

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

January 15, 2026

8:00 P.M.

The West Orange Zoning Board of Adjustment held a regular meeting on January 15, 2026, commencing at 8:00 PM, utilizing the virtual Zoom platform.

Chairperson Philip 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 Philip D. Neuer asked everyone to stand for the Pledge of Allegiance.

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

ROLL CALL

Present: William Michael Barbee,
Laurence Cohen, Michael Dannemiller,
Todd Dubovy, Philip D. Neuer,
Irv Schwarzbbaum, Brent D. Scott
Marc Sussman, Alice Weiss

Absent: Tal Ben-Zvi (excused), Robin Miller (excused)

Also Present: Alexander Fisher, Esq., Board Attorney
Diana L. Chandler, Board Secretary
Ryan MacNeill, Consultant Engineer
Christopher Dochney, Consultant Planner

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

ANNOUNCEMENTS

- Future Meetings: January 22, 2026 (Special Meeting)
February 19, 2026 (Regular Meeting)
- Application **ZB-24-17 Pardo (104 Winding Way)** is adjourned at the request of the applicant to be carried with preservation of notice to the March 19, 2026, Regular Meeting. Mr. Trevor Endler, Esq. entered the record on behalf of the applicant to confirm the extension of the statutory period.

SWEARING IN

- Upon Re/Appointment of Board Member by Councilwoman Williams, Mr. W.M. Barbee was sworn under oath.

REORGANIZATION

- **Appoint Chairperson**

Motion: A. Weiss nominated Philip D. Neuer

Second: I. Schwarzbaum

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

- **Appoint Vice-Chairperson**

Motion: B. D. Scott nominated L. Cohen

Second:

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

Note: There was no Second for the nomination. No vote was taken.

- **Appoint Vice-Chairperson**

Motion: W.M. Barbee nominated I. Schwarzbaum

Second: M. Sussman

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

- **Appointing Board Secretary**

Motion: Chairperson Neuer nominated Diana L. Chandler

Second: M. Dannemiller

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

- **Appointing Board Attorney**

Motion: Chairperson Neuer nominated Steven Warner/Alexander Fisher of Savo, Schalk, Corsini, Warner, Gillespie, O'Grodnick & Fisher PA,

Second: I. Schwarzbaum

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

- **Appointing Site Plan Review Advisory Board Representatives**

Motion: Chairperson Neuer nominated R. Miller

Second: B.D. Scott

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

Note: Chairperson Neuer stated upon nomination that when speaking with Ms. Miller and her giving her altered attendance to "absent" for this evening's meeting, she agreed that if nominated, she would continue to serve as the Board's Site Plan Review Board Representative. Chairperson also stated at this time in the event that Ms. Miller is unable to attend, that Chairperson Neuer volunteered to cover that meeting.

- **Appoint Consultant Engineer**

Motion: Chairperson Neuer nominated Ryan MacNeill/John Hess of CME Associates

Second: M. Dannemiller

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

- **Appoint Consultant Planner**

Motion: Chairperson Neuer nominated Christopher Dochney of CME Associates

Second: L. Cohen

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

Note: At this time, Chairperson Neuer introduced Myles Elgart, Associate Planner as one of Mr. Dochney's associates.

SWEARING IN

- Township Professionals: Ms. Zayibeth Carballo (Municipal Engineer), Mr. Ryan MacNeill (Consultant Engineer), and Mr. Christopher Dochney (Consultant Planner) were sworn under oath.

MINUTES

- **December 18, 2025 Regular Meeting**

Motion: Chairperson Neuer

Second: B. D. Scott

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

RESOLUTION

- **ZB-25-06 Neil**

(Approved 12/18/25 & Adopted 1/15/26)

Block: 46.02; Lot: 10; Zone: R-5

13 Lowell Avenue

Application seeking Variances to construct a new front porch on an existing two and one half story home was approved with conditions at the December 18, 2025, Regular Meeting. Resolution for this application was adopted at the January 15, 2026, Regular Meeting.

