

MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT MEETING

January 18, 2024

8:00 P.M.

The West Orange Zoning Board of Adjustment held a regular meeting on January 18, 2024, commencing at 8:00 PM utilizing the virtual Zoom platform.

Chairman Phillip D. Neuer called the meeting to order at approximately 8:00 PM. 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."

Chairman Neuer asked everyone to stand 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,
Irv Schwarzbuaam, Peter Scalora,
Brent D. Scott, Mark Sussman,
Alice Weiss

Absent: John Hess, Consulting Engineer for the Township
Paul Grygiel, Consulting Planner for the Township

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

ANNOUNCEMENTS

Future Meetings: February 15, 2024 (Regular Meeting)
March 21, 2024 (Regular Meeting)
April 18, 2024 (Regular Meeting)

- Chairperson announced that **ZB-22-13 / MPB Realty LLC (470 Eagle Rock Avenue)** is adjourned, at the request of the applicant, to the March 21, 2024, Regular Meeting.
- Chairperson announced that **ZB-22-08/Flores (156 Main Street)** is adjourned,, at the request of the applicant, to the February 15, 2024 Regular Meeting.
- Chairperson announced that **ZB-23-10 Feleke & Sewasew (18 Kling Street)** is adjourned to the February 15, 2024 Regular Meeting.
- Chairperson expressed his disappointment that all three of the applications originally on the agenda for this meeting adjourned last minute. He requested Mr. Warner draft an

amendment to the Board's by laws stating that if an application requests an adjournment less than fourteen (14) days before the meeting more than two (2) times that application will be deemed "Denied Without Prejudice" and will have to go through the filing process again. Mr. Warner agreed to have prepared for circulation prior to the February 15, 2024 meeting.

ANNUAL REORGANIZATION

- **Chairperson**
- *Chairperson Neuer* asked for nominations for Zoning Board Chair. Mrs. A. Weiss nominated Philip Neuer. Upon her nomination, he handed the chair over to Mr. Schwarzbaum, Vice Chairperson for discussion and voting.

Motion: A. Weiss

Second: M. Sussman

Barbee:	Y	Scott:	Present Not Voting
Dannemiller (Alt. 1)	Y	Sussman (Alt. 3):	Y
Eben:	Y	Weiss:	Y
Ricci:	Y	Chairman Neuer:	Y
Scalora (Alt. 2)	Y		
Schwarzbaum:	Y		

Note:

- M. Dannemiller asked Mr. Warner for confirmation of the Board complying. He did as such.
- B. Scott asked Mr. Warner if, "another municipality passed a term-limits ordinance and a court of law has ruled against it?" to which Mr. Warner responded that Mr. Drill's opinion is covered by the law and this Board has no term limit and Mr. Warner said that Mr. Drill is correct but, in his opinion, doesn't have the same weight as a judge. Mr. Scott then proceeded to ask hypothetical questions about possibilities of suing the Board.
- W.M. Barbee asked for clarification at another time for all parties to be in agreement. Mr. Warner confirmed that he will get confirmation from Town Council Counsel that the Zoning Board of Adjustment complies.

- **Vice Chairperson**

- M. Dannemiller nominated Mr. W.M. Barbee. He did not accept the nomination. Mr. M. Sussman nominated Mr. I. Schwarzbaum. He accepted the nomination.

Motion: M. Sussman

Second: P. Scalora

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

- **SPRAB Representative**

- Chairperson Neuer nominated Mr. I. Schwarzbaum as the Site Plan Review Advisory Board's Zoning Board Representative. There were no other nominations/volunteers. Mr. Schwarzbaum accepted.

Motion: Chairperson Neuer

Second: M. Sussman

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

- **SPRAB Alternate**
- Chairperson Neuer nominated Mr. M. Dannemiller as the Site Plan Review Advisory Board's Zoning Board Alternate Representative. There were no other nominations/volunteers. Mr. M. Dannemiller accepted.

Motion: Chairperson Neuer

Second: B. Scott

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

- **Board Attorney**
- Chairperson Neuer nominated Mr. Steven K. Warner as Zoning Board Attorney. Mr. Steven K. Warner accepted.

Motion: Chairperson Neuer

Second: A. Weiss

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

- **Secretary**
- Chairperson Neuer nominated Diana L. Chandler as the Board Secretary. Diana L. Chandler accepted.

Motion: Chairperson Neuer

Second: M. Dannemiller

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

RESOLUTIONS

- **ZB-23-01/Williams** (Adopted 1/18/2024)
Block: 76; Lot: 6; Zone: R-4
6 Merrywood Drive
 An application seeking "c" variances for expansion of existing garage and house was approved with conditions at the December 21, 2023, Regular Meeting.

Motion: Chairperson Neuer

Second: W.M. Barbee

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

- **ZB-23-08 Orange Valley Social Settlement House, Inc.** (Adopted 1/18/2024)
Block: 6; Lot: 47; Zone: R-M

37 Tompkins Street

An application seeking use variances and minor site plan approval for conversion of an existing building was approved with conditions at the December 21, 2023, Regular Meeting.

Motion: Chairperson Neuer

Second: M. Dannemiller

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

Notes:

- Chairperson Neuer said there is an issue with the consolidation of the lots component to the Resolution. This takes place generally with developers but this is a charitable organization. Mr. Warner said that this is not a legal merger so should not be an issue. All Board Members agreed that since this is a non-profit child care facility, Orange Valley Social Settlement House Inc. should not be required to adhere to policies that developers are.
- Ms. Kopp, Attorney for the application, spoke about condition #6 being an unusual situation and apologized for any confusion. She explained that the applicant needs the flexibility to sell one of the lots if the grants for the daycare fall through under the grounds of fiscal responsibility. The lots are in different zones with two different sets of zoning rules.

Chairperson Neuer adjourned the meeting at 8:54 P.M.

Adopted:

2/15/2024

Diana Lyn Chandler
Diana L. Chandler, Secretary