

MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT MEETING
September 21, 2023
8:00 P.M.

The West Orange Zoning Board of Adjustment held a regular meeting on September 21, 2023, commencing at 8:00 PM utilizing the virtual Zoom platform.

Chairperson Philip D. Neuer called the meeting to order at approximately 8:00PM. It was announced that notification of this meeting was given to the Township Clerk, the West Orange Chronicle, and the Star-Ledger and posted on the Township Bulletin Board in accordance with the "Senator Byron M. Baer Open Public Meetings Act."

Chairperson Neuer asked everyone to please rise for the Pledge of Allegiance.

Steven K. Warner, Esq., Board Attorney read the opening statement.

ROLL CALL

Present: William Michael Barbee, Michael Dannemiller,
Jerome Eben,
Philip D. Neuer, Peter Ricci,
Peter Scalora, Irv Schwarzbau,
Brent D. Scott (arrival at 8:24 PM), Mark Sussman,
Alice Weiss

Absent:

Also Present: Paul Grygiel, Consulting Planner for the Township
John Hess, Consulting Engineer for the Township
Steven K. Warner, Esq., Board Attorney
Diana L. Chandler, Board Secretary

ANNOUNCEMENTS

Future Meetings: September 28, 2023 (Special Meeting)
October 19, 2023 (Regular Meeting)
November 16, 2023 (Regular Meeting)
December 21, 2023 (Regular Meeting)

- Chairperson Neuer announced that ZB-22-08 Flores is being carried to the November 16, 2023, Regular Meeting with no further notice.
- Chairperson Neuer announced that ZB-23-01 Williams is being carried to the November 16, 2023, Regular Meeting with no further notice.
- Chairperson Neuer announced that the Special Meeting on September 28, 2023, for application **ZB-22-12 / Seton Hall Preparatory School located at 700 Prospect Avenue, West Orange, NJ 07052** instead of the original applicant **ZB-22-13 / MPB Realty LLC** located at **470 Eagle Rock Avenue, West Orange, NJ 07052**. Application **ZB-22-13 MPB Realty LLC** is being carried to the October 19, 2023, Regular Meeting with no further notice.

SWEARING IN

- Township Professional(s) Mr. Paul Grygiel (Consulting Planner) and Mr. John Hess (Consulting Engineer) were sworn under oath.

MINUTES

- **Adopt: July 20, 2023 Meeting Minutes**

Motion: Chairperson Neuer

Second: W. M. Barbee

Barbee:	Y	Scott:	-
Dannemiller (Alt. 1)	Y	Sussman (Alt. 3):	Y
Eben:	Y	Weiss:	Y
Ricci:	-	Chairman Neuer:	Y
Scalora (Alt. 2)	Y		
Schwarzbaum:	Y		

- **Adopt: July 20, 2023, Executive Session Minutes**

Motion: Chairperson Neuer

Second: I. Schwarzbaum

Barbee:	Y	Scott:	-
Dannemiller (Alt. 1)	Y	Sussman (Alt. 3):	Y
Eben:	Y	Weiss:	Y
Ricci:	-	Chairman Neuer:	Y
Scalora (Alt. 2)	Y		
Schwarzbaum:	Y		

RESOLUTIONS

1) ZB-23-02/Robert and Rachel Ciottariello

(Approved 8/17/2023)

Block: 170; Lot: 15.4; Zone: R-2

606 Mount Pleasant Avenue

Application seeking use and bulk variances and minor site plan approval for mix of residential and commercial uses was approved with conditions at the August 17, 2023, Regular Meeting.

Planning post-approval compliance memo -ZB-23-02 - Ciottoriello

Front Landscape specifics (606 Mt. Pleasant Ave) - From Applicant

Motion: Chairperson Neuer

Second: W.M. Barbee

Barbee:	Y	Scott:	-
Dannemiller (Alt. 1)	-	Sussman (Alt. 3):	-
Eben:	Y	Weiss:	-
Ricci:	-	Chairman Neuer:	Y
Scalora (Alt. 2)	Y		
Schwarzbaum:	Y		

2) ZB-23-06/Daughters of Israel Geriatric Services Urban Renewal, Inc. (Approved 8/17/2023)

Block: 165; Lot: 16; Zone: R-2

748-750 Northfield Avenue

Application seeking "c" variances for new freestanding sign was approved with conditions at the August 17, 2023, Regular Meeting.

