

RESOLUTION OF THE TOWNSHIP OF WEST ORANGE PLANNING BOARD
CONCERNING THE APPLICATION OF 732 EAGLE ROCK AVE LLC

Granting c(2) variance and minor subdivision approval.

WHEREAS, 732 Eagle Rock Ave LLC, (the “Applicant”) has applied to the Planning Board of the Township of West Orange for minor subdivision approval for property located at 732 Eagle Rock Avenue, known as Block 177, Lot 26 (the “Property”), for the purpose of subdividing Lot 26 into (2) lots, proposed Lot 26.01, which will contain the existing structure and proposed Lot 26.02; and

WHEREAS, the Applicant was represented by James M. Parisi, Esq.; and

WHEREAS, the Applicant submitted a Minor Subdivision Plan prepared by Anthony Marucci, PE, of Marucci Engineering Associates, LLC of Whippany, New Jersey, dated October 29, 2019; and

WHEREAS, a c(2) variance is required in connection with minor subdivision approval as the proposed development of the Property does not comply with the minimum lot width requirements in the R-4 Residential Zone; and

WHEREAS, a public hearing to consider the Application was held by the Planning Board on March 4, 2020, after appropriate public and personal notice was provided to all property owners within 200 feet of the Property and published in the West Orange Chronicle and Star Ledger, as required by the regulations of the Township of West Orange and the statutes of the State of New Jersey; and

WHEREAS, the Planning Board has examined and considered all the testimony and exhibits presented at the hearing; and

WHEREAS, the Planning Board after carefully considering the evidence presented by the Applicant in support of their application for a c(2) variance and minor subdivision approval, and after the meeting was opened to the public for their questions, comments and input, has made the following findings of fact:

1. The Applicant is the owner of the Property located at 732 Eagle Rock Avenue in the R-4 zone. The Property is approximately 52,768.83 square feet in area and is improved with a single-family dwelling.
2. The Applicant has submitted an application for minor subdivision approval and for a c(2) variance from the Township Ordinance 25-7.1 requirement relating to lot width.
3. The Applicant is proposing to subdivide the Property into two (2) lots, proposed Lot 26.01 measuring 15,744.13 square feet in area and proposed Lot 26.02 measuring 37,024.7 square feet in area. The existing dwelling will be located on proposed Lot 26.01. Proposed Lot 26.02 will not meet the 100 feet minimum lot width requirement, as only 65 feet is proposed.
4. Proper notice of the Application has been given, as based upon the certified list of property owners provided to the Applicant by the Township Tax Assessor.
5. The following c(2) variance is required in connection with the Application:
 - a. Lot Width-100 feet required, 65 feet proposed;
6. The Applicant provided the following sworn testimony during the March 4, 2020 Public Hearing:
 - a. The subdivision of the Lot and renovation of the existing dwelling on the Lot will allow an underutilized property to be better utilized;

- b. The existing wooded areas, with minimal tree removal, will not be disturbed so as to maintain the existing buffer of the tree line;
- c. The Applicant will provide a storm water management plan so as to not adversely affect any of the surrounding properties;
- d. The remains of the wood deck will be removed;
- e. The damaged sidewalk along Eagle Rock Avenue will be replaced in conjunction with the development of the property;
- f. The proposed development of the Property will comply with Section 25-28 of the West Orange Land Use Regulations Ordinance, the “Steep Slope and Natural Features Ordinance.”
- g. The proposed development of the Property will add value to the neighborhood and will not be a detriment to the public good or impair the intent and purpose of the Township's Zone Plan and zoning ordinance.
- h. The Applicant will comply with the comments and recommendations contained in the review letters of both the Planning Board Engineer and the Township Planning Director, dated December 30, 2019 and January 2, 2020, respectively.

AND WHEREAS, based upon the above factual findings, the Planning Board has come to the following conclusions:

1. This application relates to a specific piece of property and the purposes of the zoning laws of the State of New Jersey and the Township of West Orange would be advanced by the deviation from the ordinance requirement for lot width, as specified herein and as requested by the Applicant.

2. The benefits of the deviation from the lot width ordinance requirement specified herein would substantially outweigh any detriment to the public good by this deviation from such requirements, as c(2) variance approval would allow for the development of the Property as proposed by the Applicant, and otherwise promote the safety, health and general welfare of the Community.

