

Conference Meeting – Cancelled

Public Meeting—September 8, 2025

The Public meeting began at 6:09 p.m., the Municipal Clerk read the following statement:

This is to inform the general public that this meeting is being held in compliance with Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975. The notice for this meeting was emailed to the Star Ledger and the West Orange Chronicle on January 7, 2025 and published in the West Orange Chronicle on January 16, 2025.

Roll Call – Councilwoman Casalino, Councilwoman Rudin, Councilwoman Scarpa, Council President Krakoviak

Pledge of Allegiance

At approximately 6:12 p.m., on motion made by Councilwoman Casalino and seconded by Councilwoman Rudin, the Township Council entered into an executive session.

All members present voting “Aye.”

At approximately 7:35 p.m., on motion made by Councilwoman Casalino and seconded by Councilwoman Scarpa, the council returned to the public meeting from executive session.

All members present voting “Aye.”

ABC Hearing

At approximately 7:36 p.m., on motion made by Councilwoman Casalino and seconded by Councilwoman Rudin, the Council entered into the ABC Hearing(s).

All members present voting “Aye.”

783-25

On motion made by Councilwoman Casalino and seconded by Councilwoman Scarpa, the Person-to-Person Transfer of License No. 0722-33-021-005 (Pocket) from Donato Reali to Doherty Ramen of West Orange, LLC (Pocket) was approved.

All members present voting “Aye.”

784-25

Robert C. Williams, Esquire, appeared on behalf of Orange Hospitality, LLC. On motion made by Councilwoman Casalino and seconded by Councilwoman Scarpa, the Person-to-Person Transfer of License No. 0722-36-072-001 from The Inn at the Manor, Inc. 107 Prospect Avenue, West Orange, NJ to Orange Hospitality, LLC, was approved.

All members present voting “Aye.”

At approximately 7:42 p.m., on motion made by Councilwoman Scarpa and seconded by Councilwoman Casalino, the council returned to the public meeting from the ABC Hearing.

All members present voting "Aye."

Report of Township Officers

None.

Reading of Petitions and Communications and Bids

- Contract for Snow Plowing, Salting, Removal and Snow Hauling with Two (2), One (1) Year Options
- Morris Road, Sussex Road, And Hunterdon Road, Roadway Improvements Project (2024-MA-00006 NJDOT Municipal Aid Funded)

Minutes

Executive Session July 22, 2025, Public Meeting Minutes – August 12, 2025, Special Meeting Minutes – August 20, 2025, and August 22, 2025

Bill List

The following bills were pulled by Councilwoman Rudin for discussion:

- Richard Trenk, Township Attorney
- D'Onofrio & Son Landscaping, Inc.
- Dr. Michael Kelly
- HNI Holding, Inc.

After the discussion, the Bill List in its entirety, was approved on consent.

All members present voting "Aye."

Resolution(s) Approved on Consent Agenda

- a. **182-25** Resolution Authorizing the Issuance of a Duplicate Tax Sale Certificate Pursuant to N.J.S.A. 54:6-52.1 (K. Longo)
- b. **185-25** Resolution Authorizing the Rental of Specialized Equipment to be Used for the Leaf and Snow Collection Seasons 2025-2026 Through State Contract #GS-21F-0020T (P. Reynolds)
- c. **193-25** Resolution Authorizing a Discharge of Mortgage for Property Located at 171 Maple Street, West Orange, NJ (Legal-Moon)
- d. **194-25** Resolution Authorizing a Discharge of Mortgage for Property Located at 40 Edgewood Avenue, West Orange, NJ (Legal-Moon)

