

MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT SPECIAL MEETING
July 31, 2025
7:00 P.M.

The West Orange Zoning Board of Adjustment held a special meeting on July 31, 2025, commencing at 7:00 PM utilizing the virtual Zoom platform.

Chairperson Phillip D. Neuer called the meeting to order at approximately 7:00 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,
Todd Dubovy, Robin Miller,
Philip D. Neuer, Irv Schwarzbaum,
Brent D. Scott, Marc Sussman
Absent: Tal Ben-Zvi (excused), Michael Dannemiller (excused),
Mark Sussman (excused), Alice Weiss (left meeting at 9:09 PM)
Also Present: Steven Warner, Esq., Board Attorney
Diana L. Chandler, Board Secretary
John Hess, Consulting Engineer
Erik DeLine, Consulting Planner (ZB 24-12 Zinnia/ 33 Mount Pleasant Avenue)
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:
 - August 21, 2025 (Regular Meeting)
 - September 18, 2025 (Regular Meeting)
 - October 16, 2025 (Regular Meeting)

SWEARING IN

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

APPLICATIONS

1.) ZB-24-12 – LS SB Canterbury/Zinnia Health (Carried from 7/17/2025)

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, Zinnia Health. Mr. Matthew Dolan, Esq also entered the record on behalf the Objector, the Committee of Managers of Llewellyn Park.
- Mr. Sullivan asked for it to be put on the record that his client requested a meeting with the Committee of Managers, but that the committee had no interest.
- It was at this time Mr. Dolan, Mr. Sullivan, and Ms. Chandler confirmed Exhibits from the applicant and the objector's testimonies.
 - **Exhibit: O-1** ; 216 FOJ
 - **Exhibit: O-2** ; Photographs (Dated 2/13/2025)
 - **Exhibit: O-3** ; Response to OPRA (Open Public Records Act) Requesting Information From B. Squires' Report.
 - **Exhibit: A1-11** ; Pages from J. McDonough Report
 - **Exhibit: A12-13** ; B. Squires' Report.

PROFESSIONAL QUESTIONS

PUBLIC QUESTIONS/COMMENTS

- Mr. Kevin Codey (24 Home Hill Lane, Roseland, NJ) sworn under oath and commented on facility need in the area and gave personal statement on facility need in the area for mental health services. No Board Questions for Mr. Codey. Mr. Dolan asked if Mr. Codey was present for all meetings. Mr. Codey said no. Mr. Dolan asked for purpose of mentioning mental health services. Mr. Codey said that mental health and treatment services go hand in hand. Mr. Codey asked if in his opinion Detox is different than mental health. Mr. Codey said that he is only an advocate of mental health
- Mr. Gerard Anthony (18 Wildwood Avenue) sworn under oath and said that he is the closest property to the application site and is in opposition to it.
- Ms. Penwah Saunders (15 Edgehill Road) said that they have witnessed people push the fence and is opposed to this application because knowing this information makes them feel unsafe.
- Mr. Allen Hurkin Torres (89 Glen Avenue) spoke in opposition of this application stating case law. In response to this, Mr. Sullivan, Mr. Warner gave a response to the findings pertaining to perjury of Mr. Katzen.
- Mr. Jared Levine (10 Tulip Avenue) said that Zinnia applied in Florida and withdrew because of business practices. Mr. Levine also stated that the applicant has defaulted on four (4) other properties.
 - L. Cohen
 - I. Schwarzbaum
- Mr. Stan Shapiro (12 Edgehill Road) was sworn under oath and stated that they are opposed to the application

- Ms. Sophia Anthony (18 Wildwood Avenue) was sworn under oath and asked for confirmation that Canterbury Site is being developed
- Mr. Louis Crespo (2 Forest Way) was sworn under oath and spoke in opposition to the approval of this application. No questions from counsel.
- Rikke Cumberbatch (11 Wildwood Avenue) was sworn under oath spoke in opposition to this application due to the placement and location for safety purposes.
- Mr. Andrew Kessler (29 Mountain Avenue) was sworn under oath and spoke in opposition to this application stating that the stream is not a barrier (just marking the system). There is no outdoor space nor is there room for it and thus is clearly not conditional in his opinion. No Board Questions nor were there questions from counsel.

