

**RESOLUTION OF THE TOWNSHIP OF WEST ORANGE PLANNING BOARD CONCERNING THE
APPLICATION OF MELLON AVENUE BLOCK 175.13, LOT 3**

Granting minor subdivision approval.

WHEREAS, The Township of West Orange, (the "Applicant") has applied to the Planning Board of the Township of West Orange for minor subdivision approval for property located at Mellon Avenue, known as Block 175.13, Lot 3, (the "Property"), for the purpose of subdividing Lot 3 into two (2) 5,000 square foot parcels (Lots 3.01 and 3.02) to be annexed with adjacent properties Lots 1 and 6; and

WHEREAS, the Applicant was represented by Reginald Jenkins, Esq.; and

WHEREAS, the Applicant submitted a Minor Subdivision Plan prepared by Kevin S. Bogerman, Professional Land Surveyor, of Greenman-Pedersen, Inc. of Morris Plains, New Jersey, dated February 16, 2022; and

WHEREAS, the Planning Board has examined and considered all the testimony, including testimony from Township Engineer, Len Lepore, 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 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 Township of West Orange and is the owner of the Property located at Mellon Avenue in the R-5 zone. The Property is approximately 10,000 square feet in area and is unimproved.

2. The Applicant has submitted an application for minor subdivision approval.

3. The Applicant is proposing to subdivide the Property into two (2) 5,000 square foot parcels of 50' x 100', creating proposed Lots 3.01 and 3.02 to allow for the sale and annexation of these parcels to adjacent properties Lots 1 and 6 as the owners of these two lots have indicated that they are interested in purchasing and annexing these lots to their lots.

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 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 as there are developed properties to each side of this property which is currently unimproved.

b. The two residents adjacent to the property (Lots 1 and 6) are interested in purchasing the proposed subdivided undersized lots.

c. The Township intends on selling 3.01 to the owner of Lot 6, Brian and Marlena Lawrence to add to their existing 10,000 foot lot and create a 15,000 square foot lot.

d. The Township intends on selling lot 3.02 to the property owners of 42 Hoover Avenue (to the North), Rodelio Pecson and Rachel Jinna which would add to the existing undersized lot of 7,500 square feet to create a 12,000 square foot lot.

e. If the sale of either parcel, 3.01 or 3.02, does not take place, then the Township will not memorialize the subdivision as the Township will not go forward with just one sale which would create an undersized lot, so there is no possibility of the creation of an undersized lot.

f. 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 as it will allow for the neighboring property to add to their properties.

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 subdivision, as specified herein and as requested by the Applicant.

2. 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.

3. The Applicant will comply 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 (With the division of the property and consolidation with the adjacent properties).

4. The subdivision will allow for the division of an unimproved Township owned lot to be annexed to adjoining properties, one of which is currently undersized, and will allow for the creation of a lot in conformance with the Zone plan.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of West Orange, on the 4th day of May, 2022, that this Board hereby grants to the Applicant:

- 1. Minor Subdivision Approval for property located at Mellon Avenue, known as Block 175.13, Lot 3, (the "Property"), for the purpose of subdividing Lot 3 into Lots 3.01 and 3.02 into two (2) 5,000 square foot parcels to be annexed with adjacent properties Lots 1 and 6, subject to the following condition:**

- a. If the sale of either parcel, 3.01 or 3.02, does not take place, then the Township will not memorialize the subdivision as the Township will not go forward with just one sale which would create an undersized lot, so there is no possibility of the creation of an undersized lot.

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 May 4, 2022.

Attested: *Diana Lyn Chandler* DIANA CHANDLER, ACTING SECRETARY