Motion: Chairperson Neuer

Second: I. Schwarzbaum

Barbee:	Y	Scott:	-
Dannemiller (Alt. 1)	-	Sussman (Alt. 3):	-
Eben:	-	Weiss:	-
Ricci:	-	Chairman Neuer:	Y
Scalora (Alt. 2)	Y		
Schwarzbaum:	Y		

APPLICATIONS

1.) ZB-23-07/Petco Animal Supplies Stores, Inc.

Block: 155.21; Lot: 40; Zone: P-C

495 Prospect Avenue

Seeking use variance approval for veterinary operations

(227282749 1) - Ltr to D. Chandler-Zimmerman - Variance App (2)

(227315906 1) - POL from West Orange 6-9-23 PET176.00812

CLPF-ESSEX GREEN (Verification of taxes)

Essex Green - Survey 2018-11-02

Essex Green - West Orange ZB Signed Site Plan 2023-05-01

Petco West Orange NJ Architectural Set Binder

Planning Review Memo ZB-23-07 - Petco

PRESENTATION

- Mr. Niall O'Brien, Esq entered on the record.
- Ms. Carolyn Archibold was sworn under oath in regard to Petco as an expert to focus on Health and Wellness.

BOARD QUESTIONS

- Mr. P. Ricci asked if this will operate same hours or different ones. Ms. Archibold answered that the hours will be typically different but wanted to defer to testimony from Mr. Brady.
- Mr. I. Schwarzbaum

NO PROFESSIONALS QUESTIONS

NO PUBLIC QUESTIONS

PRESENTATION

- Mr. Christopher Brady, Petco Operations entered the record as a fact witness, was a sworn under oath. He then listed services provided and testified that there will be no overnight stays including the veterinary services. The hours of the proposed addition will be 8:00AM- 7:00PM with a build out of the hospital. In the past Petco has partnered with local emergency clinics in the area for overnight stays.

BOARD QUESTIONS

- Mrs. A. Weiss asked if the people working will have certifications. Mr. Brady answered in the affirmative. Mrs. Weiss asked if there will be any restrictions on animals for the veterinary clinic. Mr. Brady said that cats, dogs, and exotics will be taken care of but it all depends on the veterinarian and their specialty.
- Chairperson Neuer asked what the plan is to dispose of animal waste. Mr. Brady said that it will be picked up weekly.

PROFESSIONALS QUESTIONS

- Mr. Grygiel asked if this is commonly found or unique to a location like this. Mr. Brady said it is typical.

NO PUBLIC QUESTIONS

PRESENTATION

- Mr. Jeff Isom, an unlicensed Architect was sworn under oath, did not qualify himself as an expert but as a fact witness for the applicant.

BOARD QUESTIONS

- Chairperson Neuer asked if Mr. Isom visited the site. Mr. Isom said no.
- Mr. Ricci asked what the square footage of the addition and the existing store. Mr. Isom said that there is 284 square feet dedicated to the veterinary clinic. Mr. Ricci asked for confirmation of Mr. Isom's role in regard to the application. Mr. Isom testified stating that he is the project manager.
- Mr. Eben asked if he went to school for architecture. Mr. Isom answered in the affirmative. Mr. Eben asked if the restrooms in the proposed addition would be ADA-compliant. Mr. Isom answered in the affirmative.
- Mr. Barbee asked if there is going to be a shared vestibule between the old business and the new addition. Mr. Isom answered that not really mainly for the vet clinic. The vet clinic entrance will be very separate from the retail business and can maneuver to the vet center. Mr. Barbee followed up by asking about the safety if a child were to wander free.

Mr. Isom deferred to Mr. Brady who then confirmed that there will be no pets wandering free.

NO PROFESSIONALS QUESTIONS
NO PUBLIC QUESTIONS

Chairperson Neuer announced that application ZB-23-07 Petco Animal Supplies Stores Inc. is carried to the November 16, 2023, Regular Meeting with no further notice. Mr. O'Brien confirmed the extension of the statute of continuation.