- e. **195-25** Resolution Authorizing a Discharge of Mortgage for Property Located at 7 Ridgehurst Road, West Orange, NJ (Legal-Moon)
- f. **196-25** Resolution Authorizing a Discharge of Mortgage for Property Located at 589 Eagle Rock Avenue, West Orange, NJ (Legal-Moon)
- g. **197-25** Resolution Authorizing a Discharge of Mortgage for Property Located at 17 Tremont Avenue, West Orange, NJ (Legal-Moon)
- h. **198-25** Resolution Authorizing a Discharge of Mortgage for Property Located at 8 Vosseler Court, West Orange, NJ (Legal-Moon)
- i. **199-25** Resolution Authorizing a Discharge of Mortgage for Property Located at 283 St. Cloud Avenue, West Orange, NJ (Legal-Moon)
- j. **201-25** Resolution Authorizing the Collector of Taxes to Refund Payment to the Listed Taxpayer Due to a Duplicate Third Quarter Tax Payment (Longo)
- k. **202-25** Resolution Authorizing a Contract to Vel Construction, LLC, 75 Voorhis Place, Ringwood, N.J. 07456, for Fire Station #5 Maintenance and Renovation is hereby awarded to in the amount of \$178,300.00 (Carballo)
- l. **205-25** Resolution Authorizing the Issuance of Raffle Licenses (Clerk)
- m. **207-25** Resolution Acknowledging and Authorizing the Assignment of the Financial Agreement from Green Essex Partners Urban Renewal, LLC to Stonehill Urban Renewal LLC (Legal-Beckelman)
- n. **PULLED FROM AGENDA 209-25** Resolution Authorizing Professional Services Agreement with Montclair State University for 2025 COVID-19 Vaccination program in an Amount NTE \$22,254.00 (Fonzino)

A motion was made by Councilwoman Casalino and seconded by Councilwoman Scarpa, the Consent Agenda was approved.

All members present voting "Aye."

Resolution(s) Removed from Consent Agenda

Resolution 172-25

Resolution Authorizing a Professional Services Contract with Diana McGovern, Esq., of Gaccione Pomaco, P.C., One Boland Drive, Suite 102, West Orange, NJ for the Position of Planning Board Attorney at the Rate Specified in the Agreement (Legal-Trenk)

On motion made by Councilwoman Casalino and seconded by Councilwoman Scarpa, the above referenced resolution was approved.

All members present voting "Aye."

Resolution 200-25

Resolution Authorizing Towing Licenses for the Time Period from October 1, 2025, through June 30, 2028, to C&L Towing; (ii) Twin Towing; and (iii) AJACO Towing (P. Reynolds)

On motion made by Council President Krakoviak and seconded by Councilwoman Scarpa, the above referenced resolution was approved.

All members present voting "Aye."

Resolution 203-25

Resolution Authorizing Execution of Professional Services Agreement with MATRIX NEW WORLD ENGINEERING for Environmental Consulting Services in an Amount NTE \$790,000.00 for Calendar Year 2025 (Legal- Gengaro)

On motion made by Council President Krakoviak and seconded by Councilwoman Casalino, the above referenced resolution was approved.

All members present voting "Aye."

Resolution 204-25

Resolution Authorizing Execution of Professional Services Agreement with Consulting and Municipal Engineers, LLC (CME) for Professional Engineering Services and Environmental Consulting Services in an Amount NTE \$350,000.00 for Calendar Year 2025 (Legal- Gengaro)

On motion made by Councilwoman Casalino and seconded by Councilwoman Scarpa, the above referenced resolution was approved.

All members present voting "Aye."

Resolution 206-25

Resolution Authorizing Professional Services Agreement with Nishuane Group, LLC, 105 Grove St, Montclair, NJ 07042 for Land Use Services Consultant to the Planning and Zoning Board(s), for the Remainder of 2025, in an Amount NTE \$75,000 (Legal-Gengaro)

On motion made by Councilwoman Casalino and seconded by Council woman Scarpa, the "not to exceed" in the above referenced resolution was amended from \$75,000. To \$65,000.

All members present voting "Aye."

On motion made by Councilwoman Casalino and seconded by Council President Krakoviak, the above referenced resolution was approved as amended.

