

MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT REGULAR MEETING

July 16, 2026
8:00 P.M.

The West Orange Zoning Board of Adjustment held a regular meeting on **July 16, 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" and the "Publication Reform Act."

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

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

ROLL CALL

Present: Tal Ben-Zvi, Laurence Cohen,
Michael Dannemiller,
Todd Dubovy, Robin Miller,
Philip D. Neuer, Brent D. Scott, Marc Sussman,
Absent: William Michael Barbee, Irv Schwarzbaum, Alice Weiss
Also Present: Kelly Carey, Esq., Board Attorney
Diana L. Chandler, Board Secretary
Ryan MacNeill, Consultant Engineer
Christopher Dochney, Consultant Planner

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

ANNOUNCEMENTS

- Future Meetings: August 20, 2026 (Regular Meeting)
September 17, 2026 (Regular Meeting)
October 15, 2026 (Regular Meeting)
- Chairperson Neuer announced that application ZB-25-10 Seton Hall Preparatory (700 Prospect Avenue), upon request of the applicant being carried to the August 20, 2026, Regular Meeting. Ms. Erika Parlavecchio, Esq. and Mr. James Turteltaub, Esq. (Objector's Counsel) entered the record to confirm that their clients' availability and willingness to be carried to that date with preservation of notice.

SWEARING IN

- Township Professional(s) Consultant Engineer, Ryan MacNeill and Consultant Planner, Christopher Dochney were sworn under oath.

MINUTES

- June 18, 2026 (Regular Meeting)

Motion: Chairperson Neuer
Second: R. Miller

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

RESOLUTIONS

- **ZB-23-01 Williams/ 6 Merrywood Drive (Extension of Approval)**

Block: 76; Lot: 6; Zone: R-4

6 Merrywood Drive

Application seeking an extension on the approval of time for “c” variances for expansion of an existing garage and house was approved with conditions at the June 18, 2026, Regular Meeting.

Motion: Chairperson Neuer

Second: L. Cohen

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

- **ZB-22-13 MPB Realty**

470 Eagle Rock Avenue

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

A continuation of the Application for Preliminary and Final Major Site Plan with D Variances was heard by the Board and was denied by a vote of 7 to 0 at the June 4, 2026, Special Meeting.

Motion: Chairperson Neuer

Second: R. Miller

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

APPLICATIONS

- **ZB-25-08 127 Mitchell LLC**
512-516 Pleasant Valley Way
Block 154.06, Lots 11 and 12
Zone: B-2 General Business

(Carried from 6/18/2026)

D(2) use variance relief is required to permit the expansion of an existing non-conforming use.

PRESENTATION

- Mr. William Sullivan, Esq. entered the record on behalf of the applicant, 127 Mitchell LLC. He provided a brief synopsis of the project including a summary of previous testimony. It's a mixed-use structure, and we are proposing to demolish the single-family home to build an addition on the rear of the existing mixed-use building, and then put parking where the single-family home is located. That will provide for ground-floor and 1st-floor office space and two (2) apartments on the second floor, with an extension of a use variance previously approved for this site, variances for lot area per unit, some relatively minor bulk variances, and preliminary and final site plan approval.
- Ms. Tanya Marione, Planner was sworn under oath, and credentials were accepted as an expert in the field of Professional Planning. Ms. Marione confirmed the accuracy of Mr. John McDonough's report dated October 23, 2025.
- Ms. Marione displayed and explained Exhibit A4 (512-516 Pleasant Valley Way Visual – 13 slides – Dated July 16, 2026)
 - The proposal is to demolish the structure at 512, expand the structure at 516 with a two-and-a-half-story addition that will expand the mixed use building. The existing structure has office space on the ground floor and cellar, a residential unit above.
 - The mixed-use building at 516 Pleasant Valley Way is currently surrounded by 11 surface parking spaces, where the applicant will be combining lots to create a lot that is 16,000 square feet, 242. The addition will be 46 wide by 44 deep and attached to the existing structure that's there today. The total office space area, including the cellar, will be 4,660 square feet. The existing two (2) bedroom unit (not being expanded) is 1,158 square feet, and the two (2) new two (2) bedroom units are both 1,290 square feet each. The size of the new units are 1,290 square feet, two (2) bedrooms each. Based on the proposal and the report sent back in response, this application required relief sought for the D2 variance, expansion of a non-conforming use. The second, a D5 variance for density. The implied residential square footage is 6,000 square feet per unit, and the proposal results in 5,414 square feet per unit.
 - The bulk variances related to the minimum front yard. 30 feet is required, and the applicant is providing 12.2 feet. The lot coverage is a maximum of 50% is allowed, and the applicant is proposing 68.93. This represents a minimal increase from the existing 68.64. A C variance for maximum building height for 35.65 feet, where only 35 is permitted. A variance for buffer where a 20 feet buffer is required between any non-residential use at a bus of residential use or zone. Seven (7) is being provided. There are two (2) parking variances for the number of parking spaces. Where it is required to have, 25, but because EV spaces are being provided, it goes down to 23 with 21 total being provided. Parking is now permitted in the required front yard, and parking within the front yard is being provided and more detail

