MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT REGULAR MEETING
SEPTEMBER 17, 2026
8:00 P.M.

The West Orange Zoning Board of Adjustment held a regular meeting on September 17, 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: William Michael Barbee,
Laurence Cohen, Michael Dannemiller,
Todd Dubovy, Robin Miller,
Philip D. Neuer, Irv Schwarzbaum,
Brent D. Scott, Alice Weiss

Absent: Marc Sussman (excused absence), Tal Ben-Zvi (excused absence)

Also Present: Kelly Carey, Esq., Board Attorney
Diana L. Chandler, Board Secretary
Ryan MacNeill, Consultant Engineer
Christopher Dochney, Consultant Planner
Michael Davis, Consultant Planner

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

ANNOUNCEMENTS

Future Meetings: October 15, 2026 (Regular Meeting)
October 29, 2026 (Special Meeting)
November 19, 2026 (Regular Meeting)
December 17, 2026 (Regular Meeting)

- Application **ZB-24-16 Northfield Realty (81 Northfield Avenue)** at the request of the applicant is being carried with preservation of notice to the **December 17, 2026, Regular Meeting** via Zoom. Mr. Spanarkel appeared on the record to the extension of statutory time.
- A Special Meeting for application **ZB-25-07 Mavis (460 Prospect Avenue)** is scheduled for **October 29, 2026** via Zoom.

SWEARING IN

- Township Professional(s) Township Professional(s) Christopher Dochney (Consulting Planner), Michael Davis (Consulting Planner), Ryan MacNeill (Consultant Engineer), and Zayibeth Carballo (Municipal Engineer) were sworn under oath.

MINUTES

- August 20, 2026, Regular Meeting
  Motion: Chairperson Neuer
  Second: R. Miller

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

RESOLUTION TO AUTHORIZE EXECUTIVE SESSION TO DISCUSS LITIGATION; IF ADOPTED, THEN ADJOURN TO EXECUTIVE SESSION

Motion: Chairperson Neuer
Second: I. Schwarzbaum

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

Executive Session 8:11 PM – 8:19 PM

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

RESOLUTION

- **ZB-25-08 127 Mitchell LLC** **(Approved 7/16/2026)**
  512-516 Pleasant Valley Way
  Block 154.06, Lots 11 and 12
  Zone: B-2 General Business
  Application seeking a D(2) use variance relief is required to permit the expansion of an existing non-conforming use was approved with conditions at the July 16, 2026, Regular Meeting.

Motion: Chairperson Neuer
Second: R. Miller

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

APPLICATIONS

1.) **ZB-26-02 Rhode**
13 Porter Road
Block: 175.24 ; Lot: 3; Zone: R-6
Application for C Variance for building addition.

PRESENTATION

- Mr. Karriem Rhode, Applicant/Owner entered the record. He was sworn under oath and explained his intentions for his garage. He elaborated that he and his wife purchased this property in April of 2026 where they are seeking approval to build a 200 square foot addition to the back of the house which would extend to the garage and add on a master bathroom as well as a walk in closet.
- Mr. Rhode confirmed that he received the September 11, 2026 Memorandum from Municipal Engineer, Ms. Zayibeth Carballo and that his professionals Mr. Richard Volmar, Engineer and Aaron Gonzalez, Architect will address those items.
- Mr. Richard Volmar, Engineer entered the record was sworn under oath, and after providing his credentials was accepted as an expert in the field of Engineering. He confirmed that he has worked on projects of this size/scope and that he reviewed the September 11, 2026 Memorandum from Municipal Engineer, Ms. Zayibeth Carballo. He then went through the memo stating that:
    - Clarified no tree removal is proposed; existing vinyl fence protects adjacent trees.
    - Addressed technical memorandum from township engineer identifying areas of concern, particularly:
    - Steep slope disturbance: Approximately 35 sq ft of building footprint impacts slopes over 25%, technically requiring a variance since the ordinance prohibits disturbance over 25% slopes.
    - Stormwater management: Although not triggered by the addition size, the applicant is proactively installing a Coltec underground stormwater detention system to mitigate erosion and improve drainage, capturing runoff far exceeding regulatory thresholds.
    - Explained that grading work will soften an otherwise steep slope to a safe, walkable gradient, thereby enhancing site stability.
    - Stormwater System Details:
    - Coltec units are shallow (approx. 4 ft deep), plastic chambers allowing infiltration without clogging or significant maintenance.
    - Soil permeability assumptions were conservative; soil test results will be submitted post-construction.

- System designed for capacity significantly greater than the water volume generated by the impervious additions.
- Maintenance manual requested but deemed minimal due to proprietary design.

