

**DRAFT
MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT REGULAR MEETING
September 18, 2025
8:00 P.M.**

The West Orange Zoning Board of Adjustment held a regular meeting on September 18, 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.

Alexander Fisher, 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, Alice Weiss

Absent:

Also Present: Alexander Fisher, Esq., Board Attorney
Diana L. Chandler, Board Secretary
John Hess, Consulting Engineer
Christopher Dochney, Consulting Planner

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

ANNOUNCEMENTS

- Future Meetings: October 16, 2025 (Regular Meeting)
 October 23, 2025 (Special Meeting)
 October 30, 2025 (Special Meeting)
 November 20, 2025 (Regular Meeting)
- Chairperson Neuer announced the Special Meeting for application **ZB-22-13 MPB Realty (470 Eagle Rock Avenue)** scheduled for **Thursday, October 23, 2025, at 8:00 PM** with preservation of notice.
- Chairperson Neuer announced the Special Meeting for application **ZB-24-12 – LS SB Canterbury/Zinnia Health (33 Mount Pleasant Avenue)** scheduled for **Thursday, October 30, 2025, at 8:00 PM** with preservation of notice.

- Chairperson Neuer announced that application **ZB-24-11 Wonder (481 Eagle Rock Avenue)** has been withdrawn by the applicant as the applicant has left the premises.
- Chairperson Neuer announced that application **ZB-24-15 Waystone Realty LLC (42 Eagle Ridge Way)** was carried to the **October 16, 2025, Regular Meeting** with preservation of notice.

SWEARING IN

- Professionals, Mr. Christopher Dochney (Consulting Planner), Ms. Zayibeth Carballo (Municipal Engineer), and Mr. John Hess (Consulting Engineer) were sworn under oath.

APPLICATIONS:

- **ZB-25-02 Montclair Stables LLC**
Block: 152.02; Lot:176,179, & 186 ; Zone: R-1, R-5, B-5,
12-22 Woodland Avenue
 Preliminary and Final Site Plan with C and D Variances
 - Mr. Joseph Wenzel, Esq., entered the record on behalf of his client, Montclair Stables LLC. Mr. Fisher explained that none of the noticing letters were delivered. Chairperson Neuer said that with the United States Postal System (USPS) nothing is guaranteed and that it is unfair to proceed because of unknown letters being delivered. Mr. Wenzel agreed to a carry of this application because of the issue with USPS. He said that he will renote.
 - *It was at this time that Chairperson Neuer announced application ZB-25-02 Montclair Stables LLC (12-22 Woodland Avenue) being carried to the October 16, 2025, Regular Meeting with the understanding that new notice being required.*

(Carried from 7/17/2025)

- **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.
 - Ms. Jennifer Porter, Esq. entered the record on behalf of her client Public Service Electric and Gas Company. Mr. James Turteltaub, Esq. entered the record on behalf of his client, Mr. Kevin Malanga. Ms. Porter said that they have been working diligently and asked to be carried to the October 16, 2025, Regular Meeting as it would give more time for discussion of a potential settlement agreement. Mr. Turteltaub agreed to the carry of this application.
 - *It was at this time that Chairperson Neuer announced application ZB-24-06 Public Service Electric and Gas Company (325 Mount Pleasant Avenue) being carried with preservation of notice to the October 16, 2025, Regular Meeting.*
- **ZB-22-13 MPB Realty (470 Eagle Rock Avenue)** (Carried from 7/31/2025)
Block: 153; Lot:38; Zone:B-2
470 Eagle Rock Avenue
 Preliminary & Final Major Site Plan

PRESENTATION

- Ms. Danielle Kinback, Esq. entered the record on behalf of client, MPB Realty LLC and provided a brief summary of previous testimony. In doing so the minor application amendment request was granted by Chairperson Neuer.
- Ms. Kinback recalled Mr. Grimaldi, Architect as questioning from his testimony on July 31, 2025, did not occur. Mr. Grimaldi was sworn under oath and confirmed of his credentials being the same as when testimony occurred. Some information Mr. Grimaldi wanted to be sure to present based on that testimony was:
 - about the façade and signage variances.
 - that in general, the demolition part of the front of the building.
 - about the front elevation with explanation of signage (logos and gable roofs)
 - that this site is not going to be operating 24 hours and it was already agreed upon.
 - That the signage would include internal illumination.