about what that actually looks like, and finally a variance for open space is being requested where it is required to provide one (1) square foot of open space for every square foot of building area with the gross floor area being 10,682, and because of that is required to provide 10,682 square feet of open space where the applicant is proposing to provide half of that at 5,477.

- Addressing the D2 expansion of a non-conforming use variance. Ms. Marione cited the case "Burbridge vs. Mine Hill". In this case, the owner lived on the lot where he also had his business, but his business was salvaging repairs, essentially a junkyard for cars. When the owner started to enclose the junkyard to mitigate the exposure and impact, the town argued it was expanding and non-conforming use. And the courts had said in this phase, that the established proof required for the expansion the special reasons can be met through the aesthetic improvement of the non-conforming site, making it more visually compatible.
- Ms. Marione said that this application is not about making something pretty, but promoting the general welfare. The application site is certainly not a junkyard, and the existing mixed-use structure visually conforms with the surrounding neighborhood, but there are things to be said for this expansion and how it advances the zone plan and general welfare. The lot consolidation is taking two (2) non-conforming lots and bringing them into conformity. The current parking layout has no setback from the rear line, and this is allowing now a real setback and a landscape space in the rear of the existing structure. The site is adding new trees and landscaping, proposing permeable pavers and a stormwater detention basin, with the expansion designed to blend seamlessly with the existing building, surrounding buildings, and the neighborhood. The expansion allows for a building that is more in compliance with life/safety regulations and updated building code requirements. The special reasons for density, the D5, the implied density standard here is about how a site can accommodate the proposal. The new office square footage is 4,660 square feet, so 19 spaces and six (6) spaces for the residential.
- Ms. Marione said that the proposed parking layout meets all parking requirements for space dimension and aisle width. It takes two points of conflict, the two (2) driveway entrances, and reduces it to one (1). It's a double sword in some way, because a variance to allow parking in the front yard, even though parking is not actually in front of the structure is being requested. It's on its own lot, and that parking is within that required yard. This situation of the front yard parking or parking in front of the structure or parking in the front yard is very consistent with the rest of the buildings along Pleasant Valley Way. There's parking in front of the orthodontist and parking in front of the strip mall not too far from here. This is done, of course, to meet the parking standard, but done in a way that's more efficient. Finally, the site actually has really great access and walkability. There are three stops for New Jersey Transit buses. The park is also only 2 miles away from the Eagle Rock Reservation is only two (2) miles away from the site, which is a nice segue into the variance for open space most likely to be used by residents. The maximum lot coverage standard is being increased by less than 1%. The proposal includes the permeable pavers, as was spoken about at length by the engineer, and a stormwater management system of the underground detention basin. It makes the site incredibly capable for handling any runoff issues or issues that are usually come along with block coverage. The application site is required to have a buffer with a planted

buffer strip of a minimum of 20 feet away from the rear property line, or basically the lot where the residential use is.