EXECUTIVE SESSION

Privileged Discussion on Pending Litigation.

- Commencing at 9:16 PM utilizing the virtual Zoom platform

ROLL CALL

Present: William Michael Barbee, Michael Dannemiller
Jerome Eben, Philip D. Neuer, Peter Ricci,
Peter Scalora, Irv Schwarzbaum,
Brent D. Scott, Mark Sussman,
Alice Weiss

Absent:

Also Present: Steve Warner, Esq., Board Attorney
Diana L. Chandler, Board Secretary

10:01 PM Adjournment of Executive Session to a Break until 10:07 PM with confirmation by Chairperson Neuer that all Board Members returned.

2.) ZB-23-08 Orange Valley Social Settlement House, Inc.

Block: 6; Lot: 47; Zone: R-M

37 Tompkins Street

Seeking use variances and minor site plan approval for conversion of existing building

PRESENTATION

- Ms. Kathryn Kopp Esq. entered the record on behalf of the applicant.
- Ms. Marcina Fox, Executive Director of Valley Settlement House entered the record and testified that Valley Settlement, Social Service House is the oldest center in the State of New Jersey and the third oldest in the country with approximately 90 students.
- Ms. Fox said that the three (3) story building was used as storage and previously residence for a caretaker until approximately 14 years ago.
- In regard to the space in question and childcare requirements based on dimensions, Ms. Fox said that it would hold 15 preschool age children, one (1) teacher, and one (1) teacher's assistant (paraprofessional). As with other classes, there are staggered arrival and departure times.
- Ms. Fox testified in reference to the basement stating that it is only used for mechanics of the building (i.e. hot water heater).
- In regard to deliveries/pickups, Ms. Fox said that there are no other deliveries besides food once a week, and a garbage/recycling pick up twice a week from a private vendor.

BOARD QUESTIONS

- Mr. W.M. Barbee asked what the purpose of the residential space is for. Ms. Fox said that it is for emergencies and necessary repairs. Mr. Barbee asked what the credentials are to be hired. Ms. Fox said that the former Executive Director and the Board hired the current caretaker. Ms. Fox continued to say that all persons involved are fingerprinted by the state and background checks are performed.
- Mrs. A. Weiss asked where does drop off occur. Ms. Fox answered that drop off is in the parking lot and off street but most parents walk their children to the facility.
- Mr. M. Dannemiller asked if the caretaker would be bringing their extended family. Ms. Fox said that it could be for a small immediate family.
- Mr. B.D. Scott asked if the living area and school area are separate. Ms. Fox said that the units are totally separate as the caretaker will not even be able to enter the school area from the same entrance.
- Mr. I. Schwarzbaum asked if the additional classroom will be available for all 105 students. Ms. Fox answered in the affirmative.

NO PROFESSIONALS QUESTIONS

NO PUBLIC QUESTIONS

- Ms. Kopp offered redirect of Ms. Fox asking about the caretaker residence was utilized for how long. Ms. Fox said that it was used for 50-60 years but no one has been living there in the past 14 years. Ms. Kopp asked if it was same as built. Ms. Fox answered in the affirmative.

PRESENTATION

- Mr. Jak Inglese, Architect and Engineer qualified himself as an expert in the fields of Architecture and Engineer.
- Mr. Inglese testified stating that the caretaker's property is currently empty and torn down to the studs. There is a private entrance with shaded walls and a new partition. It is modest in layout change.
- Mr. Inglese referenced the previously submitted Site Plan where there are 11 parking spaces with one of them being handicapped.
- Lighting on the garage/gym will be used with sconces at the entrance. Same will be used at the caretaker's entrance to improve safety.
- Building was gutted with new plumbing, electric, heating and cooling for the school/caretaker residence.

Chairperson Neuer announced that application ZB-23-08 Orange Valley Social Settlement House, Inc. with questioning from the Board, Professionals, and Public is carried to the December 21, 2023, Regular Meeting with no further notice. Ms. Kopp confirmed the extension of the statute of continuation.

Chairperson Neuer adjourned the meeting at 10:57 p.m.

Adopted: 10/19/2023


Diana L. Chandler, Secretary