

CITY OF ORANGE TOWNSHIP PLANNING BOARD

Date: October 28, 2026

Case No. 26-07, 278 Park Avenue

TITLE: RESOLUTION OF MEMORIALIZATION

APPLICANT: Park Ave at 278 LLC

APPLICATION: Preliminary and Final Major Site Plan and Bulk Variances Approval

WHEREAS, Park Ave at 278 LLC (“Applicant”) submitted an Application to the City of Orange Township Planning Board (“Board”) for preliminary and final major site plan and bulk variance approval to construct a new 3-story low-rise multifamily residential building with eight (8) dwelling units and on-site parking with the equivalent of eleven (11) spaces on property identified as Block 1601, Lot 4 on the Official Tax Map of the City of Orange Township (“City” or “Orange”), commonly known as 278 Park Avenue (collectively “Property”); and

WHEREAS, the Property is situated within the MX-2 (Mixed-Use Medium Density Residential & Commercial Business) Zone where this use is permitted; and

WHEREAS, the Applicant has presented proof 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	April 10, 2026
Plans, seven (7) sheets, titled – “278 Park Avenue, Orange, New Jersey, Proposed New (8) Dwelling Units, Block 1601, Lot 4,” prepared by Matthew G. Evans, PE of Evans Architecture AIA	March 21, 2026 rev. August 21, 2026
Boundary & Topographic Survey, one (1) sheet, 278 Park Avenue, Orange City, Essex County, New Jersey, Block 1601, Lot 4, prepared by Robert M. Horvath, PLS of Brunswick Surveying Incorporated	December 30, 2025
Planning Review Memorandum by	September 3, 2026

Nishuane Group LLC

Engineering Review Memorandum by
CP Professional Services

September 15, 2026

WHEREAS, the Applicant requested the following bulk variances: (a) a minimum lot area of 10,000-SF is required, and the applicant proposes a lot area of 7,307-SF, and (b) a minimum lot width of 100-feet is required, and the applicant proposes a lot width of 50-feet, and (c) a minimum side yard setback of 10 feet is required, and the applicant proposes side yard setbacks of 2.17-feet and 5-feet on the western and eastern side yards respectively; and

WHEREAS, a public hearing was held on this application in a virtual session on September 23, 2026, with Benjamin T.F. Wine, Esq. presenting the application to the Board on behalf of the Applicant; and,

WHEREAS, during the virtual public hearing held on September 23, 2026, the Board heard testimony from the Applicant's professionals, including its architect, as well as from the Board Professionals, and opened the meeting to comments from members of the public in relation to the application; and,

WHEREAS, during the virtual public hearing held on September 23, 2026, the Board voted to grant the Application for Preliminary and Final Major Site Plan approval along with Bulk ("C") Variances, subject to certain conditions, as reflected in the findings set forth below; and,

WHEREAS, after careful consideration of all evidence, the Board finds and concludes that: under the application of the C(1) hardship (due to existing conditions of an undersized lot) and C(2) flexible balancing test the Applicant's proposed development is permitted as satisfying all conditions in accordance with the City's land use ordinances; and that the variances requested by the Applicant and listed above may be granted as this is an update to the quality of the uses on site; the Applicant has met the requisite negative and positive criteria necessary to grant the variances permitting: (a) a minimum lot area of 7,307-SF, (b) a minimum lot width of 50-feet, and (c) a minimum side yard setback of 2.17-feet and 5-feet on the western and eastern side yards respectively; will advance the purposes of zoning and can 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 associated with granting the variances and design waivers will substantially outweigh any possible detriments; and, the variances may be granted without substantial adverse impact on the surrounding area; and, the Applicant has established good cause for preliminary and final major site plan approval, having satisfied its burden of proof pursuant to the Municipal Land Use Law ("MLUL"), and its proposed development will advance the purposes of the MLUL; and,

WHEREAS, the Board concludes that the Applicant has met its burden of proof pursuant to N.J.S.A. 40:55D-70(c)(1) by a showing that the Property is subject to a number of hardships for development of a conforming development, including the exceptionally narrow lot width, which further tapers narrower towards the rear of the Property; and

