

**MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT REGULAR MEETING
February 19, 2026
8:00 P.M.**

The West Orange Zoning Board of Adjustment held a regular meeting on February 19, 2026, commencing at 8:00 PM utilizing the virtual Zoom platform.

Vice Chairperson Irv Schwarzbaum 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 Irv Schwarzbaum asked everyone to stand for the Pledge of Allegiance.

Ms. Kelly Carey, Esq., Board Attorney, read the opening statement.

ROLL CALL

Present: William Michael Barbee, Laurence Cohen,
Todd Dubovy, Robin Miller,
Irv Schwarzbaum, Brent D. Scott

Absent: Tal Ben-Zvi (Excused), Michael Dannemiller (Excused),
Philip D. Neuer (Excused), Marc Sussman (Excused),
Alice Weiss (Excused)

Also Present: Kelly Carey, Esq., Board Attorney
Diana L. Chandler, Board Secretary
John Hess, Consultant Engineer
Sean Savage, Consultant Engineer
Myles Elgart, Consultant Planner

Ms. Carey and Vice Chairperson Schwarzbaum confirmed the presence of a quorum of Board Members.

ANNOUNCEMENTS

Future Meetings: March 19, 2026 (Regular Meeting)
April 16, 2026 (Regular Meeting)
May 28, 2026 (Regular Meeting)
June 18, 2026 (Regular Meeting)

SWEARING IN

- Township Professionals: Mr. John Hess (Consultant Engineer), Mr. Sean Savage (Consultant Engineer), and Mr. Myles Elgart (Consultant Planner) were sworn under oath.

MINUTES

- January 15, 2026 (Regular Meeting)

Motion: I. Schwarzbaum

Second: T. Dubovy

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

- January 22, 2026 (Special Meeting)

Motion: I. Schwarzbaum

Second: W. M. Barbee

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

RESOLUTIONS

- 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

Application seeking Variances, Preliminary, and Final Major Site Plan Approval in connection with upgrades was approved with conditions at the December 18, 2025, Regular Meeting.

Motion: I. Schwarzbaum

Second: R. Miller

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

- **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. Extension was approved with conditions at the January 15, 2026, Regular Meeting.

Motion: I. Schwarzbaum

Second: B. Scott

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

- **ZB-25-04 Panorama LLC**

410 Eagle Rock Avenue

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

Application seeking amended Major Site Plan Approval was approved with conditions at the January 15, 2026, Regular Meeting.

Motion: I. Schwarzbaum

Second: T. Dubovy

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

APPLICATIONS

1.) ZB-24-15 Waystone Realty LLC

(Carried from December 18, 2025)

42 Eagle Ridge Way

Block: 106; Lot: 24.01; Zone: R-1;

Application for Preliminary and Final Major Site Plan Approval with D Variances.

PRESENTATION

- Ms. Priscilla Triolo Esq. entered the record on behalf of applicant Waystone Realty LLC (42 Eagle Ridge Way), provided a summary of previous testimony from the September 4, 2025, Special Meeting and the December 18, 2025, Regular Meeting.
- Mr. Jesse Cokeley, Engineer, entered the record and confirmed licenses being current with no change in credentials.

