

MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT MEETING

January 16, 2025

8:00 P.M.

The West Orange Zoning Board of Adjustment held a regular meeting on January 16, 2025, 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.

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

ROLL CALL

Present: William Michael Barbee, Tal Ben-Zvi,
Robert Daniel, Todd Dubovy, Robin Miller,
Philip D. Neuer, Irv Schwarzbaum,
Brent D. Scott, Alice Weiss

Absent:

Also Present: Alexander Fisher, Esq., Board Attorney
Diana L. Chandler, Board Secretary
John Hess, Consulting Engineer for the Township
George Wheatle Williams, Consulting Planner for the Township

ANNOUNCEMENTS

- Future Meetings: February 20, 2025 (Regular Meeting)
March 20, 2025 (Regular Meeting)
April 17, 2025 (Regular Meeting)
- Chairperson Neuer presented a certificate of appreciation to Jerome Eben for his time on the Zoning Board of Adjustment for his years of service.
- Mr. B.D. Scott noted his appreciation for Mr. Eben's knowledge and years of service to the Board.

SWEARING IN

- Mr. John Hess, Consulting Engineer for the Township, and Mr. George Wheatle Williams, Consulting Planner for the Township were sworn under oath.
- Dr. Tal Ben-Zvi, Mr. Robert Daniel, Mr. Todd Dubovy, Ms. Robin Miller, Mr. Philip D. Neuer, and Mrs. Alice Weiss were sworn under oath.

ANNUAL REORGANIZATION

- **Chairperson**
- *Chairperson Neuer* asked for nominations for the Zoning Board Chairperson. Upon nominations commencing, he handed the chair over to Mr. I. Schwarzbaum, Vice Chairperson for discussion and voting. Ms. R. Miller nominated Mr. B.D. Scott.

Motion: R. Miller

Second: R. Daniel

Barbee:	A	Schwarzbaum:	N
Ben-Zvi (Alt. 1):	-	Scott:	Y
Daniel:	Y	Weiss:	N
Dubovy (Alt. 4):	-	Neuer:	N
Miller	Y		

- **Note: Board Members reconvened for the second nomination upon not receiving a majority vote.**
- Mr. W. M. Barbee nominated Mr. Philip D. Neuer for the Zoning Board Chairperson. Upon nomination, Mr. Schwarzbaum opened the meeting for discussion and voting.

Motion: W.M. Barbee

Second: I. Schwarzbaum

Barbee:	Y	Schwarzbaum:	Y
Ben-Zvi (Alt. 1):	-	Scott:	N
Daniel:	N	Weiss:	Y
Dubovy (Alt. 4):	-	Neuer:	Y
Miller	N		

- **Note: Upon receiving a majority vote, Mr. Neuer was elected Chairperson of the Zoning Board of Adjustment. Mr. Schwarzbaum gave Chairperson Neuer back the chair of the meeting.**

- **Vice Chairperson**
- Mr. B. D. Scott nominated Mr. R. Daniel. He accepted the nomination.

Motion: B.D. Scott

Second: R. Miller

Barbee:	N	Schwarzbaum:	N
Ben-Zvi (Alt. 1):	-	Scott:	Y
Daniel:	Y	Weiss:	N
Dubovy (Alt. 4):	-	Chairperson Neuer:	N
Miller	Y		

- **Note: Board Members reconvened for the second nomination upon not receiving a majority vote.**

- Chairperson Neuer nominated Mr. I. Schwarzbaum for Vice Chairperson. He accepted the nomination.

Motion: Chairperson Neuer

Second: A. Weiss

Barbee:	Y	Schwarzbaum:	Y
Ben-Zvi (Alt. 1):	-	Scott:	N
Daniel:	N	Weiss:	Y
Dubovy (Alt. 4):	-	Chairperson Neuer:	Y
Miller:	N		

- **Note: Board Members reconvened for the third nomination upon not receiving a majority vote.**

- W.M. Barbee nominated Mr. B.D. Scott for Vice Chairperson. He accepted the nomination.

