom Meeting.

Prepared by: Alexandra Reyes.