

MEMORANDUM

TO: Township of West Orange Planning Board

FR: Gerard M. Haizel, PP, AICP, Principal 

RE: **Master Plan Consistency Review – Ordinance 2878-24 - An Ordinance Amending and Supplementing Chapter 25 of the Revised General Ordinances of the Township of West Orange Banning “Pop-Up” Parties**

DT: **November 22, 2024**

Pursuant to The *NJ Municipal Land Use Law (MLUL)* at N.J.S.A. 40:55D-26(a), the above referenced matter was referred to the Township Planning Board for review and comment to the Governing Body, regarding the proposed Ordinance’s consistency with the Township’s Master Plan.

For this review, the following items were reviewed:

- ✓ Township of West Orange Ordinance 2878-24
- ✓ Township of West Orange Master Plan Reexamination Report and Plan Element Amendments – 2019.

The Township Council approved amendment **Ordinance 2878-24**, on first reading, at its October 8, 2024 meeting. This ordinance amends and supplements Chapter 25 of the *Revised General Ordinance of the Township of West Orange*, to add a new section governing “pop-up” parties as defined within the Township of West Orange.

The scope and purpose of the amendment as stated in **Ordinance 2878-24** is as follows:

“The Township of West Orange (the “Township”) has received numerous complaints from residents in various neighborhoods throughout the Township regarding parties, events, and/or gatherings wherein the attendees of the events have purchased tickets or wristbands for entry into residential homes within the Township. The purpose of this Section is to provide recourse for the Township if such “pop-up” parties (defined herein) occur in the future and to put the public on notice that the same are prohibited as a health and safety concern for the general welfare of the public.”

The amendment Ordinance defines **“Pop-Up Party(ies)”** as follows:

“... a party for profit including any event and/or gathering occurring in a residential home, apartment or other location (excluding commercial establishments such as licensed restaurants, bars, or other event halls where such activity is permitted) whereby the owner, occupant and/or operator of the residence solicits or advertises the use their residence for an event, party, or gathering and where the guests are subject to payment for tickets, wristbands, or other mode of entry into the residence.”

Ordinance 2878-24 details actions and activities which will be prohibited under the provisions of the new Section, as well as enforcement mechanisms. Violation under the new Section shall be governed by the provisions of Section 1-5 et seq. of the *Revised General Ordinance of the Township of West Orange*.

Consistency with the Township of West Orange 2019 Master Plan Update

As indicated in the scope and purpose of Ordinance 2878-24, the intent of the amendment is to address concerns expressed by residents regarding the adverse impact of so called “pop-up parties,” which have been apparent within the residential areas of the Township, and which have become a concern for the health, safety and general welfare of the public.

While the Township’s Master Plan 2019 Update does not address this issue explicitly, it does state the objective of improving and maintaining the existing residential neighborhoods (see IV. *Specific Changes Recommended for the Master Plan and Development Regulations, B. 2019 Master Plan Objectives*). This Objective speaks to maintaining the overall character of the neighborhood, which includes both the physical attributes and otherwise.

To the extent that the new Section of Chapter 25 created by the Ordinance 2878-24 can regulate the prevalence of the “pop-up parties” and the adverse impact they have on the properties in and the character of the residential zone, it is consistent with the goals and objectives of the Master Plan.

Based on my review as detailed above, in my opinion, the amendment to the Land Use Regulation Ordinance proposed by Ordinance 2878-24 is consistent with the Township’s Master Plan and furthers the goals and objectives of the same.