BOARD QUESTIONS

- I. Schwarzbaum asked for confirmation as to where the water drains into. Mr. Volmar answered stating that a 8x4 ft hole is dug because of there being two (2) units and it will go in the hole and 1 ½ inch stone is on the outside of the chamber. Inside of it is all air which is where all of the storage comes from. The water that's captured in the gutters of the of the dwelling They go down through the roof leaders on the corners of the house, and it's piped into these units underground. And that's how the water gets in there. And then, the soil, over time that water gets brought into a storage chamber that percolates, and infiltrates into the ground where it drains into the ground. It's not draining into any sewer system or anything in the municipality. It's just it's going slowly over time on the natural topography of the flow into the ground, and not across the top of the ground. It's not a surface flow and it all happens underground.
- W. M. Barbee asked what type of equipment is being used and how long will it take. Mr. Volmar said that they will be using a mini x but that the Architect could explain better. In response to this, Aaron Gonzalez, Architect and Contractor was sworn under oath and credentials were accepted as an expert in the field of architecture. He then explained that they will be using a Boeing Mini X (Mini Excavator) which is where the operator actually stands behind this mini excavator where it goes through the backyard. It is maybe two (2) feet wide by five (5) or six (6) feet long. A property of this size would not be excavating a large amount of area so he compared it to a surgical tool. The means and methods of getting to that location would be a one (1) to three (3) day process with no intent to damage anything. Mr. Barbee said Ms. Carballo suggested a swale in lieu of that.
- L. Cohen asked if when bedrock is hit, will blasting need to occur. Mr. Volmar answered that there would never be blasting for a number of reasons. The most obvious being that this is a residential area.
- R. Miller asked Mr. Volmar to restate the amount of steep slope disturbance. Mr. Volmar answered that the total steep slope is 277 square feet and this application is disturbing 100 square feet. 170 square feet 35 of that is due to the building, so 35 feet would be due to grading itself. Ms. Miller followed up by asking if he knows the grading difference between the property to the east in this property. Mr. Volmar said that if it flattens out it's an isolated pocket of steep slope and where that fence is, it flattens out to the neighboring property.
- M. Dannemiller asked if Mr. Rhodes will be able to walk around the house at the northeast corner with the way it is graded, (i.e.: is it going to be smooth to be able to walk around the house) Mr. Volmer said, yes that he took the one contour line and ran it down around the side of the house to make it walkable, he testified further stating that it's kind of steep presently and after finished there, it'll be softened to where it could be walkable, and so would that increase or slow down any potential raindrops that'll fall on the grass, soften a grade, obviously the raindrops are still going to hit it, but it's a flatter gradient, so therefore there is lesser velocity, and that's in his opinion what does all the damage with a commodity and velocity.
- T. Dubovy asked if the manufacturer of the recharge systems provided statistics on the maximum capacity of water flow that they're capable of handling. Mr. Volmer said that they do provide cut sheets that describes the amount of volume that can be stored in in a particular unit. But as far as how much it can move, that is a control attributable to the soil conditions.

- Mr. Dubovy followed up by asking about "Potability" being a big issue in determining whether these things can handle. In worst case scenario calculations, so just trying to get a sense of how much water these things will be able to handle and at what point the capacity will be exceeded. Mr. Vomer answered stating that they are adding 200 square feet of impervious area. which equates to 200 square feet of impervious area with capturing almost 1,000 square feet from the roof. So, there's that much water that's not going to be allowed to disperse across the property. However, those chambers can actually hold up to 1,056 square feet of runoff with this particular intensity of a storm. In that unlikely event, certainly it would be a much more intense storm than what it's designed for as the ordinance requires us to design for 3 inches per square foot. If on the chance that these systems do fill up, it'll back up to the storage in the pipe that leads to it. The pipe is going to be perforated so there can be more for the 30 feet that it takes to get there, with holes in that pipe, and that water can perk into the ground all along, but if it fills up, it's going to overflow onto a splash block, improving from the present condition. Where right now, there's just a little elbow on the roof leader for it to spill out. Unquestionably making the current situation better with the design that's put forth on the plan.

NO PROFESSIONALS QUESTIONS
NO PUBLIC QUESTIONS

PRESENTATION

- Mr. Aaron Gonzalez, AIA entered the record again and confirmed that he is still under oath.
- Mr. Gonzalez testified to the improvements proposed and the mini excavator that was proposed to work in this tight space. He estimated that excavation may take 3 days and testified that they will not rush it, they will be careful in this tight space. He agreed that the regrading of the ground at the corner and the "Cultec" were better than a swale to address stormwater and keep water from the foundation.
- Mr. Gonzales also testified that the addition squares of the corner at the back of the home and does not go further into the side yard than the existing home. The relief requested is for 16 inches, 1.04 feet, side yard setback variance.
- The Board discussed the application and agreed that a swale was not needed, that the fence protects the trees, and that the Applicant and his professionals did a good job presenting the application

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

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 Board, 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.
- The Applicant shall obtain all required building permits from the Township prior to the start of construction.
- The Applicant shall pay all outstanding taxes, fees, escrows and deposits due and owing to the Board and the Township prior to the issuance of building permits.
- This approval is based upon the site plans submitted with the Application. The Applicant shall revise those plans to comply with the comments in the Township Engineer's Report dated, September 11, 2026 including revised steep slope tables, signature block, and stormwater notes prior to the adoption of the Resolution of approval for this application. Except that a swale, an operation manual for the stormwater improvements, tree protection plan and tree replacement plan shall not be required.
- No blasting shall be permitted for this project.
- The Applicant's Engineer shall supervise a percolation test, which may be done at the time of construction, in lieu of providing an operations and maintenance manual for the stormwater system. The test results shall be reviewed to the satisfaction of the Township Engineer.
- In addition, the Applicant's Engineer shall provide an as built plan and shall certify that the stormwater system was installed as designed and that the stormwater calculations are accurate prior to the issuance of a certificate of occupancy.
- 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: W.M. Barbee