Motion: Chairperson Neuer

Second: I. Schwarzbaum

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

APPLICATIONS

1.) ZB-25-04 Panorama LLC

410 Eagle Rock Avenue

Block:109 & 111 Lot: 1.01 & 1.05 Zone: B-1 & PURD

Amended Major Site Plan Approval

PRESENTATION

- Mr. Robert Gaccione, Esq. entered the record on behalf of applicant Panorama LLC (aka Chit Chat Diner). He gave a summary of the application, stating that it is for amended preliminary and final major site plan approval with d.(2) variance relief, 'c' variances, design waivers, and tree removal permit to re-configure the rear parking area to construct 15 additional spaces, including (four) 4 electrical vehicle charging spaces, and an associated tree removal. The improvements also include, new pavement, stormwater inlets, pipes, new landscaping, and new lighting.
- Mr. Nick Katsanos, Applicant/General Manager of the Chit Chat Diner, entered the record, was sworn under oath, and provided testimony about the need and necessity of expanding the parking for the application site.
- Mr. Katsanos, testified to the operations of the diner. The diner serves breakfast, lunch, and dinner, and is open from 7 am to midnight (12:00 AM). He confirmed that the diner has the capacity for 182 seats. He testified that they have an agreement to use 30 parking spaces at the former bowling alley property, but it can be terminated with only 30 days' notice. He said that from a business perspective, he would like as many parking spaces as possible, and that he believes the diner loses customers' business when their lot is full and no visible parking spaces are available.

BOARD QUESTIONS

- Chairperson Neuer asked if additional parking was provided when the diner originally opened. Mr. Katsanos said yes, that there were 30 spaces in the lot of the former bowling alley, paid for on a month to month basis.

- I. Schwarzbaum asked based on the current need, how many spaces are they seeking. Mr. Katsanos said they are seeking 15.
- B.D. Scott asked if the additional lot is available currently. Mr. Katsanos said yes. B.D. Scott followed up his question by asking if there are any visible signs. Mr. Katsanos said that he is not sure.
- B.D. Scott asked for particulars regarding the parking agreement. Mr. Katsanos said that it can be terminated at any moment.

PROFESSIONALS QUESTIONS

- C. Dochney asked what happens when the diner is at its current parking capacity. Mr. Katsanos said that they lose customers if they don't know about the additional parking at the former bowling alley.
- No questions from R. MacNeill

PUBLIC QUESTIONS

- Ridhi Swami (1044 Smith Manor Boulevard, WO) asked what is the capacity of the restaurant seating. Mr. Katsanos said it is approximately 180 seats.
- Kevin Malanga (53 Ridge Road, WO) asked if when the parking lot is filled, what percentage of the seats in the diner are filled. Mr. Katsanos said that there are separate factors. For example a business lunch would have one (1) car per person versus a family of four (4) would have one (1) car per table.
- Palwasha Deftani (1043 Smith Manor Boulevard, WO) asked if there is a time limit for families inside the diner. Mr. Katsanos said no.

No redirect was offered from Mr. Gaccione for Mr. Katsanos.

PRESENTATION

- Mr. J. Michael Petry, offered his qualifications and credentials, which were accepted as a Professional Planner and Engineer.
- Mr. Petry provided a brief history of the application site and explained that the original diner was approved in 2015. There have been additional modifications over time. He testified that the 2021 approval permitted 182 seats total for indoor and outdoor seating, and required 117 parking spaces, where the Applicant currently has 81 on-site plus 4 banked spaces for 85 total. He testified that the current application expands the parking into the PURD zone. The proposal will add 15 physical spaces.
- The circulation plan has a 24-foot-wide drive aisle near the new spaces and a 14-foot-wide single lane return. Circulation on the site is one-way. The parking stalls meet the size requirement of the ordinances, and four (4) electric vehicle spaces are included. He testified that the existing concrete refuse area pad will remain.
- He addressed the August 27, 2025, Planning memo, and testified that a turning plan and pedestrian access plan were provided. He also discussed the change in location of the ADA compliant/EV parking space.
- Mr. Petry provided the existing conditions of the application site. Mr. Petry described the topography of the site. The Property is irregularly shaped with a steep cliff face; the majority of the property is open space. The existing diner and deck are within the 100-foot cliff setback; the proposed rear parking area is within 14.6 feet of the cliff at its closest point, with a fence line at 4.7 feet, and variances are required. He testified that the variances are needed to add the 15 new parking spaces. He testified that there will be a 6-foot metal fence with spindles at the rear, to match the existing fencing and a guiderail for safety.

