

TOWNSHIP OF WEST ORANGE
DEPARTMENT OF PLANNING AND DEVELOPMENT
MONDAY, AUGUST 25, 2025
6:30 P.M.

RE; PB-24-01 WEST ESSEX HIGHLANDS, INC.

BOARD MEMBERS:

ROBERT BAGOFF, Chairman
JERRY GUARINO, Vice Chairman
SUSAN MCCARTNEY, Mayor
KEN ALPER
LORI KAPFERER
JOHN CARDOZA
SUSAN SCARPA, Council Person

JORDAN RIZZO, Engineer
GERARD HAIZEL, Planner
JAMILET BAQUERIZO VITE, Board Secretary
GENIECE GARY-ADAMS, Zoning Official
JOSEPH FAGAN, Zoom Moderator

WITNESSES:

JOHN HASSE
JULIANA GARREFFA
MICHELE BYERS
JONATHAN REDWINE

FISHMAN COURT REPORTING AGENCY
89 HEADQUARTERS PLAZA NORTH
4 SPEEDWELL AVENUE, SUITE 1440
MORRISTOWN, NEW JERSEY 07960
(973) 285-5331 - FAX - (732) 605-9391

1 A P P E A R A N C E S:

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3 **HUTT, SHIMANOWITZ & PLOCKER, ESQS.**
4 **BY BRYAN D. PLOCKER, ESQ.**
5 **Bplocker@huttshim.com**
6 459 AMBOY AVENUE
7 WOODBRIIDGE, NEW JERSEY 07095
8 **Appearing on behalf of the Applicant**

6

7 **GACCIONE & POMACO, ESQS.**
8 **BY DIANA P. McGOVERN, ESQ.**
9 ONE BOLAND DRIVE, SUITE 102
10 WEST ORANGE, NEW JERSEY 07052
11 **Appearing on behalf of the Board**

9

10

11 **BRUCE I. AFRAN, ESQ.**
12 10 BRAEBRUN DRIVE
13 PRINCETON, NEW JERSEY 08540
14 **Appearing on behalf of the Objector, We Care NJ**
15 **Corp.**

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I N D E X O F E X H I B I T S

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
0-22	OVERLAYS
0-23	STATEMENT - SOUTH ORANGE ENVIRONMENTAL COMMISSION
0-24	STATEMENT - WEST ORANGE ENVIRONMENTAL COMMISSION
0-25	RESOLUTION - WEST ORANGE ENVIRONMENTAL COMMISSION

1 CHAIRMAN BAGOFF: Application PB-24-01 West
2 Essex Highlands, Incorporated, Block 179 Lot 32 Zone
3 IH-1, Warner Road. The applicant is proposing to
4 develop a 496 unit inclusionary multifamily residential
5 development on a vacant 120 acre property in the
6 northwest corner of the Township.

7 For the applicant, Mr. Plocker.

8 MR. PLOCKER: Good evening, Mr. Chairman.
9 Bryan Plocker from the firm Hutt, Shimanowitz & Plocker.
10 Here on behalf of the applicant.

11 CHAIRMAN BAGOFF: Are you done?

12 MR. PLOCKER: I don't have anything right
13 now.

14 CHAIRMAN BAGOFF: Good. Okay. Up to you.
15 Mr. Afran. Thank you, sir.

16 MR. AFRAN: Good evening members of the
17 board -- good evening, Mr. Chairman, members of the
18 board. I am Bruce Afran, counsel for the objector, We
19 Care.

20 CHAIRMAN BAGOFF: You have the floor, sir.

21 MR. AFRAN: Thank you.

22 We have three witnesses tonight. As the
23 board may know by now one witness, Mr. Hadascko, had an
24 injury last night or this morning and is unable to be
25 here today. But we do have Professor Hasse from, John

1 Hasse, from Rowan University, Michele Byers, retired
2 from New Jersey Conservation Foundation and we have Al
3 Litwornia from Litwornia Associates who will be
4 presenting our traffic, RSIS and interrelated civil
5 engineering issues.

6 We are going to begin this evening with
7 Professor Hasse.

8 Now, I understand he's going to put the
9 record into the boards computer so he can control the
10 board directly in presenting and making his
11 presentation.

12 CHAIRMAN BAGOFF: Go right ahead.

13 Q. If I could introduce him very briefly, he'll
14 qualify himself.

15 Professor Hasse is in the Department of Geography
16 and Planning at Rowan University. He is a geographer by
17 academic discipline. He also teaches in the planning
18 field, though he's not a licensed planner in New Jersey,
19 he has a national planning certification. He is the
20 director of the Geospatial Lab at Rowan University and
21 as you may know, that is a depository of the states
22 documentation, photographic and other documentation,
23 concerning land development sites which is regularly
24 used in state planning matters. And he'll be presenting
25 from the data base of the GIS and Rowan, which is also

1 the state data base, which he is the custodian with
2 respect to materials relevant to understanding this
3 particular site.

4 MS. MCGOVERN: Do you have a spelling of his
5 last name?

6 MR. AFRAN: Yeah. He'll correct me if I'm
7 wrong, H-A-S-S-E.

8 THE WITNESS: That's correct.

9 MR. AFRAN: And it's pronounced Hasse?

10 THE WITNESS: Hasse, yes.

11 MR. AFRAN: Thank you.

12 A. Good evening. Do I have -- can you hear me? Do
13 I need a microphone.

14 MR. AFRAN: Can you voir dire him.

15 MS. MCGOVERN: Do you swear or affirm to
16 tell the truth the whole truth nothing but the truth.

17 THE WITNESS: I do.

18 J O H N H A S S E, having been duly sworn
19 testifies as follows:

20 Q. Professor Hasse, I would ask you to project
21 whenever possible. If the air-conditioning goes on it
22 becomes hard to hear. So my voice isn't so strong right
23 now, try to project if you can.

24 A. I will try my best.

25 Q. Professor Hasse, you have been sworn in, let me

1 just ask you a few questions to qualify as an expert.

2 I mentioned earlier you are on the faculty at
3 Rowan University, is that correct?

4 A. Correct.

5 Q. What is your academic position?

6 A. I am a professor of geography and I am the
7 director of the undergraduate program and planning, also
8 the director of the Geospatial research lab where we do
9 GIS analysis.

10 Q. And just describe generally what is a GIS
11 analysis?

12 A. Geographical Information Systems is a way of
13 essentially doing mapping with computers that are
14 powerful. You can ask all kinds of questions of the GIS
15 and I often say that geographers -- three most important
16 things that geographers study are location, location,
17 location. Real estate people have stolen that from us,
18 but that's what we do. Why there. Why does it make
19 sense there and why not someplace else and what are the
20 conflicts in the space there. GIS is probably getting a
21 lot of attention right now because there are districting
22 projects going on across the nation, potentially, and
23 computer mapping is technology that allows analysis like
24 that to happen.

25 I will correct one thing that you said about

1 Rowan being the depository. It's a depository, it's not
2 the depository. We use safe mapping data to produce our
3 own series of state atlas, but it's not the state atlas
4 in New Jersey, it's Rowan's version. Just wanted to be
5 clear on that. But I'll be demonstrating that, that's
6 why I wanted to have the ability to have the computer
7 control.

8 Q. Thank you.

9 MR. AFRAN: I would like to proffer
10 Professor Hasse as an expert in Geospatial analysis and
11 planning analysis based on Geospatial presentation.

12 MR. CARDOZA: I have a question. Would you
13 speak more to the national certificate, I believe Mr.
14 Afran mentioned, as opposed to the New Jersey license?

15 THE WITNESS: So nationally there's only two
16 states that require a state specific license, that's New
17 Jersey and Oregon. The rest of the states, it's
18 Association Institute of Certified Planners, AICP. I
19 have my AICP. I have my planner in training from New
20 Jersey, but as of academic, I never finished the actual
21 transfer over to my planning license because I am not in
22 a practicing planning situation, I am teaching.

23 MR. CARDOZA: Thank you.

24 CHAIRMAN BAGOFF: What is this information
25 going to do for us?

1 MR. AFRAN: I couldn't really answer that
2 until I see it, but it's going to analyze, my
3 understanding it's going to analyze the site in
4 conjunction with the geographical area around it, which
5 is critical because one of the tasks under the MLUL,
6 whether there's an ordinance or not, is avoidance of
7 environmental and ecological harm from any site plan
8 application.

9 In addition, traffic analysis for example,
10 is another critical area. Flooding we've heard about
11 from this project, or potentially from this project
12 through Princeton Hydro, all that relates to the
13 surrounding geography of the region and what impacts it
14 will have on areas surrounding this particular site.
15 One way to understand that environmental impact is to
16 see visually the environment around the property. We
17 can't look at the four squares and say we understand the
18 impact. So this is -- generally this is a tool that's
19 used in state planning, and Professor Hasse can into
20 that himself, to analyze the affect of development and
21 to planned developments throughout the state. GIS is a
22 fundamental planning tool and so that's the purpose.
23 And it's used in the state planning process, so
24 certainly relevant here.

25 CHAIRMAN BAGOFF: Will you be evaluating the

1 Township of West Orange or just this piece of land?

2 THE WITNESS: This presentation is just over
3 the proposal. But the mapping that I will show, it's
4 available through Rowan, it's freely available, there's
5 no pay wall, no log in. It's meant to be a public
6 service and many planning boards use New Jersey Map,
7 which is what we post at Rowan, because there are
8 literally hundreds of layers of information that you can
9 use for any project. You can zoom in on any proposal
10 and see what data is available. We have most of the
11 state and then we create our own interpretation of that,
12 that are intentionally designed for public interest.

13 CHAIRMAN BAGOFF: You're basically
14 testifying to the geography of the area?

15 THE WITNESS: The geography of the proposal
16 and geographic significance of this layout, this
17 location and the implications of that.

18 MR. AFRAN: I will stress it is a common
19 planning tool. To go through the GIS analysis is
20 perfectly proper as expert testimony.

21 CHAIRMAN BAGOFF: We used GIS planning
22 previously, I'm trying to understand how this is going
23 to speak to the zoning ordinance. And more particularly
24 talk about it's either there or hypothetical. The GIA
25 tells you something's physically there. Everything else

1 is hypothetical what could happen around it. So they're
2 not speaking to areas that are around there that were
3 also built and how -- I'm pretty loud.

4 MR. AFRAN: It's actually hard to hear.

5 CHAIRMAN BAGOFF: We're looking for objects
6 of information, so if you testify to the application as
7 geography, talk to the geography, we had other experts
8 speak to different areas, so we'll go slowly and we'll
9 see how that goes.

10 MR. AFRAN: Fair enough.

11 CHAIRMAN BAGOFF: Because we don't have
12 things entered into the record that are not speaking to
13 the application directly or hypothetically.

14 MR. AFRAN: Well, I differ. I don't think
15 anything's hypothetical, except to the extent when we
16 have had testimony about geostructural problems that may
17 arise, flooding that may arise. That's not
18 hypothetical, it's based on actual data that's known,
19 though it's never known precisely what the ultimate
20 limitations would be. So when you speak of
21 hypothetical, I think that's an overstatement. We've
22 not had hypothetical testimony, we've had testimony
23 based on actual data that experts say will reasonably
24 lead to the potential for the following.

25 CHAIRMAN BAGOFF: We also had experts on

1 both sides of that coin --

2 MR. AFRAN: Right.

3 CHAIRMAN BAGOFF: -- so that means the
4 information becomes hypothetical because they're over to
5 the left or over to the right, there's something in the
6 middle.

7 MR. AFRAN: No, it could be on the left or
8 right, doesn't have to be in the middle.

9 CHAIRMAN BAGOFF: Usually ends up in the
10 middle.

11 Mr. Plocker.

12 MR. PLOCKER: Respect to qualifications.
13 I'd just like to make clear for testimony in the record,
14 are you a professional engineer?

15 THE WITNESS: No.

16 MR. PLOCKER: Okay. Have you ever made any
17 type of application to the New Jersey Department of
18 Environmental Protection?

19 THE WITNESS: No.

20 MR. PLOCKER: Okay.

21 CHAIRMAN BAGOFF: Thank you.

22 Go right ahead, sir.

23 THE WITNESS: Okay. Thank you.

24 A. So the New Jersey Map Project, which we run out
25 of Rowan, is an online public service map of many of New

1 Jersey's GIS data layers and we packaged them in a way
2 that makes it accessible to the nonexpert user.
3 Planning boards are a big target that we're trying to
4 provide this information to, to make the most informed
5 decisions.

6 I'm going to be talking to you about looking at
7 this development from two different angles. One, I had
8 been working with the Office of Planning Advocacy on the
9 State Plan Update and we have a map that is -- a couple
10 of maps that is here directly for serving the estate
11 planning process. And we also have been working for
12 about ten years with a number of conservation groups,
13 including a GIS model that helps to prioritize woodlands
14 that are most valuable for conservation and because you
15 can't, you know, preserve everything. So there's
16 priority models that we have done for that. So we're
17 going to look at it through two different lenses. The
18 smart growth planing and from the conservation, what I
19 call, smart conservation planning. We have many other
20 map layers here as you can see.

21 The proposed project, as you know, is a 496 unit,
22 multifamily residential, 120 acres currently forested
23 land. And the question is, is this the most appropriate
24 use of this land or what are the costs to West Orange.
25 So this idea of smart growth, is it efficient, is it

1 cost effective. We're going to look at some of the ways
2 of measuring that using the computer mapping technology.

3 Okay. So when we think about land systems, we
4 think about smart growth, we think about conservation.
5 It's a system. It functions in the way that things have
6 to be connected.

7 This is da Vinci's very famous diagram of a
8 perfect human, right. These are at the right spot,
9 they're connected in the right way, the right scale, and
10 this is really analogous to form follows function. So
11 think about it, the components are where they should be,
12 at the right scale, efficient, connected, flowing,
13 integrated. But form follows function. Think about
14 sprawl, a lot of New Jersey has had a lot of development
15 that's not connected. It's in the wrong scale, it's
16 impacting the resources that shouldn't be impacted. We
17 can think about that not functioning very well. So this
18 is in like a smart growth context. Urban sprawl is
19 something that things are just scattered, in the wrong
20 place, at the wrong scale, inefficient, poorly
21 connected, congested and segregated and wasteful.
22 Sprawl development is documented in many places as being
23 much more costly than a smart growth development. So we
24 think about the smart growth of having things that are
25 designed in the scale of humans. The image on the left,

1 this is from the State Planning Office. Same amount of
2 development as the right picture, the left is idealized
3 on here. What makes smart growth. A communities a
4 place. On the right sprawl, everything goes anywhere,
5 inefficient, costly.

6 Okay. So can smart growth be distinguished from
7 sprawl. Well, before GIS technology it was very
8 difficult to do. But we've been developing a way of
9 looking at any proposed development and seeing what are
10 the implications. You can call it smart growth, you can
11 call it whatever you want. The coefficient and affect
12 is it on the landscape. Let me show you how it works.
13 It is really based in a lot of principles that were from
14 the State Office of Planning Advocacy, as in this case,
15 and in many of the planning journals over decades.

16 So what does it mean to be smart growth. It's
17 not just a nice sounding term. So my first part of what
18 I'm going to be showing you is the ten measurements of
19 smart growth that we developed at Rowan and then ten
20 measurements of smart conservation.

21 So quickly going through this, and I think my
22 diagram makes it clear.

23 First of all, high density of smart growth
24 doesn't consume so much land. So the left-hand image is
25 less unit consumed per housing unit, per person to

1 house.

2 Second one is, is it infill. Is it contiguous to
3 existing development or leapfrogging out into areas that
4 aren't developed yet. That's our second measurement.
5 We can measure that, again, with computer mapping.

6 Third measurement, smart growth is mixed use.
7 It's things that are creating community assets that you
8 can walk to, that have a sense of place, where sprawl is
9 large areas all the same thing, homogenous and so forth.
10 So we can measure that, again, using computer metrics.

11 The fourth measurement, is it, is it, is it
12 create a community streetscape or are the streetscape's
13 highway strip sprawling ribbon growth.

14 Fifth measurement, regional planning consistency.
15 Right. There is a state plan. It's important for towns
16 to be able to work together, to be coordinating with a
17 state plan. But the state plan is not something that
18 has hard teeth in it. It is something that is
19 voluntary. So how well does the local development
20 proposal comply with the state plan. Or, or a regional
21 plan. These are metrics that can be used all across the
22 country.

