

**MINUTES**  
**TOWNSHIP OF WEST ORANGE**  
**ZONING BOARD OF ADJUSTMENT MEETING**

**April 18, 2024**

**8:00 P.M.**

The West Orange Zoning Board of Adjustment held a regular meeting on April 18, 2024, commencing at 8:02 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.

*Alexander Fisher, Esq.*, Board Attorney read the opening statement.

**ROLL CALL**

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

Also Present: Christopher Dochney, (proxy) Consulting Planner for the Township  
John Hess, Consulting Engineer for the Township (left meeting at 9:33 PM)  
Alexander Fisher, Esq. (proxy for Steven K. Warner, Esq.,) Board Attorney  
Diana L. Chandler, Board Secretary

**ANNOUNCEMENTS**

- Future Meetings (Virtual): May 16, 2024 (Regular Meeting)  
June 20, 2024 (Regular Meeting)  
July 18, 2024 (Regular Meeting)
- **Application ZB-23-11 DeOliviera (31 Bradford Avenue)** is being adjourned at the applicant's request to the **May 16, 2024 Regular Meeting**.
- **Application ZB-23-12 Washington (4 Harvard Terrace)** is being adjourned to the **May 16, 2024 Regular Meeting**.
- Chairperson Neuer announced the departure of Mr. Paul Grygiel as the Consulting Township Planner. Thanked him for his years of service.

## **ANNUAL REPORT**

**Motion:** Chairperson Neuer

**Second:** W.M. Barbee

|                             |          |                           |                |
|-----------------------------|----------|---------------------------|----------------|
| <b>Barbee:</b>              | <b>Y</b> | <b>Scott:</b>             | <b>Abstain</b> |
| <b>Dannemiller (Alt. 1)</b> | <b>Y</b> | <b>Weiss:</b>             | <b>Y</b>       |
| <b>Eben:</b>                | <b>Y</b> | <b>Chairperson Neuer:</b> | <b>Y</b>       |
| <b>Ricci:</b>               | <b>Y</b> |                           |                |
| <b>Sussman (Alt. 2)</b>     | <b>Y</b> |                           |                |
| <b>Schwarzbaum:</b>         | <b>Y</b> |                           |                |
|                             |          |                           |                |

## **MINUTES**

**March 21, 2024 (Regular Meeting)**

**Motion:** Chairperson Neuer

**Second:** J. Eben

|                             |          |                           |          |
|-----------------------------|----------|---------------------------|----------|
| <b>Barbee:</b>              | <b>Y</b> | <b>Scott:</b>             | <b>Y</b> |
| <b>Dannemiller (Alt. 1)</b> | <b>Y</b> | <b>Weiss:</b>             | <b>Y</b> |
| <b>Eben:</b>                | <b>-</b> | <b>Chairperson Neuer:</b> | <b>Y</b> |
| <b>Ricci:</b>               | <b>-</b> |                           |          |
| <b>Sussman (Alt. 2)</b>     | <b>Y</b> |                           |          |
| <b>Schwarzbaum:</b>         | <b>Y</b> |                           |          |
|                             |          |                           |          |

## **SWEARING IN**

- Township Professionals Mr. Christopher Dochney (by proxy Consulting Township Planner) and Mr. John Hess (Consulting Engineer) were sworn under oath.

## **APPLICATIONS**

### **1.) ZB 23-09 / Seton Hall Preparatory School**

Block: 59.04; Lot: 1.01; Zone: R-6

120 Northfield Avenue

Seeking preliminary and final site plan and “d” variance approvals for the expansion of a non-conforming use

## **PRESENTATION**

- Mr. John Wyciskala, Esq. appeared on the record on behalf of his client, Seton Hall Preparatory School. Mr. Wyciskala provided a brief overview of the application for a “digital classroom” which will not increase staff and students, or impact traffic/parking.
- Mr. Fisher confirmed that the notice for application was timely and adequately served.

