

**MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT REGULAR MEETING
December 19, 2024
8:00 P.M.**

The West Orange Zoning Board of Adjustment held a special meeting on December 19, 2024, commencing at 8:00 PM utilizing the virtual Zoom platform.

Chairperson 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."

Chairperson Neuer asked everyone to stand for the Pledge of Allegiance.

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

ROLL CALL

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

Absent: Peter Ricci

Also Present: George Wheatle Williams, Consulting Planner for the Township
Steven K. Warner, Esq., Board Attorney
John Hess, Consulting Engineer for the Township
Philip Scott, Consulting Engineer for the Township
Diana L. Chandler, Board Secretary

- Mr. Warner and Chairperson Neuer confirmed the presence of a quorum of Board Members.

ANNOUNCEMENTS

- Future Meetings: January 16, 2025 (Regular Meeting)
February 20, 2025 (Regular Meeting)
March 20, 2025 (Regular Meeting)
- Chairperson Neuer announced the departure of Mr. Peter Ricci as a Board Member displaying a certificate of appreciation.
- Chairperson Neuer announced that ZB-24-02 Nwaiwu Properties LLC (691 Eagle Rock Avenue) application's Resolution of denial would not be adopted at this meeting. He also

stated with the approval of Board Counsel, there would not be any discussion regarding this application with the only exception being an Executive Session.

MINUTES

- October 10, 2024 Regular Meeting Minutes
Motion to Approve: Chairperson Neuer
Second: I. Schwarzbaum

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

- November 14, 2024, Special Meeting Minutes
Motion to Approve: Chairperson Neuer
Second: W. M. Barbee

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

RESOLUTIONS

- ZB-24-10 Jenkins (15 North Edgewood)** (Approved 11/21/2024)
15 Edgewood Avenue North
Block: 45.06; Lot: 3
 Application for C Variances was approved with conditions at the November 21, 2024, Regular Meeting.
[13951/SWM-OM-15-North-Edgewood-Ave-West-Orange 2024-12-03 \(rcd 12-9-2024\)](#)
[13950/240402--15-North-Edgewood-Ave-West-Orange-PLOT-2024-12-03 \(rcd 12-9-2024\)](#)

Motion to Approve: Chairperson Neuer
Second: I. Schwarzbaum

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

SWEARING IN

- Township Professionals Mr. George Wheatle Williams (Consulting Township Planner), Mr. Philip Scott (Consulting Engineer), and Mr. John Hess (Consulting Engineer) were sworn under oath.

APPLICATIONS

- 1) **ZB-24-11 Wonder 481 Eagle Rock Avenue** (Carried from 10/10/24)
Block: 152.01; Lot: 1445.01; Zone: B2;
481 Eagle Rock Avenue
Application seeking D Variances, Interpretation, with Major/Final Site Plan Approval

PRESENTATION

- Mr. James Turteltaub Esq., entered the record on behalf of objector, Mr. Kevin Malanga.
- Mr. James Fant Esq., entered the record and offered a brief application summary.
- Mr. Frank Biely, Court Reporter, was sworn under oath.
- Mr. Jeff Harrigan, AIA was sworn under oath and provided credentials etc which were accepted by the Board.
- Mr. Harrigan displayed Plans **G004 (Revision date 11/1/2024) Floor Plan & Elevation**

NO BOARD QUESTIONS

NO PROFESSIONALS' QUESTIONS

PUBLIC QUESTIONS

- Joyce Rudin (38 Woodland Avenue) asked for confirmation that the structure is basically a "carport with wood screening". Mr. Harrigan said yes. Ms. Rudin asked if the entire structure was combustible. Mr. Harrigan said that the structure is permanent by nature and will be made with metal materials.
- Seth Weislander asked that the total height of the smoke stacks will be. Mr. Harrigan said they would approximately eight (8) feet high.
- CJ Powell (Wedgewood Drive) asked if this would be a temporary structure and how long it is allowed to be permitted. Chairperson Neuer said that Mr. Harrigan was not the proper person for this line of questioning.

OBJECTOR QUESTIONING

- Mr. Turtleaub asked what the height and peak of the building is. Mr. Harrigan answered that it is approximately 10-11 feet high. Mr. Turtleaub asked if it will be self containing. Mr. Harrigan said yes. Mr. Turtleaub asked if it will be insulated. Mr. Harrigan said that it will be screened in but open to the elements of the weather.

No redirect from Mr. Fant was provided.