All members present voting "Aye."

Resolution 208-25

o. **208-25** Resolution Authorizing Two Executive Session(s) for the Purpose of Discussing the Following:

- a. Personnel Matter(s) Specifically to Seek Legal Guidance to Help Determine an Employee's Compensation.
- b. Contract Negotiations Specifically Green Essex Partners Urban Renewal LLC (Stonehill at West Orange) - Financial Agreement Transfer

On motion made by Councilwoman Casalino and seconded by Councilwoman Rudin, the above referenced resolution was approved.

All members present voting "Aye."

Public Comment

Joe Fagan-Public Information Officer

Anthony Puglisi – PIO – Essex County

Jackie Parisi – Mt. Pleasant Ave. – Traffic Concerns at 46 Mt. Pleasant Avenue

Joe Panullo – Essex Fells – We Care President – West Essex Highlands

Herb Waldman – Connel Dr. - West Essex Highlands

Robert Hoatson – Gaston Street – Issues with Public Comment directed at Councilwoman Rudin

Jacquelyn Hendy – Beverly Rd. – Town wants change

Pastor Doug Adams – Westover Terrace – Disappointment, Council not working together, no budget, affordable housing

Micaela Bennett – Old Indian Rd. – gratitude to WOPD re: Sinkhole, Investigation into W.O. Dispatch

There was no one else who wished to be heard, and the public comment portion of the agenda was closed.

Ordinance(s) on Second and Final Reading

Ord. 2935-25

On motion made by Councilwoman Rudin and seconded by Councilwoman Scarpa, **An Ordinance Amending Chapter 25, Section 11.10 Regarding Outdoor Cafes**, was taken up on second and final reading.

All members present voting "Aye."

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 25, Section 11.10 of the Revised General Ordinances of the Township of West Orange be and are hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to modify the fines set forth in Chapter 25, Section 11.10 of the Revised General Ordinances of the Township of West Orange to require additional standards to be met regarding outdoor cafes located in the Township.

II. CHAPTER 25 SECTION 11.10 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING: §25-11.10 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled "Outdoor Cafes in the B-1, B-2 and PC Districts" which specifies the requirements for outdoor cafes in the Township of West Orange, shall be repealed and replaced by the following language:

Outdoor cafes shall be permitted subject to the standards and conditions of § 5-10 of Chapter 5, General Licensing, of the Revised General Ordinances of the Township of West Orange and in conjunction with the following conditions:

- a. Adequate access for emergency response personnel must be allowed to the main entrance of the serving establishment from the outdoor serving area as defined by Township fire regulations.
- b. Adequate sidewalk access (at least four feet) must be maintained for easy passage of pedestrians on any public sidewalk or right-of-way.
- c. Some form of formal space delineation which is aesthetically pleasing, such as a removable fence, shall be required in a parking lot or on sidewalks.
- d. Outdoor or patio type furniture must be used; upholstered furniture is prohibited. Outdoor cafes serving areas shall be kept broom clean by the establishment with no sweeping of food debris into any street or parking lot.
- e. Street furniture (seating, tables, fencing, etc.) must be moved into the serving establishment when the outdoor cafe is not open for business.
- f. Cleanliness of the outdoor serving area is the responsibility of the serving establishment.
- g. Signage, in addition, to that permitted for the serving establishment pursuant to § 25-15, is prohibited.
- h. A sketch showing the proposed location of tables, chairs and umbrellas shall be prepared and submitted to the Director of Planning and Development for approval prior to the use of the sidewalk area.
- i. The use of the described locations shall be authorized by a sidewalk cafe permit issued by the Director of Planning upon compliance by the applicant with the requirements of this subsection and the payment of an annual fee to be prescribed by Resolution at the approval of the Township Council.
- j. Any permit issued by the Director of Planning shall designate the hours of operation of any sidewalk cafe or outdoor cafe which shall not exceed the hours of 8:00 a.m. to 10:00 p.m.
- k. Nothing herein shall be deemed to be a waiver of the provisions of any health and/or licensing ordinance regulating the operation of a sidewalk or outdoor cafe.