- Mr. Don Fiore AIA was sworn under oath, qualified himself as an expert, and was accepted as an expert in Architecture. He referenced Site Plan SP 103 from the Civil Engineering Submission (Dated 1/3/2024) for an overview of the project's location facing Northfield Avenue. He also provided pictures (**Exhibits A1a-e dated 9/16/2021**)
  - **A1a – old slope walk system for safety reasons torn down (only preserving the flag pole)**
  - **A1b – head of the ramp with gymnasium lobby**
  - **A1c – paved courtyard (gathering spot for athletes)**
  - **A1d – display of staircase**
  - **A1e – view downhill; the door on the right is the base of the stairs.**
- Mr. Fiore referenced Floor Plan (Dated 11/23/22) which is 2/3s below the existing grade. He stated that the doors are at the base of the stairs with a first-floor classroom and monumental stairs.
- Mr. Fiore further testified that the vestibule is at the same level as it shifted four feet to the left and will be lined by planters (annuals) to dress the area up; classrooms will only be accessible by the interior.
- Mr. Fiore referenced Sheet A3.1 (Dated 11/23/22) for elevation. He explained that the gym from the walkway are intended to remain as a “curtain wall and vestibule” replacing what is preexisting; elevation is to see through the trees with monumental stairs and the existing Mountain High School Building; the corner window and all brick will marry up with the existing building eras
- Mr. Wyciskala asked Mr. Fiore for information about the flag pole. Mr. Fiore responded stating that they intend to keep the flag pole and showed rendering A2 of the Classroom Addition and Gym Entrance (Dated 4/18/2023) that shows no change to the location of the flag pole.
- Mr. Fiore testified that the white membrane roof is going to be eco-friendly; he said that this is a straight classroom installation where the roof membrane intends to restore and tie the addition and the grounds together.
- In regards to lighting, Mr. Fiore said that there is no intention to add significant changes except for the flag pole, for the buckle (bottom of it), and for evening illumination. As a whole, the application intends to utilize the existing carriage residential lighting.
- M. Dannemiller asked if the total height is going to be the same as the existing adjacent structure. Mr. Fiore said yes. Mr. Dannemiller asked if landscaping would obscure driver visibility. Mr. Fiore said no.
- B.D. Scott asked for a timeline of completion. Mr. Fiore said, with approval, there would be a Fall start. Mr. Fiore continued stating that it would be approximately a one (1) year project because of winter and having to fight the elements.

### **BOARD QUESTIONS**

- Mr. I. Schwarzbaum asked if there are any current pictures. Mr. Fiore said no because the ramp and staircase are gone.

### **NO PROFESSIONALS QUESTIONS**

### **PUBLIC QUESTIONS**

## **PRESENTATION**

- Mr. Charles Stewart PE was sworn under oath, qualified himself as an expert, and was accepted as an expert in Engineering.
- Mr. Stewart gave an overview of the Engineering Site Plan (Dated 1/3/2024) as he feels they addressed comments from the Site Plan Review Advisory Board Meeting (SPRAB).
- Mr. Stewart testified stating that, regarding drainage, there is no increase in impervious coverage so Stormwater Management is not required.
- Mr. Stewart testified referencing Sheet 103 with a Proposed Electric Vehicle (EV) stall for future installation. It will be considered as EV-ready until the time it is needed.
- Mr. Stewart said that seasonal planters must be added.
- Mr. Stewart noted an error in the plans where they will have lighting for the flagpole with 2,750 square feet; he said that the plans will be revised and submitted accordingly.

## **BOARD QUESTIONS**

- Chairperson Neuer asked if the consolidation of the lots (a condition from ZB-12-05's application) was completed. Mr. Stewart said no. Mr. Wyciskala said that he is not sure but a condition of ZB-12-05 was "subject to a deed of merger", and he will look into it.
- P. Ricci asked if the type of lighting added for the flag pole is going to be "uplighting". Mr. Stewart answered in the affirmative and said that it would be mainly for extended hours of viewing.
- J. Eben asked if the concrete is going to be fixed. Mr. Stewart said that it was already removed in the area. Mr. Eben referenced, so in his opinion is not necessary.

## **NO PROFESSIONALS QUESTIONS**

## **PRESENTATION**

- Mr. John McDonough PP was sworn under oath, qualified himself as an expert and was accepted as an expert in Planning. He also confirmed the record of the report being the same and consistent.
- Mr. McDonough testified adding physical space to the existing site; this application will result in "site betterment" and "analytical shortcuts"
- Mr. McDonough referenced the results of the SIKA test
  - 1) The public intent for education
  - 2) The Positive and Negative detail effects are minimal
  - 3) Imposition of conditional effects "reasonable effects"
  - 4) Visual in the report "notch in landscape"
- Mr. McDonough tried to share a picture entitled Application Drone Photo (Dated 4/18/24) Exhibit A-3 but due to technical difficulties was unable to do so.

