

MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT SPECIAL MEETING
February 13, 2025
8:00 P.M.

The West Orange Zoning Board of Adjustment held a special meeting on February 13, 2025, commencing at 8:00 PM utilizing the virtual Zoom platform.

Vice Chairperson Brent Draper Scott 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."

Vice Chairperson Brent D. Scott asked everyone to stand for the Pledge of Allegiance.

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

ROLL CALL

Present: Tal Ben-Zvi, Robert Daniel,
Todd Dubovy, Robin Miller,
Irv Schwarzbaum, Brent D. Scott,
Marc Sussman, Alice Weiss

Absent: William Michael Barbee (excused),
Michael Dannemiller (excused),
Philip D. Neuer (excused)

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

Mr. Fisher and Vice Chairperson Brent D. Scott confirmed the presence of a quorum of Board Members.

ANNOUNCEMENTS

- Future Meetings (Virtual): February 20, 2025 (Regular Meeting)
March 20, 2025 (Regular Meeting)
April 17, 2025 (Regular Meeting)
- Vice Chairperson Scott announced that given he is acting as Chairperson due to Chairperson Neuer's absence, his decision in numbering alternate members are to be as follows: Dr. Ben-Zvi (Alt. 1), Mr. Dubovy (Alt. 2), and Mr. Sussman (Alt. 4).

SWEARING IN

- Township Professional Mr. George Wheatle Williams (Consulting Township Planner) was sworn under oath.
- Mr. Marc Sussman was sworn in under oath upon his reappointment by Mayor Susan McCartney.

APPLICATIONS

- 1.) **ZB-24-12 – LS SB Canterbury/Zinnia Health** (Carried from 1/16/2025)
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 the applicant, Zinnia Health.
- Mr. Harrison Katzen, Representative of Zinnia Health, entered the record.
- A discussion took place between Mr. Sullivan, Mr. Fisher, and Mr. Dolan about a letter dated February 3, 2025, about cited case law and the type of legal complaints that have taken place about Mr. Katzen, Zinnia Health, and a Collections lawsuit. Mr. Fisher said there is no relevance with this pending application, and, more so, they have no relevance with Municipal Land Use Law.

PUBLIC QUESTIONS

- Jared Levine (10 Tulip) asked if Mr. Katzen is a psychologist, psychiatrist, and other roles listed in this type of facility. Mr. Katzen answered “no” to all.
- Allen Hurkin Torres (89 Glen Avenue) asked where the studies with internal communities are. He also brought up an issue with Zinnia’s advertising and nearby advertising
- Ann Hirsch (12 Edgehill Road) asked if the height of the building will compromise new privacy. Mr. Fisher said that, as per previous testimony there is no change to the building. He believes Ms. Hirsch to be mistaken.
- James Kleeman (20 Bloomfield Way) asked Mr. Katzen to explain the benefit to the community that this would bring. Mr. Katzen said that among other benefits, he believes the crime rates would go down and it would create employment in the community.
- Ryan Shinmin (45 Mountain Avenue) asked for the number of patients housed on this site. Mr. Katzen said that at max capacity there will be 80 beds. Mr. Shinmin asked
- Joyce Rudin (38 Woodland Avenue) asked about the Discharge Plan for people if they have no home. Mr. Katzen said that they would be going to the hospital. Mr. Katzen said that they would be operating utilizing Transitional living
- Sophia Anthony (18 Wildwood Avenue) asked for the number of facilities in downtown areas. Mr. Katzen said that many of them are in residential areas. Ms. Anthony asked if there are any annual reports to this effect. Mr. Katzen said yes and that they would be available online. Ms. Anthony asked for the number of jobs that would be created at this facility. Mr. Katzen said that there would be approximately 80 jobs created.
- Andy Kessler (29 Mountain Avenue) asked if patients leave or utilize transportation, would shackles be used.
- Stan Shapiro (12 Edgehill Road) asked what the number of inspected clients with any idea to serve West Orange Residents. Mr. Katzen said that the goal of this application is to serve the State of New Jersey. Mr. Shapiro asked what other towns were researched. Mr. Katzen said Kearny and other local municipalities.
- Mike Cavalier (2 Brook Way) asked what information is collected. Mr. Katzen said that all of the information is accessible to the public record. Mr. Cavalier asked if visitors are

allowed. Mr. Katzen said no. Mr. Cavalier asked if there is going to be any additional lighting. Mr. Katzen answered that only if the Board wanted as a condition.

- James Jackson (1 Ashley Road) asked how far Mr. Katzen lives from the closest facility. Mr. Katzen answered that he lives 25 minutes from the nearest facility.