- The building height is an existing condition that was done in order to maintain the height and the consistency of the existing building so that the addition does blend in. The front yard setback, as was spoken about at the last meeting, was already non-conforming at 14. The non-conformity is being increased because of an aesthetic improvement, which is also part of why the application meets the positive criteria for the non-conforming expansion. The 2019 Master Plan recommends that the Council actually look into permitting mixed-use development in multifamily in certain business districts. Both of these uses are permitted in the zone. Office use is permitted, residential is permitted, just not together in one building. The Master Plan, along with the purposes of zoning within the MLUL, encourage a growth of sustainability, whether through EV spaces or the stormwater improvement to the site. Those applications certainly meet the purpose of that recommendation. The circulation of the Master Plan encourages the improvement of connectivity. In fact, the goals and objectives in the 2019 Master Plan to improve the environment, reduce greenhouse gas emissions, promote healthy living habits, and encourage transportation choices are all advanced through this application. The project allows for proper separation of light and air to adjacent structures and residential properties. It brings the site as a whole into more conformity with the majority of the zone standards. It proposes two (2) permitted principal uses that are within walking distance to community facilities and public transit. The structure is being improved and designed in a way that matches the surrounding buildings. The lot is being improved by stormwater resiliency mitigation. The proposal uses the tenets of smart growth and sustainability, advancing the goals of the town's master plan.

Mr. Sullivan had no redirect.

BOARD QUESTIONS

- M. Dannemiller asked about the NJ Transit bus stop being just a pole and whether or not it's going to get moved. Mr. Sullivan said yes.
- Mr. Dannemiller asked about impervious coverage, total bulk of that, the existing condition has a significant driveway on the south edge of the property and whether it is going to be removed in order to meet the total impervious cover. Ms. Marione said that it is in the site plan, but asked Mr. Sullivan, if he would want the site engineer to talk to it. It appears as though the south edge has two sets of stairs. M. Dannemiller said that he just wants to make sure they are not going down to a driveway, but to something else (i.e. a walkway on the south side of the high school side).
- Chairperson Neuer asked about the bus stop, and whether or not it would be relocated? M. Dannemiller said that he would venture that it could be made a condition to ensure that the bus stop is relocated. Otherwise, it's in the middle of the driveway. Just has to move down a few feet and get re-reposted. Mr. Sullivan ensured that they could make that happen and are ready to accept that as a condition.
- T. Ben-Zvi said that there was an issue that was raised by Mr. Scott about the driveway specifically, turning left out of the driveway into Pleasant Valley Way, and asked if there was any further discussion about this issue on whether to limit (meaning that there won't be any left turn out of the driveway). Mr. Sullivan answered that if the Board imposes that condition, as there were no other uses on that stretch of Pleasant Valley Way that have that kind of

restriction. The applicant would prefer not to have that condition imposed. But if the Board insists, it will be accepted.

- T. Dubovy asked about people who work remote/work from home as those cars may still be there during business hours, when parking is needed for the offices and how that is supposed to work. Ms. Marione said that there were a couple different arguments made. Definitely one of them is the shared use. The parking situation and the circulation have already been laid out is done as efficiently and safely as it can. One, I do think that it's going to be enough, 250 square feet per requirement. The requirement in the office is that for every 250 square feet, there is a parking space that's required. It doesn't really take into consideration the kind of intensity that's being used for office space. The space is definitely sufficient because in the majority of these things, especially within commercial and office spaces, that parking is extra with plenty left over.

No PROFESSIONALS QUESTIONS
PUBLIC QUESTIONS

- Justin Goldsman (Moran Road) circled back to Mr. Dannemiller's request about the bus stop but, just given the heavy pedestrian traffic, safety and heavy foot traffic from school, shopping, and places of worship. I'm just questioning if there would be any, imposition or blocking or alteration to the sidewalk pattern along Pleasant Valley Way while the construction for the proposed project would be taking place. Mr. Sullivan said that he doesn't think people crossing Pleasant Valley Way will work, so the applicant will do whatever the kind of thing that comes up in a pre-construction meeting after approval.