23 Another thing we look at is road infrastructure.
24 How efficient are the roads. And typically when you
25 have blocks you have a more efficient road. There's

1 alternate ways to go. You're using up less land miles
2 per house. And, again, it creates a neighborhood versus
3 loops and lollipops of what we ordinarily consider
4 sprawl.

5 Sixth measurement is, do you have access to non
6 automobile transportation. What's the closest that any
7 particular unit proposal is to something other than a
8 car. And if you are close enough to it can you walk to
9 it or ride a bicycle to it.

10 Seventh measurement is transient sensibility.

11 Eighth measurement is community roads. Well, if
12 you're going to go somewhere in town it's probably going
13 to be to something that is common for people to do, so
14 for example a grocery store, a school, a library, a
15 hospital. We can actually use GIS to measure the
16 distance from every single unit in a proposed
17 development and get an idea of how much it is going to
18 generate. And, again, if you're closer, ideally within
19 walking or biking distance to your, to your community
20 destination, that would be ideal smart growth.

21 And then nine is our land resource integrity. Is
22 the proposal consuming important natural resources or
23 impacting that in some kind of way. So, again, if the
24 development is done in such a manner where it avoids the
25 most sensitive lands that would be considered smart

1 growth. Whereas, indiscriminate consumption of
2 resources is considered problematic sprawl.

3 And finally ten is the measurement of what is the
4 impact of this particular growth project on the whole
5 town, on the whole region. Explosive growth is often
6 considered synonymous with sprawl. When things are just
7 growing so fast or, in the case of West Orange, how much
8 land do you have left. Is it consuming your remaining
9 lands and that would be more so the case because you are
10 largely built out. Down in Gloucester County, where I'm
11 from, it's more of the former. Where we have explosive
12 growth in towns that are growing faster than anyplace
13 else in the state.

14 So let's take a look at this. If we look at the
15 project, and I encourage you to follow along and for
16 each one of these you can give your own grade, you'll
17 get a little report card, I'm a professor, I like to
18 grade things, right. So as we go through this, I'm not
19 going to tell you what my grade is, at the end I'll give
20 you a little glimpse. I invite the board and
21 participants here to make their own notes about what
22 they grade each factor for this particular proposal and
23 in doing so I will probably jump out and show you some
24 NJ maps that are behind this.

25 So let's start with density, right. You have 120

1 acres of parcel, 496 units, that's a quarter acre per
2 unit. How do you feel about that? Is that sprawling?
3 Is that smart growth? Smart growth you give it an A.
4 If it's sprawling, give it an F, is it somewhere in
5 between. And so that's the first measurement. So
6 number one, what's the density. Is that density that
7 we'd identify as smart growth.

8 Okay. Number two, infill versus leapfrogging.
9 All right. Well, is this adjacent to existing
10 development or is it leapfrogging out into areas of open
11 space. Well, these are rough measurements, probably
12 within ten percent, but we estimated to the north is
13 about 300 feet to the closest housing unit. To the east
14 is 800 hundred, to the south 604, to the west 885 feet.
15 Again, these are estimates, they're pretty close, I
16 almost guarantee this, but this was not, you know, done
17 to the level of detail because the plan frankly was not
18 detailed enough for us to put that kind of detail
19 measurement in. So, again, is this, in your mind, a
20 leapfrogged development or is this smart growth. Are
21 things like contiguous or infilling spots that are
22 vacant lots within the community.

23 Number three, mixed use versus segregated land
24 use. Okay. What is this land use. Is it, is there
25 some kind of mission use here. Are there other things

1 to do besides a bedroom to sleep in and housing units.
2 As far as I understand this project is multifamily
3 residential, it's only residential. So single land use.

4 Okay. Again, you're free to have your own grade
5 here.

6 Number four, community streetscape, is it
7 creating a community in it's street layout where you can
8 walk to the neighbors house, you can walk to a grocery
9 store or is it creating streets that are ribbon or
10 highway without sidewalks where you can't safely walk or
11 ride a bike or use a stroller. Again, what's your grade
12 for this.

13 Number five, is it consistent with a regional
14 plan. This ones a little bit of a trick question. The
15 state plan has this area as, does anybody know? What is
16 our planning area in the state plan? It's a Planning
17 Area 1, Metropolitan, that's where majority of growth
18 should happen. Right. If you read the state plan it
19 doesn't mean fill it up entirely with development. It
20 means that's where you should focus development, but it
21 also says there's a concept of centers. You're
22 developing centers and you protect the environment and
23 the environment could be within Planning Area 1. So,
24 again, what's your sense of whether this is fulfilling
25 the state plan.

1 Now, zoning wise in Planning Area 1, yes, but if
2 you read the rest of the state plan there's lots of
3 language in there about how to develop in ways that
4 create smart growth and it doesn't automatically mean
5 anything anywhere in Planning Area 1 is what the state
6 plans calling for.

7 Number six, connected road infrastructure. Do
8 you have a neighborhood where you can walk around the
9 block or are you creating loops and lollipops where
10 primarily you drive to have a play date. So, again, we
11 can measure this in metrics, such as intersections per
12 unit or lengths of road per unit and we have numbers
13 that come with that. This grading exercise here you can
14 grade individually if that is more smart growth or
15 sprawling.

16 Number seven, transit accessibility. Do you have
17 means of actually getting somewhere from your living
18 unit that isn't a car. Well, this, again, is some
19 estimates because the plan is not detailed enough but
20 the estimates for the nearest bus is 1.45 miles, the
21 nearest train station 5.1 miles, and no sidewalks,
22 right. So you actually have to drive to get to these
23 public transportation options.

24 Community Note Accessibility. How many things
25 can you get to in a reasonable time. And we use the

1 measurement of human walking speed. So we go about,
2 average person, about three miles an hour, so you can go
3 a mile in 20 minutes. Can you walk to any of these
4 destinations on average. I just took a center point
5 inside the development diagram there. So on average
6 from the center of this development proposal, estimate
7 that schools 1.7, grocery store, 1.5, park, 2.1 miles,
8 police 3.7, fire 1.4, library 3.3, post office 1.7.
9 These are real things that people will do every day of
10 their lives. So this is, it's an index. Like the Dow
11 Jones index. It doesn't mean this is measuring
12 everything that everyone's going to do but it gives you
13 a sense of what a development will create as far as user
14 miles traveled and it'll give you a sense of how much of
15 that you can actually do not in a car. All right. So,
16 again, without sidewalks it makes it really not likely
17 that you can likely walk to these destinations.

18 Land Resource Impact, in this case we do have a
19 patch of forest that's over 100 acres and that would
20 mean that there is a core area, that means interior to
21 the edge of the forest is considered special habitat,
22 because there are some species that can't really exist
23 just in the edges or little strips of forest, they need
24 a core forest area there. So this does have core forest
25 estimated to be about 49 acres.

1 Impervious surface created is about 12, I forgot
2 to put it in the slide here, about 12 acres. From the
3 engineering that was done so far, and that does not
4 include sidewalks. So impervious surface may be more
5 than the 12.1 acres and it is a resource of being the
6 headwaters. It's the actual headwater of the Canoe
7 Brook.

8 And, again, what's your grade in your report card
9 here?

10 So finally, Growth Trajectory. This project
11 consumes 100 acres plus of land remaining and when you
12 look at this, and this is what I'll show, I'm going to
13 pop out to NJ Map right now. Again, NJ-map.com, that's
14 the easiest way to get to it. And what I'm showing
15 here, we have animated maps showing development over the
16 last 30 years. This is -- I'm focused in on West Orange
17 because West Orange was largely built out by 1986, there
18 was a little bit of development happening here, just to
19 give you an idea of how we can create a sense of the
20 story what's been happening with New Jersey's landscape,
21 how it's been developing over time. And so we have
22 these animated maps and what I want to show you, I want
23 to show you a layer and this how you're -- you're going
24 to kind of absorb here how to use NJ Map. I'll got to
25 the layer called Remaining Lands. Okay. We did a model

1 that said, everything that's protected, let's make that
2 green. Everything that's already built, let's make that
3 red and anything that's left over, that's remaining that
4 could possibly be developed, is either purple or blue.
5 Okay. And so let me show you the legend for that. This
6 is how you get to the legend. Right. So here's Essex
7 County and we can kind of zoom in here to the parcel.
8 Now, I can see it right away. Here is the tract, it's
9 purple and it's blue. Blue meaning it's restricted, it
10 has some wetlands, steep slopes or something like that.
11 Purple meaning unrestricted. When we look at the parcel
12 here, and then we can see that mapped out, right. All
13 these little bits and pieces of purple are not really
14 that available. They might be peoples backyards but
15 there's not very many large tracts of open space left in
16 Essex County. In fact this is the last largest
17 undeveloped lot in the entire county. This is just a
18 little bit down here, but that's not along the highway
19 here. So it's definitely one of the most significant
20 remaining parcels of land. Okay. So that's how this
21 works. Gives you an idea. There's so many different
22 layers that are available that you can open this up and
23 see special flood hazards, but here's the really nice
24 thing that most planning boards really give us a lot of
25 compliments, we can go to the boundary layers and click

1 on parcels. Right. And this will draw all the parcels
2 and then you can click on any particular parcel and it
3 will give you a link to our parcel mapping and this is,
4 we do this at Rowan, this is not the state, we use state
5 data, but we add a lot more stuff to it. So you can see
6 the tax records from the state here, but you can also
7 see measurements, you can see things like wastewater
8 service area. You can see things like public community
9 water service area, and this is interesting, actually it
10 is not in the development water service area which is
11 interesting to find. But anyway, this is the parcel
12 mapping that is very, very useful to planning boards.
13 So I wanted to bring that your attention.

14 All right. When we look at this, go back here to
15 the remaining lands, I think you get a sense of why I
16 brought this up and I will go back to the slide
17 presentation for this question of growth trajectory.
18 Right. So our -- this proposal is very significant in
19 its impacts in growth trajectory for this. You're using
20 up the last large lot of undeveloped open space. You're
21 going to be adding, I'm just estimating using the census
22 averages for West Orange, 1300 new people, that's 496 x
23 2.7. And estimated auto trips, somewhere between 2700
24 and possibly much more than that. I went on the
25 conservative side here to be much more consistent. So

1 -- and it is the last -- so what happens, right. When
2 this is developed then West Orange along with many other
3 municipalities will be in a mode of redevelopment.
4 Redevelop is the future. That's not something to be
5 worried about, that's really exciting. You can actually
6 recreate things that are not done very well in the past
7 and that are abandoned and whatnot. The question is, do
8 you use up all the land first before you start to really
9 start to focus on redevelopment. Okay.

10 So that is the -- did everybody keep their score
11 card. You have your report card here. I'll put this up
12 again and I'll show you mine, I'm not trying to grade
13 this, this is just what I shared with my students.
14 There it is. Let me know -- all right, there it is.

15 All right. So what if the land were put into
16 conservation, right. Again, I just, this is Google
17 Earth with a 3D sketch up there. It doesn't really show
18 the whole plan, I just wanted to give you a sense of
19 that -- of the geography of that. We can do the same
20 thing and, on this, I appreciate it, I'm taking a lot of
21 time here, so I'll go a little faster through the smart
22 conservation goals here. Again, this is in context of
23 New Jersey development. We've been monitoring this and
24 tracking this since 1986, when we really had the first
25 GIS data coming out and New Jersey has developed since

1 1986, 377,000 acres of formally undeveloped land that
2 became urbanized. Okay. That's a third of a million
3 acres and we're only a five million acre state. That's
4 a tremendous amount of development in only 30 years.
5 And that rate has slowed down with, guess what, the
6 state plan which helped make development be a smaller
7 footprint. The density of housing has increased
8 tremendously since the state plan has gone into effect
9 and Rowan has done an analysis showing that. The impact
10 analysis for the new state plan coming out really
11 documents that. So smart growth does make a difference.
12 But we still have a long way to go where development
13 will change the landscape irreparably. Right. It
14 doesn't go backwards, it doesn't go from natural to
15 urbanized and then back to natural again without it
16 being really diversely landscaped. So the decision we
17 make today really will be important for many years to
18 come.

19 So with the conservation groups that we work with
20 there's something called New Jersey Conservation
21 Blueprint and the blueprint is led by a team of three,
22 and we're just kind of the custodians of this idea, New
23 Jersey Conservation Foundation, Rowan University and
24 major conservancies, but it actually consists of a
25 steering committee of state nonprofit local and private

1 organizations that come together and say what are the
2 goals of conservation. Can't preserve everything,
3 that's unrealistic. What are the things that are
4 highest priority. And so same thing, we can create a
5 series of smart conservation priorities. Right.
6 Wouldn't it be good to prioritize larger tracts, because
7 you get a lot more open space with 100 acres than you do
8 with a five acre lot, which is the minimum. You can't
9 do just a bunch of five acre lots without it being a lot
10 of work. So prioritize the larger tracts.

11 Near Other Open Space. It's really good to make
12 clusters of open space, particularly in conservation.
13 This isn't an issue here but it is also important for
14 habitat and for connecting human elements, right.

15 Protect Habitats as a Goal.

16 Promote Connectivity Both for Wildlife and
17 Humans.

18 Protect Forest Core. Water quality, flood risk,
19 steep slopes and important soils and create community
20 green space.

21 Q. Professor Hasse, I have no problem, you don't
22 have to talk that fast. We have time and I want to make
23 sure the reporter doesn't have to go so fast. You can
24 slow down.

25 A. Okay. Thank you. I thought you were going to

1 say we're going to have to cut it short. That's a much
2 better answer.

3 Q. The time is yours for the presentation, subject
4 to the Chairs ruling. Thank you.

5 A. Okay. Then I will go through this and I will go
6 not quite as fast but I am not trying to drag it on. We
7 have other experts.

8 Okay. So these are the priorities that we are
9 looking for in the conservation community. And let me
10 -- let's go through this here and, again, you can keep
11 score on whether this proposed site would be ringing a
12 bell or, you know, it's a gradient. It's not like, you
13 know, this site is perfect for conservation and this
14 site is perfect for -- it's all these factors are, it's
15 complicated, but you can get a sense by having
16 priorities that you have mapped out that have scientific
17 measurements to it that give you a sense. It's not just
18 how you feel because it's in your own backyard. There
19 are real metrics to go by here.

20 So if you look, again, this is the remaining
21 lands map, I already showed you that live, so I don't
22 need to go on that again. Again, I want to give you an
23 idea that it is the last large remaining parcel in the
24 entire county and is it near other open space. Okay.
25 So this one is pretty good, it's not adjacent

1 specifically to a park, but it is pretty close to three
2 different golf courses and it does, as you can see, and
3 we're going to see the other metrics here, create a
4 network of open spaces. It's not that far from other
5 open space, which is good. You want to have things
6 which will be able to be potentially connected. So near
7 other open space. Okay.

8 Protected Habitat. Now, protected habitat is for
9 all species. This is the DEP landscape project which is
10 a major species. And there haven't been endangered
11 species found on this site, but the yellow indicates
12 that it is the type of habitat where many species,
13 including endangered species could go, so it is ranked
14 one in the yellow area there and the --

15 CHAIRMAN BAGOFF: I'm going to stop you. I
16 have to stop you.

17 Mr. Afran, we are getting off track here. This
18 is, again, you're quoting information that we have.
19 There are no endangered species, we understand this. We
20 heard from many experts, you're recounting testimony of
21 other experts. You're doing it again and again and
22 again, it is not providing another layer of information
23 for the Planning Board. Right now we heard all of this
24 from different experts. Doing this again is not helping
25 us get more information that we didn't have to help us

1 make our decision. I want to focus on this piece of
2 land and things that we know to be different, such as
3 telling us that there's no endangered species, we've
4 heard that from other experts, there are no endangered
5 species. Doing it again is not --

6 THE WITNESS: I'm not saying there's no
7 endangered species. I didn't say that. I said this is
8 habitat for all species. Endangered species is an
9 indicator of critical concern, but I'm saying that this
10 is a habitat for many species.

11 CHAIRMAN BAGOFF: So are you testifying
12 there are endangered species here that have not been
13 previously identified?

14 THE WITNESS: I'm not testifying that, but
15 this is private land and so it's not --

16 CHAIRMAN BAGOFF: You have to be careful
17 with the record. Okay.

18 MR. AFRAN: I think he was very clear to say
19 there where no endangered species, endangered species
20 known on the site.

21 CHAIRMAN BAGOFF: Right.

22 MR. AFRAN: The witness is saying, this is
23 marked on the state mapping as habitat for wildlife and
24 is showing where habitat is here on this site compared
25 to in the immediate vicinity as well and his purpose, as

1 he introduced, was to say we need to look at what other
2 links there are and that this is a part of it. He's not
3 testifying to specific species. He's saying this is the
4 habitat for wildlife that the state map shows. This is
5 land that has some of that habitat.