COUNSEL QUESTIONS

CROSS EXAMINATION OF OBJECTOR'S PROFESSIONALS

- *It was at this time, Chairperson Neuer announced that application ZB-24-12 Zinnia/LS Canterbury (33 Mt Pleasant Avenue) has been carried with preservation of notice to the September 18, 2025, Regular Meeting with preservation of notice for the sole purpose of scheduling a special meeting.*

Break 8:54 PM – 9:09 PM

- *Upon return from the break, a quorum of Board Members was confirmed. Mrs. A. Weiss left the meeting at the break.*

2.) ZB-22-13 MPB Realty (470 Eagle Rock Avenue) (Carried from 6/12/2025)

Block: 153; Lot:38; Zone:B-2

470 Eagle Rock Avenue

Preliminary & Final Major Site Plan

PRESENTATION

- Mr. Ben Wine Esq, entered the record on behalf of his client, Applicant, MPB Realty LLC.
- Brief summary of previous testimony from the March 20, 2025, Regular Meeting.
- Matthew Bersch, Professional Engineer entered the record. Credentials were accepted by the Board.
- Mr. Bersch displayed A2 and confirmed that all previous testimony remains accurate.

BOARD QUESTIONS

- W.M. Barbee asked about the hours of operation.
- L. Cohen asked if the entrance/exit has changed. Mr. Bersch said there has been no change. Mr. Cohen said that it seems like an accident site.
- R. Miller asked about the sustainability checklist and discrepancy between Planner's Reports in respect to the actual building itself and whether or not the building is being demolished. Mr. Bersch said that to the best of his knowledge, the plan is to reuse the building but wants to leave that to the architect.
- I. Schwarzbaum asked about what stops the cars from going head on into traffic due to the drive thru. Mr. Bersch said that given the space and size of the property it allows fluid movement.
- T. Dubovy asked about research done because of the noise from the businesses. Mr. Bersch said that a Sound Engineer was hired for this reason. Mr. Dubovy asked what kind of fence is intended. Mr. Bersch said that they intend on keeping original fencing style with a 2x Boarded Fence but vinyl which would give an adequate upgrade.

- Chairperson Neuer asked Mr. Bersch if he was in receipt of March 11, 2025 letter from John Hess referencing impervious coverage. Mr. Bersch said yes and that it is in his opinion that there is enough.
- B.D. Scott asked for confirmation on the hours of operation, whether the delivery vehicles are going to be electric or gas (which Mr. Bersch said he was unsure of), and how many seats are going to be in the IHOP (which Mr. Bersch said approximately 88).

NO PROFESSIONALS QUESTIONS

PUBLIC QUESTIONS

- Kevin Malanga (57 Ridge Road) asked for confirmation that this was a new yet old application. Mr. Bersch answered in the affirmative. Mr. Malanga asked if there is a transmittal letter for variances requested for the Drive Thru. Mr. Bersch said that all requirements have not all been met.
- Dawn Cacio (48 Johnson Road) asked for the location of the delivery and route from trash to the dumpster. Mr. Bersch said that it goes through the rear of the building.

PRESENTATION

- Mr. Robert Grimaldi, AIA was sworn under oath and was accepted as an expert in the field of Architecture.
- Mr. Grimaldi presented PB-1 (Dated 6/12/2024) with description of all sides with materials and colors.
- **Exhibit A3** Colorized Version of Plans previously submitted to prove of no clashing with the colors for the proposed businesses.
- *It was at this time, Mr. Wine said that he has some redirect and requested a Special Meeting.*
- *It was at this time, Chairperson Neuer announced that application ZB-22-13 MPB Realty (470 Eagle Rock Avenue) has been carried with preservation of notice to the September 18, 2025, Regular Meeting with preservation of notice.*

Chairperson Neuer adjourned the meeting at 10:57 PM.

Adopted: 10/16/25


Diana L. Chandler, Secretary