WHEREAS, the Board concludes that the Applicant has met its burden of proof pursuant to N.J.S.A. 40:55D-70(c)(2) by a showing that the purposes of the MLUL are advanced, including Purpose A (appropriate use of land that will promote the general welfare); Purpose C (given that there is a driveway immediately to the west of the Property, there will be a substantial distance between buildings); Purpose E (promoting the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment); Purpose G (provides for appropriate residential and commercial uses where intended); and Purpose I (promoting a desirable visual environment and aesthetic); and

WHEREAS, this Resolution incorporates by reference all discussions, exhibits and testimony presented at the virtual public hearing on September 23, 2026, as if set forth at length herein.

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 Approval for Preliminary and Final Major Site Plan and Bulk (“C”) Variances is hereby granted, subject to the following conditions:

1. All of the recitals hereinabove set forth are incorporated herein by reference.
2. To the extent not already satisfied, Applicant shall comply with all the conditions of Board Engineer, as reflected in his reports as agreed by the Applicant on the record, and such conditions shall be incorporated by reference herein and shall be considered to be conditions of approval.
3. To the extent not already satisfied, Applicant shall comply with all the conditions of Board Planner, as reflected in his report as agreed by the Applicant on the record, and such conditions shall be incorporated by reference herein and shall be considered to be conditions of approval.
4. The Site Plan shall be updated to reflect all changes agreed to at the hearing and the Board Professionals’ reports.
5. All other State, County, and Municipal regulatory agency reviews that may be necessary must be obtained.
6. No construction permits of any kind shall be issued by the Construction Code Official of the City of Orange Township until all Board escrow fees have been paid, a Resolution of Approval has been memorialized and appropriately executed by the Board, and the Construction Code Official has received final plans appropriately signed by the Board Chairman, Board Secretary and Board Engineer.
7. Pursuant to the provisions of *N.J.S.A. 40:55D-39* and *N.J.S.A. 40:55D-65*, the Applicant shall provide proof that no taxes or assessments for local improvements are due on the Property.

8. Prior to the initiation of construction activities, the Applicant shall provide inspection escrow funds in accordance with Orange Municipal Code § 210-56 for fees associated with engineering construction inspection of this project.

9. Applicant has agreed, as an express condition of approval, audible warning device at the garage entrance to warn pedestrians of vehicle movements, subject to the review and approval of the Planning Board/Division of the County of Essex.

10. Applicant has agreed, as an express condition of approval, signage will be placed to advise vehicles leaving the garage that only a right turn onto Park Avenue will be permitted, subject to the review and approval of the Planning Board/Division of the County of Essex.

11. Applicant has agreed, as an express condition of approval, to use stamped concrete to create a visual impact at the garage entrance to advise pedestrians of vehicle movements, subject to the review and approval of the Planning Board/Division of the County of Essex.

12. Applicant has agreed, as an express condition of approval, to adhere to Board professional reports.

13. Applicant shall file for and obtain approvals and any other such permits as may be applicable to the site from the County of Essex, State of New Jersey, and any federal agency. Applicant agrees to this as an express condition of approval.

Motion to Approve

Motion Date: September 23, 2026

Motion by Vice Chair Antoinette Jones

Second by Member Christopher Mobley

Roll Call

Yeas: Rhea Christmas, Enock Faustin, Christopher Mobley,
Councilman Weldon M. Montague, III, Vice-Chair Antoinette Jones
and Chairman Dwight Holmes

Nays: None

Abstain: Jean-Guy Lauture

Absent: Enock Faustin, Callistus Onyiuke, and Mayor Dwayne D. Warren, Esq.

Motion to Approve Resolution

Motion Date: October 28, 2026

I hereby certify that the foregoing Resolution was adopted by the Planning Board of the City of Orange Township at its meeting on October 28, 2026, and that said Resolution memorializes the action of the Planning Board at its meeting on September 23, 2026.

Alexandra Reyes
Planning Board Secretary

Dwight Holmes
Planning Board Chair

Approved as to Form and Legality:

Joseph M. Wenzel, Esq.
Planning Board Attorney