

EXHIBIT B

RESOLUTION NO. 20-08

MEMORIALIZING RESOLUTION OF THE WEST ORANGE PLANNING BOARD

**RE: CONSIDERATION OF THE HOUSING PLAN ELEMENT AND FAIR SHARE PLAN
TO BECOME PART OF THE MASTER PLAN FOR THE TOWNSHIP OF WEST
ORANGE**

HEARING: November 17, 2020

MEMORIALIZED: December 2, 2020

WHEREAS, at a properly noticed special meeting of the Planning Board for the Township of West Orange on November 17, 2020, which was conducted as a virtual meeting of the Board pursuant to N.J.S.A. 10:4-8(b), the Board considered a report dated November 17, 2020 (attached hereto as Exhibit A) and entitled "Housing Element and Fair Share Plan of West Orange Township, Essex County" as prepared by Shirley M. Bishop, P.P., the Affordable Housing Planning Consultant for the Township of West Orange; and

WHEREAS, this report was reviewed and considered before a quorum of the Board, and an opportunity was afforded to members of the public and/or interested persons or parties to ask questions and/or to be heard regarding this report and the Board's consideration of same at this public hearing; and

WHEREAS, after consideration of this report and the further statements and comments offered to the Board in this hearing, the Board following its discussion now finds and concludes as follows:

FINDINGS

1. Ms. Shirley M. Bishop, P.P., with the assistance of the Township's Planner Mr. Paul Grygiel, AICP, PP, made a presentation to the Board and discussed in detail the Housing Element and Fair Share Plan which Ms. Bishop had prepared and which was previously made available prior to the hearing to the Planning Board and to the public. Ms. Bishop and Mr. Grygiel went through the report with the Board by going through each section discussing in detail the proposed Housing Element and Fair Share Plan to become part of the Master Plan in relationship to the Affordable Housing filings and proceedings conducted by and involving the Township of West Orange in the present Affordable Housing litigation which had recently resulted in the settlement of such litigation between the Township of West Orange, West Essex Highlands, Inc. and the Fair Share Housing Center.

2. After outlining and discussing the areas of her report now being considered by the Board, Ms. Bishop and Mr. Grygiel referred to the implementing ordinances that have been referred to the Board and which would be subject to adoption and implementation by the Township of West Orange following the Board's decision and action on the proposed amendment to the Master Plan with the inclusion of the Housing Plan Element and Fair Share Plan. Ms. Bishop advised the Board that these new ordinances were related to and were required as part of the Township's implementation of the Township's Affordable Housing obligations and settlement of the pending Affordable Housing litigation involving these matters and also required by New Jersey statute, N.J.S.A. 40:55D-62(a).

3. Ms. Bishop further discussed with the Board the Board's comments and/or questions regarding the Housing Plan Element and Fair Share Plan she had prepared. The Board further discussed with her the further anticipated proceedings that would be required to conclude the Township's settlement agreement for its Affordable Housing litigation with implementation of the Township's Affordable Housing obligations.

4. The meeting of the Board was conducted as a remote or virtual meeting of the Planning Board pursuant to N.J.S.A. 10:4-8(b), the Board offered the opportunity for public comments regarding the Housing Element and Fair Share Plan being presented by Ms. Bishop and for any questions for Ms. Bishop and the Planning Board regarding same.

5. The Planning Board upon discussion of the Housing Plan Element and Fair Share Plan for the Township of West Orange presented by Ms. Bishop agreed that it would be appropriate for the amendment of the Master Plan for the Township of West Orange to include therein as a Housing Plan Element in accordance with Ms. Bishop's report entitled "Housing Element and Fair Share Plan of West Orange Township, Essex County", which had been the subject of this hearing. The Board further determined that it would now be appropriate to take action on the Housing Element and Fair Share Plan being presented which would then be incorporated as an amendment into the Master Plan for the Township of West Orange.

CONCLUSIONS

1. The Board finds and concludes after consideration of the Housing Element and Fair Share Plan prepared by Shirley M. Bishop, P.P., the Affordable Housing Planning Consultant for the Township of West Orange, and as presented by Ms. Bishop and Mr. Grygiel to the Board during this hearing, and based upon the further discussion,

statements, and comments of the Board with Ms. Bishop during the hearing, that the Housing Element and Fair Share Plan proposed is well designed and presented and would be clearly beneficial to the Township of West Orange and its residents as to the matters listed therein. The Board accordingly concludes that the Housing Element and Fair Share Plan from Shirley M. Bishop, P.P. would be appropriate to be approved to become part of and thereby incorporated into the Master Plan for the Township of West Orange.

