

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

June 12, 2025

8:00 P.M.

The West Orange Zoning Board of Adjustment held a regular meeting on June 12, 2025, 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.

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

ROLL CALL

Present: William Michael Barbee, Tal Ben-Zvi, Laurence Cohen,
Michael Dannemiller (left meeting at 8:29PM),
Todd Dubovy, Robin Miller,
Philip D. Neuer, Irv Schwarzbaum,
Brent D. Scott, Marc Sussman, Alice Weiss

Absent:

Also Present: Steven Warner, Esq., Board Attorney
Diana L. Chandler, Board Secretary
John Hess, Consulting Engineer
George Wheatle Williams, Consulting Planner
Chris Dochney, Consulting Planner (ZB-22-13 MPB / 470 Eagle Rock Avenue)

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

ANNOUNCEMENTS

- Future Meetings:
 - July 17, 2025 (Regular Meeting)
 - August 21, 2025 (Regular Meeting)
 - September 18, 2025 (Regular Meeting)
- Chairperson Neuer announced that **ZB-24-15 Waystone Realty (42 Eagle Ridge Way)** is being carried with preservation of notice to the July 17, 2025, Regular Meeting.
 - Ms. Priscilla Triolo, Esq. entered the record on behalf of the applicant for **Waystone Realty** to confirm the adjournment and the waiver of time being extended to the July 17, 2025, Regular Meeting.
- Chairperson Neuer announced that **ZB-24-16 Northfield Avenue Realty LLC (81 Northfield Avenue)** is being carried with preservation of notice to the August 21, 2025, Regular Meeting.

SWEARING IN

- Consulting Professionals (John Hess, Consulting Engineer; George Wheatle Williams, Consulting Planner; Christopher Dochney, Consulting Planner) were sworn under oath.

EXECUTIVE SESSION (8:08 PM-8:29 PM)

M. Dannemiller left the meeting at 8:29 PM (after conclusion of the Executive Session).

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

RESOLUTION

(Approved 5/15/25)

- ZB-22-09 89 Ashland Avenue LLC (87-89 Ashland Avenue)**
Block: 61; Lot: 44 & 45; Zone: I

Application seeking Preliminary and Final Site Plan Approval with “c” and “d” variances to construct building addition to accommodate two additional dwelling units was approved with conditions at the December 15, 2022 Regular Meeting and Resolution was adopted at the January 19, 2023, Regular Meeting. Extension of time for this application was approved at the May 15, 2025, Regular Meeting.

Motion: Chairperson Neuer

Second: L. Cohen

Barbee:	Y	Schwarzbaum:	Y
Ben-Zvi (Alt.):	Y	Scott:	Y
Cohen:	Y	Sussman (Alt.):	Y
Dannemiller (Alt.):	-	Weiss:	-
Dubovy (Alt.):	-	Neuer:	Y
Miller:	Y		

MINUTES

- May 15, 2025 (Regular Meeting)**

Motion: Chairperson Neuer

Second: M. Sussman

Barbee:	Y	Schwarzbaum:	Y
Ben-Zvi (Alt.):	Y	Scott:	Y
Cohen:	Y	Sussman (Alt.):	Y
Dannemiller (Alt.):	-	Weiss:	-
Dubovy (Alt.):	Y	Neuer:	Y
Miller:	Y		

APPLICATIONS

- 1.) **ZB-24-12 – LS SB Canterbury/Zinnia Health** (Carried from 5/15/2025)
33 Mount Pleasant Avenue
Block: 88; Lot: 26
Application for Appeal of Action of Zoning Officer and D Variance

PRESENTATION

- Mr. William Sullivan, Esq., entered the record on behalf of the applicant. Mr. Matthew Dolan, Esq., entered the record on behalf of the objector, Llewellyn Park Committee of Managers.
 - Mr. Dolan presented Mr. Michael Pessolano, Professional Planner to the Board. Mr. Pessolano's credentials were accepted.
 - Mr. Pessolano submitted Exhibit O-7 Planner's Report (Received by February 3, 2025) where he testified that:
 - This application was initially for Interpretation and morphed
 - Mr. Pessolano said that in regards to Zoning, this application site is in a district that abuts the R-2 District. In page 5 of the report, something of this nature is "not a permitted use in any district". That there is, "truly unknown exposure" to the community given the new use of this kind. He continued stating that the perception of safety is a "mystique".
 - Mr. Pessolano said that this site is unsuitable for many reasons, such as:
 - Driveway easily clogged with one vehicle.
 - Site is small in size
 - Mr. Pessolano said that there are 16 sites within ten (10) miles of this application site.
 - Mr. Pessolano said that this is an "inappropriate use" and opined to say that it is not useful (with no creditable source to prove). He continued testifying saying that the negative criteria is that it would be detrimental to the public.
- After all testimony from Mr. Pessolano, Mr. Dolan had no follow-up questions.