- Mr. Cokeley referenced the January 28, 2025, Planning Report from Nishuane Group and wanted it stated on the record that they have reviewed the negative criteria with no change to the Master Plan.
- He testified to the existing conditions, the house that was on site, its deteriorated condition, removal, and the proposed Site Plan. The lot is over three (3) acres and oversized for the zone.
- He testified to the layout of the site, including the building, outdoor arena, fences, driveway, and paths.
- He testified to the Stormwater Plan. The site did not have any Stormwater System in place before, and now they are providing an underground chamber system for infiltration.
- He testified that soil testing was done on August 25, 2025, and positive infiltration is available.
- Mr. Cohn and Mr. Cokeley testified that the house was removed as part of this project, because it was determined to be in such bad shape that it could not be reused, it needed to be removed to make way for the new home, and there was never an intent to not rebuild a home on the site.
- Mr. Cokeley testified to the trees on site, those that will be saved/protected, and those that need to be removed, with most located nearest to the paddock.
 - The new landscape plan includes 54 shade trees, 367 shrubs, and 127 perennial plantings.
 - Mr. Cokeley addressed the June 19, 2025, September 2, 2025, December 16, 2025, and February 12, 2025, Engineering review letters from Matrix New World. He testified that his office sent responses dated July 2, 2025, and February 5, 2026, with revised plan sheets and additional details.
- Mr. Cokeley testified that the Applicant will provide as-built plans, a stability analysis for retaining walls, will update all details requested in the Engineering reports, and agreed to provide site improvement cost estimates as conditions of approval.
- He requested that they not be required to provide an off-site Topographic Plan. He testified that no wetlands or wetland buffers extend into the Property.
- He testified that the Stormwater system proposed complies with the November 5, 2024, Stormwater Ordinance and that the Applicant agreed to provide a manufactured treatment device and add that detail to the plan.
- Mr. Cokeley reviewed the Steep Slope Plan provided and marked a copy, **Exhibit A-7 (Dated February 19, 2026)**, with measurements to identify where the offsite slopes of interest are located.
 - He testified to the slopes on site, the updated calculations and exhibit provided, and concluded that the plan complies with the ordinance.
 - He also testified that there are no sheer rock faces on the Property, even the steepest slope, which is isolated on one side, is walkable.
 - He also testified that the Property was graded and disturbed for the original house, and driveway to reduce stormwater runoff, the slopes on site are not natural. The Board was satisfied and did not require the Applicant to provide an additional off-site topographic plan

BOARD QUESTIONS

- W. M. Barbee asked about the Southwestern corner of the property. lighting on property. Mr. Cohn said that the property is all residential with the lighting reflecting that.
- L. Cohen asked about the trees on top edge of the property. Mr. Cokeley said that is noman's land.
- T. Dubovy asked about the slope with the amount of distance between the gravel path and the property line. Mr. Cokeley answered that it's five (5) feet closest and 15 feet at the farthest.
- I. Schwarzbaum asked if the Stormwater Drains are adequate when dealing with the downstream. Mr. Cokeley said that there is a reduction from the previous site.
- I. Schwarzbaum asked for confirmation of no issues for Llewellyn Park. Mr. Cokeley said that he believes that there will be no issues.

NO PROFESSIONALS' QUESTIONS **NO PUBLIC QUESTIONS**

- Mr. Cohn testified, as a request on the record in response to questions from the Board, about the prior removal of trees. He testified that the prior owner had agreed to remove deteriorated trees prior to the sale of the house, and that the Township Forester (Walt Kipp) had walked the Property to determine which trees should be removed at that time. The trees were marked and removed. He also testified that they are replanting many more than were removed and that the goal is to provide shade on the site for his son and the horses.

PRESENTATION

- Mr. Joseph Burgis, P.P, was sworn and qualified as a Professional Planner.
- He testified to the Applicant's special needs for the connected buildings and the benefits of providing therapeutic horsemanship on the site.
 - The site was designed with the benefits it would provide for the residents in mind. He testified to the N.J.S.A. 40:55-70.d.(1) use variances needed for the barn and arena connected to the house, for the accessory apartment, and the keeping of 4 horses where only 3 are permitted.
 - He identified the site as oversized for the zone and the area. At over 136,000 square feet it is the largest lot around and uniquely capable of supporting the use.
 - It is particularly suitable because it will support the resident's disability. The site is near family members, but also isolated enough from other residences, and it will not have any negative impact.
 - He testified that if the buildings were separated, they would not need one of the variances, and that they can be safely connected as shown in the plans. There is a health and safety component to allow them to be connected in this case. He reviewed the testimony of prior witnesses and the fact that state law allows accessory apartments for stables on commercial farms, although not on residential farms, as further support for the accessory apartment.
- Mr. Burgis reviewed the purposes of the Municipal Land Use Law N.J.S.A. 40:55D-2 and stated that these support the positive criteria with purposes
 - to promote public health safety and welfare,
 - providing adequate light air and open space and

- providing for sufficient space in appropriate locations for a variety of uses to meet the needs of all New Jersey residents.
- Mr. Burgis concluded that there is no substantial detriment to the public good, the site is isolated, oversized, and there is no difference in traffic or noise from a regular residential home. The project will also upgrade the Stormwater System, which is a benefit. He also testified that there is no detriment to the intent of the Master Plan or zone ordinance and that the goals and purposes of the Master Plan are in line with this use.