2. Based upon the Board's review, consideration, and the presentation made to the Board regarding the Housing Element and Fair Share Plan during this hearing, the Board now believes that the Housing Element and Fair Share Plan as presented and reviewed by the Board would in fact properly address the goals and objectives of the Township of West Orange regarding its Affordable Housing obligations in the best interest of the residents of the Township of West Orange, and the Board now believes that it would be appropriate for the Board to take action at this time regarding same.

NOW, THEREFORE, BE IT RESOLVED that the Housing Element and Fair Share Plan of West Orange Township, Essex County as prepared by and presented by Shirley M. Bishop, P.P. as the Affordable Housing Planning Consultant to the Township of West Orange and dated November 17, 2020 (attached hereto as Exhibit A), is hereby approved by this Planning Board with said Housing Element and Fair Share Plan to thereby become part of and incorporated into the Master Plan for the Township of West Orange as a Housing Plan Element pursuant to N.J.S.A. 40:55D-28(3), and the Master Plan of the Township of West Orange is hereby amended accordingly.

The undersigned Secretary of the Township of West Orange Planning Board hereby certifies that the within Resolution and Memorialization was adopted by the Planning Board for the Township of West Orange pursuant to N.J.S.A. 40:55D-10(g) at its special meeting on November 17, 2020.

VOTE ON ACTION OF THE BOARD AT 11/17/20 HEARING

On Motion of: Weston

Seconded by: Wilkes

The vote on the Resolution was as follows:

AYES:

Weston,

Klein, Bagoff,

Williams,

Wilkes,

Johnson,

McCartney,

Smeraldo

NAYS:

N/A

ABSENT:

Trenk

VOTE ON RESOLUTION 20-08

On Motion of: *Chairman Weston*

Seconded by: *Dr. Bagoff*

The vote on the Resolution was as follows:

AYES:

Bagoff, Johnson, McCartney, Smeraldo, Wilkes, Williams, Weston

NAYS:

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ABSENT:

Klein, Trenk (absent 11/17)

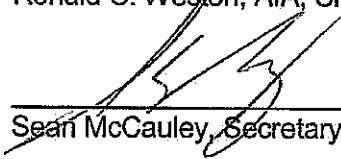
Adopted

December 2, 2020

WEST ORANGE PLANNING BOARD



Ronald C. Weston, AIA, Chairman



Sean McCauley, Secretary

Dated:

Prepared by: Kenneth D. McPherson III, Esq.

**HOUSING ELEMENT
AND
FAIR SHARE PLAN
OF
WEST ORANGE TOWNSHIP,
ESSEX COUNTY,
NEW JERSEY**

Adopted: November 17, 2020

FAIR SHARE PLAN

**WEST ORANGE TOWNSHIP
ESSEX COUNTY**

Adopted: November 17, 2020

7. Habitat for Humanity Newark Inc. has two for-sale family units located at 112 Whittlesey Avenue, Unit 1 and Unit 2. The first home was occupied in 2007 and the second in 2013. A copy of the deed restrictions is in Exhibit I.
8. West Orange is claiming 57 rental bonuses.

IV. ADDRESSING WEST ORANGE'S ROUND 3 OBLIGATION

It should be noted that West Orange received Third Round substantive certification from COAH on December 9, 2009. That certification was subsequently invalidated.

As per the terms of the FSHC Settlement Agreement, the Township's Round 3 (1999-2025) Obligation is 421 units as the result of a vacant land adjustment (VLA). The initial obligation was 954 units. However, with the VLA, the realistic development potential (RDP) became 421 units. West Orange has a 533 unit unmet need. Exhibit J.

Round 3 caps are as follows:

1. Age Restricted Cap = 105
2. Rental Obligation = 106
3. Rental Bonus Cap = 106

West Orange intends to address this obligation with the following:

Name of Development	# of Units	Bonus	Total	Status
Federation Plaza (age-restricted)	42	0	42	Completed
Wedgewood Avenue (supportive housing)	2	0	2	Completed
Dogwood Drive (supportive housing)	4	0	4	Completed
Pleasant Valley Way (supportive housing)	6	0	6	Completed
Washington Street (family rental)	3	0	3	Completed
152 Main Street (family rental)	3	0	3	Completed
158 Main Street (family rental)	3	0	3	Completed
St. Cloud- Prism (supportive housing)	4	0	4	Completed
Forest Avenue (supportive housing)	4	0	4	Completed
Valley Road Residential (family rental)	55	55	110	Completed
West Essex Highlands (family rental)	100	51	151	Developer's Agreement finalized
Selecto Flash (family rental)	17	0	17	Redevelopment Plan; pending developer's agreement
Executive Drive Block 155, Lot 40.03 (family rental) Rooney Circle: vacant	23	0	23	Redevelopment Plan; pending developer's

				agreement
Executive Drive Block 155, Lot 40.02 and 42.02 (family rental) 100 and 200 Executive Drive	64	0	64	Planning Board approval; pending developer's agreement
Library Site/West Orange Senior Housing	17 (of 64)	0	17	Planning Board Resolution; awarded tax credits
	347	106	453	--