No PUBLIC COMMENT

CONDITIONS

Motion: Chairperson Neuer
Second: M. Dannemiller

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

Break 9:07 PM – 9:23 PM

Upon return from break, Chairperson Neuer had a roll call performed and a quorum was confirmed.

- **ZB-25-07 Mavis Tire**
460 Prospect Avenue
Block 105, Lot 64.01

(Carried from 5/28/2026)

The applicant proposes to remove the existing structure and construct a tire center / motor vehicle service station with seven service bays and a retail sales area encompassing 1,142 square feet including a showroom, sales counter, waiting area, and bathrooms. A d-1 use

variance relief is required to permit a motor vehicle service station in the general commercial district.

PRESENTATION

- Ms. Lisa John-Basta, Esq. entered the record on behalf of the applicant. She then provided a brief synopsis of the previous testimony.
- Mr. Rodman Ritchie, Engineer, was sworn under oath and confirmed that no new drawings have been submitted.

PUBLIC QUESTIONS

- Ms. Mindy Feld (193 Zeppi Lane) asked for clarification, testifying that the trees would create a sound barrier in the back, separating the new building from the residences and whether or not a sound barrier wall was considered instead of the trees as what would work during the winter when the trees do not have leaves on them. Mr. Ritchie said that he did not testify that trees would have a mitigating effect on sound or noise. But offered that there is a noise expert/sound acoustical expert, planning to testify. But was willing to speak to a robust landscaping plan. Proposing to supplement the existing trees behind the proposed building adjacent to the residential property where they are open to adding plants there, but it's very dense and an extensive existing root zone from those existing trees creating a limit to how many trees planted in that area, and have those trees be viable, and grow to their full height, so open to a condition to increase the amount of trees or plants in that buffer area that can be worked out with the board's professionals if so inclined. There are lots of existing trees and roots to contend with the shade from those existing trees.
- Ms. Feld asked about the setback on three (3) sides of the property, but not the side of the property that is adjacent to the residential area and the reason behind it. Mr. Ritchie Well, I don't know that we have increased the setback from what's there now. Because the shape of the new building is different than the shape of the existing building. But that existing building, the proposed Eastern Wall is in basically the same location as the eastern wall of that existing building. Ms. Feld said that with two (2) very different types of businesses, it creates a big disparity. The existing business not needing a variance being just an office building versus the building proposed, which would create a lot of sound. Mr. Ritchie said that the proposed placement of the building takes into account required setbacks, required parking, access to stormwater management facilities, and what is proposed is a layout that accommodates and addresses all of those requirements and concerns.
- Ms. Feld asked why there is an increase on the setback of three (3) sides of the building, but not increasing the setback on the building. On the side of the building that's closest to homes where the noise would be most intrusive. Mr. Ritchie answered that the proposed building meets the required setback. So, its been placed in a location that is compliant with the ordinance. The fact that the other setbacks have changed is more a function of the dimensions and shape of the proposed building than anything else.
- Mr. David Dockery (Becker Law Firm – legal counsel for the Villas at Eagle Ridge) asked for an explanation as to why the bays do not face directly onto Prospect Avenue? Mr. Ritchie said that it was actually originally proposed that way, but after meeting with the design review committee, the town's design review committee (Site Plan Review Advisory Board – SPRAB), and hearing from the professionals, the orientation that's now proposed with the bays facing south is what was recommended, and so the application complied with that recommendation.
- Mr. Dockery asked if there is going to be any operational activity to the backside or the current north side of the building? Mr. Ritchie said that no, there's no

proposed loading. There's no proposed vehicle access to the north or the east side of the building, for that matter. Mr. Ritchie said that if the building orientation was rotated so that the base faced Prospect Avenue, it would mean that really the residential condominiums would not see any operational activity. Mr. Ritchie continued, stating that it would block all of the Mavis activity.