NO BOARD QUESTIONS

PROFESSIONALS' QUESTIONS

- M. Elgart asked about keeping of animals but on page 3 North and South setbacks if they can be reconfigured. Mr. Burgis said that if a C Variance is confirmed with site dimensions needed for structure with impact for surrounding property.

NO PUBLIC QUESTIONS

NO PUBLIC COMMENT

CONDITIONS:

- The Applicant shall comply with the comments in the Board's Engineering Review Letters form Matrix New World including but not limited to, (a). provide as built plans at the completion of construction, (b). provide a stability analysis for retaining walls, (c). provide site improvement cost estimates, (d). add a manufactured Stormwater device to the Stormwater plan and update the details, and (e). work with the Township Forester to finalize the species of trees and plantings in the Landscape Plan so that they comply with the Township's goals and are also nontoxic to the horses. However, the Applicant shall not be required to provide an offsite topographic plan, nor change the Stormwater calculations to remove the credit taken for the impervious coverage from the old house and related improvements.
- 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 Township and DEP Stormwater regulations, the June 2024 municipal Tree Ordinance, NJDOT, NJDEP, Essex County Planning, and Hudson Essex Soil Conservation District requirements.
- The Applicant shall replenish all escrow fees in a timely fashion and pay all required fees including the required nonresidential development fee payment in compliance with the Township's Affordable Housing Ordinance.
- The Applicant shall be bound by all the evidence, including documents and testimony presented by the Applicant at the Public Hearing.
- 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.
- These Conditions shall be clearly printed on the Engineering drawings submitted for filing in the official records of the Board.

Motion: B. Scott

Second: L. Cohen

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

Break 9:44 PM - 9:55 PM. Upon return from the break, the presence of a quorum was confirmed.

- 2.) **ZB-25-02 Montclair Stables LLC** (Carried from December 18, 2025)
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

PRESENTATION

- Mr. Joseph Wenzel, Esq. entered the record on behalf of his client, Montclair Stables LLC. Mr. Wenzel offered brief summary on previous testimony for this application from the October 16, 2025, Regular Meeting.
- Mr. Robert Cunningham, Engineer entered the record. His credentials continued to be approved after confirmation of no change was provided.
- Mr. Cunningham testified to the revised plans dated January 31, 2026.
 - The revised plan removed the requested improvements to Nicholas Avenue, which the Board had advised could not be approved without permission from the Township Council because Nicholas Avenue is a public right of way.
 - There is now a small change to a low retaining wall near Nicholas Avenue to help support the paddock.
 - He also testified to the revised lighting plan. He testified to the steep slope plan and noted that the steep slope areas were small, about 10 feet across, and were all previously disturbed areas of the Site.
- Mr. Cunningham agreed that the Applicant would comply with everything in the Consultant Engineer review letter, except that he requested that they not provide a geotechnical analysis, because they are not changing the site enough to require it. Consultant Engineer agreed.

BOARD QUESTIONS

- L. Cohen asked why did they eliminate Nicholas Avenue from the application. Mr. Cunningham said that it is because Nicholas Avenue is considered a "paper street".

PROFESSIONALS QUESTIONS

- J. Hess asked if exempt, will the applicant comply. Mr. Cunningham said yes.
- No questions from M. Elgart.

PUBLIC QUESTIONS

- Eric Chen (25 Cannon Terrace) asked for confirmation that this applicant will not touch Nicholas Avenue. Mr. Cunningham said originally yes it was going to be, but no longer.
- Mr. Chen referenced a gate on plans and whether they were there in error. Mr. Cunningham said that he believes Mr. Chen to be looking at previously submitted plans, not the most recent.

PRESENTATION

- Mr. John Olivio, Landscape Architect entered the record, was sworn under oath, and credentials were accepted.
- He testified that an inventory of trees was conducted by a Licensed Tree Expert and he worked with him to determine which trees were viable and which should be removed. He reviewed **Landscape Plan sheet L100 (Dated December 27, 2024, revised to January 31, 2026)**. He identified the trees to be removed, and the replacement trees provided on the Site. He discussed that the trees chosen for the plan need to be non-toxic to horses and that evergreens that will provide dense screening were chosen for near the paddock and arena, and landscaping was also provided around the parking lot and near Nicholas Avenue to provide screening to the neighbors.
- He also presented **Exhibit A-1**, a colorized version of sheet L100 of the Landscape Plan. In response to this, he testified that several hybrid trees were chosen, and some species chosen are already on site, 144 plantings are proposed. The Board noted that several trees were proposed in the Right of Way and they would need to be moved on site or permission must be obtained from the Township.
- He acknowledged that the 50-foot buffer was not provided, but that dense planting are proposed in the spirit of the ordinance.
- Mr. Olivio agreed to work with the Township Forester (Walt Kipp) to finalize the plan, but that he could not commit to all of the plantings being from the preferred list as the safety of the animals was his top priority.

