

PB-22-06

**RESOLUTION OF THE TOWNSHIP OF WEST ORANGE PLANNING BOARD
CONCERNING THE APPLICATION OF 59-61 EDGEWOOD AVENUE**

Minor subdivision approval.

WHEREAS, Amoghene F. Umude, (the “Applicant”) has applied to the Planning Board of the Township of West Orange for minor subdivision approval for property located at 59-61 Edgewood Avenue, known as Block 159, Lot 20 (the “Property”), for the purpose of subdividing Lot 20 into two (2) lots, proposed Lot 20.05 and proposed Lot 20.06 which will contain the existing structure; and

WHEREAS, the Applicant was self-represented; and

WHEREAS, the Applicant submitted a Minor Subdivision Plan prepared by William S. Scott, P.E. and Nancy J. Scott, PLS, of Ensurlan, Inc. of Warren, New Jersey, dated July 21, 2022; and

WHEREAS, no variances were required in connection with the minor subdivision approval as the proposed development of the Property complies with the minimum lot width, length and area requirements in the R-5 Residential Zone; and

WHEREAS, a public hearing to consider the Application was held by the Planning Board on August 3, 2022, 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 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 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 59-61 Edgewood Avenue in the R-5 zone. The property is approximately 25,381 square feet in area and is improved with a single-family dwelling and a detached two-car garage.
2. The Applicant is proposing to subdivide the Property into two (2) lots, proposed Lot 20.05 will have an area of 12,609.5 square feet and will be vacant and proposed Lot 20.06 will have an area of 12,690.5 square feet and will contain the existing dwelling and a proposed one (1) car garage.
3. The R-5 zone requires a minimum Lot square footage of 10,000 square feet and both proposed Lots exceed that minimum requirement while also complying with the minimum required lot frontage, width and depth.
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 August 3, 2022, Public Hearing:
 - a. The proposed lots are in conformance with the Township Lot requirements for area, frontage, width and depth and no variances are required.
 - b. Applicant will remove the existing two-garage located on proposed Lot 20.05 and will build a one-car garage on proposed Lot 20.06.

- c. Applicant does not know at this time if he will sell the newly formed proposed Lot 20.5 or if he will seek to build on it himself, but until that decision is made, Applicant will maintain the existing shrubbery until such time as the Lot is developed with the understanding that any development of Lot 20.5 will be in conformance with the Township's tree ordinance.
- d. William Scott, P.E. testified that there are no covenants or deed restrictions that apply to the property as per a title search and no covenants or deed restrictions are proposed.
- e. Applicant agrees to address any affordable housing requirements required by the Township.
- f. Applicant has complied with the comments and recommendations contained within the review letters of both the Planning Board Engineer and the Township Planning Director, dated July 7, 2022, and July 21, 2022 (Engineer) and July 5, 2022 (Planning).

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

1. 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 3rd day of August 2022, that this Board hereby grants to the Applicant:

1. Minor Subdivision Approval to subdivide the Property into Lot 20.05 and 20.06 as shown on the Plan of Minor Subdivision, in accordance with the Application, Plans and Testimony provided by the Applicant and witnesses, subject to the following conditions:
 - a. Applicant must address any affordable housing requirements assessed by the Township.
 - b. Applicant must remove the two-car garage on Lot 20.5 and build a one-car garage in accordance with Code requirements on Lot 20.06 within a reasonable time and/or before any development or sale of Lot 20.5 may take place.
 - c. 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.
 - d. Subject to satisfying all the comments of the Board Engineer, Mr. John Hess, P.E., as contained in the July 7, 2022, and July 21, 2022 memorandums by CME Associates.
 - e. Subject to satisfying all the comments of the Township Planning Director, Mr. Paul Grygiel, AICP, as contained in the July 5, 2022, memorandum.
 - f. 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.

- g. Subject to the Applicant obtaining all permits required prior to the commencement of development activity on the property, including site clearing. Minor subdivision approval does not guarantee the issuance of construction permits, as the Applicant has to comply with all rules, regulations, codes and statutes 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 August 3, 2022.



JAMILET BAQUERIZO VITE

PLANNING BOARD SECRETARY

ROLL CALL VOTE ON ACTION TAKEN BY THE BOARD AT REGULAR MEETING ON AUGUST 3, 2022:

Motion: Chairman Bagoff

Second: Mr. Wilkes

Alper:	Y	McNair:	Y
Bagoff:	Y	Morgan:	Y
Cardoza (Alt.2):	---	Smeraldo:	Y
Guarino:	Y	Wilkes:	Y
Jensen (Alt 1):	---	Yes ; Absent	
Klein:	Y		
McCartney:	Y		

**ROLL CALL VOTE ON ADOPTION OF MEMORIALIZED RESOLUTION OF BOARD
ACTION TAKEN BY THE BOARD AT REGULAR MEETING ON SEPTEMBER 7,
2022:**

Motion: Chairman Bagoff

Second: Mr. Guarino

Alper:	Y	McNair:	Y
Bagoff:	Y	Morgan:	Y
Cardoza (Alt.2):	---	Smeraldo:	Y
Guarino:	Y	Wilkes:	Y
Jensen (Alt 1):	---	Yes ; Absent	
Klein:	Y		
McCartney:	Y		