- Mr. Dockery asked regarding traffic that the last time he testified that Essex County had not yet completed its review of the traffic ingress or egress? Mr. Ritchie said yes. Mr. Dockery said that it's still correct; they still have not reviewed that. Mr. Ritchie said yes, that there was an informal phone conversation with an engineer at the county, and some input, but deferred that conversation to the Traffic Engineer to provide testimony later.
- Mr. Dockery asked that although the site plan could better meet the legal requirements, that he had testified previously about the parking layout, the number of parking spaces, in particular regarding that parking median, but in his professional opinion that the way the plan was designed was due to more of a design choice and not to comply more fully with the bulk requirements. Mr. Ritchie said yes that there won't be any issue complying with bulk requirements with this layout. That the way the parking is laid out now, works with this arrangement.
- Mr. Dockery asked about the impervious coverage, stating that he testified that the 63.3% exceeds, but that it could be laid out in order to comply with the 60% limitation. Mr. Ritchie said that they have actually looked at that since the last hearing and have confirmed that the island could be widened in order to comply with the impervious coverage requirement. But as stated, previously at the prior hearing that would then shift those parking spaces closer to Blueberry Bend. Which is a less safe condition. So the benefit of granting the variance is that there is a safer condition with those parking spaces further away from the Blueberry Bend Cartway.
- Mr. Dockery asked if Mr. Ritchie would agree that the project could be redesigned to provide additional buffering and reduce the impervious coverage to comply with the ordinance standards. Mr. Ritchie answered no, not for increased buffering. No, we would be able to demonstrate compliance by increasing the width of that landscape island between the parking spaces and just to complete the answer, there has been a conversation with the board engineer about this condition, but it was his understanding that he agreed with what is being proposed.
- Mr. Dockery asked regarding the fence, if there is a reason why more fencing wasn't provided that previously he testified that he thought it would interfere with vegetation, but he was still not clear why the fence is only a limited space between the building and the trash enclosure, Mr. Ritchie said that it's really for practical reasons that the gap between the building and the trash enclosure is any noise from vehicles on that access drive aisle area would be sent so a fence in that location is really all that's required to mitigate sound effects to the acoustical engineer to expand on that and then what was contemplated was a privacy fence along the property line to install a 6-foot privacy fence along the line would have significant impact on the existing trees and vegetation within that buffer area. He continued, stating that it just didn't make sense to take down all those large, mature trees in exchange for a 6-foot-high privacy fence. He opined that additional fencing could be put in a buffer area along and to the right of the building, extend, to the south a bit from the trash enclosure and agree to look at that would have to stay outside of any sight triangles associated with that driveway but there could be room for a fence. But additional plants are being proposed. There's existing landscaping and trees in that area but applicant is just replacing trees and vegetation with a fence and in his opinion, the proposed landscaping is a preferred design.