- Guardrail (reinforced steel) for protection of cars with the cliffs that are not steep and are not built up.
- Mr. Petry testified to the proposed improvements utilizing **SP4 Detailed Layout Plan**.
 - Expand parking into the rear of the property. (Currently with nine spaces if the application approved)
 - Seven (7) additional spaces included in the refuge area
 - One (1) way circulation of the traffic on the site.
 - 16 spaces in back with four Electric Vehicle charging stations
- Mr. Petry testified to the proposed **Grading and Drainage utilizing SP5**.
 - Mr. Petry testified that test pits were done on the soil and it is dense clay, it is not pervious. The test pits also showed that bedrock is only 4-5 feet below the surface.
 - He testified that the improvements do not require stormwater facilities, but they are proposing to capture all of the stormwater and direct it to Eagle Rock Avenue and the stormwater system in the street. They have an oversized pipe and inlet at the back of the Property that will capture stormwater and they will not be adding any runoff to the sloped areas. He testified that this is important to keep the slope stable.
 - He agreed that the curb at the rear of the property could be enlarged to eight (8) inches tall to ensure that the stormwater does not go over the curb, but he does not expect any impact on the neighbors to the rear. He confirmed that a stormwater maintenance manual is on file for this site, and the owner is responsible for maintaining the system.
- Mr. Petry testified to the proposed **Lighting utilizing SP6**.
 - Mr. Petry reviewed the lighting plan. The light fixtures will match the ones approved in 2021 when they replaced all of the lights with LED fixtures. The lights will be consistent at 20 feet high and will have shields.
- Mr. Petry testified to the proposed **Landscape Plans utilizing SP7**.
 - Nine (9) trees will be eliminated, and 12 will be replaced. They are removing nine (9) trees from the westerly side of the Property and will replace with 12 required trees on site. They will provide screening of the refuse area, add two trees within the new parking area, and more along the western property line. No trees at the top of the cliff will be removed. He agreed to add some additional landscaping along the frontage on Eagle Rock and to update the Landscape plan to address the comments from the Board's professionals.
- Mr. Petry discussed the circulation on the lot and testified that the West Orange Fire Department reviewed the plan and that fire trucks can circulate the lower portion of the parking lot, and they would not drive into the new area. He testified that the parking spaces designated for employees will remain. He addressed the steep slope variance required by stating that 680 square feet of 25% or greater slopes will be disturbed.
- He testified further providing **Exhibit A-1 Steep Slope Plan** and identified the areas on the plan at the edges of the disturbed area that contain the 25% or greater slopes.
- Mr. Petry said that the Property is unusually shaped and constrained by steep slopes, but the proposed use is appropriate since the property already contains a restaurant that is deficient in parking, and this brings it closer to conforming with the parking requirement. He testified that the project furthers the purposes in subsections (a), (c), and (h) of section 2 of the MLUL and provides appropriate light, air, and open space, with the portions of the lot that are unusable, and promotes the free flow of traffic by the provision of additional on-site parking.