6 CHAIRMAN BAGOFF: We know that.

7 MR. AFRAN: Well, you don't know it in
8 relation to what's around it, which is the point of this
9 map.

10 CHAIRMAN BAGOFF: Well, the people on the
11 Township Planning Board do know that.

12 MR. AFRAN: Well, I don't think they carry
13 around a visual of this map in peoples heads. It's very
14 useful to see this. That's why it's --

15 CHAIRMAN BAGOFF: You don't know what people
16 carry around in their heads, so.

17 MR. AFRAN: We don't know what people carry
18 around in their individual head.

19 CHAIRMAN BAGOFF: Exactly.

20 MR. AFRAN: And we shouldn't make a survey
21 of that either. It's bad practice.

22 CHAIRMAN BAGOFF: Let's focus on this piece
23 of land, the differences that we haven't heard. That
24 would make the most sense and most helpful to the
25 Planning Board and public.

1 THE WITNESS: This is in context of the
2 conservation value. That, you know, there's multiple
3 things in this report.

4 CHAIRMAN BAGOFF: Yes, we understand.

5 MR. AFRAN: Let's just note -- can you go
6 back just one second, please. Just, since we have had
7 colloquy on this subject, it's a slide headed Number 3,
8 Protect Habitat and in the left hand corner it says,
9 Part 2, Smart Conservation Report Card. Since there's
10 no page numbers, I just wanted to identify what the
11 Chair was referring.

12 MS. MCGOVERN: Well, it's also correct to
13 make sure the record is clear, this is going to be O-22,
14 right? We're going to need a copy of it.

15 MR. AFRAN: One thing I was thinking as we
16 did this, the different overlays, so I think we're going
17 to have to find a way to print the different overlays.

18 MS. MCGOVERN: Whenever you figure that out
19 it's going to be called O-22.

20 MR. AFRAN: This is Exhibit O-22?

21 MS. MCGOVERN: Yes.

22 MR. AFRAN: And the Chair was referring to
23 testimony regarding the slide marked 3, Protect Habitat.

24 CHAIRMAN BAGOFF: Go ahead.

25 A. And the mapping that I showed live, there's a QR

1 code at the end which would be in the presentation that
2 I provide that you can get to NJ Mapping. It's very
3 easy to get into.

4 So Protect Habitat, I was not -- this is a slide
5 showing the endangered species. I'm not -- the point of
6 this is it's habitat for many species and this is just
7 kind of showing that endangered species is compatible
8 there. Okay. That's the point I was trying to make.

9 To Promote Connectivity is a goal of
10 conservation. This parcel is, is in a very ideal
11 situation for the garden state green ways. Vision for
12 connected green ways. And so that's kind of an
13 interesting adaptation to land.

14 Protect Forest Core. That's something that was
15 already mentioned, that this does have core forest, that
16 it will be impacted and so that's a conservation goal.
17 I am not trying to repeat testimony, I am trying to make
18 the case that in a smart growth conservation context
19 these are the things we look at to help planning boards
20 make decisions.

21 As far as Protecting Water Quality, there are
22 many aspects of this. This is showing active river area
23 in the red. That's a TNC nature conservancy model that
24 also shows buffers and wetland buffers there and you can
25 see in the purple that this is within the Passaic River

1 and it's the Canoe Brook watershed.

2 Mitigating Flood Risk. Again, this is -- now I'm
3 showing further down on the Canoe Brook headwaters being
4 very clear at the start of this parcel. The orange
5 areas there are FEMA and FEMA plus 3, which is the DEP
6 mapping, just to give you an indication that as
7 hydrology changes for this site it changes down river
8 and it will impact flooding events in these area that
9 are now mapped.

10 Steep Slopes. There are a number of steep slopes
11 here that are greater than 15 percent. Again, this is
12 just priorities for conservations. Ideal to prioritize
13 areas of steep slope because they are areas that are
14 often not ideal for development.

15 And number nine here, Protect Important Soils.
16 This has two different branches. One, if this was
17 farmland I would've found farm soils. This is forested
18 land, and so we used the NRCS forest soil productivity
19 map and for that, A1 is the most production. This is
20 1B. I mean 1A is the most noted and this is 1B, so
21 second tier in productivity for forestry. That's in
22 growing and managing forests.

23 And finally we have Community Green Space. Now,
24 this is one that -- open space is not just for habitat
25 for animals, it's habitat for people too. People like

1 to enjoy outdoors, so this model, this is one that we do
2 for the conservation blueprint, is take into
3 consideration if you could be passive or an active
4 recreation. What are the features or factors that would
5 make it conducive to being ideal for usage by people.
6 And so those are the ten factors. Again, you can put
7 your own grades to them. I did not grade these for
8 this, but I wanted to leave that up to the audience to
9 do and to the Planning Board, but to have these factors
10 make you think about what is the context of the proposed
11 development and the importance if it was conserved.
12 Here are the framework of metrics that can help you
13 understand the priorities that the planning world and
14 the conservation world have identified. Okay.

15 So, again, I am kind of wrapping things up here.
16 This is just giving an idea of how we use this
17 Geospatial technology to understand land systems.
18 Landscapes change over time. It is a living system and
19 so we look at the most recent satellite images we have
20 on NJ Map, but we also have going back, here is 1997 and
21 we can see that there is more forest back then. And go
22 back to 1930 and see what the landscape was then. There
23 was a lot of deforestation that happened in the 1800's.
24 This area was forested, and we go all the way back to
25 the Vermeule maps. Vermeule actually surveyed in the

1 field, you can imagine the detail of doing this, this is
2 the 1880's. This was forested and many times other
3 parts of northern New Jersey were completely deforested.
4 So this is an area that has been forested at least since
5 1880's and so, you know, that gives you kind of the
6 context of what is the future going forward for the next
7 30, 100, 150 years of this parcel.

8 So with that I will wrap up my presentation.
9 Thank you very much for your patience. Thank you for
10 your questions. Here are the maps that I mentioned.
11 Again, it's very user friendly, but you can use this QR
12 code or you can click on these links I provided in the
13 presentation to the board and thank you very much for
14 your attention.

15 Q. I have one quick follow up question. Thank you
16 very much.

17 Could you go back to the soil quality chart. I
18 wanted to clarify one piece of testimony.

19 Now, you mentioned that the purple area is 1B, is
20 it 1B --

21 A. 1B, correct.

22 Q. And you said that was second tier, meaning it was
23 the most productive before the first, which is the
24 farmland?

25 A. No, this is forest productivity and so 1B, and I

1 apologize, the key I had to cut and paste from a web
2 page, so you know, this is the presentation, but on the
3 web page itself it has the full documentation of it but
4 1A is the most productive soils and 1B is described as
5 slightly less productive than 1A.

6 Q. And there are six levels on your chart?

7 A. Correct. And the blue is saturated forest soils,
8 so that would not be productive but it would be swamp
9 type forest you see there. So you can see the wetlands
10 really pop out on the site. Doesn't mean it can't be
11 forested, but it's a different nature of forest.

12 Q. So when you said it was second tier you only
13 meant that in relation to the first level, this is
14 actually second highest out of six categories?

15 A. Correct. And I, you know, if I were to tell you
16 what my grade would be, this would be a B. This is not
17 an A, it's a B, but you can see other areas that are
18 green, they would be A. As far as forest productivity,
19 the quality of it. And so, yes, it doesn't mean that
20 it's -- the wording literally is slightly less
21 productive than 1A.

22 Q. I just want to clarify, so second tier is second
23 out of the six?

24 A. Correct.

25 Q. It's not just second out of two?

1 A. Correct.

2 Q. Okay. Thank you.

3 MR. AFRAN: Thank you. That's all I have.

4 CHAIRMAN BAGOFF: Thank you.

5 Mayor McCartney, do you have any questions --

6 MR. AFRAN: We can't quite hear you.

7 CHAIRMAN BAGOFF: Mayor McCartney, do you have
8 any questions on his testimony?

9 MAYOR McCARTNEY: Good evening, Mr. Hasse. I
10 think that this would be a very interesting lesson on
11 smart growth planning for any new planning member.

12 I said that I think this would be a very
13 interesting lesson for all new planning board members to
14 learn about smart growth. I found that it was very
15 useful training. In this particular case though it
16 seemed like this is a community meeting for us to decide
17 -- actually, all though smart growth matches our Master
18 Plan, you would agree with that this parcel is not for
19 sale. So this is a, this is a community meeting for us
20 to decide if we can conserve it. We are trying to do
21 our best to the conserve it and what this particular
22 development has, you do have in your presentation that
23 there was 120 acres, it was also in that slide 120
24 acres, you said it was 24 units per acre but in this
25 case 25 of those acres are steep slope and 61 are

1 developable acres and left standing is 27.9. So as far
2 as this particular case, I think following smart growth
3 planning, they are doing the best they can to conserve
4 over 20 acres of this parcel and we have to decide if
5 they're doing it correctly or not. The inference I
6 felt, my take away was the inference that you were
7 saying is that this is sprawl and from what I see from
8 them trying to condense everything to the 27 acres, it's
9 not sprawl. They're doing the best they can to not
10 create sprawl. I don't know that I have a question
11 buried in there, just seemed that, that was my take
12 away. There was a section about transportation
13 accessibility, we don't have a train station in town but
14 the town has put together a jitney system, we have seven
15 different routes all over town to get people where they
16 need to be. So we are just doing the best we can. So I
17 don't have a question.

18 CHAIRMAN BAGOFF: Thank you.

19 MAYOR MCCARTNEY: As much as we would like
20 to conserve as much we can it's not for sale.

21 CHAIRMAN BAGOFF: Vice Chairman Guarino, do you
22 have any questions?

23 VICE CHAIRMAN GUARINO: Yes sir, I do Mr.
24 Chairman.

25 Thank you Professor for being here this evening.

1 I have a quick question for you. One, were you at this
2 site, development site to look and see what it looks
3 like?

4 THE WITNESS: No. I had not walked the site,
5 no.

6 VICE CHAIRMAN GUARINO: You had not walked
7 the site to see the condition as it stands right now and
8 the surrounding community, and the current residents and
9 their houses and development?

10 THE WITNESS: I have been in the surrounding
11 community, yes.

12 VICE CHAIRMAN GUARINO: All right.

13 So you've been within the West Essex
14 Highlands development itself?

15 THE WITNESS: No, from what I understood it
16 was private property.

17 VICE CHAIRMAN GUARINO: Okay. I'm just
18 asking.

19 MR. AFRAN: I think this is an ambiguity. I
20 think West Essex Highlands, I think the witness meant
21 the forest.

22 VICE CHAIRMAN GUARINO: That's my next
23 question. Thank you.

24 So you didn't go on the property and you
25 haven't seen the current condition of the forested area,

1 condition of the trees, the under bush and everything
2 else. When you did this whole presentation this is
3 basically paper, it's basically from reporting and so --
4 okay. And so can I ask you a hypothetical question. So
5 the part you're saying about connectivity to the
6 neighborhood and stuff like that, are you saying that
7 it's a bad development if it does not connect to the
8 surrounding community? So the further away or further
9 up the hill it was, not walkable, you're saying it's --
10 no, I'm not saying you're saying, but you would say it's
11 not a proper development?

12 THE WITNESS: I didn't use the word bad, I
13 didn't use the word proper. I said it's not smart
14 growth. It's not walkable, right. You can't push a
15 baby stroller. That's what I'm saying. I'm not putting
16 any judgment on it.

17 VICE CHAIRMAN GUARINO: Okay.

18 And my last question Professor, have you
19 seen the site plan? Have you looked at the plans and
20 construction plans and what's going to be put there?

21 THE WITNESS: I have reviewed what's online,
22 which is what I understand is the plans. It doesn't
23 seem like it's complete plans. I don't see sidewalks
24 and things like that. Details where I could evaluate
25 that. I had to read what was online.

1 VICE CHAIRMAN GUARINO: Thank you very much
2 and thank you for your time.

3 Thank you, Mr. Chairman.

4 CHAIRMAN BAGOFF: Mr. Alper, do you have any
5 questions?

6 MR. ALPER: Thank you.

7 Are there specific things, any specific
8 things you might suggest that would put a project, that
9 would put a project into more smart growth mode?

10 THE WITNESS: In what regard? Whether to --
11 like change the design, the plans --

12 MR. ALPER: Right. Based on what you've
13 seen and how that comports to your mapping and
14 everything, are there things that could improve it from
15 that perspective?

16 THE WITNESS: The location, location,
17 location of this has problematic aspects. When you look
18 at the factors that we looked at in trying to evaluate
19 whether somethings smart growth or sprawl, it is not
20 compliant with what is the priorities for smart growth.
21 It's consuming, you know, the last remaining parcel in
22 the county and the future of development in West Orange,
23 as well as most of New Jersey, is redevelopment. So I
24 know there's an affordable housing component to this
25 and, you know, the affordable housing need is a really

1 important part of smart growth. But locating affordable
2 housing in places where you actually have a neighborhood
3 that you can have the ability to go to the grocery store
4 and to do other things that it doesn't require a mile
5 and a half drive, is a smarter location for affordable
6 housing. That's what I'm saying.

7 MR. ALPER: Thank you.

8 MAYOR McCARTNEY: I'd like to come back to
9 the affordable housing plan.

10 CHAIRMAN BAGOFF: Ms. Kapferer.

11 MS. KAPFERER: Thank you Dr. Hasse, for your
12 presentation.

13 Are you able to speak at all, you referenced
14 the state plan. Are you able to comment at all about
15 how this state plan conforms to things like local zoning
16 and affordable housing numbers?

17 I asked about how the state plan may conform
18 to local zoning and also affordable housing
19 requirements, if you can.

20 THE WITNESS: Yeah, the state plan certainly
21 talks about affordable housing and it talks about what
22 types of zoning can achieve the goals for the state
23 plan. But the state plan is not, is not a direction, it
24 is a recommendation. It's trying to get communities and
25 municipalities to work together for the overall benefit

1 of regional planning. So it doesn't have descriptions
2 of exactly how to do it or numbers for affordable
3 housing, but it does say affordable housing is part of
4 the structure of development in our community and it
5 should be housed appropriate.

6 MS. KAPFERER: Thank you.

7 CHAIRMAN BAGOFF: Mr. Cardoza, do you have
8 any questions?

9 MR. CARDOZA: No questions. Thank you for
10 your presentation. My colleagues on the board asked my
11 questions.

12 CHAIRMAN BAGOFF: Vice Chair, you have a
13 second question?

14 VICE CHAIRMAN GUARINO: Yes, I do.

15 CHAIRMAN BAGOFF: Counsel Person Scarpa.

16 COUNCILWOMAN SCARPA: I have no questions at
17 this time. Thank you for your presentation, it was very
18 informative.

19 CHAIRMAN BAGOFF: Vice Chair.

20 VICE CHAIRMAN GUARINO: Thank you, Mr.
21 Chairman.

22 Professor, going back to affordable housing
23 and it's -- I'm sorry. I have hearing aids, so I'm
24 sorry. Can you go back, you were talking about
25 affordable housing and transportation and everything

1 else. People have this wrong impression about
2 affordable housing. People have this wrong impression
3 about when you hear affordable housing so -- don't look
4 at me, okay. Affordable housing, people who are
5 entitled to affordable housing have to make in the
6 Township of West Orange \$71,000. Did you hear that?
7 \$71,000. So if somebody's making \$71,000 and can't
8 afford a car or something, I kind of think it's kind of
9 a bias attitude if you think. So, I'm not being upset
10 with you Professor, but when you talk about the
11 affordable housing component, just because the
12 development has affordable housing, doesn't mean people
13 can't get transportation, cannot afford a car and
14 everything else. This is not directed at you. Okay.
15 The Township of Verona -- okay, don't waive your hands
16 at me. Township of Verona has affordable housing, you
17 know what the affordable housing income is? \$51,000.
18 So if you're saying that, and you can respond to my
19 comment, what I'm saying is, the affordable housing
20 component, yes, is a part of it but should not be the
21 only part of it. So thank you, Professor.

22 Thank, Mr. Chairman.

23 THE WITNESS: I'm glad you made that
24 distinction. I hope I didn't come across saying that
25 affordable housing units are only people that would want

1 to not have to drive a car. Walkability is for all
2 income levels. The ability to take a train to New York
3 is for all income levels. The ability to walk around
4 the block with a stroller of a grandchild is for all
5 income levels. This has an affordable housing component
6 to it, so that is something to be openly and honestly
7 addressed but I'm not implying that affordable units are
8 the ones that really need to have not only available
9 transportation.