BOARD QUESTIONS

- L. Cohen asked if the Ordinances allow for two (2) commercial uses on one (1) property. Mr. Grimaldi said yes because of the uses.
- R. Miller asked if the rooftop mechanics will be screened. Mr. Grimaldi said that the majority of the roof will have a 36-54 parapet depending on size.
- M. Dannemiller asked if the "IHOP" sign above the window will be illuminated. Mr. Grimaldi said yes.
- T. Ben-Zvi asked how this addition can be made more efficient. Mr. Grimaldi said that there is an internal cooler box with storage for the utility room with a cleaner presentation.
- Dr. Ben-Zvi asked if the delivery trucks will be able to idle their engine outside. Mr. Grimaldi said that is only because there is no internal loading dock.
- Dr. Ben-Zvi asked about the second floor staircase. Mr. Grimaldi said that there will be no second floor and it will not be shown.
- T. Dubovy asked for confirmation that there will be no signage in the rear. Mr. Grimaldi answered in the affirmative.
- Mr. Dubovy asked about the placement of the menu board. Mr. Grimaldi said that it is in the back area of the property. Mr. Dubovy followed up by asking about the illumination of it. Mr. Grimaldi said that it will be moderate and will be similar to a computer screen.
- B.D. Scott asked if energy efficient materials will be used. Mr. Grimaldi said yes and will all be met by code.
- Mr. Scott asked if there will be solar materials on the roof. Mr. Grimaldi said no.
- Mr. Scott asked how high the fence is going to be behind the building. Mr. Grimaldi said that he would like to refer to the Engineer, but thinks it's six feet.
- Chairperson Neuer asked about the menu board in his opinion being considered signage. Mr. Grimaldi said that he would have to leave that up to the Engineer.
- Chairperson Neuer asked where on the roof are the units located. Mr. Grimaldi said that it is not proposed, but 1/3 of the property in area. Chairperson followed up by asking about the location. Mr. Grimaldi responded that they are 15-20 feet from the back and middle, but 10 feet from all sides.

PROFESSIONALS QUESTIONS

- No questions from Mr. Dochney.
- Mr. Hess asked if the Sustainability Checklist was sent for compliance and sent to the Board. Mr. Grimaldi answered in the affirmative.

PUBLIC QUESTIONS

- Kevin Malanga (Ridge Road) asked if this is designed with deliveries in mind and where they would be occurring. Mr. Grimaldi said that deliveries would be occurring through the front doors with no hindrance but that Mr. Malanga would have to wait for testimony from the Engineer for logistics.

PRESENTATION

- Mr. Michael Dick, Acoustical Engineer was sworn under oath, credentials were received and accepted by the Board as a professional in the field of Acoustical Engineering.
- Mr. Dick provided testimony from the Report and Analysis (Dated February 3, 2025) and stated that Mr. Grimaldi's findings were consistent.

BOARD QUESTIONS

- Mr. Dubovy asked for confirmation of the distance from the Menu Board to the Southern property line. Mr. Dick said that it is approximately 30-35 feet. Mr. Dubovy followed up by asking if there is any sound generated by the board and how it compares with the code. Mr. Dick said it was not measured but HVAC, Trucks with refrigeration were for nighttime operations.
- Mr. Scott asked for a walkthrough of the modeling. Mr. Dick responded that the Sound Plan for ICOS with anticipated and realistic sounds occurring.
- A. Weiss asked if no drive through, what would the guesstimate be. Mr. Dick said that the HVAC equipment would be driving the sound most.
- L. Cohen asked if he looked at the Master Plan. Mr. Dick said he is aware of it. Mr. Cohen asked about the trees on the property. Mr. Dick said that the ones there presently, won't make a big difference.
- Chairperson Neuer asked if Mr. Dick visited the site. He said he has twice. Chairperson asked about the existing conditions on the site. Mr. Dick said that he could not remember. Chairperson asked how many cars can be in queue for the drive thru. Mr. Dick answered eight (8). Chairperson followed up by asking if there are any recommendations of reducing. Mr. Dick said no because eight (8) is the number proposed and is in his opinion "arbitrary".

PROFESSIONALS QUESTIONS

- No Questions from Mr. Hess.
- Mr. Dochney asked for clarity in the June 2024 report; there is information missing. Mr. Dick said it was mainly for aesthetics.

PUBLIC QUESTIONS

- Kevin Malanga (Ridge Road) asked if the liner is unequal to the exponential. Mr. Dick answered in the affirmative. Mr. Malanga asked if Mr. Dick would purchase a home in this area. Mr. Dick said that he is not in the market to purchase a home.
- Hussein Ismail (6 Rosney Terrace) asked what separates this application site from the lines of property. Mr. Dick said a fence. Mr. Ismail asked about the levels of sound for the surrounding properties at night. Mr. Dick said at night it is about 50 decibels.

Ms. Kinback offered redirect.

It was at this time Chairperson repeated the announcement from earlier in the meeting that this application ZB-22-13 MPB Realty LLC (470 Eagle Rock Avenue) is being carried with preservation of notice to the October 23, 2025, Special Meeting.

Chairperson Neuer adjourned the meeting at 10:05 PM.

Adopted: 10/16/2025


Diana L. Chandler, Secretary