- Mr. Petry said that the benefits of the application include bringing the Property into closer compliance with the parking requirements without adding to the building, addressing stormwater flow from the new parking area, and directing it away from the steep slopes.
- He also stated that upgrading an existing business and adding landscaping that will enhance the neighborhood and create a more desirable visual environment are benefits. He discussed that no street parking is permitted in the area and the provision of more on-site parking is a safety benefit.
- Mr. Petry testified regarding Planning:
 - Mr. Petry testified that a d.(2) variance for expansion of a non-conforming use is needed for the new parking in PURD zone portion of the lot where restaurant uses are not permitted.
 - He also reviewed the c variances and waivers. He explained that the lot is unusual in shape and topography and there are hardships in complying with the requirements of the ordinance. The variance for construction within 100 feet of the cliff is required, and that much of the lot including parts of the existing building are within 100 feet, nothing new can be built without being within 100 feet of the cliff. He also reviewed the steep slope disturbance that is required and the design waivers for lighting.
- He addressed the August 27, 2025, Planning Memo and testified that a turning plan and pedestrian access plan were provided. He also discussed the change in location of the ADA-compliant/EV parking space.
- **SP6 (Lighting)**
 - He testified that the lighting is below the standard to the rear and above it at the road. He argued that this was a benefit for safety on the road and for reducing light spillage at the rear. He also testified that the new lights should match the existing which are at 20 feet not the 18 feet required.
- SP2 Overall Plan

Break 9:38 PM -9:45 PM. Upon return from the break, a roll call was performed to confirm the presence of a quorum.

BOARD QUESTIONS

- T. Dubovy asked if the drainage was insufficient. The existing system has water running under parking lot down to Eagle Rock Avenue into the county system.
- M. Dannemiller asked for confirmation on whether the spaces allocated will be Electric Vehicle Charging station or be Electric Vehicle Ready. Mr. Petry said it would be happening in phases with a five (5) year perspective. M. Dannemiller said five (5) of the six (6) lights are great but there's one (1) located nearest the cliff. Can that be modified for quality of life for the residents living in the quarry area? Mr. Petry said yes. M. Dannemiller asked for that to be considered as a condition of approval.
- I. Schwarzbaum asked what the height of the curb cut is. Mr. Petry said that the curb height is six (6) inches.
- L. Cohen asked for confirmation that the spaces have not been built yet. Mr. Petry said yes.
- B. D. Scott asked about the trees being taken down. Mr. Petry said that only nine (9) near the westerly line of property. B.D. Scott asked if a condition could be made to change the curb from six to seven inches. Mr. Petry said that he has no issue to change.
- W.M. Barbee asked what the impact on the neighbors of the Diner are. Mr. Petry said it will be no different than before.

- M. Sussman asked about the maintenance program. Mr. Petry said that the expectation is to maintain regularly.

PROFESSIONALS QUESTIONS

- C. Dochney asked for the information about the steep slope to be repeated again. Mr. Petry did as requested.
- R. MacNeill asked for confirmation that there is no issue with the existing parking space. Mr. Petry said yes.
- Z. Carballo asked if Geotechnical studies were done. Mr. Petry said yes.

PUBLIC QUESTIONS

- Palwasha Deftani (1043 Smith Manor Boulevard) asked if the light on the cliff is dimmable. Mr. Petry said yes.
- Ms. Deftani asked what about snow banks taking up parking spaces. Mr. Petry said that they will lose a parking space but can call to pay to take the snow off of the site.
- Kevin Malanga (53 Ridge Road) asked what the distance was between the fence and the cliff. Mr. Petry answered 14.6 feet at the closest point.
- Bri & Sam Wexler (1046 Smith Manor Boulevard) asked if there would be an impact on wildlife. Mr. Petry said no. Bri Wexler asked if there are safety measures in effect with their liquor license. Mr. Petry said that one doesn't have anything to do with the other.

No redirect was offered from Mr. Gaccione for Mr. Katsanos.

NO PUBLIC COMMENT

Mr. Gaccione offered closing remarks summarizing the testimony.

CONDITIONS

- This approval shall be subject to all requirements, conditions, restrictions and limitations set forth in all prior governmental approvals, to the extent that same are not inconsistent with the terms and conditions set forth herein.
- The Applicant shall comply with all Federal, State, County, and Township statutes, ordinances, rules, regulations and requirements affecting development in the Township, County, and State, including but not limited to Essex County Planning, and Hudson Essex Soil Conservation District requirements.
- The Applicant shall be bound by all the evidence, including documents and testimony presented by the Applicant at the Public Hearing.
- This approval is based upon the plans last revised October 27, 2025, and the Applicant shall revise those plans to comply with the comments in the Board Engineer's Report (Dated - December 15, 2025), and to provide the additional details requested at the hearing.
- The Applicant shall provide 4 electric vehicle charging stations. Two (2) charging stations will be installed at the time of construction of these improvements and the other two shall be installed individually over 5 years.
- The Applicant shall revise the lighting plan to show the light at the back, closest to the cliff, to face in to ensure it does not shine over the cliff. The Applicant shall also work with the Board Engineer to dim any lights that may create excessive glare or light spillage to the neighboring properties.
- The landscaping plan shall be amended to add more landscaping along Eagle Rock