Motion: W.M. Barbee

Second: R. Daniel

Barbee:	Y	Schwarzbaum:	N
Ben-Zvi (Alt. 1):	-	Scott:	Y
Daniel:	Y	Weiss:	N
Dubovy (Alt. 4):	-	Chairperson Neuer:	N
Miller:	Y		

- **Note: Upon receiving a majority vote, Mr. Scott was elected Vice-Chairperson of the Zoning Board of Adjustment.**

- **SPRAB Representative**

Vice Chairperson, B.D. Scott nominated Ms. R. Miller as the Site Plan Review Advisory Board's (SPRAB) Zoning Board Representative. There were no other nominations/volunteers. Ms. Miller accepted.

Motion: B. D. Scott

Second: R. Daniel

- **Note:** Unanimous approval from all present Board Members was achieved.

- **Consulting Engineer**

Chairperson Neuer nominated CME Associates as the Zoning Board Consulting Engineer. Mr. John Hess. (Partner of the firm) accepted.

Motion: Chairperson Neuer

Second: I. Schwarzbaum

Note: Unanimous approval from all present Board Members was achieved

- **Consulting Planner**

Chairperson Neuer nominated Nishuane Group as the Zoning Board Consulting Planner. Mr. George Wheatle Williams. (Partner of the firm) accepted.

Motion: Chairperson Neuer

Second: I. Schwarzbaum

Note: Unanimous approval from all present Board Members was achieved

- **Board Attorney**

Chairperson Neuer nominated Savo, Schalk, Corsini, Warner, Gillespie, O'Grodnick & Fisher PA, Board Attorney as Zoning Board Attorney. Mr. Alexander Fisher, Esq. (Partner of the firm) accepted.

Motion: Chairperson Neuer

Second: I. Schwarzbaum

- **Note:** Unanimous approval from all present Board Members was achieved.

- **Secretary**

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

Motion: Chairperson Neuer

Second: W.M. Barbee

- **Note:** Unanimous approval from all present Board Members was achieved.

MINUTES

- **November 21, 2024 Regular Meeting**

Motion: Chairperson Neuer

Second: I. Schwarzbaum

Barbee:	-	Schwarzbaum:	Y
Ben-Zvi (Alt. 1):	-	Scott:	Y
Daniel:	-	Weiss:	Y
Dubovy (Alt. 4):	-	Chairperson Neuer:	Y
Miller	-		

- **December 12, 2024 Special Meeting**

Motion: Chairperson Neuer

Second: I. Schwarzbaum

Barbee:	Y	Schwarzbaum:	Y
Ben-Zvi (Alt. 1):	-	Scott:	Y
Daniel:	-	Weiss:	-
Dubovy (Alt. 4):	-	Chairperson Neuer:	Y
Miller	-		

- **December 19, 2024 Regular Meeting**

Motion: Chairperson Neuer

Second: I. Schwarzbaum

Barbee:	Y	Schwarzbaum:	Y
Ben-Zvi (Alt. 1):	-	Scott:	Y
Daniel:	-	Weiss:	Y
Dubovy (Alt. 4):	-	Chairperson Neuer:	Y
Miller	-		

APPLICATIONS

1) ZB-24-12 – LS SB Canterbury/Zinnia Health

(Carried from 11/21/24)

33 Mount Pleasant Avenue

Block: 88; Lot: 26

Application for Appeal of Action of Zoning Office and D Variance

PRESENTATION

- Mr. William Sullivan, Esq. entered the record on behalf of his client, Zinnia Health. Chairperson Neuer and Mr. Sullivan offered a summarization of the letter exchange with Mr. Dolan, Esq.
- Chairperson Neuer confirmed the amendment to the application (considered a minor amendment.) Mr. Sullivan agreed as such.
- Mr. Sullivan gave a brief historical overview of the application (ie: security, and the intention to bring back testimony about this if the Board requests as such.)
- Mr. Harrison Katzen, Partner of Zinnia Health was sworn under oath and gave a synopsis of services (withdrawal, anxiety in patient; voluntary)
- Mr. Katzen said that licensing is required through the Department of Health with approval under Behavior Health.
- Mr. Katzen said that drug testing occurs upon patient intake. Blood work is not done on-site. There is a 72-hour hold on each patient.