10 CHAIRMAN BAGOFF: Captain Grady, do you have
11 any questions?

12 CAPTAIN GRADY: Not at this time. Thank
13 you.

14 MR. AFRAN: I have a follow up question. A
15 Council Member had a question about the state plan, and
16 I want to ask if you could explain what role you played
17 in the development of the state plan?

18 THE WITNESS: Okay. For the state plan we
19 have been doing New Jersey map layer, so we can see
20 under the state plan, we have the state plan viewer.
21 This is showing all past, and you can see the Planning
22 Area 1 is in the red here. This is where we are, right.
23 This is the parcel in question. This has all kinds of
24 information showing past development and then we have
25 the Smart Growth Explorer which is all about the future

1 and this is a map that has the principles of smart
2 growth modeled into, something similar that I went
3 through with the report card, but you can actually see
4 the component layers here. So for example the component
5 layers -- - this is the model all mixed together and
6 what it is, is each layer, this is the state plan, if
7 you're Planning Area 1 you get ten points. If you're
8 Planning Area 2 you get five points. Four points, three
9 points, two points, that's one part of the model.

10 Right.

11 Another part of the model is centers. If
12 you're a center you get 25 points. Historic
13 preservation, one point. Half a mile from a recreation,
14 that gets five points. Proximity to public facilities,
15 that gets -- so you can see we build all these things up
16 and then you can look at any particular parcel and see
17 what the points are for this.

18 Now, this is not the state plan. This is a
19 companion GIS model that's not, you know, under the
20 state plan law. It's an auxiliary project to help make
21 the state plan be more understandable and usable. Okay.
22 So this way we don't have to wait 21 years to have the
23 map update. We can update it as needed because it's
24 not, it's an appendix, it's not the state plan. But
25 these are planning tools that Rowan has developed to

1 work with this and then an impact assessment of the
2 state plan, as it comes out I have to write that
3 document as well.

4 MR. AFRAN: Okay. Thank you.

5 CHAIRMAN BAGOFF: Mr. Rizzo, do you have any
6 questions?

7 MR. RIZZO: No Mr. Chair, I don't have any
8 questions. Thank you.

9 CHAIRMAN BAGOFF: Mr. Haizel, do you have
10 any questions?

11 MR. HAIZEL: Yes, if I may. Going back to
12 the state plan, as you mentioned before and you showed
13 this area is B-1. According to the state plan what is
14 the area where the plan recommends that most of the
15 state group take place in?

16 THE WITNESS: In Planning Area 1.

17 MR. HAIZEL: We're in the process now of
18 abating the state plan, which has been around for quite
19 some time. As far as you're aware is there any
20 intention to change this area from PA-1, which it has
21 been previously?

22 THE WITNESS: No. No, it makes sense for it
23 to stay. The maps will change a little bit as the
24 negotiation with each municipality. There is some
25 little changes here and there with the actual planning

1 map, but this is a broad concept plan. We have Planning
2 Area 1 through 5B, it's not detailed, and in Planning
3 Area 1, yes, that's where the majority of growth is
4 expected to go because of the infrastructure there. But
5 it doesn't mean every parcel of developed land in
6 Planning Area 1 should be developed. There's this idea
7 of environments within Planning Area 1, which are the
8 sensitive lands to be not developed and redevelopment is
9 primarily the future of Planning Area 1.

10 MR. HAIZEL: Okay.

11 In terms of the Master Plan, I think someone
12 mentioned that before. What is your understanding of
13 the interplay between what you have here and the Master
14 Plan?

15 THE WITNESS: West Orange Master Plan?

16 MR. HAIZEL: Master Plan.

17 THE WITNESS: Any Master Plan? The Master
18 Plan is the document vision -- document by which zoning
19 ordinances should be fulfilling what the Master Plan
20 says. So the state plan is kind of a Master Plan of
21 Master Plans, this is what the state vision is for
22 regional coordination.

23 Now, individual municipalities have their
24 own ability to make the Master Plan what they want to
25 be, but it should be sensitive to and reflecting the

1 goals of the state plan as much as possible. That's the
2 idea. But it's not prescribed. It doesn't impose what
3 the local Master Plan.

4 MR. HAIZEL: So as we're in the process now
5 of, the end process I guess, of the abatement of the
6 state plan, is there, as we do with local ordinances and
7 things of that sort, is there a requirement or a review
8 to see whether local ordinances contradict or are in
9 conflict with the state plan and it's goals and
10 objectives?

11 THE WITNESS: They don't have -- they have a
12 very small office, they don't have the capacity to view
13 564 municipalities. So I don't know of any mechanism
14 where it is, you know, gauged against the state plan,
15 but I am sure that if a municipality wanted to have that
16 conversation, they probably could make that happen. But
17 I don't know that it prescribed that it has to happen.

18 MR. HAIZEL: Well, having participated in it
19 way to much myself, there is a process in which there is
20 all local ordinances matched up against the goals and
21 objectives of the state plan and you identify where
22 there is conflict, staff of the state plan Office of
23 Planning Advocacy, does also comment on each. So there
24 is that process where one can indicate whether there is
25 conflict or not. I guess what I'm getting at is --

1 THE WITNESS: You're talking about the cost
2 acceptance processes?

3 MR. HAIZEL: Yeah. The question that I'm
4 getting at is, is there anything with this development,
5 which is in the area that has been zoned for it, is
6 there anything that you can see that contradicts or
7 conflicts with that plan?

8 THE WITNESS: When was the zoning changed to
9 be that this would be able to be developed like this?

10 MR. HAIZEL: Was it 2000. I don't recall
11 the year, but the state plan, and that's why I asked the
12 first question, the state plan and PA-1 designation for
13 this area has been around for well over the past couple
14 decades and this was done within that period. So I'm
15 going -- I'm asking, is there anything you can see
16 within this area that's been zoned accordingly that is
17 in contradiction with the goals of the state plan?

18 THE WITNESS: I believe, I think the state
19 plan does want to see important natural resources
20 protected no matter what zone it's in. Whatever
21 planning area it's in. I can't think of another parcel
22 in the county that has a natural resource value to it
23 that's graded, perhaps there are, but this one certainly
24 stands out as a parcel that has an extraordinary
25 conservation worth if it was conserved.

1 MR. HAIZEL: I guess this is my last
2 question. In terms of, you know, you just, is there any
3 aspect -- is there any provision in the MLUL, the
4 Municipal Land Use Law, that basically gives, I'm just
5 trying to figure out how best to word this. Basically
6 gives any ability for someone to -- does the situation
7 where our a proposed development that's in an area where
8 it's zoned for, is there any mechanism, as far as you
9 know in the, in the MLUL that allows that development
10 not to be permitted based on not meeting any of the
11 smart growth criteria even though it is permitted in
12 that zone?

13 THE WITNESS: That would take a pretty
14 detailed analysis to begin to know how the zone is
15 actually written. That is not something I've done.
16 It's not something that I typically do. But I do
17 believe that there are a lot of details that have to be
18 done correctly for the, for an application to not have
19 grounds to be denied. And so it is possible that there
20 are grounds that could deny this application. That's
21 not something that I have information on or that I have
22 been able to research.

23 MR. HAIZEL: But are there components in the
24 MLUL, like whether an area has a sensitive waterway or
25 something of that sort that does provide that

1 opportunity for a project or development not to take
2 place within so many feet of sensitive areas like a
3 waterway and things of that sort?

4 I guess what I'm getting at is, beyond the
5 mechanisms that are built into the Municipal Land Use
6 Law now, which this and other projects would have to
7 basically comport with, is there anything in this
8 project, as far as you can see, that does not comport
9 with that?

10 THE WITNESS: I think that's a question
11 better asked of the land use lawyer. That's not
12 something that I would testify on. It's not my
13 expertise.

14 MR. HAIZEL: Thank you.

15 CHAIRMAN BAGOFF: Thank you.

16 Any members of the public have any questions
17 for -- I'm sorry.

18 Mr. Plocker.

19 MR. PLOCKER: Thank you. I have a couple of
20 questions.

21 Thank you very much Professor, and I do
22 appreciate that map. I use the parcel locator all the
23 time. As a land use lawyer I find it a very valuable
24 tool in doing what I do on a daily basis.

25 I think you might have answered it in your

1 testimony in answering the questions to Mr. Haizel, did
2 you review the IH-1 zone ordinance for this property?

3 THE WITNESS: I did not.

4 MR. PLOCKER: Is it your understanding that
5 the 496 units proposed by the site plan application are
6 permitted by zoning ordinance?

7 MR. AFRAN: Brian, can you say it again.

8 MR. PLOCKER: I'll will repeat the question,
9 because some people are having a problem hearing.

10 I believe you said you did not review the
11 IH-1 zone ordinance for this project, is that correct?

12 THE WITNESS: In detail. I glanced at it.

13 MR. PLOCKER: Okay.

14 Is it your understanding that the 496 units
15 proposed by the site plan application are permitted by
16 the ordinance?

17 THE WITNESS: I can't answer that. I don't
18 know. I didn't read in detail enough to answer that.

19 MR. PLOCKER: And you do have some kind of
20 planning certification?

21 THE WITNESS: I am.

22 MR. PLOCKER: Okay. But you chose not to
23 review the zoning ordinance?

24 THE WITNESS: That was not what I was asked
25 to do.

1 MR. PLOCKER: Okay. Fair enough. Thank you
2 very much.

3 And I have one other question. Are you
4 aware that the application proposed is preserving 93
5 acres of the subject site and deeded to the Township of
6 West Orange in perpetuity?

7 THE WITNESS: That seems to be what the plan
8 indicates.

9 MR. PLOCKER: Okay. Thank you.

10 CHAIRMAN BAGOFF: Do any members of the
11 public have a question for Mr. Hasse on his testimony?
12 Please come up, state your name and ask your question.
13 Three minutes.

14 THE PUBLIC: Seth Weisleder, 17 Howell
15 Drive.

16 Thank you Professor for sharing your maps,
17 I've seen it a couple of times online and I think I have
18 learned how to use it a little better. But a question
19 on slide 8, you showed the red slope, the GT-15. I
20 thought was interesting because it was something I've
21 never seen before. Can you zoom in on the upper
22 right-hand corner. Can you explain maybe what slope
23 GT-15 percent means?

24 THE WITNESS: Greater than 15 percent slope.

25 THE PUBLIC: I'm sorry.

1 THE WITNESS: The GT in the slide is greater
2 than. So 15, 16, 17, it's greater than 15 percent
3 slope. So 15 percent slope is the land over the height
4 rise of the center.

5 THE PUBLIC: So in laymen's terms, like what
6 does that mean?

7 THE WITNESS: It's how steep the slope is.
8 So the slopes that are 15 percent or higher are
9 considered steep slopes.

10 THE PUBLIC: So if we were to zoom in even
11 closer up towards Howell Drive, on the right-hand side,
12 upper right-hand corner of the parcel. Yup, right
13 there. Keep going. So where the cul-de-sac is, if you
14 can move the pointer for me. Thank you. So what we're
15 looking at there, is what we're saying is, that's where
16 Building D might be up in that corner when you looked at
17 it?

18 THE WITNESS: I believe it's just above the
19 steep slope area right here.

20 THE PUBLIC: Okay.

21 So I want to zoom in again. So the houses
22 above -- below Building D, we are showing 15 percent or
23 greater. Very steep slopes there, correct?

24 THE WITNESS: Correct. Yes.

25 THE PUBLIC: And that would be the parcels,

1 you can see the houses. I think that's, I can't read
2 them, but whatever blocks those are, but those would be
3 the houses of where I live and my neighbors live. Okay.
4 Thank you for sharing what that means.

5 And then my other last question is, on slide
6 number 9. Can you just give the definition of what a
7 protected important soil is, like what does that mean?

8 THE WITNESS: So the Natural Resources
9 Conservation Service is a federal agency that maps and
10 monitors the soils. And so they have mapped the entire
11 country and they have soil maps for New Jersey and each
12 soil type is in their data base of having certain
13 productivity, a certain water retention, a certain
14 texture that can be translated to how well a forest will
15 grow there. How productive. It's generally done in the
16 case of whether it's productive wood lots, but it's
17 giving soil fertility indications. The equivalent of
18 prime farm soils. New Jersey also has a prime soils map
19 and prime soils are the ones that are most productive
20 and so it's a goal or mission program to try to save the
21 best, most fertile soils. This is showing forest
22 productivity because this is a forested area. So it's a
23 map, a model that's taking the soils data and showing
24 which ones are the most productive. The ones that are
25 green are the 1A, the ones that are purple, light

1 purple, is 1B. So that's the highest and then second
2 tier and the third tier would be the 1C and some orange
3 up here, yellow is 2A, which is least and then you have
4 saturated soil which is a different category. It's not
5 necessarily better --

6 THE PUBLIC: So things could grow there,
7 trees and things --

8 THE WITNESS: Yeah. It's good for trees, it
9 may not be good for farmland.

10 CHAIRMAN BAGOFF: Thank you, very much.
11 Your time is up.

12 Next person, come up please. Any other
13 questions, anybody else have a question? Please come
14 up. You have three minutes.

15 THE PUBLIC: Victor Misarti. I live on
16 Mayfair Drive.

17 CHAIRMAN BAGOFF: Speak up, sir.

18 THE PUBLIC: I have a question about the
19 smart development regarding the wetlands and the Canoe
20 Brook. Like for instance, the Canoe Brook goes down to
21 the, you know, these reservoirs that are drinking water
22 and I was just wondering what smart conservation has to
23 say about that?

24 THE WITNESS: Well, I think the point that I
25 was trying to make about that is that, that the

1 headlands of the stream begin in this parcel and the
2 headwaters of any stream are where the stream quality
3 and the stream quantity begin. Right. So if the
4 hydrology changes on this parcel it potentially has
5 impacts downstream. And so this is showing the stream
6 and the stream buffers, but we also have the FEMA FIRM
7 maps and the FEMA plus 3 feet. So you can see further
8 down the stream, these orange areas are now the new DEP
9 calculated FEMA plus 3, because the increased amount and
10 variability of rain. But these areas can be considered
11 at risk for flooding. You can see how that area has
12 expanded with this expanded orange area there. So these
13 houses will likely be impacted if there is a significant
14 stormwater --

15 MR. PLOCKER: I'm going to object to that
16 testimony. He did say he's not an engineer.

17 THE WITNESS: I'm not an engineer. I am a
18 geographer and we do map the floodplain.

19 MR. PLOCKER: For the record, there is some
20 yellow on the map. We got it. Thank you.

21 THE PUBLIC: Can I say also, the plus 3
22 means the normal water level plus 3 feet higher if it
23 was flooding.

24 THE WITNESS: The FEMA plus 3 is New Jersey
25 DEP mapping that took the FEMA FIRM maps, those were the

1 insurance maps that FEMA has produced. They have their
2 own modeling that they do that. And the DEP has created
3 a model where they raised the elevation 3 feet from that
4 FEMA flood zone and said, where does that stretch out to
5 beyond that. Because that's the type of flooding that
6 there has been an increase in.

7 THE PUBLIC: Thank you.

8 CHAIRMAN BAGOFF: Thank you, sir.

9 Anyone else from the public have any
10 questions on his testimony. Please come up and be
11 identified.

12 THE PUBLIC: Good evening. Megan Coleman,
13 Township of Verona.

14 I want to thank you Professor for your
15 presentation. Very informative. And thank you for
16 giving us an overview, great overview of smart growth
17 conservation priorities.

18 So one that really jumped out to me was
19 number seven, which was Mitigating Flood Risk. And you
20 also mentioned that as the hydrology changes in the area
21 and as it changes for this site it will probably change
22 the hydrology from downstream. So obviously recognizing
23 that you are not a stormwater expert, I was curious if
24 you were to give a smart growth grade to number seven,
25 Mitigating Flood Risk for this property, what would you

1 give it?

2 THE WITNESS: Probably I would give it a C
3 minus or a D.

4 THE PUBLIC: Thank you.

5 CHAIRMAN BAGOFF: Thank you.

6 Any other member of the public have any
7 questions for Professor Hasse on his testimony? Please
8 come up. You have three minutes.

9 THE PUBLIC: Barbara White, Howell Drive.

10 If you could go back to the slide that you
11 showed us that had the steep slope, that would be where
12 my question is. The slide with the steep slope. And
13 again, you can go in and zoom in on the area that is
14 nearest Howell Drive.