PRESENTATION

- Mr. Brian Stormwood, Air Quality Consultant provided credentials and was accepted as an Environmental Expert in Air Quality.
- Mr. Stormwood provided **EXHIBIT A2 Air Quality Analysis (Dated 11/19/2024)**
 - o This provided nine (9) slides for Emissions Testing with flow rates and concentration measured. He then stated that it would take the Environmental Protection Agency five (5) years for the model to mature into a full environmental profile.

BOARD QUESTIONS

- M. Dannemiller asked if the neighbors haven't noticed what is the result/change to the yellow grid. Mr. Stormwood said that there would be more concentration of the corporate structure.
- W.M. Barbee asked about procedures for snow or inclement weather. Mr. Stormwood answered that the structure would be a part of the elevation on the trellis.
- B.D. Scott asked for the difference between "Air Quality" and an "Environmental" Expert. Mr. Stormwood said that one is just more broad than the other. Mr. Scott asked about carbonmonoxide precautions. Mr. Stormwood said that the standards for such are very high and detailed in their plan.
- I. Schwarzbaum asked what types of meat about being smoked. Mr. Stormwood said that they are predominantly smoking beef. Mr. Schwarzbaum asked if any comparisons of other eateries emissions like Chipotle have been done. Mr. Stormwood said that he does not have emissions figures for other businesses at other locations.

PROFESSIONALS' QUESTIONS

- Mr. Williams asked for the operations of smoker with field observations and emission numbers being low. Mr. Stormwood said that it is because of the emissions law.
- Mr. P. Scott asked about the fireplace difference with the level of impact. Mr. Stormwood said that there was no analysis done.

Chairperson Neuer announced that this application due to time restraints for the meeting must be carried with preservation of notice to the February 20, 2025, Regular Meeting. When Mr. Fant brought up the possibility of a Special Meeting, Chairperson Neuer said that they would be carrying to the February 20, 2025 meeting but if a Special Meeting was agreed upon, noticing to the public would be required. Mr. Fant agreed.

Break 9:51PM – 10:002PM

Upon return from break, Chairperson Neuer and Mr. Warner announced the quorum of Board Members returning from Break.

Before continuing on with the meeting, Chairperson Neuer said that given the restraints of time, ZB-23-11 DeOliveira (31 Bradford Ave) would have to be carried. After discussion with the applicant's legal counsel, it is being carried with preservation of notice to the March 20, 2025 Regular Meeting.

2) ZB-24-13 Friedman

10 Ridge Road

Block: 80.03; Lot: 10

Soil Removal Permit Application

PRESENTATION

- Mr. Barry Mandelbaum Esq., entered the record and gave a brief summary on this application along with the history of the Cestone Family owning lots on Ridge Road for development explaining that the portion of this bifurcated application deals only with a soil removal permit.
- Mr. Aaron Friedman, Applicant and Mr. Ralph Cestone, Engineer were sworn under oath.
- It was explained further by Mr. Friedman and Mr. Cestone that this application even though there will be trees removed, are not part of this aspect of the bifurcated application.

BOARD QUESTIONS

- Mr. BD Scott asked about the depth of digging on the site. Mr. Friedman said that they will be excavating rock. There will be no blasting or over excavating done.

PROFESSIONALS' QUESTIONS

- Mr. P. Scott asked for the reasoning of choosing the septic system going to the street as opposed to being on site. Mr. Friedman said the reasoning was mainly monetarily.

PUBLIC QUESTIONS

- Mr. John Kaplan Esq. (representing Kevin Malanga) asked in reference to the Topographic map 3.0-3.2 soil will be removed, what the number of trees that will be removed with it. Mr. Friedman said that 148 trees will be removed.
- Ms. Joyce Rudin (38 Woodland Avenue) asked how this is an application with only a soil permit. Mr. Friedman said that it is because it is a bifurcated application.
- Douglas Kirk (200 Mount Pleasant Avenue) asked if Mr. Friedman is familiar with the Ron Jolyn Apartments. Mr. Friedman answered in the affirmative.
- Seth Weisleder said that the Board Members should be more educated on this matter than what they are.

No redirect provided.

PUBLIC COMMENT

- Joyce Rudin (38 Woodland Avenue) was sworn under oath and urged Board to delay a response to this application.
- Douglas Kirk (200 Mt. Pleasant Avenue) was sworn under oath and urged the Board to deny the application.

Motion to Approve: Chairperson Neuer

Second: I. Schwarzbaum

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

Chairperson Neuer adjourned the meeting at 11:02 PM.

Adopted: 1/16/25


Diana L. Chandler, Secretary