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

Prior to the Break, Ms. Lisa John-Basta, Esq. entered the record on behalf of ZB-25-07 Mavis to ask for an adjournment to the October 29, 2026, Special Meeting with preservation of notice and confirmed that no testimony would be heard this evening. She also confirmed to the

extension of statutory time for this application and that she will sign and return the form to Ms. Chandler prior to next appearance.

Break 9:24 PM – 9:38 PM

2.) ZB-26-01 Grossman
Block: 146; Lot: 72; Zone: R-T
15 Alan Street
The applicant is proposing expansion of the existing detached garage located in the rear yard, which would be used for a home occupation by the Applicant to be used for vehicle parking on the first floor and hobby woodworking space on the 2nd floor.

PRESENTATION

- Mr. Max Grossman, Applicant entered the record, was sworn under oath, and confirmed that he was presenting lacking an attorney and an absent engineer;
- Mr. Peter Steck, Planner entered the record was sworn under oath and after providing his credentials was accepted as an expert in the field of Professional Planning.
- Planner reviews site conditions: substandard lot, existing garage with unpermitted rear addition (to be removed), proposed 8-foot front garage extension, and second-floor addition causing height and rear yard coverage variances.
- Application involves part-time home occupation (woodworking) in accessory building triggering a D variance.
- Planner discusses municipal ordinance, zoning purposes, impact on neighborhood, and variance criteria (positive and negative).
- Detailed review of impervious coverage, structure compatibility with neighborhood, and ordinance compliance provided.
- Board members question builder and planner on functional design, operation hours, ventilation, stormwater, noise, and potential future restroom installation.
- Applicant confirms neighbor support, operating logistics, and intent.
- Board stresses necessity of engineer testimony for technical issues; Concluding that this application is *a* complex mixed-use residential accessory structure application that requires full professional testimony for decision; positive neighborhood impact anticipated.

BOARD QUESTIONS

- I. Schwarzbaum asked for confirmation on how large of an expansion is being sought. Mr. Steck said that it is approximately eight (8) feet, and extending towards the back of the property.
- W.M. Barbee asked what the interior plan is going to look like. Mr. Grossman said that it is designed to be open.
- L. Cohen What is happening in the rear of the garage now? How high is that extension? What is it used for? Mr. Petry said that he thinks is currently being used just for storage. He opined further stating that the prior owner did work in the back of the garage without permits. The dimensions proposed are four (4) by eight (8) feet. Mr. Grossman added that it is similar to a storage shed not accessible from the inside.
- R. Miller referenced Section 25-9.9 regarding home occupations as it has a lot of specific rules and regulations and asked if they are they going to be followed. Mr. Steck said that the one thing that can't be followed, was supposed to be in the House, and there couldn't have more than one eighth of the floor area of the house, so clearly that some of them don't apply simply because there is a separate building. He testified

further specifically bringing up Part B Section seven (7) the activity including deliveries shall be conducted only between the hours of 8 a.m. to 8:00 PM. He testified further stating that the applicant is going to comply with that. There's no signage. There's no other employee and Mr. Grossman meet the other standards there that would apply absent to the fact that he's not in his principal building. Ms. Miller asked if there are any hazardous materials being used? Mr. Steck said that he didn't see any hazardous materials.

- B.D. Scott asked if Mr. Grossman got input from his neighbors on this application. Mr. Grossman said yes, all six (6) of them.

PROFESSIONALS QUESTIONS

- Mr. Davis asked if any customers will be visiting the property with any additional loading or anything like that outside of what currently happens. Mr. Steck said that Mr. Grossman should be answering questions of this nature.
- Ms. Carballo asked if any trees are going to be removed because of the garage construction. Mr. Grossman said that are no garages or trees in the areas. She followed up by asking if there are any roof overhang projects with more than two (2) feet. Mr. Grossman said that it is only to the front, and that it's a barn like door on the top with only one project having more than two (2) feet with a barn door type on the top it doesn't intrude into a required yard goes closer to the back of the house because it tapers.

NO PUBLIC QUESTIONS

It was at this time that Chairperson Neuer announced that application* ZB-26-01 Grossman (15 Alan Street) *will be carried with preservation of notice to the November 19, 2026, Regular Meeting via the Zoom platform where Chairperson stressed the fact that Mr. Grossman needs to have his engineer present for testimony. Mr. Grossman waived the statutory time period for this application and confirmed that he will be returning the form after getting it from Ms. Chandler.

Chairperson Neuer adjourned the meeting at 10:34 PM

Adopted: 10/10/26

Diana Lyn Chandler

Diana L. Chandler, Secretary