Avenue in the flat empty space. The changes shall be reviewed to the satisfaction of the Board's Engineer.

- The site plan shall be amended to increase the height of the curb, near the rear stormwater inlet, to 8 inches to capture stormwater runoff and to ensure that the water does not run over the top of the curb during storm events. The changes shall be reviewed to the satisfaction of the Board's Engineer.
- Pursuant to Sections 25-48.10(a) and 25-48.10(c), of the Ordinance, the variance relief granted by the Board and identified herein shall expire within two (2) years and one (1) day from the date of publication of a notice of the granting of such relief in either the official newspaper of the Township of West Orange or a newspaper of general circulation in the Township, unless, before the expiration of said two (2) year and one (1) day period, either (i) a building or construction permit is secured and issued or (ii) the actions authorized hereby have been commenced; and
- These Conditions shall be clearly printed on the engineering drawings submitted for filing in the official records of the Board.

Motion: Chairperson Neuer

Second: B.D. Scott

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

2.) ZB-22-12 / Seton Hall Preparatory School (Extension)

Block: 82.01; Lot: 1; Zone: R-1

700 Prospect Avenue

Application seeking amended site plan and "d" variance approvals for the expansion of a non-conforming use was approved with conditions at the September 28, 2023, Special Meeting. The Resolution was adopted at the October 19, 2023, Regular Meeting.

PRESENTATION

- Mr. Marc Liebman Esq. entered the record on behalf of his client, Seton Hall Preparatory, for an extension of the approval for this application.
- The Board approved construction of a two-story addition to an existing one (1)-story storage building in the east central portion of the subject property. The expanded building will include a fitness room covering most of the first floor, which will also have two (2) offices, restrooms, a machine room, and a janitor's closet. The second floor will include a team training area, an office, storage rooms, restrooms, and a janitor's closet. A terrace is proposed atop a roof on the south side of the building. Two (2) interior stairways and an elevator are proposed to provide access to the second floor and the roof terrace. An existing field house at the southern end of the property is proposed to be converted into storage use to replace the existing storage space in the

- building which is being expanded.
- Mr. Liebman said that the request for this Applicant was seeking a one (1)-year extension of approval through October 19, 2026. He explained that Applicant is still working to obtain outside agency approval and to complete other resolution compliance items. The Applicant, therefore, requests additional time to complete those and begin construction.

NO BOARD QUESTIONS
NO PROFESSIONALS QUESTIONS
NO PUBLIC QUESTIONS
NO PUBLIC COMMENT

CONDITIONS:

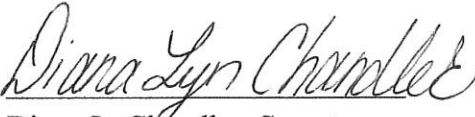
- The Applicant shall post sufficient funds with the Township to satisfy any deficiency in the Applicant's escrow account;
- The aforementioned approval shall be subject to all requirements, conditions, restrictions and limitations set forth in all prior governmental approvals, to the extent the same are not inconsistent with the terms and conditions set forth herein;
- The Applicant shall comply with all Federal, State, County and Township statutes, ordinances, rules, regulations and requirements affecting development in the Township, County, and State; and
- The Applicant shall be bound by all the evidence, including documents and testimony presented by the Applicant at the Public Hearing.

Motion: Chairperson Neuer
Second: M. Dannemiller

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

Chairperson Neuer adjourned the meeting at 11:11 PM

Adopted: 2/19/2026


Diana L. Chandler, Secretary