BOARD QUESTIONS

- Ms. Miller asked if the proposed site will be able to administer medication. Mr. Katzen said yes and that it can vary depending on needs.
- Vice Chairperson B.D. Scott asked if there will be any differences to the design of the building/services provided. Mr. Katzen said that there will be no change in the building but referred to Mr. Sullivan.
- Dr. Tal Ben-Zvi asked for particulars about the 72-hour hold. Mr. Katzen said that it is considered the "Intervention Hold."
- Mr. Todd Dubovy asked if there would be guards 24/7. Mr. Katzen said that they can and will have a security guard. An ambulance will be coming three (3) or four (4) times a month.
- Mr. W.M. Barbee asked how many rounds of psychiatric patients there are. Mr. Katzen said every eight (8) hours.
- Mr. R. Daniel asked where other locations are and how they are run. Mr. Katzen said they are run onsite.

PROFESSIONALS QUESTIONS

- Mr. Williams asked for more information about licensing. Mr. Katzen said that they will be seeking a license to operate a "Certificate of Approval with Zoning Certification."
- Mr. Williams asked if this site was considered a hospital if certification would be needed. Mr. Katzen said no.

PUBLIC QUESTIONS

- Mr. Alexandros Gaffney (49 Glen Avenue) asked given the location is mainly residential, are there other locations as well. Mr. Katzen said yes.
- Mr. Gaffney asked if permission was needed from that municipality. Mr. Katzen said yes.
- Ms. Nancy Morgan (75 Mountain Avenue) asked about the number of residents. Mr. Katzen answered that there would be 80 beds at maximum capacity.
- Ms. Morgan asked if any patients have any history of violence. Mr. Katzen said at times yes, but that there will not be any sex offenders, or murderers on the premises as they are not comfortable with that level of care.
- Ms. Morgan asked about the screening process for patients. Mr. Katzen answered that there is AA and history done at intake; he said that if a lie is found, they are discharged immediately.
- Ms. Morgan asked if they had ever dealt with animal abuse. Mr. Katzen said no but that he has never been asked that question before.
- Ms. Morgan asked if there have been instances of assault dealt with. Mr. Katzen said that it depends on the level of the charge and that they do not take walk-in clients and are screened with de-escalation training. Ms. Morgan asked if they ever dealt with vandalism. Mr. Katzen answered typically not.
- Mr. Gerard Anthony (18 Wildwood Avenue) asked if according to paperwork he's read 3.7 nurses on site is considered a hospital, but what is the reason Zinnia will not meet the mandate to classify as a hospital. Mr. Katzen said it is their choice as a company.
- Mr. Anthony asked why Zinnia does not allow residents to have a car. Mr. Katzen said that is mainly for security purposes.
- Ms. Julie Fry (27 Lessing Road) asked if he knows of any hospital that requires a background check. Mr. Katzen said he was unsure.

- Ms. Fry asked if medical care depended on whether or not someone is a “good or bad person”. Mr. Katzen said that no matter what they did, all patients in their care get the same level of treatment.

Break 9:29 PM- 9:39 PM

Upon return from the break, Chairperson Neuer confirmed that all Board Members have returned.