- l. The use of any sound amplification device on sidewalk or outdoor cafes is prohibited.
- m. Whenever amplified sound or music is being played inside an establishment with an outdoor cafe or sidewalk cafe, all doors must be solid, not storm or screen, and windows that open to the outside sidewalk or outdoor café shall remain closed, except as necessary for entry and exit.
- n. As of the effective date of this Ordinance, the owner or operator of a restaurant that does not sell alcoholic beverages and the holder of an alcoholic beverage manufacturer license or retail consumption license seeking to utilize for purposes other than selling alcoholic beverages in outdoor spaces as an extension of their businesses shall file an application with the Municipal Zoning Officer and such application shall include:
- (i) a plan, sketch, picture or drawing that depicts the design, dimensional boundaries, and placement of tents, canopies, umbrellas, tables, chairs, and other fixtures of the outdoor spaces;
 - (ii) a plan for the control of litter, the removal and storage of garbage, and the cleaning of fixtures and grounds. If a business premises' parking lot is being used for the service and sale of either food or beverages, or both, the owner or operator of a restaurant that does not sell alcoholic beverages and the holder of an alcoholic beverage manufacturer license or retail consumption license shall not encumber more than seventy-five (75%) percent of the lot's total parking spaces for service and sale, unless the parking lot contains less than eight parking spaces, and shall maintain at least one handicapped parking space in the parking lot.
 - (iii) written consent of the owner of the premises, if other than the applicant.
 - (iv) an insurance certificate naming the municipality as an additional insured, with general liability on an occurrence with a limit of liability of at least \$1,000,000, with respect to losses arising solely from the operation of the outdoor dining facility; or an indemnification agreement with the municipality arising solely from the operation of the outdoor dining facility.
- o. The zoning officer shall issue an approval to the applicant within 15 business days of the application being submitted and deemed complete provided that the applicant meets and abides by all qualifications and requirements herein and imposed by N.J.S.A. 40:55D-164 *et seq.* with the exception that the zoning officer may deny an application based on current violations of any other health, safety, fire, permitted use, uniform construction code regulation or zoning regulation or upon any applicable law permitting the denial of a zoning permit. An application under this section shall not be considered a variance under the Municipal Land Use Law.
- p. The Township may deny, revoke, or temporarily suspend the permit of any applicant or permittee that violates, or is not in compliance with, any provision of this Ordinance, applicable State Law, or any provision of a regulation, ordinance or law related to health, safety, fire, permitted use, uniform construction code regulation, zoning, or consumption or control of alcoholic beverages not otherwise under the jurisdiction of the Division of Alcoholic Beverage Control and may also deny, revoke, or temporarily suspend the

permit of any applicant or permittee based on any action taken against the applicant or permittee by the Division of Alcoholic Beverage Control related to the division's enforcement of any law or regulation related to the consumption or control of alcoholic beverages under its jurisdiction.

q. An appeal to any approval, denial, revocation or suspension may be filed through the municipal clerk with the Township Council. The Township Council, or its designee, shall conduct a hearing and render a decision within 30 days of the filing of the appeal. The Township Council may designate a municipal official or attorney to serve as the hearing officer in place of the Township Council for the purpose of conducting said hearing and rendering said decision.

r. A permit issued pursuant to this Ordinance shall be subject to annual renewal.

s. If the Township approves an application for the holder of an alcoholic beverage manufacturer license or retail consumption license the applicant shall submit its endorsement to the Director of the Division of Alcoholic Beverage Control pursuant to N.J.S.A. 40:55D-165.