1. Federation Plaza- As discussed in the Prior Round, 42 of the 134 senior rentals will be credited towards the Third Round.
2. Wedgewood Avenue- As discussed in the Prior Round, two of the four bedrooms will be credited towards the Third Round.
3. Dogwood Drive is a four bedroom group home that is owned and operated by Project Live. The home opened in 1998. Exhibit K.
4. Pleasant Valley Way is a six bedroom group home that is owned and operated by Cerebral Palsey of North Jersey. The home opened in 1997, Exhibit L.
5. 39 Washington Street is a three unit affordable rental project that is owned and operated by RPM. The triplex opened in 2007. Exhibit M.
6. 152 Main Street is a three unit affordable rental complex that is owned and operated by RPM. The triplex opened in 2007 Exhibit N.
7. 158 Main Street is also a three unit affordable rental complex that is owned and operated by RPM. The triplex opened in 2007. Exhibit O.
8. St. Cloud is a four bedroom group home that was funded by PRISM as part of its affordable housing obligation. The home is owned and operated by Our House. The home opened in 2009. Exhibit P.
9. Forest Avenue is a four bedroom group home that is also owned and operated by Our Home. The Township contributed \$250,000 from its Affordable Housing Trust Account. The home opened in 2013. Exhibit Q.
10. Valley Road Residential (Block 9, Lot 1.01) is a 100 unit mixed- income development that contains 55 affordable family rental units and 45 market rate units. The project was the recipient of the Nine Percent Federal Low Income Tax Credit Program. Valley Road Residential Urban Renewal LLC is the owner and sponsor. All units are completed and occupied. West Orange contributed \$3 million from its Affordable Housing Trust Fund to make the development financially feasible. The development opened in 2020. Exhibit R.

11. West Essex Highlands (Block 179, Lot 32) (WEH) will contain 496 family rentals including 100 affordable family rentals. There is an executed Settlement Agreement that contains a Concept Plan, Zoning Amendment, Design Terms and Conditions and West Essex Highlands Condominium Association (association) Terms and Conditions. Numerous mediation sessions occurred with both WEH, the Township and the association. The agreement is the result of those sessions.

The site is available in that it is owned by West Essex Highlands, Inc. The site is approvable in that there is an executed Settlement Agreement in place that contains the proposed rezoning. The site is developable in that it has access to public water from the New Jersey American Water Company and sewer from West Orange. The site is suitable in that it is surrounded by residential uses and has Warner Road as the primary access. Exhibit S.

12. Selecto Flash (Block 9, Lot 35 and Block 7, Lot 22) is the focus of a redevelopment plan known as the Central Avenue Redevelopment Area Plan and an Interim Redevelopment Agreement. The site is comprised of six lots. One of these is adjacent to the Harvard Press Redevelopment Area and the other five are in the vicinity. All but one of these lots is located between Central Avenue and Mitchell Street to the west of the Harvard Press site. The sixth lot is located on the south side of Mitchell Street and the east side of Tompkins Street. In 2016, these tax parcels were determined to be in need of redevelopment. A redevelopment plan was adopted by the Township Council in January 2017. The plan is consistent with other planning efforts in the vicinity in West Orange and Orange, and takes advantage of proximity to the Highland Avenue railroad station. The Township has rezoned this property to permit up to 111 residential units including a 15 percent set-aside for 17 affordable family rental units that may be provided off site on a municipally-owned lot on Tompkins Street. The site is available in that it is owned by West Orange Township. The site is approvable in that the zoning is in place. The site is developable in that it has access to public water from the New Jersey American Water Company and sewer from West Oranger. The site is suitable in that it is surrounded by adjacent multi-family residences, commercial uses and single family homes. Access is from Central Avenue and Mitchell Street. Exhibit T.

13. & 14. Essex Green Executive Drive Redevelopment Area (Block 155, Lots 40.02, 40.03, 40.04, 41.02, 42.02). There are three specific areas consisting of five parcels. However, only two parcels are included for redevelopment. The area was deemed to be an Area in Need of Redevelopment in January 2018. Redevelopment plans were adopted for two areas in 2018 and 2019. However, on September 11, 2020, that designation was recently overturned by the Appellate Division ("Appellate Division Decision") and a new redevelopment study is being prepared and will be considered before the Planning Board on November 18 and 19, 2020.

Before the Appellate Division Decision, one site, Block 155, Lots 40.02 and 42.02 known as 100 and 200 Executive Drive had been approved by the Planning Board for a total of 425 units of which 64 will be affordable family rentals. The site also received planning board approval on June 25, 2020 for a multi-family residential development.