BOARD QUESTIONS

- L. Cohen asked about the reasoning behind the non-native trees chosen. Mr. Olivio answered that the reason is solely because of the toxicity of other kinds of trees.

NO PROFESSIONALS QUESTIONS

PUBLIC QUESTIONS

- Eric Chen (25 Cannon Terrace) asked if there were trees that died during construction phases. Mr. Olivio said yes.

PRESENTATION

- Mr. Thomas Ricci, P.P. entered the record, was sworn under oath, and credentials were accepted as a Professional Planner.
- He testified to the variances required and noted that a written planning report was provided. He testified that this is a unique application for a horse stable. The Master Plan specifically addresses the horse stables on Woodland Avenue, recommends that it be rezoned to the R-1 zone, and noted that it is a unique resource in the Township.

- He also testified that the expansion proposed is minor, they are enlarging the arena and paddock areas and removing a 2-story house. The Site is particularly suited to the use; it has existed for many years and is accepted in the Master Plan.
- The expansion is a d(2) use variance and is governed by the Burbridge v. Mine Hill case. The Applicant needs to show that the expanded use can be accommodated and harmonized with the surrounding uses.
- He testified that the Stormwater improvements and landscaping help the application site fit within the community. He also testified to the d(1) use variance for the riding stables on Lot 176 in the R-5 zone.
- He testified that all three lots have always been in the same ownership and that removal of the residential house to make way for the expansion of the arena, paddock and improved parking was appropriate.
- Mr. Ricci also testified to the c variances and the fact that the lot coverage was an existing condition that is being improved and the improvements are a benefit to the neighborhood.

NO BOARD QUESTIONS

PROFESSIONALS QUESTIONS

- M. Elgart asked about confirming the location and type of screening with new vegetation on the application site. Mr. Ricci did as such.

NO PUBLIC QUESTIONS

NO PUBLIC COMMENT

CONDITIONS:

- The Applicant shall comply with the comments in the Board's Engineering Review Letters from Mr. Hess of CME except that the geotechnical report shall not be required. The Applicant shall comply with all other comments including but not limited to, (a). provide as built plans at the completion of construction, (b). provide site improvement cost estimates, (c). add details on the EV charging station, (d). provide an Operations and Maintenance Manual for Stormwater, (e). work with the Township Forester to finalize the species of trees and plantings in the Landscape Plan so that they comply with the Township's goals and are also non-toxic to the horses, (f). provide details of the PVC privacy fence and integrated gate around the arena, (g). update construction plans to add a tracking pad for construction activity exiting to Nicholas Avenue, (h) provide a solid waste management plan in writing.
- The Applicant shall consolidate the lots prior to the issuance of a certificate of occupancy. The Applicant's attorney shall draft a lot consolidation deed and provide it, along with a legal description, to the Board Engineer and Board Attorney for review and comment prior to execution and filing with the County Recorder of Deeds. A recorded copy shall be provided to the Board Secretary and the Tax Assessor for their records.
- The Applicant shall replenish all escrow fees in a timely fashion and pay all required fees including the required nonresidential development fee payment in compliance with the Township's Affordable Housing Ordinance
- This approval does not include any improvements on the Nicholas Avenue public right of way owned by the Township of West Orange.

- 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 replace any trees in the evergreen buffer planted in compliance with the 2004 application that are not thriving.
- 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 Township and DEP Stormwater regulations, the June 2024 municipal Tree Ordinance, NJDOT, NJDEP, 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.
- 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.
- These Conditions shall be clearly printed on the Engineering drawings submitted for filing in the official records of the Board.

Motion: B. Scott

Second: L. Cohen

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

Chairperson Neuer adjourned the meeting at 11:05 PM

Adopted: 3/19/2026


Diana L. Chandler, Secretary