## **NO BOARD QUESTIONS**

## **PROFESSIONALS QUESTIONS**

- C. Dochney asked for confirmation of the D3 criteria. Mr. McDonough said yes and that all deviations are existing conditions.
- Mr. Dochney asked for confirmation of a C variance for the sign. Mr. Dochney said yes and that it is a focal point without creating a visual nuisance.
- No Questions from J. Hess or Z. Carballo

## **PUBLIC QUESTIONS**

- Christine Edmunds (19 Beverly Road, WO) asked what the length of time would be for the project and how they intend to handle the noise ordinance. Mr. McDonough said that it is projected to take one (1) calendar year from start to finish. He further testified that they intend to follow ordinances working with the Township of West Orange.
- Ms. Edmunds asked if there was going to be any lighting added on the walkway and security lighting. Mr. McDonough answered in the negative. There is no change to the existing lighting.

Mr. Wyciskala offered a closing statement.

## **BOARD DISCUSSION**

- M. Dannemiller said that his initial fears regarding this application were alleviated and is now in favor of this application.
- P. Ricci said that he is for the project and feels the project will fit in well with the area.
- I. Schwarzbaum gave a compliment about the project, especially about the SIKA component being fulfilled.
- Chairperson Neuer said that he agrees with his fellow Board Members, especially regarding the SIKA testimony.

## **EXHIBITS**

- **A1a – old slope walk system for safety reasons torn down (only preserving the flag pole)**
- **A1b – head of the ramp with gymnasium lobby**
- **A1c – paved courtyard (gathering spot for athletes)**
- **A1d – display of staircase**
- **A1e – view downhill; the door on the right is the base of the stairs.**

## **CONDITIONS**

- Stated on the Final Site Plan
- Proof of lot consolidation

**Motion:** Chairperson Neuer

**Second:** J. Eben

|                             |          |                           |          |
|-----------------------------|----------|---------------------------|----------|
| <b>Barbee:</b>              | <b>Y</b> | <b>Scott:</b>             | <b>Y</b> |
| <b>Dannemiller (Alt. 1)</b> | <b>-</b> | <b>Weiss:</b>             | <b>Y</b> |
| <b>Eben:</b>                | <b>Y</b> | <b>Chairperson Neuer:</b> | <b>Y</b> |
| <b>Ricci:</b>               | <b>Y</b> |                           |          |
| <b>Sussman (Alt. 2)</b>     | <b>-</b> |                           |          |
| <b>Schwarzbaum:</b>         | <b>Y</b> |                           |          |
|                             |          |                           |          |

*Break 9:33 PM-9:45 PM (Mr. Hess left the meeting at the beginning of the break due to noninvolvement with the next two applications.)*

**2.)ZB-24-01/Georges**

Block: 137; Lot: 83; Zone: R-T

10 Elm Street

Seeking “c” variances for expansion of existing house

**PRESENTATION**

- Mr. Stacy Santola, Esq. appeared on the record for the applicant, Ms. Marie Ketty Georges.
- Mr. Fisher confirmed that the notice for application was timely and adequately served.
- Mr. Santola offered a brief synopsis of the overall application, stating that it is an existing two (2) family and the owner, Ms. Marie Ketty Georges, sought to add a bed and bath to make the second floor the same size as the first-floor. The Contractor hired never applied for permits. Upon learning this, they were applied for and denied by the Building Department. Ms. Georges fired that contractor and the construction on-site has been dormant ever since.
- Mr. Santola explained that this application is not expanding the lot area and will not change the footprint of the existing property since they are only building up. He noted that this is consistent with many houses on the street and is not impeding on the neighborhood by adding one (1) bedroom.
- Mr. Lloyd Stephenson Jr. AIA was sworn under oath, qualified himself as an expert, and was accepted as an expert in Architecture. He testified that the intention was to expand the property to the frame down to construction.
- Mr. Stephenson referenced Sheet A101 (Dated 11/15/2023) displaying the Site Plan to the existing plans. He further emphasized that this is not expanding, other than heightwise, and is remaining within the original footprint of the existing property.
- Mr. Stephenson referenced Sheet A201 (Dated 11/15/2023) of the existing structure front and side version in height configuration to require a front and back variance.
- Mr. Stephenson referenced Sheet A202 (Dated 11/15/2023) 3a with an addition with a window in the rear for the back for ventilation of the attic space.
- Mr. Stephenson displayed Sheet A301 (Dated 11/15/2023) of the basement level to support the extension. He confirmed that this is not intended and will not be a livable space.
  - The Second-floor addition is in the rear and is not seen from the street; it does not violate height restrictions and is lower than the ceiling height.
  - Construction that started was reframed and part of the bathroom was installed, but no sheetrock was installed and no tarp is covering the work.

**BOARD QUESTIONS**

- I. Schwarzbaum asked if there was an architect for the work that was stopped. Mr. Stephenson said to his knowledge, no.
- Mr. Schwarzbaum asked for confirmation that the contractor just started work. Mr. Stephenson said yes.
- Mr. Schwarzbaum asked if he was involved in the early stages of the application. Mr. Stephenson said no.
- W.M. Barbee voiced his concern about the inconsistency, framed/unframed, and asked for clarification. Mr. Stephenson said that he assumed it had something to do with the owner being taken advantage of.

