

**TOWNSHIP OF WEST ORANGE
PLANNING BOARD REGULAR MEETING
MEETING MINUTES
October 7, 2020**

The Township of West Orange Planning Board held its regularly scheduled meeting on October 7, 2020 at 7:30 P.M. via virtual ZOOM videoconference.

Chairman Weston called the meeting to order at approximately 7:30 P.M. He announced that notification of the meeting was given to the Township Clerk, and posted on the Township Bulletin Board, sent to the West Orange Chronicle and the Star Ledger, and posted on the Township's website calendar. This meeting has been properly noticed to the public in accordance with the Open Public Meetings Act. No new matters will start after 10:30 P.M.

PLEDGE OF ALLEGIANCE

- Chairman Weston requested all persons stand for the Pledge of Allegiance.

ANNOUNCEMENTS

- The next Planning Board regular meeting will be November 4, 2020 at 7:30 P.M. on the ZOOM platform.
- Application **PB-20-01/EBA Kosher Markets, LLC, Block: 152.22; Lot: 1412**
629 Eagle Rock Avenue Amended Site Plan seeking a "C" Variance for a Sign, originally carried from August 5, 2020, will be carried to November 4, 2020

ROLL CALL

PRESENT: Dr. Robert Bagoff; Mr. Everett Johnson; Councilwoman Susan McCartney; Mr. Peter Smeraldo, Jr; Mr. Andrew Trenk
Chairman Ron Weston; Mr. William Wilkes II

ABSENT: Mr. Lee Klein; Mrs. Tammy Williams

ALSO PRESENT: Paul Grygiel, AICP, PP, Township Planner; Kenneth D. McPherson III, Esq., Attorney; Sean McCauley, Acting Planning Board Secretary

MEETING MINUTES

Adoption of the September 2, 2020 Meeting Minutes:

Motion: Chairman Weston

Second: Dr. Bagoff

Bagoff: Y	Wilkes: Absent 9-2-2020
Johnson (Alt 1): Y	Williams: Absent
Klein: Absent	Chairman Weston: Y
McCartney: Y	
Smeraldo: Y	6 yes, 2 absent; 1 unable to vote
Trenk: Y	

SWEARING IN OF PROFESSIONALS

- Mr. Grygiel was sworn in

ORDINANCES UNDER REVIEW

2614-20 - AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXV LAND USE REGULATIONS OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE TO INCLUDE THE FOLLOWING: 25-19 IH-1 (INCLUSIONARY HOUSING) DISTRICT. The purpose of the IH-1 District is to provide for inclusionary development that contributes to the region's fair share of affordable housing, in accordance with a court settlement agreement which outlines provisions for same.

Discussion:

- **Mr. Grygiel** explained the overall purpose of these reviews; and explained history and purpose of 2614-20; and stated it is mostly consistent with the Master Plan

Board Questions and Comments:

- **Mr. Johnson** asked to have pointed out where the resolution may be inconsistent with the Master Plan
 - **Mr. Grygiel** responded that though not currently zoned for multi-family, this plan would be a smaller footprint, significantly less environmentally impactful, gives town more control over sustainability features, and preserves more open space
- **Mr. Smeraldo** asked if any trees that would be removed were already part of the previously reported types of trees that are reportedly diseased and/or dying
 - **Mr. Grygiel** answered in the affirmative
- **Councilwoman McCartney** stated that this project should affect only less than thirty (30) of the one-hundred twenty (120) open acres in the West Essex Highlands; gave further details on the proposed plan

2619-20 - AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXV LAND USE REGULATIONS OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE TO IMPLEMENT A SETTLEMENT AGREEMENT WITH FAIR SHARE HOUSING CENTER. The purpose of this section is to include provisions addressing the Township of West Orange's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Supreme Court and consistent with N.J.A.C. 5:93-1 et seq., as amended and supplemented, N.J.A.C. 5:80-26.1 et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985. This chapter is intended to assure compliance with the regulations of the Council on Affordable Housing ("COAH") set forth at N.J.A.C. 5:93-1 et seq., and the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., including provisions for unit affordability controls as well as eligibility for low- and moderate-income households. This chapter shall apply except where inconsistent with applicable law.

Discussion:

- **Mr. Grygiel** explained the history and purpose of 2619-20; it creates two Inclusionary Housing (IH) overlay zones in specific areas for potential future IH development

consideration; as well as a town-wide IH overlay zone in order to meet affordable housing requirements

Board Questions and Comments:

- **Mr. Trenk** requested clarification of the town-wide overlay zone
 - **Mr. Grygiel** reiterated the concept of the town-wide overlay zone is in order to spread out affordable housing
- **Councilwoman McCartney** requested clarification of the location of the two specific overlay zones
 - **Mr. Grygiel** restated location of those zones

2616-20 – AN ORDINANCE REQUIRING REMOVAL OF TREES TO BE ONLY PERFORMED BY LICENSED TREE CARE PROFESSIONALS-Redlined 2 9.1.2

The purpose of this ordinance is to require any tree cutting and/or removal to be performed only by tree care professionals duly licensed under the Tree Experts and Tree Care Operators Licensing Act and is also registered with the Township of West Orange Department of Public Works.

Discussion:

- **Mr. Grygiel** explained the purpose of the Ordinance

Board Questions and Comments:

- **Councilwoman McCartney** stated that there is a state list of registered tree care professionals that would advise homeowners; and will include notifying neighbors and receiving permit from the Township
- **Dr. Bagoff** asked if this could preclude a homeowner from removing tree without a licensed expert
 - Councilwoman McCartney answered in the affirmative
- **Dr. Bagoff** asked if there are types and sizes of trees exempt
 - **Councilwoman McCartney** responded that there are exceptions based on type and size

Roll call vote:

Planning Board Resolution #20-03:

2614-20 - AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXV LAND USE REGULATIONS OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE TO INCLUDE THE FOLLOWING: 25-19 IH-1 (INCLUSIONARY HOUSING) DISTRICT.

Motion: Dr. Bagoff

Second: Mr. Johnson

Bagoff: Y	Wilkes: Y
Johnson (Alt 1): Y	Williams: Absent
Klein: Absent	Chairman Weston: Y
McCartney: Y	
Smeraldo: Y	7 yes, 2 absent
Trenk: Y	

Roll call vote:

Planning Board Resolution #20-04:

2619-20 - AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXV LAND USE REGULATIONS OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE TO IMPLEMENT A SETTLEMENT AGREEMENT WITH FAIR SHARE HOUSING CENTER.

Motion: Mr. Johnson

Second: Mr. Trenk

Bagoff: Y	Wilkes: Y
Johnson (Alt 1): Y	Williams: Absent
Klein: Absent	Chairman Weston: Y
McCartney: Y	
Smeraldo: Y	7 yes, 2 absent
Trenk: Y	

Roll call vote:

Planning Board Vote to Recommend:

2616-20 – AN ORDINANCE REQUIRING REMOVAL OF TREES TO BE ONLY PERFORMED BY LICENSED TREE CARE PROFESSIONALS-Redlined 2 9.1.2

Motion: Chairman Weston

Second: Dr. Bagoff

Bagoff: Y	Wilkes: Y
Johnson (Alt 1): Y	Williams: Absent
Klein: Absent	Chairman Weston: Y
McCartney: Y	
Smeraldo: Y	7 yes, 2 absent
Trenk: Y	

Public comments:

None

MEETING ADJOURNED at approximately 08:25 PM. Called by Chairman Weston, Seconded by Mr. Trenk

Minutes adopted November 4, 2020



Sean McCauley
Township of West Orange Planning Board