15 THE WITNESS: I am going to go back to the
16 map. I can't really zoom in on the slide but I can zoom
17 in on the map. Am I in the right place?

18 THE PUBLIC: You're in the right place.

19 So part of what we have learned over time is
20 there are two lots on Howell that may be used for an
21 emergency exit. And what I wanted to see myself,
22 doesn't appear, they may well be in the steep slope area
23 that is greater than 15 percent. What I wanted to see
24 is whether or not the area where the two lots are that
25 mentioned was the emergency exit areas and what their

1 steepness is. That's in the cul-de-sac.

2 THE WITNESS: Again --

3 THE PUBLIC: I don't know if you have enough
4 detail to point out that exact two lots. But does it
5 appear from what you showed us that those lots may well
6 be in the steep slope?

7 THE WITNESS: This seems like, and it's hard
8 because these are not -- it seems like the steep slope
9 starts just to the east of where the building footprint
10 is. So that means that, you can see the cul-de-sac
11 right here. This is the, this is the screen shot from
12 the proposal that's online, so I can't really zoom in on
13 here. This is the access point here and I guess the
14 developers attorney can testify --

15 MR. PLOCKER: I don't testify.

16 THE WITNESS: You don't testify.

17 THE PUBLIC: So my question is, and I don't
18 think you have it here for us to see the overlay, your
19 steep slope map to that, are those lots, is that steep
20 slope or not? And I don't know, again, if that can be
21 shown tonight but that was the question I have.

22 THE WITNESS: I don't have the ability to
23 bring the proposed plan into NJ Map, that is correct.
24 It seems like though it may be to the west of the steep
25 slope area.

1 THE PUBLIC: Okay. Thank you.

2 CHAIRMAN BAGOFF: Do any other members of
3 the public have any questions for Mr. Hasse on his
4 testimony? Please come up. You have three minutes.

5 THE PUBLIC: My name is Debbie Druce,
6 D-R-U-C-E.

7 After Hurricane Sandy many, many trees in
8 that area fell down and the land had shifted, the
9 sidewalks, they have turned up, the things for the
10 proposed houses have split apart. My question is, in
11 that land when you talked about the soil and headwaters,
12 what is the characteristic of the shifting of the land
13 and stability of that area, particularly having trees
14 stand up, landscape filters and having foundations
15 there?

16 CHAIRMAN BAGOFF: I'm sorry, I don't think
17 he testified anything about foundations or geology.

18 THE PUBLIC: No, because when we look at the
19 type of soil some soils have -- are shifting. They have
20 a base, can you describe that area where you have
21 headwaters?

22 THE WITNESS: Yeah, that is beyond my
23 expertise, like soil structure and ability of
24 foundations. But it is important for residents to be
25 documenting, taking pictures when those things have

1 happened so you have records of it. These maps, these
2 engineering maps, FEMA maps, all of them are models and
3 that's a good representation, but a representation of
4 having real evidence and having a record is important.
5 So it's good to be recounting these things that happen.
6 But I can't speak to the nature of the soils.

7 THE PUBLIC: So how do you take those
8 observations and account for over 20 years how the land
9 shifts and holds things up, how do you do that?

10 THE WITNESS: That's a good question. You
11 have to have somebody that has more expertise and is
12 able to do that.

13 CHAIRMAN BAGOFF: Thank you.

14 Any other members of the public have
15 questions to ask on the testimony? Please step up. You
16 have three minutes.

17 THE PUBLIC: Bob Sharenow, S-H-A-R-E-N-O-W.
18 I live in the Highlands.

19 Based on everything that you gave us at the
20 beginning and asking us kind of to do a little report
21 card, if we had a total good report card in school we
22 could get a hundred out of it. And in your opinion
23 based on everything you know and all that you asked us
24 to grade, can you give us a grade on what you think this
25 property would be?

1 THE WITNESS: Again, there's two reports,
2 there's the smart growth aspect, does it have a design
3 and a, you know, a location that would be having
4 characteristics of smart growth.

5 THE PUBLIC: Okay. Let's take that part.

6 THE WITNESS: This would be very poor. My
7 students would grade this as D probably.

8 THE PUBLIC: Thank you. Everybody heard
9 that, right?

10 The other part we're talking about, how
11 would your students grade it?

12 THE WITNESS: As a parcel for potential
13 conservation, it's up there. It's up to a B plus. And
14 its size and the fact that it's the remaining open space
15 in the whole county are all factors that are important.

16 THE PUBLIC: So it should stay that way,
17 correct?

18 THE WITNESS: I think there's so little of
19 it left that it would be --

20 THE PUBLIC: I think everybody in the room
21 agrees with that. Thank you.

22 CHAIRMAN BAGOFF: Okay.

23 Any other member of the public have any
24 questions? Please come me. You have three minutes.

25 THE PUBLIC: Seth Weisleder, 17 Howell

1 Drive.

2 I have a question, the map that we are
3 looking at, does that also show what it looked like two
4 years ago and if that slope increased at all, increased
5 in size and the steepness of it?

6 THE WITNESS: To this?

7 THE PUBLIC: You don't have any -- there is
8 no, like if you are watching a satellite weather map and
9 it's moving across, do you have a depiction over the
10 last three or four years?

11 THE WITNESS: For the geology, no. They fly
12 this with Lidar, which is laser, and that's only done
13 occasionally. It's done like a one off. So this data
14 is the most recent data done on this laser based
15 measurement of the elevation of the land surface, but
16 that's probably five years old as it is. So the
17 elevation data does not get updated. The aerial imagery
18 for the state only gets updated every five years. It's
19 extensive and it's involved. Elevation data doesn't
20 change that much and so, you know, maybe there will be
21 an update within the next ten years, I don't know. But
22 it is not a year to year monitoring of the slope.

23 THE PUBLIC: Okay. Thank you.

24 CHAIRMAN BAGOFF: Thank you.

25 Anyone else from the public have any

1 questions for Professor Hasse on his testimony? Please
2 come up. You have three minutes.

3 THE PUBLIC: Good evening. I know what your
4 testimony is and I appreciate -- Jack McElroy from
5 Verona. I'm actually on the Verona Town Council and I'm
6 the Deputy Mayor of Verona.

7 The affordable housing question came up and
8 one of the members of the board was stating some numbers
9 on affordable housing and it differs from town to town.
10 I am surprised that no one else in the room brought this
11 up when he was testifying to this or asking the
12 question. Numbers are no different in Verona than they
13 are in West Orange. You stated like a ten to 12,000
14 dollar difference from 73, 74,000, Verona 61,000. We're
15 both in Region 2 and we are subject to the state -- the
16 same rules and regulations from the State of New Jersey.
17 So I just wanted to clarify that.

18 CHAIRMAN BAGOFF: This is, sir, this is to
19 ask a question not testify.

20 THE PUBLIC: I feel there was some
21 inaccuracy.

22 CHAIRMAN BAGOFF: Deputy Mayor listen to me,
23 please. This is to ask a question of the person who
24 testified, not to make a statement. There will be time
25 in public comment.

1 THE PUBLIC: My question is, where did you
2 get the numbers then? If you state inaccurate numbers,
3 where did you get the numbers and I'm sorry to bring you
4 involved in this because your testimony was brilliant.

5 VICE CHAIRMAN GUARINO: Well, one of your
6 school members gave me that total. One of your school
7 board members told me how many kids came into that
8 development to the school -- to your school system.
9 Okay. So that's where I got the number from. Don't
10 look at me like I got three heads.

11 CHAIRMAN BAGOFF: Okay. Okay.

12 THE PUBLIC: The testimony from the school
13 board member has nothing to do with this case. And I
14 can state numbers from a record because I have it here,
15 but you're talking numbers far above what was stated.
16 86,000 is low income and low to moderate income is 86 --
17 excuse me. Low income is 54,000 and very low income is
18 32,000, it's the same throughout every town and it
19 should be noted.

20 CHAIRMAN BAGOFF: Thank you very much, sir.

21 THE PUBLIC: Hi. Deidre Dyson, Slayback and
22 Howell Drive.

23 My question is for the people that are
24 underneath. I am across the street from the cul-de-sac
25 and the people who had floods last summer, we had a

1 really horrible rainstorm that caused the asphalt to
2 come up and all this stuff there. My question is, in
3 your opinion are the people that live lower down below
4 where that buildings going to be built, are they going
5 to have to have, whether they have flood insurance now
6 or not --

7 CHAIRMAN BAGOFF: I'm sorry.

8 THE PUBLIC: Are they in trouble with flood
9 insurance?

10 CHAIRMAN BAGOFF: He didn't testify to flood
11 insurance. He didn't testify to flooding. There are
12 other people, other experts that testified on both sides
13 to that.

14 THE PUBLIC: Okay. I am going to have a
15 seat.

16 CHAIRMAN BAGOFF: Thank you very much.

17 Any other members of the public who have any
18 questions based on what Mr. Hasse testified to?

19 THE PUBLIC: Good evening. Jessica Pearson,
20 Verona.

21 How are you? Thank you for your testimony.
22 It was really enriching.

23 My question to you regards, I guess, sort of
24 the controversy that was brought up in the very
25 beginning of your testimony when the applicants attorney

1 sort of started to ask you questions regarding your
2 affiliation with the NJDEP, whether or not you have one.
3 As well, I guess I want to know who utilizes, besides
4 me, this model? What other faculties throughout the
5 state, who relies on this intrinsically to come up with
6 data and to make determinations? Can you give us some
7 of your references, besides, you know, not the DEP.

8 THE WITNESS: Yeah.

9 THE PUBLIC: Who else uses this. Because I
10 think that they compliment one another when I use them,
11 but.

12 THE WITNESS: We really don't know exactly
13 who's using it. We get like counts of thousands of
14 users per month that are using this. We get an idea
15 throughout the state that they're being used. A lot of
16 the information about what people find useful is
17 anecdotal, but I am getting 3,000, 4,000 hits for a
18 private website, not private -- well, it's for a state
19 website, state university website showing mapping, it
20 way exceeds other mapping programs out there. So a lot
21 of people are using it. Primarily the conservation
22 community and the planning board community that I know
23 of. Again, by people telling me that they appreciate
24 it.

25 THE PUBLIC: You integrated FEMA data into

1 your system, correct?

2 THE WITNESS: We have hundreds of layers,
3 some of them come federal, some of them state, some of
4 them are models that we billed. But we do have federal
5 data.

6 THE PUBLIC: And FEMA is one of them?

7 THE WITNESS: Yes.

8 THE PUBLIC: When you go to the general DEP
9 site and you look for the FEMA data, I am generally
10 redirected to the FEMA mapping system. It's not
11 integrated, have you found the same to be true?

12 THE WITNESS: Well, the DEP has their own
13 FEMA adjusted model, that I mentioned.

14 THE PUBLIC: But it's not all in one?

15 THE WITNESS: That's a good question.
16 Because I just use the FEMA plus 3 model from DEP, you
17 know, I haven't looked on the DEP website whether they
18 have both of them.

19 THE PUBLIC: I don't want to testify but --

20 CHAIRMAN BAGOFF: Good. Don't.

21 THE PUBLIC: But your site integrates them
22 both?

23 THE WITNESS: Correct.

24 CHAIRMAN BAGOFF: Thank you.

25 Anyone else from the public have questions

1 for Professor Hasse?

2 MR. AFRAN: Before you go. One of my
3 clients asked me if Professor Hasse, if you could zoom
4 in for a moment on the Howell Drive area. I think
5 that's in the center at the bottom of the forest. The
6 red. Top right. Further to the top right. Howell
7 Drive. That's it. Can you hold that just one moment.

8 THE WITNESS: Sure.

9 CHAIRMAN BAGOFF: Why don't we let the
10 public ask their questions, then you guys can come back
11 up.

12 MR. AFRAN: Below the cul-de-sac there's a
13 small rectangle. Red. Right there. That's part of the
14 steep slope, right?

15 THE WITNESS: This has a lot of different
16 layers turned on here. So what we have is you have
17 property and parcels and then, those are in white. And
18 then you have, I believe, the landscape outlines that
19 are shown in the landscape patches because there's
20 different types of forest that are identified, so it's
21 not all the same. These are identifying different
22 stands of forest species that are just an outline there
23 because I wanted to be able to see the aerial image in
24 between. So that's what's causing a little bit of this
25 confusion. In that, that it's not the parcel line that

1 you're seeing, it's a forest mapping edge that's
2 creating this is one here.

3 MR. AFRAN: No, I understand that. Right
4 under the cul-de-sac there's a red shape. Right there.

5 THE WITNESS: That red is indicating those
6 pixels are 15 percent or greater. It's a little patch
7 of 15 percent.

8 MR. AFRAN: That's what I wanted to clarify.

9 THE WITNESS: Yes.

10 MR. AFRAN: Thank you very much.

11 MR. PLOCKER: Could I ask a question while
12 we're there.

13 CHAIRMAN BAGOFF: Okay. Leave that there.

14 MR. PLOCKER: Can you zoom in again, please.
15 Back out a little bit so we see some the homes on Howell
16 Drive. A little more. Back up.

17 So I want to confirm, so the red area of the
18 steep slopes that are greater than 15 percent.

19 THE WITNESS: Corrects.

20 MR. PLOCKER: So all those houses where we
21 see red surrounding, they were built on slopes greater
22 than 15 percent?

23 THE WITNESS: Or they're having slopes
24 around the house that are greater than 15 percent.
25 These houses were built before there was any steep slope

1 regulations or recommendation, so.

2 MR. PLOCKER: Okay. Those houses are still
3 there today, as far as you know?

4 THE WITNESS: Yeah.

5 MR. PLOCKER: Okay.

6 And just one more question about, you were
7 talking about forested areas, would any of the GIS
8 mapping take into consideration the condition of the
9 forest on the ground level?

10 THE WITNESS: What do you mean, on the
11 ground level?

12 MR. PLOCKER: Deer browse.

13 THE WITNESS: That's kind of a site specific
14 type of thing.

15 MR. PLOCKER: Okay. Thank you very much.
16 Appreciate it.

17 MR. AFRAN: Mr. Chairman, I would like to
18 raise an objection to the last question. The fact that
19 on some lots there may be steep slopes does not mean
20 houses can't be built on them. Also doesn't mean that
21 the houses are on the steep slopes. Mr. Plocker's
22 trying create the impression that somehow these houses
23 are sitting there on the steep slope. Nobody would ever
24 build them on the slope.

25 CHAIRMAN BAGOFF: He just asked a question.

1 He didn't leave an impression. That's what you do, sir.

2 MR. PLOCKER: You do leave lots of
3 impressions.

4 MR. AFRAN: I'm leaving an impression he
5 didn't leave.

6 CHAIRMAN BAGOFF: Thank you, sir. Please
7 come right up.

8 THE PUBLIC: Thank you. My name is Michael
9 Marucci, M-A-R-U-C-C-I.

10 Professor, thank you very much for your
11 testimony and your lecture this evening. On one of your
12 slides, and you passed over it very briefly, but it
13 seems significant to me, you indicated that this
14 development would add an additional 2700 or more auto
15 trips daily. Is that correct?

16 MR. PLOCKER: Objection. He didn't testify
17 as a traffic engineer.

18 MR. AFRAN: Well, he did testify
19 specifically to the number of trips that the record
20 shows. And so that was part of his testimony and there
21 was no objection I must add.

22 CHAIRMAN BAGOFF: Wait, hold on. Let's go
23 back to the slide and see what the slide says. Okay.

24 MR. AFRAN: Fine.

25 THE PUBLIC: There it is.

1 CHAIRMAN BAGOFF: Where did that number come
2 from, sir?

3 THE WITNESS: That number came from, came
4 from the engineers who's going to testify.

5 CHAIRMAN BAGOFF: Let the engineer testify.
6 That's not your information.

7 THE WITNESS: Well, my --

8 CHAIRMAN BAGOFF: It's not testimony yet.
9 You put up somebody else's information, therefore you
10 didn't testify knowing you were not an expert in
11 traffic.

12 THE WITNESS: I am not an expert in traffic
13 but this is not trying to be creating exact numbers.
14 This is trying to give a sense of the trips per day that
15 this layout post. My original number was actually just
16 based on the average.

17 CHAIRMAN BAGOFF: Let the expert testify,
18 please.

19 Is there a traffic expert that will testify
20 this evening?

21 THE PUBLIC: Where does that leave me?

22 CHAIRMAN BAGOFF: Your answers coming
23 shortly.

24 THE PUBLIC: Thank you.

25 CHAIRMAN BAGOFF: Any other members of the

1 public have any questions?

2 Seeing none. Done.

3 Thank you, sir.

4 (Whereupon, a short recess is taken.)