t. Notwithstanding any provision of P.L.2024, c.95 (C.40:55D-164 et al.) to the contrary, all other municipal ordinances pertaining to sanitation, property maintenance, noise, business days and hours of operation, and days and hours of service of alcoholic beverages shall apply, unless specifically suspended or modified by the Township or specifically prohibited by the provisions of this section.

u. The Township may either prohibit or limit the days and hours of any live performances, including musical performances, and the playing or projection of any content from a recording, streaming service, or television, cable, or Internet broadcasting service in outdoor spaces or on public sidewalks as a condition of the zoning approval pursuant to sections 3 and 4 of P.L.2024, c.95 (C.40:55D-166 and C.40:55D-167).

v. A public sidewalk or an outdoor space, including pedestrian walkways and pedestrian malls, which is subject to a premises expansion permit issued pursuant to section 2 or section 3 of P.L.2024, c.95 (C.40:55D-165 or C.40:55D-166) shall be considered a portion of the premises that is open to the public for the purposes of section 5 of P.L.1999, c.90 (C.2C:33-27).

Nothing in P.L.2024, c.95 (C.40:55D-164 et al.) shall be interpreted or construed as permitting or mandating the opening, expansion, or resumption of unlimited operations of a restaurant that does not sell alcoholic beverages and the holder of a COVID-19 Expansion Permit issued by the Director of the Division of Alcoholic Beverage Control pursuant to the provisions of Special Ruling No. 2020-10 or a premises expansion permit issued pursuant to section 2 of P.L.2024, c.95 (C.40:55D-165) that is closed, whether permanently or temporarily, or operating subject to limitations on its operations, service, or hours, as a result of disciplinary or legal sanctions imposed by, or entering into a settlement agreement with, a court of the State of New Jersey, a municipal court, the New Jersey Department of Law and Public Safety, the New Jersey Division of Alcoholic Beverage Control, or a municipal governing body acting as a local alcoholic beverage control board, as applicable.

Nothing in P.L.2024, c.95 (C.40:55D-164 et al.) permits the use of State-owned rights-of-way for the purposes of outdoor dining . A permit for the use of the State rights-of-way shall be issued upon application and approval of the New Jersey Department of Transportation. For the purposes of locally owned roads that intersect the State highway system, setbacks from the State right-of-way line will be 50 feet from April 1 to October 31, and 100 feet from November 1 to March 31.

w. The installation and continuous use of tents, canopies, umbrellas, tables, chairs, and other fixtures on private property or public property or right of way designated by the Township pursuant to this Ordinance shall be permitted provided that the tent, canopy, umbrella, table, chairs, or other fixtures conforms to all applicable provisions of the State Uniform Construction Code and Uniform Fire Code, which have been adopted by the Commissioner of Community Affairs pursuant to N.J.S.A. 52:27D-119 *et seq.* and N.J.S.A. 52:27D-192 *et seq.*, respectively.

REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Township which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

III. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

IV. EFFECTIVE DATE

This Ordinance shall take effect upon final passage and publication in accordance with the law.

The Council President stated that this is the scheduled time for the public hearing and asked the Clerk to read the ordinance by title only.

The Council President asked if there was anyone who wished to be heard.

There was no one that wished to be heard and the public hearing on this Ordinance was closed.

On motion made by Councilwoman Rudin and seconded by Councilwoman Casalino, the above referenced ordinance was adopted.

All members present voting "Aye."

Ord. 2936-25

On motion made by Councilwoman Casalino and seconded by Council President Krakoviak, **An Ordinance Amending Chapter 15, Section 15-7 to Update the Township's Rent Control Ordinance**, was taken up on second and final reading.

All members present voting "Aye."

