

**MINUTES
TOWNSHIP OF WEST ORANGE
PLANNING BOARD MEETING
September 10, 2025, 6:30 P.M.**

The Township of West Orange Planning Board held its regular meeting on September 10, 2025, at 6:30 P.M. via virtual ZOOM videoconference and in person (Council Chambers of Town Hall).

Chairman Bagoff called the meeting to order at approximately 6:40 P.M. He announced that notification of the meeting was given to the Township Clerk, and posted on the Township Bulletin Board, sent to the West Orange Chronicle and the Star Ledger, and posted on the Township's website calendar. This meeting has been properly noticed to the public in accordance with the Open Public Meetings Act. No new matters will start after 10:30 P.M.

PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENTS

- The next Planning Board regular meeting will be held **on October 1, 2025, at 7:30 P.M.** via Zoom.

ROLL CALL

PRESENT:

Dr. Robert Bagoff (6:40 PM arrival); Mr. Jerry Guarino;
Mr. Ken Alper; Mr. John Cardoza;
Mayor Susan McCartney; Mr. Frank Noborine;
Councilwoman Susan Scarpa; Ms. Lori Kapferer

ABSENT:

Mr. Lee Klein; Mr. William Wilkes; Mr. Christopher Morgan, Sr.;

ALSO PRESENT:

Diana P. McGovern, Esq., Planning Board Attorney;
Zayibeth Carballo, Municipal Engineer
Diana L. Chandler, Planning Board Interim Secretary

SWEARING IN

- Professionals Ms. Susan Gruel (Planner) and Ms. Zayibeth Carballo (Municipal Engineer) were sworn under oath.

APPLICATIONS

- Fourth Round Housing Element and Fair Share Plan
[West-Orange-Township Fourth-Round-HEFSP-Draft](#)

PRESENTATION

- Chairman R. Bagoff explained that this is for the Builder's Remedy and that it can be amended after adoption, and that the Township of West Orange is at risk until the Adoption.

- Ms. Susan Gruel presented her credentials as a Professional Planner and was accepted by the Planning Board as a Professional.

Recess: 6:52 PM – 6:55 PM in an effort to bring chairs into Council Chambers. However, it was deemed to be a fire hazard. Upon return to the meeting, a quorum was confirmed by Chairman Bagoff and Ms. McGovern.

PRESENTATION

- Ms. Gruel presented about the qualities and classifications of each Affordable Housing Elements.
- Brief terminology about the Township obligation and the efforts during the previous rounds.
 - Housing Rounds
 - First Round (1987-1993)
 - Second Round (1993-1999)
 - First Round and Second Round together are known together as the “Prior Round” (1987-1999)
 - Third Round (1999-2025)
 - Including “Gap Period” of 1999-2015
 - Fourth Round (2025-2035): Moving forward with rounds in ten (10) year periods.
 - Affordable Housing is used to describe both renter and owner occupied housing properties in diverse ranges of incomes.
 - Moderate
 - Low
 - Very Low
 - Qualifying Income Levels: for one-person moderate household the \$75,840 is 80% of the regional median income, \$47,700 is 50% of the regional median income, etc.
 - Fair Share Obligation
 - Prior Round (1987-1999) had 226 units, and Third Round (1999-2025) had 954 units
 - Fourth Round (2025-2035) had 660 units affirmed by Court Order.
 - Rehabilitation (Present Need of existing “deficient” housing) has a proposed 409 units.
 - Rehabilitation obligation is assigned each round. The obligations do not carry over to the next round.
 - The Fourth-Round methodology was established in the amended FHA. Until the Court tells otherwise, West Orange is bound by the methodology that was established in the 2024 amendment to the Fair Housing Act.
- Components of the Obligation:
 - Minimum 25% Rental Units
 - Maximum 30% Senior Units
 - Minimum 50% for Very Low/ Low Income
 - Minimum 13% for Very Low- Income
 - Maximum 10% Transitional Housing
 - Up to 50% for Veterans’ Preference: Up to 50% of the affordable units in any particular project may be prioritized for low- and moderate-income veterans.