5 CHAIRMAN BAGOFF: Good evening ladies and
6 gentlemen on zoom and here in chambers. We are back on
7 the record.

8 MR. AFRAN: Councilwoman Scarpa, she will be
9 back shortly.

10 Mr. Chairman, we are going to call a member
11 of the West -- South Orange Environmental Commission to
12 read a statement, named Juliana.

13 We're going to call a member of the South
14 Orange Environmental Commission to read a statement of
15 the commission. The members name is Juliana Garrefra.
16 I believe the statement was previously e-mailed to
17 counsel, I don't know if Mr. Plocker received a copy.

18 MR. PLOCKER: No, I never got sent anything,
19 for the record. Thank you.

20 MS. MCGOVERN: I don't remember if I got it
21 or not. I don't have a copy of it.

22 MR. AFRAN: This would be, I believe we are
23 -- we'll make it --

24 MS. MCGOVERN: O-23.

25 MR. AFRAN: O-23.

1 MS. MCGOVERN: And this is -- what are we
2 calling it?

3 MR. AFRAN: This will be Statement of the
4 South Orange Environmental Commission read by member
5 Juliana Garreffa and her last name is spelled,
6 G-A-R-R-E-F-F-A.

7 CHAIRMAN BAGOFF: Ma'am, are you
8 representing, you have the authority -- Mr. Afran, do
9 you have the authority to represent the South Orange
10 Environmental Commission? Are you an officer.

11 THE WITNESS: I am one of the Environmental
12 Commissioners of South Orange and the chair, our chair
13 could not be here today so I --

14 MS. MCGOVERN: Could you please give us your
15 full name and spell your last name.

16 THE WITNESS: My name is Juliana Garreffa.
17 My last name is spelled, G-A-R-R-E-F-F-A.

18 MS. MCGOVERN: Do you swear or affirm to
19 tell the truth the whole truth and nothing but the
20 truth.

21 THE WITNESS: I do.

22 J U L I A N A G A R R E F F A, having been
23 duly sworn testifies as follows:

24 MS. MCGOVERN: Thank you. You are going to
25 read a statement?

1 THE WITNESS: Yes. As I said, with the
2 support of South Orange, the South Orange Environmental
3 Commission has written this statement, "Dear Mayor
4 McCartney, members of West Orange Town Council and
5 Planning Board; "The South Orange Environmental
6 Commission has reviewed and discussed the development
7 proposed by Garden Homes on the 120 acre property at
8 Block 179, Lot 32, known as the West Essex Highlands.
9 Together, we have reached the conclusion that the
10 proposed development would be harmful to the surrounding
11 communities. As such, we formally urge the Township of
12 West Orange to deny this application and preserve the
13 120 acre forest at the Second Watching Mountain and
14 Ridge. Our reasoning includes the following facts:

15 The 120 acres property at Block1 79, Lot 32,
16 known as the West Essex Highlands, is a core forest, a
17 critical environmental facet of Essex County, New Jersey
18 providing essential habitat and water resources; and

19 Waters from this forested land feed the
20 Canoe Brook tributary and replenish critical aquifers
21 that contribute to the NJ American Water, providing
22 drinking water for 2.9 million New Jersey residents, in
23 more than 190 communities; and

24 Replacing old growth trees that filter
25 groundwater with impervious surfaces causes extensive

1 surface run off, containing sediment, chemicals, and
2 microplastics, into this drinking water source, and

3 Such run off can lead to turbidity spikes,
4 harmful algal blooms, and higher pathogen levels in this
5 drinking water source, and

6 The roughly 19,000 residents of South Orange
7 receive their drinking water from the Canoe Brook; and

8 Residential neighborhoods surrounding and
9 adjacent to this core forest are flood prone, experience
10 repeated flood events, and exist in the 0.2% annual
11 chance (500-year) FEMA floodplain; and

12 Open space properties and parklands
13 downstream from this property contain floodways, and or
14 exist in the 1% annual chance (100-year) FEMA
15 floodplain, and experience repeated flood events; and

16 Urban flooding can occur in places that are
17 well outside of mapped floodplains and can be caused by
18 rain falling on increased amounts of impervious surfaces
19 overwhelming the capacity of drainage systems; and

20 This forest contains tens of thousands of
21 trees, providing green infrastructure for stormwater
22 management as well as providing for the absorption of
23 carbon dioxide, the production of oxygen and relief from
24 heat island effect and essential ecological Habitat, and

25 The proposed removal of untold numbers of

1 trees will exacerbate flooding, degrade the core forest
2 and displace hundreds of native species; and

3 The applicant is not adhering to the most
4 current stormwater rules and as such are not planning
5 onsite stormwater management that would act to better
6 protect all surrounding properties.

7 Given all this, the South Orange
8 Environmental Commission echoes its formal call to the
9 Township of West Orange to reject the proposed 496 unit
10 development on said lands and to preserve the 120 acres
11 of forested land in perpetuity. We will send a copy of
12 this letter to the Township of West Orange Mayor
13 McCartney, the West Orange Council, and the West Orange
14 Planning Board.

15 Sincerely,

16 The South Orange Environmental
17 Commissioners."

18 CHAIRMAN BAGOFF: Thank you.

19 MR. AFRAN: May I note for the record that
20 this letter lists the members of the Commission and is
21 signed by Kathleen Grant, the Chair, and signed by
22 Olivia Lewis-Chang, the South Orange Village Council
23 Member who is the liaison to the Commission.

24 CHAIRMAN BAGOFF: Thank you.

25 THE WITNESS: And one of the environmental

1 commissioners is also on the South Orange Planning
2 Board. So they're aware of the Planning Board matters.

3 MR. AFRAN: Thank you very much Ms.
4 Garreffa. We appreciate it.

5 We call Ms. Michele Byers. Her thumb drive
6 I think is with Mr. Fagan.

7 MR. FAGAN: She can come right up here.

8 MR. AFRAN: By way of introduction, Ms.
9 Byers is the prior executive director of the New Jersey
10 Conservation Foundation. That's the same organization
11 that currently employs Dr. DeVito, who testified on
12 forestry matters and she will be testifying as to the
13 preservation value of this particular site. Not in
14 terms of asking this council, which she doesn't have the
15 authority to do -- to designate preservation, but to
16 speak of the preservation value because that relates to
17 the need to avoid ecological harm under the MLUL and
18 under the ordinance as reviewed.

19 Ms. Byers, I will -- well, you need to be
20 sworn in.

21 MS. MCGOVERN: Ms. Byers, please rise your
22 right-hand.

23 Do you swear or affirm to tell the truth the
24 whole truth and nothing but the truth.

25 THE WITNESS: Yes.

1 MS. MCGOVERN: Would you please state your
2 name and spell you last name.

3 THE WITNESS: Sure. Michele Simone,
4 B-Y-E-R-S.

5 M I C H E L E S I M O N E B Y E R S,
6 having been duly sworn under oath testifies as follows:

7 MR. AFRAN: Ms. Byers, I understand you had
8 been the executive director of the New Jersey -- I need
9 to qualify you. I understand you have been the New
10 Jersey executive director of the New Jersey Conservation
11 Foundation, is that correct?

12 THE WITNESS: Yes.

13 MR. AFRAN: How many years did you hold that
14 position?

15 THE WITNESS: 20.

16 MR. AFRAN: When did you retire?

17 THE WITNESS: 2021.

18 MR. AFRAN: 2021. And I also understand you
19 had served term or terms on the State Planning
20 Commission?

21 THE WITNESS: Yes. For 20 years I was vice
22 chair of the New Jersey State Planning Commission under
23 Governor Whitman and Governor Florio.

24 MR. AFRAN: In your professional work, what
25 role did the preservation of land play in the work you

1 did at the conservation foundation?

2 THE WITNESS: Well, the conservation
3 foundation handles land resources throughout New Jersey
4 for the benefit of all and I was in charge of a staff of
5 37 professionals who worked to preserve land.
6 Throughout my tenure we preserved over 60,000 acres.

7 MR. AFRAN: And what role did you play in
8 the preservation of that land in your capacity?

9 THE WITNESS: Really guiding the staff into
10 providing a vision for what our land acquisition program
11 should be. Where we should acquire land, for what
12 purposes and how it should be managed with the public.
13 So pretty much laid out the vision and I encouraged and
14 empowered the staff to effectuate the program.

15 MR. AFRAN: We offer Ms. Byers as a witness
16 in the field of preservation value of land. Again, we
17 are asking this board to designate the land or value it
18 numerically. She's speaking in terms of the ecological
19 value that we -- our position is that must be avoided
20 through the site plan application.

21 CHAIRMAN BAGOFF: This has nothing to do
22 with the zone plan and as you stand, where you are
23 going, has nothing to do with the zone plan. And though
24 it is in the MLUL and it's --

25 MR. AFRAN: Can you speak up.

1 CHAIRMAN BAGOFF: It is in the MLUL, it is
2 not directly related to our zone plan. So it is not
3 directly related to the zone plan. It is very nice, we
4 understand the things that you're going to say, it was
5 proffered by many of the experts that have been here,
6 but saying these things, does not add anything to the
7 information by experts that the board will use to judge.

8 MR. AFRAN: But it's not necessary that it
9 relates directly to the zone plan, that is not this
10 boards only responsibility. This board has the
11 responsibility under the MLUL to recognize and evaluate
12 and avoid undue ecological harm. In fact the expert for
13 the planner in fact conceded that where a zoning
14 ordinance eliminates or doesn't not even have provisions
15 for ecological protection, the MLUL specifically
16 requires that a board analyze site plan applications for
17 said purposes. And so this boards focus is not limited
18 solely to the zone plan. If that were the case a vast
19 array of testimony that comes here would never come
20 about. Traffic analysis for example.

21 CHAIRMAN BAGOFF: The MLUL also recommends
22 using experts, which we had, so not to say you're not
23 credible. However, the MLUL also lets us use experts
24 for those issues. And then we can use objective
25 information and testing that's presented to the board.

1 So for, again, and I'm not saying that your information
2 is not valuable, it is just that it's not expert
3 testimony and it can be used as basic public comment.
4 Somebody who worked in the area, I see this, I know
5 that, I saw this, as opposed to these are the criteria
6 that anybody could use to judge this, it is set by
7 standard or by ordinance or by law, which is not what
8 we're talking about here. This is somebody who looked
9 at things, worked in the area, I understand that, but
10 the board has to have expert information based on the
11 zone plan and the state plan. So the state planning
12 board has testified, doesn't tell us this is not an area
13 or it is an area, that's why we're listening to all this
14 information. So I am going to ask our counsel to weigh
15 in on this.

16 MS. MCGOVERN: Okay. So I have -- my
17 biggest issue is this testimony sounds like it was
18 testimony that should have been presented at the time
19 when the ordinance was being developed, because it's a
20 change to the ordinance itself.

21 MR. AFRAN: That was not our purpose. The
22 purpose here --

23 MS. MCGOVERN: Let me finish. Okay. So if
24 you're trying to -- the board can't void out this
25 ordinance because environmentally they think it has a

1 better idea what should have been there or what should
2 be done, first of all

3 Second of all, this is private property,
4 this isn't up for -- this isn't conservation property.
5 Its owned by an individual who wants to develop it and
6 has the ordinance that establishes that he can develop
7 it, they can develop it in accordance with that
8 ordinance. So I think we're going back to the genesis
9 of the ordinance and whether it was good planning or not
10 and that's not what the board can do. The board is only
11 listening to whether this application satisfies the
12 ordinance and whether there are certain things about
13 this application that just can't be done or which will
14 facilitate this project under the case law. If
15 something is being presented and there's no information
16 whatsoever provided in the record that water came onto
17 this site or that certain aspects of, that you couldn't
18 get electricity out there. That it was to remote.
19 That's not what we're dealing with this witness. I
20 don't -- you have to give us a proffer as to why this
21 is related to what the board is allowed to consider.

22 MR. AFRAN: Let me respond then, I
23 appreciate those comments. First of all, just because
24 the developer owns land and just because the developer
25 has the right to develop, does not mean the developer

1 has a free hand. The developer is constrained by an
2 enormous range of rules, regulations and public policy
3 requirements, some of which are specific in the MLUL.
4 Now, just because an ordinance may have lifted most or
5 even all of the ordinary environmental requirements in
6 the township for developers, does not mean the board
7 does not have a duty to analyze the risk of
8 environmental harm and whether it's necessary to avoid
9 it. The MLUL specifically requires that analysis. And
10 if a town council should remove it, my view, foolishly,
11 all of those requirements in the MLUL stands to as the
12 required source of guidance and the board still must
13 conduct the environmental analysis. And so when we have
14 a land preservation professional, who has spent her
15 career determining whether land is suited and necessary
16 for preservation because of its qualities, that relates
17 directly to the policy mandate the board must adhere to
18 under the MLUL. Which is to look at a site plan
19 application for avoidance of ecological harm or major
20 ecological harm. So when a land professional says this
21 is land that has certain preservation value that
22 normally would be sought in the profession for
23 protection, that informs the board of the value of the
24 land in terms of the need to avoid environmental and
25 ecological harm and so it is directly within the purview

1 of the boards analysis and duty. Just because she's not
2 offering specific data points doesn't mean she doesn't
3 have expertise that's within the boards need to hear and
4 the right of the objectors to offer.

5 MS. MCGOVERN: I still think it goes to the
6 challenge genesis of the ordinance to begin with, but.

7 MR. AFRAN: Well, with respect --

8 CHAIRMAN BAGOFF: We have also heard from
9 people on stormwater management, on forestry, on birds,
10 small animals, the environment, geologist, planners, so
11 we have heard each one of the areas that the MLUL
12 specifically prescribes. So saying now that the board
13 should listen and take note that we may take away the
14 right of the applicant to continue their application
15 because we feel, the board feels that the state was
16 wrong, the country was wrong and the township was wrong,
17 you may challenge this in another venue, but the board
18 is looking at, do the buildings fulfill the requirements
19 or not. Does the area maintain or enhance stormwater
20 management and the forest for it be salvageable and the
21 buildings are to be useable. Is there enough roadway,
22 is there enough safety and welfare to build in this
23 area. So saying to us now we should now add on another
24 layer, and this is my opinion, anybody on the board
25 could chime in, that we should add another area to say

1 we decided that now personally each one of us may have a
2 different view, but we have to go by the ordinance and
3 the law and the MLUL who says you may look at it.
4 Absolutely. And we have.

5 MR. AFRAN: Says you must.

6 CHAIRMAN BAGOFF: And we have through each
7 expert looked at each part and of this and I don't know
8 how this is going to -- I don't know that this is under
9 our purview, that's the issue that I have. I am not
10 saying it's not under somebody's purview, but it doesn't
11 say in the MLUL that this specifically is.

12 MR. AFRAN: Well, not everything is
13 specifically set forth in the statute. What we do in
14 law is we typically is we look at the policy goal on
15 statute and then we have to apply that to different
16 instances whenever evidence is offered. I am not
17 suggesting by the way Mr. Chairman, that the board has
18 not heard ecological evidence, certainly it has. I'm
19 simply suggesting that this evidence is somewhat
20 different and focused and is directly related to the
21 subject matter and because the board has heard evidence
22 in this field doesn't mean it should not hear evidence
23 of this nature. But I am not suggesting the board has
24 not heard such evidence and I hope that doesn't come off
25 sounding.

1 MR. PLOCKER: And just for the record, thank
2 you Mr. Chairman. And just for the record, if this
3 expert is going to testify about conservation and
4 preservation of the property, I believe Mr. DeVito, who
5 already testified, went there and I believe when he was
6 asked what his solution was, and excuse me if I'm
7 paraphrasing, he said he would preserve and buy the
8 whole thing or something like that. So they made their
9 position clear. We understand that and the board should
10 understand that as well.

11 THE WITNESS: I would like to clarify one
12 thing. After I left the council foundation I was
13 charged with preparing a plan for the future of the
14 State of New Jersey Preservation. It's called, Nature
15 For All and analyzes all lands being preserved over the
16 last, as John talked about in his report, say 30 years
17 or so, what the program is and, etc. And what's
18 remaining, what is the remaining challenge ahead and the
19 other thing I looked at very closely at were ecosystem
20 benefits of lands. So people talk about vacant lands,
21 but if it's not vacant it provides a service, so the
22 report I did goes into details on ecosystem services of
23 land types of context for looking at this property in
24 context of what's left in the State of New Jersey and I
25 think it's important for the Planning Board to

1 understand when they're making their decision that it's
2 in that greater contrast and it's not just looking at
3 every little technical aspect, it's looking at what this
4 land provides and what the opportunity is for something
5 beneficial that would be taken away. I wanted to put
6 that out there and I have to show a few slides from the
7 report that give that overview.

