

**MINUTES  
TOWNSHIP OF WEST ORANGE  
PLANNING BOARD MEETING  
December 1, 2021  
7:30 P.M.**

The Township of West Orange Planning Board held its regular meeting on December 1, 2021 at 7:30 P.M. via virtual ZOOM videoconference.

*Chairman Bagoff* 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 Bagoff* requested all persons stand for the Pledge of Allegiance.

**ANNOUNCEMENTS**

- The next Planning Board regular meeting will be held **Wednesday January 5, 2022 at 7:30 P.M.**

**ROLL CALL**

**PRESENT:** Dr. Robert Bagoff; Mr. Jerry Guarino; Mr. John McNair;  
Mr. William Wilkes; Councilwoman Susan McCartney (7:38PM  
Arrival); Mr. Peter Smeraldo; Sarab Thapar, Esq., Public Advocate

**ABSENT:** Mr. Lee Klein; Mr. John Hess, Town Engineer;  
Mr. Christopher Morgan, Sr.

**ALSO PRESENT:** Diana P. McGovern, Esq., Planning Board Attorney;  
Paul Grygiel, Town Planner;  
Diana L. Chandler, Acting Planning Board Secretary;

**E. MINUTES & RESOLUTIONS**

November 3, 2021 Regular Planning Board Minutes

**Motion:** R. Bagoff

**Second:** J. Guarino

**ADOPTED**

|                          |                                 |
|--------------------------|---------------------------------|
| <b>Bagoff:</b> Y         | <b>Smeraldo:</b> ABSENT FRM MTG |
| <b>Guarino:</b> Y        |                                 |
| <b>Klein:</b> ABSENT     | <b>Wilkes:</b> Y                |
| <b>McCartney:</b> ABSENT |                                 |
| <b>McNair:</b> Y         | <b>Yes; Absent</b>              |
| <b>Morgan:</b> ABSENT    |                                 |

**Notes:**

PB 21-09 Sherwin Williams Resolution

**Motion:** R. Bagoff

**Second:** W. Wilkes

**ADOPTED**

|                          |                                 |
|--------------------------|---------------------------------|
| <b>Bagoff:</b> Y         | <b>Smeraldo:</b> ABSENT FRM MTG |
| <b>Guarino:</b> Y        |                                 |
| <b>Klein:</b> ABSENT     | <b>Wilkes:</b> Y                |
| <b>McCartney:</b> ABSENT |                                 |
| <b>McNair:</b> Y         | <b>Yes; Absent</b>              |
| <b>Morgan:</b> ABSENT    |                                 |

**Notes:**

Resolution of Planning Board Attorney

**Motion:** R. Bagoff

**Second:** W. Wilkes

**ADOPTED**

|                          |                                 |
|--------------------------|---------------------------------|
| <b>Bagoff:</b> Y         | <b>Smeraldo:</b> ABSENT FRM MTG |
| <b>Guarino:</b> Y        |                                 |
| <b>Klein:</b> ABSENT     | <b>Wilkes:</b> Y                |
| <b>McCartney:</b> ABSENT |                                 |
| <b>McNair:</b> Y         | <b>Yes; Absent</b>              |
| <b>Morgan:</b> ABSENT    |                                 |

## SWEARING IN

- The Township Professional, *Mr. Paul Grygiel* Township Planning Consultant sworn in.
- Oath of office was administered by *Ms. Diana McGovern, Esq.* to *Mr. Ken Alper* (Class IV: 12-31-2024)

## APPLICATIONS

- **Ordinance (Stormwater Control)**

### **PRESENTATION**

- *Mr. Leonard Lepore* was sworn in by *Ms. Diana McGovern, Esq.* *Chairman Bagoff* explained that this ordinance amending and supplementing Chapter 25, Land Use Regulations, Section 25-29, Stormwater Control and Subsections 25-29.1 through 25-29.13 was sent down to Planning Board from the Town Council and the State.
- *Mr. Lepore* explained in a brief overview as it's overly technical. The State Department of Environmental Protection promulgates the Federal Clean Water Act and they regulate how water is treated and disposed. It has now come down to the municipality level approximately sixteen (16) years ago and the Township of West Orange is required to adopt this Ordinance to supersede the previous one. There is a very similar Ordinance now which was a model Ordinance prepared by the Department of Environmental Protection and in accordance with our Stormwater Management permit. West Orange is required to adopt as the State has chosen to adopt a new model Ordinance which will supersede the one that is currently in ours. So whenever an application for a major development comes before Planning Board or Zoning Board of Adjustment, or even for applications that may not require land use approval such as a municipal improvement, these regulations must be followed for a major development which is any disturbance of more than an acre or that creates more than a quarter acre of impervious coverage. CME as the consulting Engineer reviews the applications for compliance.
- *Chairman Bagoff* asked if this amendment will change anything in the existing checklist or will this always be something that the Engineer firm will have to look at. *Mr. Lepore* said that it should already be in our checklist, just a new requirement within the checklist.