AN ORDINANCE AMENDING CHAPTER 15, SECTION 15-7 TO UPDATE THE TOWNSHIP'S RENT CONTROL ORDINANCE

I. PURPOSE

WHEREAS, the Township of West Orange has a rent control ordinance which has been amended from time to time due to an ongoing and emergent need for regulation with respect to the leasing of premises and charging of rents to tenants; and

WHEREAS, from time to time the Township must consider whether the need for rent control in the Township persists; and

WHEREAS, a housing shortage has existed in the Township since 1972 and has not abated;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, in the County of Essex and State of New Jersey, that Chapter 15 of the Township Code shall be and hereby is re-affirmed and re-adopted, and is hereby amended as follows:

II. AMENDMENTS

15-7 EFFECTIVE DATE; TERMINATION; RENEWAL.

15-7.1 Effective Date.

This chapter is to take effect immediately and shall remain in full force and effect for a period not to exceed two (2) years from the effective date of October 17, 2024 and shall automatically terminate, cease and be of no force and effect unless specifically extended by the Township Council by ordinance extending the term for no more than two (2) years at a time.

Any extension action shall be taken by the Township Council prior to the second anniversary date of this chapter and any subsequent extensions shall be taken prior to the respective second anniversary dates of this chapter thereafter, or any Ordinance re-adopting this chapter. (1972 Code § 17-6.1; Ord. No. 364-75 § 1)

15-7.2 Renewal.

The Township Council has determined that the housing shortage which has existed in the Township has not abated. This chapter, therefore, is hereby extended for two (2) years from the effective date of this Ordinance.

15-7.3 Retroactive Application.

This chapter shall apply retroactively, in its entirety, for the time period from October 17, 2024 through the date of adoption.

III. REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Township in conflict with this Ordinance are hereby repealed to the extent of such conflict.

IV. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

V. EFFECTIVE DATE

This Ordinance shall take effect upon final passage and publication in accordance with the law.

The Council President stated that this is the scheduled time for the public hearing and asked the Clerk to read the ordinance by title only.

The Council President asked if there was anyone who wished to be heard.

There was no one that wished to be heard and the public hearing on this Ordinance was closed.

On motion made by Councilwoman Casalino and seconded by Councilwoman Scarpa, the above referenced ordinance was adopted.

All members present voting "Aye."

Ordinance(s) on First Reading – None

Pending Matters/New Matters/Council Discussion

An Ordinance Amending and Supplementing Ordinance 25-19 IH-1 (INCLUSIONARY HOUSING) DISTRICT by eliminating the exemption of environmental regulations of the West Orange Land Use Regulations Ordinance

On motion made by Councilwoman Rudin and seconded by Councilwoman Scarpa, the Council voted to approve adding the above-mentioned ordinance to a future agenda for consideration.

Councilwoman Rudin, Councilwoman Scarpa and Council President Krakoviak voting "Aye."
Councilwoman Casalino voting "Nay." The motion carries.

Proposed Ordinance amending Section 3-17.1 to no longer require the Council's motion and approval before submitting proposed Resolutions or Ordinances for preparation by the Town Attorney or his/her designee for a Council meeting agenda

On motion made by Councilwoman Rudin and seconded by Councilwoman Scarpa, the Council voted to approve adding the above-mentioned ordinance to a future agenda for consideration.

All members present voting "Aye."

A Proposed Ordinance Amending the West Orange Municipal Code Chapter 27-Tree Protection, Removal, and Replacement to Add Section on Mandatory Removal of Tree-of-Heaven (Ailanthus Altissima) Trees, an Invasive Species Wildly Considered Noxious Weed that Greatly Damages Its Ecosystem

On motion made by Councilwoman Rudin and seconded by Councilwoman Casalino, the Council voted to approve adding the above-mentioned ordinance to a future agenda for consideration.

All members present voting "Aye."

At 11:43 p.m., on motion made by Council President Krakoviak and seconded by Councilwoman Rudin, the Public meeting was adjourned.

All members present voting "Aye."

The Minutes of this meeting are on file in the Office of the Municipal Clerk.



Karen J. Carneyale, R.M.C.
Municipal Clerk

Michelle Casalino
Council President Pro Tempore

Adopted: September 30, 2025