- Mr. Akhil Khalfani (7 Glennon Avenue) asked if Zinnia also owns Zufall (located next door). Mr. Katzen said no.
- Mr. Khalfani asked if traffic and accidents impact any decisions that they have made. Mr. Katzen said that there is minimal incoming traffic since no residents are allowed vehicles.
- Mr. Khalfani asked how it is owned. Mr. Katzen said privately.
- Ms. Lillie Nkenchor (38 Wildwood Avenue) asked what measures are taken upon a client’s release. Mr. Katzen said it is initially considered a partial release into transitional living.
- Ms. Nkenchor asked if people leave against medical advice what is the protocol. What is the procedure for the facility to be research-wise. Mr. Katzen said that West Orange has similar statistics with demand.
- Ms. Nkenchor asked for a size comparison to another facility. Mr. Katzen answered that the location in Kearny is the closest in size with 72 beds.
- Ms. Nkenchor questioned the necessity for the ambulances; if there is going to be medical staff on the premises. Mr. Katzen said that ambulance services are used as additional support for services this site cannot serve since they are not a hospital.
- Ms. Mushira Curry (6 Park Place) asked about security and whether it will be standard for only one guard to be on the site. Mr. Katzen said yes.
- Ms. Curry asked about the policy of screening for sex offenders. Mr. Katzen said that it is part of the listing.

PRESENTATION

- Mr. Matthew Dolan Esq., (on behalf of the Committee of Managers of Llewellyn Park) asked Mr. Katzen if he/people from his company have spoken to any township officials. Mr. Katzen said that they met with the people in the Planning and Development Department in July/August.
- Mr. Dolan asked if they had met with any elected officials from the municipality. Mr. Katzen said no.
- Mr. Dolan asked if the police are called for substance issues. Mr. Katzen said that there are protocols in place for substance issues, but the police are not usually called.
- Mr. Dolan asked if a Medicaid License has been obtained. Mr. Katzen said that they will apply after completion of this application.
- Mr. Dolan asked if there are ever instances where staff is inappropriate with patients. Mr. Katzen said it happens but it is dealt with on a case-by-case basis.
- Mr. Dolan asked if a “Certificate of Need” is necessary to operate. Mr. Katzen said that it is not required for behavioral health.
- Mr. Dolan asked if the guards on site will be armed. Mr. Katzen said that they will have the tools to protect themselves but have to check before confirming what they will actually be using.

Chairperson Neuer took a vote of Board Members to see their availability for a Special Meeting scheduled for February 13, 2025. Upon quorum of Board Members being met (T. Dubovy, W.M. Barbee, Vice Chairperson Scott, R. Miller, and Chairperson Neuer), the Chairperson announced that this application (ZB-24-12 – LS SB Canterbury/Zinnia Health) is being carried with preservation of notice to the Special Meeting scheduled for Thursday, February 13, 2025.

(Carried from 12/12/2024)

2) ZB-24-06 PUBLIC SERVICE ELECTRIC AND GAS COMPANY

**Block: 155 Lot: 26.01 Zone: (O-R) Office Research; (PURD) Planned Unit Residential Development; (R-5) Single Family Residential Zone
325 Mount Pleasant Avenue**

Seeking Variances, Preliminary, and Final Major Site Plan Approval in connection with upgrades.

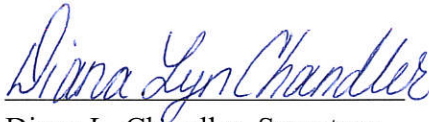
- This application commenced solely for scheduling a future meeting that works for all parties.
- Ms. Jennifer Porter, Esq entered the record on behalf of the applicant. Mr. James Turteltaub, Esq. entered the record on behalf of the objector, Mr. Kevin Malanga.

After discussion of possible dates for a Special Meeting proved to be unsuccessful, it was agreed by Chairperson Neuer that the February 20, 2025, Regular Meeting will be completely dedicated to this application (ZB-24-06 PSE&G).

Chairperson Neuer announced that application ZB-24-06 Public Service Electric and Gas Company will be carried with preservation of notice to the February 20, 2025, Regular Meeting.

Chairperson Neuer adjourned the meeting at 10:24 P.M.

Adopted: 2/21/25


Diana L. Chandler, Secretary