Break 9:41 PM – 9:52 PM

Upon return from break, Chairperson Neuer confirmed the presence of a quorum.

BOARD QUESTIONS

- L. Cohen asked if Residential Rehabilitation with significantly less care was considered. Mr. Pessolano said that discrimination and market are considered in that context.
- Mr. Cohen asked if this is a "national chain" and asked if there are tenants looking to import to New Jersey from other states. Mr. Pessolano said that it is hard to tell without research.
- R. Miller asked if there are specific examples from Architecture and Engineering plans that he has issue with? Mr. Pessolano said that he has no idea.
- Ms. Miller asked if Mr. Pessolano was present for B. Squires testimony. Mr. Pessolano said yes. Ms. Miller followed up by asking if he disputes the testimony. Mr. Pessolano said that he saw the information provided by Mr. Squires and most of it was not found to be compelling in his opinion.
- Ms. Miller asked if Mr. Pessolano had visited the site and what date. Mr. Pessolano said yes and that he visited on January 25, 2025.
- I. Schwarzbaum asked what the use of the site previously served. Mr. Pessolano said that it was an assisted living center. Mr. Schwarzbaum asked if there were any emergencies. Mr. Pessolano said that there was no research on this.

- M. Sussman asked for the proposed use versus a convalescent home. Mr. Pessolano said that a convalescent home would likely have more long term care residents and less turnover.
- T. Ben-Zvi asked Mr. Pessolano for clarification on whether this use is inherently beneficial. Mr. Pessolano said that is a matter of distinction between providing health care on a business basis for a typical doctor's office model and the proposed use which is basically doing the same thing but with a specialty focusing on mental health and substance abuse.
- T. Dubovy asked if there is anything that the applicant can do to mediate for use. Mr. Pessolano said yes and that the applicant could lessen the building. Mr. Dubovy asked if there is a plan for fencing and/or planters. Mr. Pessolano said no.

PROFESSIONAL QUESTIONS

- Mr. Williams asked for clarification on Mr. Pessolano's claims that the proposed use of not being beneficial. In response Mr. Pessolano did as such.
- No questions from Mr. Hess.
- *It was at this time that Chairperson Neuer recognized Mr. Benjamin Wine, Esq., who entered the record on behalf of applicant MPB Realty LLC for ZB-22-13 MPB Realty (470 Eagle Rock Avenue). Due to time constraints, this application would not be heard and no testimony would be provided this evening and is being carried with preservation of notice to the July 17, 2025, Regular Meeting. Mr. Wine asked for consideration of a Special Meeting in which Chairperson said that it would be under consideration and dates would be circulated to Professionals prior to giving to the applicant. Mr. Wine also consented to an extension of the decision for the application until the end of August 2025.*
- *It was at this time that Chairperson Neuer recognized Mr. Stephen Hehl, Esq., who entered the record on behalf of applicant Pardo Development Group Inc. for ZB-24-17 Pardo Development Group Inc. (104 Winding Way). Due to time constraints, this application would not be heard and no testimony would be provided this evening and after confirmation of jurisdiction for the Zoning Board and noticing requirements by Mr. Warner, it was announced that the application was being carried with preservation of notice to the August 21, 2025, Regular Meeting. Mr. Hehl consented to an extension of the decision for the application until the end of August 2025.*

CROSS EXAMINATION OF OBJECTOR'S PROFESSIONAL

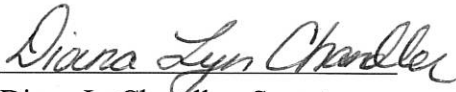
- Mr. Sullivan asked in response to comments made in the matter of this site's usage of being comparable to a drs office except for the conditions being treated. Mr. Pessolano said that helping people with their conditions goes on at both types of places.
- Mr. Sullivan asked if they applied for conditional use would that be less controversial. Mr. Pessolano disagreed because its not a conditional use at all.
- Mr. Sullivan referenced on screen a section of Ordinance Section 25-4 pertaining to Nursing Home and/or Long Term Care Residential Facility vs. Nursing Home Level Care where Mr. Pessolano said that he doesn't know if there is a clear continuous aspect for distinction with the exception of the mobility/physical condition of the patients.

It was at this time given the time constraints of the present meeting, that Chairperson Neuer and Mr. Sullivan agreed that Mr. Sullivan would continue his cross examination of Mr. Pessolano at the next appearance of this application. It was then Mr. Sullivan asked for the consideration of a Special Meeting. Chairperson said that is a possibility but would probably have to share said meeting with the ZB-22-13 MPB Realty (470 Eagle Rock Avenue) application but that this application (ZB-24-12 Zinnia/ 33 Mount Pleasant Avenue) would be

carried with preservation of notice to the July 17, 2025, Regular Meeting so the applicant would not need to re-notice. Mr. Sullivan provided consent to an extension of the decision for the application.

Chairperson Neuer adjourned the meeting at 11:05 PM.

Adopted: 7/17/25


Diana L. Chandler, Secretary