8 CHAIRMAN BAGOFF: Can you focus only on this
9 piece of land. You can go ahead, but if you focus on
10 other areas in New Jersey I'm going to have to stop you.
11 We are focused on this piece of land and the use of this
12 piece of land. That's why we're here.

13 THE WITNESS: I can jump through that.

14 CHAIRMAN BAGOFF: Go right ahead. Okay.

15 THE WITNESS: Okay.

16 CHAIRMAN BAGOFF: Only this zone, what's on
17 this piece of land?

18 MR. AFRAN: I do not agree that that's a
19 proper ruling but we understand that's the ruling.

20 CHAIRMAN BAGOFF: That is my ruling.

21 THE WITNESS: I will do my best.

22 Okay. So Nature Sprawl is the title of the
23 report. I don't know, she was a champion in preserving
24 land in Kenya and I think we all need to provide a
25 future for the children that's sustainable.

1 So New Jersey's the Garden State, I'm not
2 going to go into all this, but the premise of the report
3 is that everyone needs nature. It's a key piece of
4 land. It's a scarce, not a renewable resource. It's
5 not -- vacant land is a complete misnomer. Every piece
6 of land in New Jersey that is not developed is providing
7 services.

8 I am not going to go through all this
9 because I am going to focus on the property. But I do
10 think this is important, five million acres in New
11 Jersey, about 33, 34 percent is preserved, 38 percent is
12 developed. About 1.4 million left. That means 1.4
13 million acres of which this 120 acres is part of that is
14 providing ecosystems services for New Jersey. The
15 report calls for preserving 50 percent of the remaining
16 lands, about 5,000 acres of which this 120 acres would
17 be part of.

18 MR. AFRAN: Ms. Byers, use the microphone
19 because we're missing some of it.

20 THE WITNESS: Okay.

21 I'm going to go to the slide because we are
22 trying to focus, and I will extrapolate these two
23 features. If one is looking at this property, what
24 would you think this 120 acres is right now? You're
25 right, it's private ownership. But I have to tell you

1 that over my career, over 40 years, every single piece
2 of property that we looked at up for preservation was in
3 prior ownership and ultimately, it always depends on the
4 seller, but that's what the game is about.

5 So these -- oh, sorry. Wrong slides for
6 you. I am going to skip right through it. We all know
7 about climate change.

8 Just biodiversity, you heard about that.
9 People and nature, we haven't heard much about that.
10 We're are losing connection to nature and that's a major
11 challenge for humanity.

12 Here you see available lands, all of the
13 lands in pink or purplish color are lands that are
14 remaining available for preservation.

15 All right. Here's the thing, we have talked
16 a little bit about this. But this property provides the
17 essential ecosystem services to the community. It
18 protects the drinking water supplies. Not just to West
19 Orange but to 22,000 people in Essex Fells who depend on
20 that drinking water and further down into the Caldwell's
21 and down to the New Jersey American Water Supply. So
22 that's an incredibly important piece of information that
23 this 120 acres is providing.

24 Improving air quality by sucking up and
25 sequestering them.

1 We talked about that, I'm not going to go
2 there.

3 We talked about flooding.

4 We talked about soil protection.

5 Carbon sequestration. You guys probably
6 know all this but these are services that have been
7 quantified economically by many agencies all around the
8 country. They're providing financial benefits because
9 you can't put a price on some of these things and if you
10 do it's astronomical.

11 Outdoor recreation.

12 Heat island effect talks about human health,
13 access nature, the economic benefits. Buffers from the
14 impasse of adjacent development. Increase in the zone
15 ordinance for climate change is probably one of the most
16 important ecosystems services that we can provide for
17 resiliency for rain and stormwater development.

18 And the last one I think people don't talk
19 about very much, but the curiosity and sense of
20 connection to nature is part of being human and we're
21 reducing that culture. So every bit of open space left
22 is, especially in built up communities like West Orange,
23 is absolutely critical to the future so kids have a
24 place to go and experience nature. They don't have to,
25 you know, go to the Grand Canyon, they can go right here

1 in South Orange. So, again, this is the key point, 1.4
2 million acres of available lands that aren't preserved
3 land are providing these services. And this piece of
4 120 acres is part of that. If those lands are lost, if
5 this 120 acres is lost, those services will be degraded.
6 And what we think of now as having, you know, somewhat
7 decent quality, environmental quality will degrade
8 significantly if those lands are not preserved. So when
9 I look at the determination of suitable --

10 CHAIRMAN BAGOFF: I'm going to interrupt a
11 second. I said this has to be of this site, West
12 Orange. This is -- is this used for every piece of land
13 of open in the State of New Jersey?

14 THE WITNESS: Yes.

15 CHAIRMAN BAGOFF: Stop right there.

16 THE WITNESS: Doesn't mean it doesn't apply
17 to the 120 acres.

18 MR. AFRAN: We understand you're asking her
19 testimony to focus on these factors --

20 CHAIRMAN BAGOFF: Correct.

21 MR. AFRAN: -- on the relevance of this
22 site.

23 CHAIRMAN BAGOFF: Correct. This is on every
24 piece of open space in the State of New Jersey. These
25 slides are not made specifically for West Orange.

1 MR. AFRAN: No, no, no. The witness
2 understood that because you're ruling constrained her,
3 which we understand. She's going to limit her testimony
4 --

5 CHAIRMAN BAGOFF: These slides, not one are
6 of West Orange or this site.

7 MR. AFRAN: She spoke of the value of the
8 site and the ecological service.

9 CHAIRMAN BAGOFF: We understand that. And
10 you had witnesses testify to that already. Many. We
11 listened on both sides. We're not saying no. What I am
12 saying is, this is not focused on West Orange. It is
13 not focused on this property and we need to hear things
14 about this property specifically that we haven't heard
15 before.

16 MR. AFRAN: Well, I am not -- I understand
17 your ruling and I'm suggesting the witness should
18 address those factors as applied to this property.

19 CHAIRMAN BAGOFF: 22 slides we haven't heard
20 that.

21 MR. AFRAN: I think you have. I think you
22 heard specifically how -- well, I will leave it stand as
23 it is.

24 CHAIRMAN BAGOFF: Any open space can fill
25 that requirement. Any open space could be, were any of

1 these --

2 THE WITNESS: Not 120 --

3 CHAIRMAN BAGOFF: Were any of these slides
4 made specifically for West Orange?

5 THE WITNESS: Yes, I did the whole thing for
6 West Orange.

7 CHAIRMAN BAGOFF: So none of these things
8 are using anything else specifically for West Orange?

9 THE WITNESS: Some of them will run over all
10 programs, but this one I did specifically for West
11 Orange. I should have put the title on top.

12 CHAIRMAN BAGOFF: Go right ahead. This is
13 specifically for West Orange?

14 THE WITNESS: Yes.

15 CHAIRMAN BAGOFF: Go right ahead.

16 THE WITNESS: So looking at this site what I
17 would look at is what are the factors that would
18 determine the suitability for preservation. And John
19 talked a little bit about this in his program.

20 Number one is location. It's proximity and
21 on or connectivity to other preserved lands and then
22 looking at the lack of or deficit of preserved open
23 space and I can show on another slide how this is a big
24 enormous hole in the donut of where there's really very
25 little preserved open space.

1 It does have potential for linkages, we
2 talked about that.

3 It has potential for connecting large
4 landscapes.

5 It's got significant natural resource
6 features, including it's core forest habitat, you guys
7 know this.

8 The degree of threat from the development is
9 high in this situation. Not simply because of the
10 proposal that is on your plate, but also for all these
11 other things impacting lands around the state. Nature
12 in a neighborhood is an incredibly important community
13 resource and this would make a huge asset for West
14 Orange to have 120 acre forest in the middle of their
15 community.

16 I talked about the ecosystem services are
17 enormous, that's an important part of what factors is
18 for determining suitable for preservation.

19 And then looking at meeting demands for
20 other public purposes. You can not look at a piece of
21 property like this in a vacuum and not look at all the
22 other public demands, including affordable housing and,
23 you know, who knows fire, library, etc. And then looking
24 at what the community goals and plans are for that
25 property. So I looked at all those in respect to the

1 West Orange property and I looked at the indicators of
2 smart growth, and I am not going to repeat this because
3 I think John did a really good job. But these are
4 things that I would look at and looked at for this
5 property as well.

6 And then you saw that slide already, these
7 are some very specific slides that come from the New
8 Jersey Map that depict the property. You've seen it,
9 it's right in the middle there, the rectangle, the
10 second corridor that John already presented.

11 Wetlands, you see, again, the wetlands that
12 hit the site.

13 And here is the core forest. These are core
14 forest, that's Eagle Rock to the right. This is the
15 last remaining core forest that's in preservation in all
16 of Essex County and I think that's probably one of the
17 most important pieces of all this. Core forest is an
18 incredibly important resource and there's very little
19 left in the region.

20 This is a composite slide that shows steep
21 slopes of the wetlands.

22 One of the things I want to mention about
23 forest and threat, in New Jersey upland forests like
24 this forest have no protection. You know, resources
25 that are protected in New Jersey include wetland,

1 wetland buffers, but not -- but forest, upland forest
2 like this have virtually no protection. And that's
3 another reason why it's so important to target property
4 for preservation.

5 Here's -- this shows the dark green forest
6 in the middle surrounded by light green. Those are
7 preserved lands with the exception of the golf course,
8 which, as mentioned, it's nice to have now but those are
9 not permanently preserved lands either. So there's an
10 opportunity here to preserve the last remaining forest
11 in Essex County and provide some connectivity to other
12 surrounding lands.

13 I just want to mention that New Jersey got a
14 huge amount of open space funding right now and I am not
15 going to go into the details of that, but there is not a
16 problem finding funding for this property.

17 So permanent preservation. This forest will
18 prevent increased flooding. We all know it floods but
19 by preserving it you're making sure it doesn't flood
20 more.

21 Protecting clean drinking water supplies.
22 Make sure Essex Fells doesn't have degraded water to
23 deal with increased open space and recreation in an area
24 where it doesn't have enough already sequestered carbon
25 in a time when we need to do everything we can to

1 protect air quality and wild life habitat and don't
2 forget each of the ancestral lands of the Lenape and
3 there's very little land left in the region and in that
4 community. It's very concerning about this forest.

5 And one thing I want to mention here that
6 people don't talk about a lot, but by preserving the
7 forest rather than developing it you have an opportunity
8 to eliminate and at least significantly reduce the
9 demand for municipal services in the future. I think
10 that's a really important point to think about. What
11 the cost would be to the town to service this proposed
12 development and reduction or elimination of those costs
13 that you have by preserving this use. The one time
14 capital investment in land gives back dividends
15 permanently over decades because of the benefits that it
16 provides and the elimination of taxes in the future.
17 This is exactly the type of forest envisioned by the
18 report that I wrote. It creates a lasting legacy for
19 the residents of West Orange and the region. The
20 funding is available, the funding for preservation
21 would provide multiple health and environmental benefits
22 and save the town thousands of dollars in municipal
23 services.

24 So that's pretty much it and I thank you for
25 the opportunity.

1 MR. AFRAN: Just wait for questions.
2 I have no questions. Thank you.
3 CHAIRMAN BAGOFF: Thank you.
4 Okay. Mayor McCartney.
5 MAYOR McCARTNEY: No questions.
6 CHAIRMAN BAGOFF: Vice Chairman Guarino.
7 VICE CHAIRMAN GUARINO: No questions.
8 CHAIRMAN BAGOFF: Mr. Alper.
9 MR. ALPER: No questions.
10 CHAIRMAN BAGOFF: Ms. Kapferer.
11 MS. KAPFERER: No questions.
12 CHAIRMAN BAGOFF: Mr. Cardoza.
13 MR. CARDOZA: No questions. Thank you.
14 CHAIRMAN BAGOFF: Counsel Person Scarpa.
15 COUNCILWOMAN SCARPA: No questions.
16 CHAIRMAN BAGOFF: Mr. Rizzo.
17 MR. RIZZO: No questions. Thank you.
18 CHAIRMAN BAGOFF: Mr. Haizel.
19 MR. HAIZEL: No questions.
20 CHAIRMAN BAGOFF: Do any members of the
21 public have any questions? Please come up, be
22 identified and you have three minutes.
23 Seeing none. Thank you. I'm sorry.
24 THE PUBLIC: Bob Sharenow, West Essex
25 Highlands.

1 You pointed out that funding for the
2 purchase of this land and for preservation is available.
3 Could you tell us more about that? How do we find out
4 what is available, how much is available. And maybe
5 you, the builders, would like to accept that and we
6 could preserve this reservation like it should be
7 reserved. How do we get to know what money is
8 available?

9 THE WITNESS: Okay. So I'm going to go down
10 a quick rundown of funding that's available and this is
11 for land all over the state but definitely applies here.
12 New Jersey has a corporate business tax that is a
13 constitutionally dedicated tax to provide a permanent
14 source of funding for open space, farm land and historic
15 preservation. That was back in 2014. And New Jersey
16 right now has surplus funds because there's a lot of
17 deals in the works that have not been completed by towns
18 and counties, etc. So there's funding available at the
19 state level through this corporate business tax.
20 Furthermore, all 21 of New Jersey counties have open
21 space bonds, both open space and farmland. Essex County
22 particularly has been the leader in New Jersey in using
23 their bond money, their county funding money to match
24 with the state money to preserve land. So I think we
25 are in a very good situation having a strong county

1 government, lots of county funds and state funds. There
2 are, in addition, municipal bond funds. As you guys all
3 know, many municipalities in the state, most
4 municipalities have their own bond funds and also maps.
5 So in a situation like this where there's a large
6 extensive property that affects many communities all
7 around, I can give you an example where we went after a
8 250 acre property, it was Western Electric, the first
9 corporate campus in New Jersey in Hopewell Township. We
10 had five municipalities and four non profits all
11 bringing money to the table to match the state money and
12 we got, I think, around 500 million -- no, how much
13 money did we get. Not 500 million. We got somewhere
14 around 1.5 million from private dollars, from some
15 foundations and individuals who are philanthropists. So
16 I can foresee that same situation here where multiple
17 municipalities will come together in support of
18 preservation, bring the dollars to the table along with
19 the non profit community, the county and the state.

20 THE PUBLIC: Thank you. Very informative
21 and this is something to think about. I really hope
22 somebody listens to what you're saying and maybe put
23 some effort in finding out what this is really worth and
24 maybe it would be worthwhile to do it. Thank you.

25 CHAIRMAN BAGOFF: Thank you.

1 Anyone else from the public who has
2 questions? Please come up and be been identified.

3 Seeing none. Thank you very much.

4 THE WITNESS: Thank you. I appreciate it.

5 CHAIRMAN BAGOFF: Mr. Afran.

6 MR. AFRAN: Thank you, Ms. Byers.

7 Mr. Chairman, one question before Mr.

8 Litwornia begins his presentation. I know we're going
9 to cutoff at 10:00. I was about to address the issue of
10 Mr. Litwornia, but before I was going to do that I
11 wanted to advise the Chair that the West Orange
12 Environmental Commission now is authorized to speak and
13 a representative, a commission member is here and would
14 present you with a statement. So I was asking the
15 Chair --

16 CHAIRMAN BAGOFF: We're going back to the
17 experts.

18 MR. AFRAN: I just want to ask how the Chair
19 wants to handle that.

20 May I have a moment, please.

21 CHAIRMAN BAGOFF: Yes.

22 (Whereupon, a short recess is taken.)

23 CHAIRMAN BAGOFF: Mr. Afran.

24 MR. PLOCKER: I'm sorry, who got called,
25 just for the record?

1 CHAIRMAN BAGOFF: Mr. Afran is going to
2 introduce him.

3 MR. PLOCKER: Thank you.

4 MR. AFRAN: Thank you, Mr. Chairman. We are
5 back.

6 We will call Mr. Litwornia and Litwornia
7 Associates at the next meeting. We will proceed now to
8 a statement, I guess, I am not sure what number to call
9 this, but it's a statement by Mr. Jonathan --

10 MS. MCGOVERN: 0-24.

11 MR. AFRAN: Okay.

12 It's is a statement by Mr. Jonathan Redwine,
13 who's a member of the West Orange Environmental
14 Commission who will read both a letter and a resolution
15 of the commission and I understand before Mr. Redwine
16 does that, Mr. Plocker has a statement to make.