### **BOARD QUESTIONS**

- *Mr. J. Guarino* asked if this change will have any impact on the joint meeting (i.e. Waste Management) and its operation. *Mr. Lepore* said that from our perspective, it does not. But perhaps any requirement they would have to go before a land use board in the City of Elizabeth could impact that. But they're not going to follow our regulation, they would have to follow what is adopted by the City of Elizabeth.
- *Councilwoman McCartney* asked and referenced "enhanced stormwater regulations" correspondence previously received. Stated that this amendment is not what that is. Asked if this is something related to this and is that something coming along or that a "group advocating for even stronger stormwater regulations". *Mr. Lepore* said that these regulations would be stronger than the current ones. They can be stricter than this but are already burdensome on land

developers. They would have to take a closer look at any further enhancements to see how much that would really impact development in town.

- *Mr. Paul Grygiel* said that there was a period where developers had to file an application by to be held under the old regulations. Said from experience that developers are trying to beat the deadline because of the newer and stricter rules and concurred with *Mr. Lepore* and his testimony.
- *Mr. P. Smeraldo* asked based on past experiences with Office of Emergency Management (OEM) is this amendment something that has to be included with that when the plan gets updated and asked how this would come in to play with the Emergency Evacuation Plan. *Mr. Lepore* said that it is supposed to be included in the Master Plan but sure about with OEM. Offered to look at that. But expressed that certainly the Township of West Orange has to follow these regulations and developers have to just not sure how that impacts OEM. *Mr. Smeraldo* said that since this Board does talk about stormwater damage as well as everything else, and just wanted to be sure that we get it included. Not to reinvent the wheel but thinks it should be included in this.
- *Mr. Guarino* asked *Mr. Grygiel* and *Mr. Lepore* that with this new ordinance would these new requirements have any effect on current developments that are going on (if its begun already) or will they be grandfathered in. *Mr. Lepore* said that it would be nonaffected. *Mr. Grygiel* spoke again about the deadline by which it would have to be filed. So if it was filed before a certain date, it would be under the old regulation.
- *Chairman Bagoff* asked *Mr. Lepore* and *Mr. Grygiel* if this has to be adopted into the Master Plan or by the Town Council adopting it, does it go into the Master Plan automatically. *Mr. Lepore* responded the Ordinance certainly needs to be adopted but might need to be reexamined for one particular section. *Chairman Bagoff* followed up by saying that once the Town Council adopts this, then Board Attorney, *Ms. McGovern* can give idea on whether this is needed to be added to the Master Plan. *Mr. Grygiel* said it is similar to when the "Open Space Plan" was prepared for the Township and essentially took the work that was done by a resolution as part of the Master Plan. *Mr. Grygiel* confirmed that this can be done independently. *Ms. McGovern* said that she's reviewed the Master Plan and can get "slotted in as if it's waiting for you". Chairman then confirmed that once the Town Council adopts it, Planning Board has to adopt it to the Master Plan. Planning Board will wait for Town Council to adopt.

*CLOSE OF DISCUSSION*

**Motion:** R. Bagoff

**Second:** J. Guarino

|                   |               |                    |               |
|-------------------|---------------|--------------------|---------------|
| <b>Alper:</b>     | <b>Y</b>      | <b>Morgan:</b>     | <b>ABSENT</b> |
| <b>Bagoff:</b>    | <b>Y</b>      | <b>Smeraldo:</b>   | <b>Y</b>      |
| <b>Guarino:</b>   | <b>Y</b>      | <b>Wilkes:</b>     | <b>Y</b>      |
| <b>Klein:</b>     | <b>ABSENT</b> |                    |               |
| <b>McCartney:</b> | <b>Y</b>      | <b>Yes; Absent</b> |               |
| <b>McNair:</b>    | <b>Y</b>      |                    |               |

**Notes:** Recommendation from the Town Council to agree with the Ordinance amending and supplementing Chapter 25, Land Use Regulations, Section 25-29, Stormwater Control and Subsections 25-29.1 through 25-29.13 of the revised general ordinances of the Township of West Orange was approved at the Regular Meeting on December 1, 2021.

#### **GENERAL DISCUSSION**

- *Mr. Guarino* asked about new booklet in electronic form and *Chairman Bagoff* said that Planning Board is going to wait until the 2022 edition comes out in February. Not getting booklets (hard copy).
- *Councilwoman McCartney* asked based on a recommendation to the Town Council if there is a way to review/update the Steep Slope Ordinance. Trying to figure out what the process is because the discussion of developing into the grade of it, but not that the Ordinance doesn't address the top of the cliff and any setbacks there. *Chairman Bagoff* and *Mr. Grygiel* (who said he doesn't have experience in that personally) said it would be better to have it come from the Town Council for there to be a budget attached to it.

#### **COMMENT**

- *Chairman Bagoff* wished all Board Members a happy holiday season and expressed his thanks for all Board Members hard work this past year.

**Meeting adjourned at 7:51 P.M. by Vice Chairman Wilkes. Seconded by Chairman Bagoff.**

**ADOPTED: 1/5/2022**

*Diana Lyn Chandler*  
Diana L. Chandler  
Acting Planning Board Secretary