- Mr. Barbee asked for clarification that if the contractor framed it out, how are there no exact drawings? Mr. Stephenson said that he believed that the former contractor worked off of a sketch but was unsure as he was not a part of the project at that time.
- J. Eben asked if the Zoning Officer might have stopped work. Mr. Santola answered stating that the job was shut down because it was denied permits and variances were required for them to continue.
- P. Ricci asked what is on the third floor of the property. Mr. Stephenson said that it is an attic. Mr. Ricci asked for confirmation that it will not be a livable space. Mr. Stephenson said that the window on the third floor is only for precautionary/cosmetic purposes.
- B.D. Scott asked what the house looked like. Mr. Stephenson supplied clarification based on the Google pictures.
- M. Sussman asked if a set of previous plans existed. Mr. Stephenson said no.
- Chairperson Neuer asked if relief can be granted in his opinion without a detriment. Mr. Stephenson said yes.
- Chairperson Neuer asked if in his opinion the benefits from this application outweigh the negative criteria. Mr. Stephenson said he had no opinion.

### **PROFESSIONALS QUESTIONS**

- Mr. Dochney wanted to emphasize to the Board that the history regarding this application is irrelevant. He then asked if this application is all about the expansion proposed with a side yard setback, exasperation of existing conditions and not being visible from the street and if it is visible from the street. Mr. Stephenson said yes.
- Mr. Dochney asked if it was for the expansion only. Mr. Stephenson said yes.
- No questions from Ms. Carballo.

### **NO PUBLIC QUESTIONS**

Mr. Santola offered closing remarks as, in his opinion, this application only “embraces the home” and the neighboring homes in the area.

### **CONDITIONS**

- Stated on the Final Site Plan

**Motion: Chairperson Neuer**

**Second: B.D. Scott**

|                             |          |                           |          |
|-----------------------------|----------|---------------------------|----------|
| <b>Barbee:</b>              | <b>Y</b> | <b>Scott:</b>             | <b>Y</b> |
| <b>Dannemiller (Alt. 1)</b> | <b>-</b> | <b>Weiss:</b>             | <b>Y</b> |
| <b>Eben:</b>                | <b>N</b> | <b>Chairperson Neuer:</b> | <b>Y</b> |
| <b>Ricci:</b>               | <b>Y</b> |                           |          |
| <b>Sussman (Alt. 2)</b>     | <b>-</b> |                           |          |
| <b>Schwarzbaum:</b>         | <b>Y</b> |                           |          |
|                             |          |                           |          |

**3.) ZB-24-02/Nwaiwu Properties, LLC**

Block: 177.08; Lot: 21; Zone: R-6

691 Eagle Rock Avenue

Seeking “c” variance for construction of new house.

**PRESENTATION**

- Mr. Robert Taylor, Esq. appeared on the record on behalf of the applicant, Nwaiwu Properties, LLC. He gave a brief synopsis of the application being to construct a single-family home.
- Mr. Matthew Evans, AIA was sworn under oath was sworn under oath, qualified himself as an expert, and was accepted as an expert in Architecture.
- Mr. Fisher confirmed that the notice for application was timely and adequately served.
- Mr. Evans referenced plan sheet S1 (Dated 12/18/2023) to display the existing property without the new construction.
- Mr. Evans referenced the landscaping plan describing the property as having, “green space all around the building.”
- Mr. Evans responded in part to the Engineering memo (Dated 4/18/2024) where he agreed that they can comply with all arisen issues. In response to this, he stated that the topographic plan can be a condition upon approval of this application.

**BOARD QUESTIONS**

- A. Weiss asked if the lot in question is part of Shrumph Avenue and if it was purchased from the owners in the back. Mr. Evans said that he does not have that information.
- Mrs Weiss asked if a smaller home could be constructed. Mr. Evenas said that it is designed to conform with the ordinance, but a variance is still needed.
- Chairperson Neuer asked regarding existing conditions and who owns the trampoline on the plans. Mr. Evans said it belongs to the neighbors. Chairperson Neuer asked for confirmation that it is not owned by the applicant. Mr. Evans responded as such.

*Chairperson Neuer announced Application **ZB-24-02 Nwaiwu Properties** is carried with no further notice to the **June 20, 2024, Regular Meeting.***

Chairperson Neuer adjourned the meeting at 11:14 PM.

Adopted:

5/16/24



Diana L. Chandler, Secretary