- Housing Element and Fair Share Plan (HEFSP): being not a typical Master Plan element and displays the present/prospective needs.
- Vacant Land Adjustment (VLA)
 - o Municipalities can request an “adjustment” to their obligation. But there is not sufficient vacant or developable land within the municipality.
 - o A Vacant Land Adjustment: West Orange received this in 2017 as part of Third Round compliance.
 - o The end result of a VLA: Determination of West Orange’s “Realistic Development Potential” (RDP) for new affordable units.
 - o RDP: In the Third Round West Orange had 421 units. Portion of West Orange’s fair share obligation that can be realistically created after accounting for the lack of vacant land. This number can change based on changes in circumstances.
 - o Unmet Need: Third Round of Unmet Need had 533 units. The portion of West Orange’s fair share obligation that cannot realistically be created because of the lack of developable land.
- Process for Adoption of Fourth Round Housing Element and Fair Share Plan:
 - o Planning Board adopts HEFSP as an Element of the Master Plan
 - o Governing Body Endorses the Adopted HEFSP
 - o The Adopted and Endorsed HEFSP is Submitted to The Program

PUBLIC QUESTIONS/COMMENTS

- Andrea Marcus (5 Crestwood Drive) spoke in opposition due to the congestion of Pleasant Valley Way and the irresponsibility of adopting this, and asked why it is even being considered. Ms. Gruel answered that it is constitutional to address, but that the courts “just don’t care and the Towns are not considered.”
- Grayson Jordan (11 Lowell Drive) spoke in opposition to the adoption of this stating that the opportunity to use Zoning as a tool with cultural uses.
- Jacklyn Hendy (6 Beverly Road) spoke in opposition to this believing that it is only for commercial/corporate gain, and not for the public interest.
- Roz Mozkowitz (11 Wedgewood Drive) spoke in opposition to this because of businesses, residential properties on Pleasant Valley Way being limited, the stress on the sewer system and believes the quality of life will be severely limited.
- Joyce Rudin (38 Woodland Avenue) spoke in opposition to this because she believes that this proposal is “creating generations of renters” where it is incompatible with alternative ideas offered with leverage for affordable housing
- Derek Orth (On Behalf of Daughters of Israel) spoke in favor on behalf of Daughters of Israel for their clients to be able to stay in West Orange. He provided a listing of the services provided by the Daughters of Israel and emphasized that they will have to close if not approved within the next decade.
- Wendy Shuman (21 Curry Lane) spoke in opposition and concurred with Ms. Rudin’s statements.
- Lisa Taylor (70 Blackburne Terrace) spoke in favor of this approval because of her personal experiences with Daughters of Israel.
- Todd Dubovy (10 Burnett Terrace) spoke in opposition to this stating that it is not in every area and is not a balanced plan and opined that if there was a full time Town Planner this would not be even presented to us. He then blamed current and past mayors (McCartney and Parisi) and suggested that Mayor McCartney recuse herself from voting on this. He commented that downtown should have been considered in this as well.

- Justin Goldman (14 Moran Road) spoke in opposition stating the landslide that occurred at 275 Northfield Avenue and opined that the Planning and Development opposes because of the wetlands and flood areas.
- Sheila Lepkowitz (703 Pleasant Valley Way) spoke in opposition because of the Master Plan inconsistencies with drainage and safety. She also predicted many vehicular deaths due the impending traffic.
- Susan Worth (Power of Attorney of Daughters of Israel Tenant) spoke in favor of this proposal for her father's services.
- Sally Malanga (Ridge Road) spoke in opposition because many things such as: the location for this meeting, the reason the town being subjected to possible lawsuits, and the Daughters of Israel plan in her opinion not serving the community but that the Zoning Board denied their application because of greed.
- L. Casana (59 Davey Drive) spoke in opposition because of the West Essex Highlands application. In response to this, Chairman Bagoff confirmed that tonight's meeting is about the Fourth Round Housing Element and Fair Share Plan, not the West Essex Highlands application currently being heard in front of the Planning Board.
- A. Kurtzbloom (71 Woodland Avenue) spoke in favor because of his experience with Daughters of Israel. However, stated that it is a dated facility and because of it has concerns with aging in their hometown.
- Sean McGowen () spoke in favor of this because of Mayfair Farms being involved and that the Board must meet their obligations. He then continued to state that in the third and fourth round of the plan there are an insignificant amount of acres so using this site makes sense.
- Philip Abramson (Mayfair Farms) explained that with every plan there is and will have scrutiny. To chose to use Mayfair Farms (481 Eagle Rock Avenue) it is already zoned properly, can be done to scale, and can be part of smart planning to create jobs at West Orange Plaza for example
- Seth Weisleder (17 Howell Drive) spoke in opposition due to the inconsistencies and dynamics of this plan.
- Abby Cohen (46 Parish Way) spoke in favor because she believes that the Daughters of Israel expansion will improve the property.
- Joe Panullo (Essex Fells) spoke in opposition because of the memo received from the DEP regarding the Green Acres Plan with the 2010 and 2019 Master Plan updates for inability classification for the site.
- David Silverstein (48 Rolling Hill Drive, Chatham, NJ) spoke in favor because of Daughters of Israel needing the support and updates
- Maria DePalma (67 Lapis Circle) spoke in opposition because of traffic congestion and believes that with the addition of more buildings, it will get worse.
- Philip Litwinoff (Linden Avenue) spoke in opposition because he believes it to be a biased plan and wrong for one section of town, as he believes it should be spread around, and believes that the school district cannot handle it.
- Jonathan Redwine (10 Cobane Terrace) spoke in opposition mainly because of their not being enough environmental review as he believes that the town's Environmental Commission did not get to make any input and that there was no consultation with the CFO, school board, so he thinks it should be sent back, deal with those parties and then try to get it close to right.
- Moshe Rudin (38 Woodland Avenue) spoke in opposition and made a suggestion based on a Massachusetts community to maintain a quality of life. He stated that this decision seems to be made in a crisis not a preparation, because of coercion.
- Joe Krakoviak (Grandview Avenue) spoke in opposition to the adoption