- Mr. Dockery asked if it would be feasible to move the trash enclosure further away from the residences (the condominiums)? Mr. Ritchie said that the location of the trash enclosure is appropriate for the use for the operations, and access for trash collection. It's surrounded by an enclosure that's facing away from the residence placed and located currently is the most appropriate but it would be feasible to locate it somewhere else on the property and can't think of a better place.
- Mr. Andrew Matt (6 Cerone Court) asked if safer alternatives that might reduce the need for people to have to walk in front of traffic in order to leave were considered. Mr. Ritchie said that crosswalks are provided for safe pedestrian access from one side of the drive aisle to the other for the interior crossing and then to provide a connection, safe pedestrian connection across the driveway within the county right away and the proposed sidewalk within the county right of way was a request from the town.
- Mr. Nicholas Stroumtsos (214 Cerruti Court) asked where the used tires will be stored waiting to be disposed of. Mr. Ritchie said that both used and new testimony
- Ms. Stacey Harris (304 Araneo Drive) asked about the underground stormwater storage system and if that could be elaborated. Mr. Ritchie answered that it is referred to as a "buyer retention system" and an underground storage system with rainwater that is released within 72 hours.
- Ms. Harris asked for confirmation that the facing of the bay doors would be perpendicular to Prospect Avenue (not facing Prospect Avenue). it won't face the residences; it's going to face one of the other buildings. And if I recall correctly, you also stated that the bay doors would be closed to reduce noise and what is the plan during inclement weather? Ms. John-Basta answered stating that this expert did not testify that the bay doors would be closed. Chairperson Neuer agreed that it was not this witness.
- Ms. Susan Kruger (25 Cerone Court) asked in reference to stormwater runoff as it was stated that it is released within 72 hours and where it is released to. Mr. Ritchie said that there is an existing pipe which leaves the site that handles stormwater today on the site today. He continued on stating that they are proposing to maintain that same connection.
- Mr. Dan Moore (50 Musano Court) asked how the applicant plans to deal with the noise for the surrounding wildlife and the care center patients? Ms. John-Basta asked to defer this question to the acoustical expert.
- Mr. Moore asked for the reason behind this being the application site with two separate service stations located on the same street. Chairperson Neuer said that he is going to save that question for the applicant's Planner.
- Mr. Kevin Malanga (53 Ridge Road) asked how many Mavis Tire sites he has designed. Mr. Ritchie said that this is his second one. Mr. Malanga asked how many feet from the east wall of this building is it proposed to the closest residence. Mr. Ritchie said that it is approximately 60 feet between the eastern wall of the proposed building and the nearest adjacent residential unit.
- Mr. Malanga asked for the address of the other property designed. Mr. Ritchie said 860 Union Mill Road in Mount Laure.
- Mr. Lou Hammel (305 Cerruti Court) asked about impervious coverage and stated that they would comply and could eliminating service bays achieve the coverage requirement instead of asking for a variance. Mr. Ritchie said that they could but it was covered in the operational testimony about the viability of the site and at the prior hearing as an
- Mr. Barry Kirschenbaum (269 DeRose Court) asked whether flammable tires and oil will be stored on site, and if they would consider putting in a sprinkler system.

Chairperson Neuer let him know that this is the wrong professional, as it should be for the architect instead.

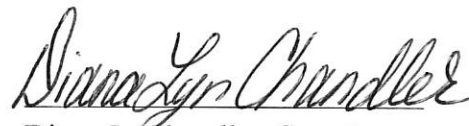
- Ms. Marcia Davis Allison (Coccio Drive) asked about the demolition of the current building on the property and the construction on the Mavis facility and whether or not it will have any vibrational impact on the adjacent property owners. Mr. Ritchie said that he understands the question but honestly believes that it is more of a construction related question and would fall on the contractor to comply with all Building and Construction Codes.
- Mr. Oscar Soria asked if a formal and legally binding worst case scenario emergency plan has been established for this specific site. Mr. Ritchie said no.
- Ms. Sue Donas (108 Coccio Drive) asked what Mavis could do to benefit the 108 residential homes that are adjacent to this property. Mr. Ritchie said that they would certainly take another look at the landscaping within that buffer area to the east of the building and include additional plants to the extent that is feasible.
- Dr. Fran Reibman (350 Stiles Court) asked how sewage is being addressed and flooding capabilities Mr. Ritchie said that there's an existing sewer lateral that they plan to connect into an existing sewer line that heads out toward Blueberry Bend in an existing pipe with it and there's an existing lateral that connects to that existing building that is going to be abandoned but will continue to use the pipe that leads from the property and connect into that existing pipe.

Ms. John-Basta Esq. offered redirect about Stormwater

It was at this time that Chairperson Neuer announced this application ZB-25-07 Mavis Tire (460 Prospect Avenue), will be carried with preservation of notice to the September 17, 2026, Regular Meeting via the Zoom platform. Ms. John-Basta waived the statutory time period for this application.

Chairperson Neuer adjourned the meeting at 10:53 PM

Adopted: 8/20/2026


Diana L. Chandler, Secretary