17 CHAIRMAN BAGOFF: Mr. Plocker.

18 MR. PLOCKER: Okay. Thank you very much,
19 Mr. Afran, Mr. Chairman.

20 I just want to make it clear for the board
21 and everybody listening that an environmental commission
22 in the state of New Jersey is created by statute. It's
23 a section in the Municipal Land Use Law that gives a
24 municipalities the power to create environmental
25 commission. In this township, the Township of West

1 Orange, there is an ordinance through the town council
2 which created this environmental commission. I am going
3 to caution Mr. Redwine before he chooses to speak, make
4 any statement about this project, that there is a
5 settlement agreement between my client and the Township
6 of West Orange. It's a settlement agreement that was
7 entered into in connection with the towns own
8 declaratory judgment litigation which was filed in July
9 of 2015. That settlement was consummated in 2020, after
10 five years of pending litigation. I'm not going to read
11 it verbatim, I'm not going to go through every
12 provision, but there is an unqualified obligation for
13 this township who voluntarily chose to include this site
14 in its third round affordable housing plan, decided to
15 pursue approval with the assistance of a court appointed
16 special adjudicator to the Superior Court of New Jersey
17 and decided to comply with its settlement obligations by
18 zoning the property and putting in the IH zone that this
19 Planning Board is now considering here this evening. In
20 that settlement agreement there is an unqualified
21 obligation by my client to cooperate with the town and
22 for this township to cooperate with my client to defend
23 the settlement and to support this project. That being
24 said, any statement to the contrary could be viewed as a
25 breach of that settlement agreement and my client would

1 reserve its rights, including bringing a complaint in
2 the Superior Court of New Jersey.

3 MR. AFRAN: Mr. Chairman, I'll just respond
4 briefly. Obviously we don't agree with the statement by
5 Mr. Plocker, though he did give me the curtesy of
6 telling me in advance he would be making the statement.
7 This is similar to a letter Mr. Plocker sent to the town
8 council, including two members of this board who sit on
9 the council, in which he said similar statements. That
10 actions by the town council critiquing or attempting to
11 critique have any affect on this plan would be a breach
12 of that settlement agreement and the developer stated to
13 Mr. Plocker in that letter that it would be reserving
14 its power to sue the town for breach of contract. So
15 Mr. Plocker's statements here are similar to statements
16 he made, his client has made through Mr. Plocker on
17 another occasion in the course this hearing. We believe
18 such statements are improper because they're an attempt
19 to influence members of the board who sit on the board,
20 who sit on the board who are members of the council and
21 received that letter in their official duties as members
22 of the board. We also think that his statements are
23 designed to have a coercive or intimidating affect on
24 the environmental commission, which though created by
25 statute is created for the very specific purpose of

1 offering advice and counsel to, among other agencies,
2 this very body and it is not a prisoner of what some
3 town council did five years ago. The members of the
4 environmental commission are imbued with the power to
5 make their own decisions and they should not be
6 intimidated or coerced by threats by an applicants
7 attorney that they will be sued and so we take strong
8 issue with Mr. Plock's statements, though he did explain
9 to me in advance what he would say and we believe it's
10 an effort by the developer to intimidate the commission,
11 just as the developer did through its letter to the
12 council, which was directed to two members of this
13 board.

14 Thank you.

15 CHAIRMAN BAGOFF: Mr. Plocker.

16 MR. PLOCKER: Respectfully, I think by
17 calling a member of the environmental commission is
18 trying -- an attempt to unduly sway this board by having
19 this towns environmental commission come forth and make
20 a statement in violation of the settlement agreement.

21 MR. AFRAN: Entirely the purpose of
22 witnesses. To explain their position and the hopes that
23 the board members will accept it. That's what we do.

24 CHAIRMAN BAGOFF: Thank you.

25 Mr. Redwine.

1 THE WITNESS: Thank you very much and I
2 appreciate the time and having the opportunity -- I'm
3 sorry.

4 MS. MCGOVERN: I have to swear you in.
5 Do you swear or affirm to tell the truth the
6 whole truth nothing but the truth.

7 THE WITNESS: I do.

8 MS. MCGOVERN: Please put your full name on
9 the record, spelling your last name.

10 THE WITNESS: Jonathan Redwine,
11 R-E-D-W-I-N-E.

12 J O N A T H A N R E D W I N E, having been
13 duly sworn testifies as follows:

14 CHAIRMAN BAGOFF: Go right ahead, sir.

15 THE WITNESS: My name is Jonathan Redwine.
16 I'm a member of the West Orange Environmental
17 Commission. I'm also a member of the Essex County
18 Environmental Commission, but I am here today on behalf
19 of the West Orange Environmental Commission and I am
20 authorized to read a letter that we sent to the Planning
21 Board dated August 13, 2025 into the record.

22 "Dear members of the West Orange Planning
23 Board.

24 On behalf of the West Orange Environmental
25 Commission, I write to formally express our strong

1 opposition to the development proposed in the above
2 captioned matter. The above captioned matter is
3 PB-24-01, West Essex Highlands, Inc. Proposal to Destroy
4 Forested Acres and Build 496 Unit Multifamily Property.

5 After careful review and consideration the
6 WOEC finds that this proposed development is
7 inconsistent with our community environmental goals and
8 would actively, I'm sorry, would adversely impact
9 ecological integrity, regional open space and the
10 quality of life for residents. As described further
11 below we ask that the Planning Board (1) reject the
12 above captioned application and (2) require a full
13 environmental impact statement for any future proposed
14 development of the site.

15 We wish to emphasize that our stance is in
16 full alignment with the resolution recently adopted by
17 the environmental commissions and governing bodies of
18 the neighboring municipalities. Specifically WOEC
19 endorses and stands with the town of Verona, Caldwell
20 and Essex fells and with the Essex County Environmental
21 Commission. All of whom have issued resolutions stating
22 opposition to the proposed project because of the
23 reasonable foreseeable severe environmental impact that
24 would occur should it be realized." I just would add to
25 this letter that, we most likely I would say definitely

1 sign onto the statement with the South Orange
2 Environmental Commission read tonight before you.

3 Going on with the letter.

4 "These resolutions collectively articulate
5 series of environmental, hydrological and community
6 scale concerns regarding the proposed West Essex
7 Highlands development. We believe the conclusions are
8 well founded in scientific and planning principles.

9 In support of our position, the WOEC is
10 attaching our own formal resolution, which outlines the
11 rationale and detail. Key points include;

12 1. Protection of Natural Resources. The
13 Highlands area includes sensitive ecosystems,
14 watersheds, critical wildlife, habitats and mature
15 woodlands. The proposed development would fragment
16 these areas, degrade biodiversity, and reduce natural
17 water infiltration, impacting downstream systems.

18 2. Stormwater and Watershed Concerns.

19 The program site lies within a significant
20 watershed. Any large scale clearing, grading, or
21 impermeable paving will result in increased erosion,
22 sedimentation, and stormwater runoff, which will
23 adversely affect water quality and local stream systems.

24 3. Preservation of Open Space and Scenic Character.

25 The Highlands contribute to the scenic

1 beauty and rural character that defines our region.
2 Their loss would diminish open space and community
3 identity that West Orange and its neighbors value
4 highly.

5 4. Cumulative Regional Impact.

6 We share the concerns voiced by Verona,
7 Caldwell, Essex Fells, and Essex County. The West Essex
8 Highlands development may set precedent for further
9 sprawl in the region, undermining coordinated planning
10 and environmental stewardship.

11 Request of the Planning Board.

12 Based on these considerations, the West
13 Orange Environmental Commission respectfully urge the
14 Planning Board to;

15 1. Deny the application for the proposed development,
16 and

17 2. Require a full environmental impact statement
18 that comprehensively addresses the issues outlined
19 above, including hydrological modeling, ecosystem
20 assessments, and evaluation of alternative, lower impact
21 design options for this or any future proposed
22 development of the site.

23 We also request that the Planning Board hold a joint
24 public hearing with representatives from the
25 environmental commissions of Verona, Caldwell, Essex

1 Fells, and Essex County, fostering regional dialogue and
2 coordinated decision making on this matter.

3 Again, the WOEC affirms its alignment with the
4 corresponding resolutions from neighboring
5 municipalities and Essex County, and strongly opposes
6 any approval of the current development plan for the
7 West Essex Highlands. We trust that the Planning Board
8 will consider these environmental concerns with the
9 seriousness they deserve and act in protection of West
10 Orange's ecological and community welfare.

11 Thank you for your attention to this important
12 issue. We stand ready to work collaboratively in
13 pursuit of a sustainable, well planned future for our
14 township and region.

15 Sincerely signed Chairman of our commission,
16 Michael Brick."

17 Now, we also approved a resolution, it's a
18 little shorter than the letter, so I'll also read it
19 into the record.

20 "Resolution of the West Orange Environmental
21 Commission Opposing and Condemning the Proposed
22 Development at West Essex Highlands, West Orange, New
23 Jersey.

24 WHEREAS, the proposed development by West Essex
25 Highlands, Inc. seeks to construct 496 residential units

1 on a 120 acre tract of underdeveloped forested land
2 located on the western ridgeline of the Watchung
3 Mountains, bordering Essex Fells, Verona, and Roseland
4 and

5 WHEREAS, this area is heavily vegetated with
6 mature trees, wetlands, steep slopes, and serves as a
7 watershed for the Peckman River and Canoe Brook, and

8 WHEREAS, West Orange is a heavily forested,
9 steeply sloped municipality in Essex County, which is
10 the most densely populated county in New Jersey and
11 mostly densely populated state in the United States; and

12 WHEREAS, the environmental impact of this
13 development include deforestation, increased stormwater
14 runoff, disruption of local ecosystems and watershed,
15 and potential homes around neighborhoods due to
16 inadequate drainage systems, and

17 WHEREAS, the loss of thousands of drains will
18 exacerbate flooding risks in nearby towns, including
19 Verona and Essex Fells, and diminish air quality and
20 biodiversity, and

21 WHEREAS, changes in weather patterns and climate,
22 and warmer average temperature create circumstances for
23 more frequent and stronger storms, which have not been
24 adequately accounted for in the current proposal, and

25 WHEREAS, this development contradicts sustainable

1 land use practices outlined in West Orange's Master
2 Plan, which emphasizes conservation, smart growth, and
3 low impact development; and

4 WHEREAS, neighboring municipalities such as
5 Verona, Essex Fells, and Caldwell, as well as the Essex
6 County Environmental Commission have all issued
7 resolutions opposing this project due to the reasonably
8 foreseeable environmental consequences and harm to
9 neighboring communities, and

10 WHEREAS, public safety concerns related to steep
11 slopes and traffic congestion remain unresolved despite
12 the 2006 rejection of similar proposals by the West
13 Orange Planning Board,

14 NOW, THEREFORE BE IT RESOLVED, that the west
15 Orange Environmental Commission strongly opposes and
16 condemns the proposed West Essex Highlands development,

17 BE IT FURTHER RESOLVED, that the Commission urges
18 the West Orange Planning Board to deny approval for this
19 application due to its severe environmental safety, and
20 community impacts.

21 BE IT FINALLY RESOLVED, that the Commission
22 supports placing this land under permanent conservation
23 easement to preserve its ecological value for future
24 generations.

25 Adopted this 13th day of August 2025.

1 MR. AFRAN: Mr. Chairman, I have no
2 questions for Mr. Redwine.

3 THE WITNESS: Thank you.

4 MS. MCGOVERN: Is there a separate document
5 we can mark as part of the application?

6 MR. PLOCKER: I have never been provided a
7 copy.

8 MS. MCGOVERN: I don't know that I have it
9 either.

10 MR. AFRAN: I have no copy.

11 MS. MCGOVERN: You don't have a copy either?
12 Give it to Jamilet. We are talking about the
13 resolution.

14 MR. AFRAN: So the resolution will be O-25
15 and the letter is O-24.

16 CHAIRMAN BAGOFF: Yeah. Resolution is O-25.

17 CHAIRMAN BAGOFF: Mayor McCartney.

18 MAYOR MCCARTNEY: No questions.

19 CHAIRMAN BAGOFF: Vice Chairman Guarino.

20 VICE CHAIRMAN GUARINO: No questions.

21 CHAIRMAN BAGOFF: Mr. Alper, any questions?

22 MR. ALPER: No questions.

23 CHAIRMAN BAGOFF: Ms. Kapferer, any
24 questions?

25 MS. KAPFERER: No questions.

1 CHAIRMAN BAGOFF: Mr. Cardoza, any
2 questions?

3 MR. CARDOZA: No questions.

4 CHAIRMAN BAGOFF: Mr. Rizzo, any questions?

5 MR. RIZZO: No questions.

6 CHAIRMAN BAGOFF: Mr. Haizel, any questions?

7 MR. HAIZEL: No, none.

8 CHAIRMAN BAGOFF: Mr. Plocker?

9 MR. PLOCKER: I don't have any.

10 CHAIRMAN BAGOFF: Council Person Scarpa, do
11 you have any questions for Mr. Redwine?

12 COUNCILWOMAN SCARPA: No, I don't.

13 CHAIRMAN BAGOFF: Any member --

14 MAYOR McCARTNEY: One question. Did all
15 members of the environmental commission sign that
16 letter? I haven't seen it.

17 THE WITNESS: Their names aren't on the
18 letter but they all signed on.

19 CHAIRMAN BAGOFF: Any members of the public
20 have any questions for Mr. Redwine on his presentation?
21 Seeing none.

22 Thank you very much, sir.

23 Mr. Rizzo, the planning board would like a
24 technical evaluation of the applicant and the objectors
25 here and you give us what you feel is the delineation.

1 One on that side, one on that side and you are the
2 arbitrator of what --

3 MR. RIZZO: Mr. Chairman, we can review that
4 and prepare a letter on that.

5 CHAIRMAN BAGOFF: Thank you very much.

6 Okay. Ladies and gentlemen --

7 MS. KAPFERER: Just to clarify something
8 asked about signatures. Anything on the environmental
9 commission letter Mr. Alper and I were -- Ken was
10 serving and I came on and we, neither of us were a part
11 of the letter process because it was when we were in
12 transition, so we missed the meetings about that letter.

13 MR. ALPER: As well, I had -- I didn't
14 accept my reappointment, but when we talked about it
15 last year I recused myself from that process and there
16 was only, I think, one environmental commission -- there
17 was only a single environmental commission meeting
18 after, once you were appointed, and that took place on
19 the night when we had a planning board, so you weren't
20 there. So neither of us participated in that
21 environmental commission at all.

22 CHAIRMAN BAGOFF: Okay. For the record.

23 MS. KAPFERER: For the record.

24 CHAIRMAN BAGOFF: So the next regular
25 Planning Board meeting will be held September 3, 2025 at

1 6:30 PM, township chambers. This application will be
2 carried without further notice to that date, September
3 3, 2025, 6:30 PM council chambers and you will be able
4 to watch via zoom.

5 The next Special Planning Board meeting will
6 be held September 10, 2025 at 6:30 PM council chambers
7 and that meeting we will discuss the fourth round
8 housing element fair share plan.

9 (Hearing concludes at 9:45 PM.)

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1 C E R T I F I C A T E

2 I, ERIC S. FISHMAN, a Shorthand Reporter
3 and Notary Public of the State of New Jersey do hereby
4 certify that the foregoing is a true and accurate
5 transcript of the testimony as taken stenographically by
6 and before me at the time, place and on the date
7 hereinbefore set forth, to the best of my ability.

8 I DO FURTHER CERTIFY that I am neither a
9 relative nor employee nor attorney nor counsel of any of
10 the parties to the action; and that I am neither a
11 relative nor employee of such attorney or counsel; and
12 that I am not financially interested in the action.

13

14

15

A handwritten signature in black ink, appearing to be "Eric S. Fishman", written over a dashed horizontal line.

16

ERIC S. FISHMAN, S.R.

17

18

19

20

Dated: 10/12/2025

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22

23

24

25

WITNESS:
CASE REFERENCE:

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I have read my transcript and subscribed to its accuracy, to include the corrections or amendments noted above or hereto attached:

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\$	66:25	3.3 ^[1] - 22:8	86 ^[1] - 69:16	27:3, 28:8, 28:9,
\$51,000 ^[1] - 46:17	179 ^[2] - 4:2, 80:8	3.7 ^[1] - 22:8	86,000 ^[1] - 69:16	39:24, 80:7, 80:13,
\$71,000 ^[3] - 46:6,	1800's ^[1] - 36:23	30 ^[4] - 23:16, 27:4,	885 ^[1] - 19:14	100:14, 106:8, 117:1
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