Upon completion of Mr. Katzen answering questions, public questioning was closed and Mr. Katzen's testimony was concluded.

Break 9:39-9:50PM

Upon return from break, a confirmation of a quorum was announced by Vice-Chairperson Scott and Mr. Fisher.

PRESENTATION

- Mr. Sullivan presented Lt. Brad Squires of the West Orange Police Department on the record. He was sworn under oath.
- Lt. Squires is a member of the Mental Health Association Co Response Program where when a mental health calls comes in, they are answered with an officer at on scene assists and the follow up is done with the Mental Health Association afterwards.
- Lt. Squires said that this program is grant funded and has received approximately 543 calls in the previous calendar year.
- In response to Lt. Squires' answers, Mr. Dolan accused him of reading from a script. Mr. Fisher said that Lt. Squires is allowed to use notes.
- Lt. Squires continued his testimony, stating that this program is mainly for deescalation with notice and sometimes mandatory arrests for certain experiences especially if a weapon is involved. Lt. Squires said that this program is based out of the Washington Street Substation.

BOARD QUESTIONS

- Mr. Schwarzbaum asked if people experiencing alcohol and drug issues are being sent to hospitals. Mr. Schwarzbaum asked for the stats of 543 with the amount of senior citizens. Lt. Squires said that he does not have any information on seniors
- Mrs. A. Weiss asked why he thinks that the community is concerned with threats from services that this site might offer. Lt. Squires said that the reason is most likely because mental health does not discriminate.

OBJECTOR'S COUNSEL QUESTIONING

- Mr. Dolan asked Lt. Squires for the breakdown of statistics. Lt. Squires said that he does not have but that he can provide.
- Mr. Dolan asked if Lt. Squires is being compensated for this testimony. Lt. Squires said no.
- Mr. Dolan asked for the number of juvenile calls this organization handles. Lt. Squires said that he believes the amounts is approximately 12%.
- Mr. Dolan asked for the number of dimensia cases that the Mental Health Association Co Response Program deal with. Lt. Squires said that he is unsure but can find out for sure.

PROFESSIONALS' QUESTIONS

- Mr. Wheatle Williams asked for clarification of the program name.

PUBLIC QUESTIONS

- Jared Levine (10 Tulip Lane) asked for the number of calls received mental health and drug related. Lt. Squires said that they only keep track of the mental health calls through the program.
- Andy Kessler (29 Mountain Avenue)

PRESENTATION

- Mr. Sullivan presented Mr James McDonough, Planner on the record. He was sworn under oath and credentials were accepted by the Board.
- Mr. McDonough presented Exhibits A-1 to A11 to be entered into the formal record.
 - o **Exhibit A-1: Aerial Satellite Imagery of Subject Site and Surroundings (Dated 2/13/2025)**
 - This exhibit was met with an objection by Mr. Dolan.
 - o **Exhibit A-2: View of Subject Site From Mount Pleasant Avenue (Dated 2/13/2025)**
 - o **Exhibit A-3: Photo of Zufall Health (Dated 2/13/2025)**
 - o **Exhibit A-4: Photo of new senior housing (Dated 2/13/2025)**
 - o **Exhibit A-5: Photo of Town Hall (Dated 2/13/2025)**
 - o **Exhibit A-6: Photo of Interior Site (Dated 2/13/2025)**
 - o **Exhibit A-7: Photo of Interior Site (Dated 2/13/2025)**
 - o **Exhibit A-8: Photo of parking lot (Dated 2/13/2025)**
 - o **Exhibit A-9: Photo of separation of home/sub (Date 2/13/2025)**
 - o **Exhibit A-10: Photo of stream (Dated 2/13/2025)**
 - o **Exhibit A-11: Photo of stream (Dated 2/13/2025)**
- Mr. McDonough said that this application seeks D1 Variance relief in the OB2 Zone. Site is paramount to the public use.
- In Mr. McDonough's opinion, all New Jersey citizens will be better suited with the addition of this site. It makes an efficient use of the land, especially considering that the existing conditions of the site are not changing.
- Mr. Sullivan announced that they are abandoning the classification of this site as a hospital, and will be utilizing it as a conditional use.

After deliberation, Vice Chairperson Scott announced that application ZB-24-12 Zinnia/LS Canterbury being carried with preservation of notice to the April 17, 2025, Regular Meeting.

Vice Chairperson Scott adjourned the meeting at 10:58 PM.

Adopted: *3/20/2025*

Diana Lyn Chandler
Diana L. Chandler, Secretary