- Arthur Sheckner spoke in favor because of Daughters of Israel being in need of updates to survive.
- Laurence Cohen (Lincoln Avenue) spoke in opposition because of market rates and if there were any zoning exceptions which would prioritize residents to move into the units.
- Sejal Ratiajarawala (Kinzel Lane) spoke in opposition because of the congestion of traffic and the effect on the school district.
- Jennifer Sharett (Howell Drive) spoke in opposition due to the West Essex Highlands application believing that there was not enough notice.
- Marie Robinson (200 Mount Pleasant Avenue) spoke in favor
- Mel Valdez (Elm Street) spoke in opposition due to the fact that there was no community input and urged creativity instead of prioritizing developers.

Break: 9:30 PM-9:49 PM

BOARD QUESTIONS/DISCUSSION

- Mayor McCartney said that it is, “just a plan”, not an application and stated further that Pleasant Valley Way was not picked arbitrarily.
- L. Kapferer thanked the Pleasant Valley Way residents for voicing their concerns and feels like she is burdened by this decision.
- J. Guarino said that he is conflicted. He explained in response to someone’s comments about Rock Spring Country Club not being chosen is due to the arsenic in the soil and that Downtown (Main Street) was not chosen because it is in an area of revenue development.
- K. Alper asked for Ms. Gruel to check his math regarding bonus credits. Ms. Gruel said that those credits don’t count until the total has been reached.
- J. Cardoza recommended that this be revisited instead of an “Eleventh Hour Review” that, in his opinion, needs to be seen through new lenses.
- Councilwoman S. Scarpa said that this needs a revisit with Architects and professionals of that nature. In her opinion redeveloping downtown seems the best option. She also stated that Zoning laws are put into place for a reason and when revisited sometimes problems arise
- F. Norborine said that bonus credits are an incentive for abandoned sites and according to what he can understand, the West Orange Housing Rehabilitation Program is seems statistical; that number comes from the census and is accurate.
- Chairman R. Bagoff said that school, fire, and police have no methodology for their decisions. He considers Daughters of Israel as a gem, but shouldn’t be the only factor to approve of this. But stated that if we do not adopt a plan, we all lose as a community. Dr. Bagoff suggested that the Planner review the plan in light of the comments made by the public and the Board and that revisions to the plan be considered. He recommended that the decision of the Board be tabled to allow for modifications to the plan based upon the comments made.

Motion to Table to 11/5/2025 Meeting: R. Bagoff

Second: J. Guarino

Alper:	Y	Mayor McCartney:	Y
Bagoff:	Y	Morgan:	-
Cardoza (Alt.2):	Y	Norborine:	Y
Guarino:	Y	Scarpa:	Y
Kapferer:	Y	Wilkes:	-
Klein:	-		

Meeting adjourned at 10:37 PM.

ADOPTED:

Diana L. Chandler
Planning Board Interim Secretary