3. Relief as requested by the Applicant can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Zoning Plan and Zoning Ordinance of the Township of West Orange.

4. The Applicant has complied with all of the requirements of the Municipal Land Use Law of the State of New Jersey and the Land Use Code of the Township of West Orange for minor subdivision approval.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of West Orange, on the 4th day of March, 2020, that this Board hereby grants to the Applicants:

1. A c(2) variance to permit a lot width of 65 feet for proposed Lot 26.02;
2. Minor Subdivision Approval to subdivide the Property into Lot 26.01 and Lot 26.02 as shown on the Plan of Minor Subdivision, in accordance with the Application, Plans and Testimony provided by the Applicants, subject to the following conditions:
 - a. The Applicant must apply to the Township for a tree removal permit as set forth in the Tree Protection and Removal Ordinance. In addition, a tree removal plan must be submitted to the Board, upon review by the Township Forester.
 - b. The minimum side yard setback shall be 20 feet on each side of the new lots.

- c. Applicant must submit a grading and draining plan at the time that the Applicant applies for a building permit.
- d. Applicant shall propose and implement storm water management techniques on the Grading and Drainage Plan to limit or reduce storm water runoff onto adjacent property. Grading and Drainage plan to be submitted to and reviewed by the Township Engineer.
- e. The existing dwelling must be renovated prior to the issuance of the certificate of occupancy for any new dwellings on the property.
- f. Applicant must maintain a tree buffer of at least 20 feet along the easterly property line.
- g. In order to reduce water runoff from the property, the Applicant will utilize pervious concrete/pavement for renovation and/or installation of any driveway onto the property.
- h. The fulfillment of all other conditions precedent shall forthwith be reported in writing to the Township, which may cause such reports to be verified in an appropriate manner. Only upon the fulfillment of all of the conditions shall the minor subdivision plan or deed be signed or any required building permit, certificate of occupancy or zoning permit be issued.
- i. Subject satisfying all the comments of the Board Engineer, Mr. John Hess, PE, as contained in December 30, 2019 memorandum by CME Associates.
- j. Subject to satisfying all comments of the Township Planning Director, Mr. Paul Grygiel, AICP, as contained in the January 2, 2020 memorandum.

- k. Subject to the submission of revised plans complying with this Resolution and the review memorandum of the Board Engineer and Township Planning Director, and listing conditions of approval on the plans.
- l. Subject to the Applicant taking the necessary action to prevent any disturbance to the tree line buffer during the renovation/development process, and thereafter.
- m. Subject to the Applicant obtaining all permits required prior to the commencement of development activity on the Property, including site clearing. C(2)variance and minor subdivision do not guarantee the issuance of construction permits, as the Applicant has to comply with all rules, regulations, codes and statues governing the issuance of such permits.

CERTIFICATION

I hereby certify that the foregoing Resolution is a true memorializing resolution, as adopted by the Planning Board of the Township of West Orange in accordance with its decision at its regular meeting on March 4, 2020.

Attested:



SEAN MCCAULEY, ACTING SECRETARY

Dated: 4/4/2020

ROLL CALL VOTE ON ACTION TAKEN BY THE BOARD AT REGULAR MEETING ON MARCH 4, 2020

Board Member	Motion	Second	Aye	Nay	Abstain	Absent
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Bagoff (Vice-Chair)			X			
Johnson (1 st Alt.)			X			
Smeraldo						X
Klein						X
McCartney			X			
Trenk		X	X			
Wegner						X
Weston (Chair)	X		X			
Williams			X			
Wilkes			X			

ROLL CALL VOTE ON ADOPTION OF MEMEMORIALIZED RESOLUTION OF BOARD ACTION TAKEN BY THE BOARD AT SPECIAL MEETING ON APRIL 3, 2020

Board Member	Motion	Second	Aye	Nay	Abstain	Absent
Bagoff (Vice-Chair)	X		X			
Johnson (1 st Alt.)			X			
Smeraldo						X
Klein					X	
McCartney		X	X			
Trenk			X			
Wegner						X
Weston (Chair)			X			
Williams						X
Wilkes			X			