

TO: Township of West Orange Planning Board
CC: Genice Gary-Adams, Director of Planning and Development/Zoning Official
Jamilet Baquerizo Vite, Planning Board Secretary
FROM: Malvika Apte, PP, AICP, Planning Board Planner 
RE: Ord# 2955-26- Master Plan Consistency Review
DATE: April 8, 2026

1. Purpose of the memo:

The purpose of this memo is to provide a review of the Master Plan implications of proposed Ordinance 2955-24, that has now been referred to the Planning Board for a Master Plan Consistency Review.

2. Statutory Basis for Master Plan Consistency Review:

Under the Municipal Land Use Law ('MLUL') (N.J.S.A. 40:55D-1 et seq.) and more specifically (NJSA 40:55D-62), municipal jurisdiction to adopt municipal land use regulations (i.e., ordinances) rests with the Township Council.

Under N.J.S.A. 40:55D-64, prior to the Council's adoption ('Second Reading') of a land use ordinance, including an amendment of an existing ordinance, the Council must refer the proposed ordinance to the Planning Board for its review.

The purpose of that Planning Board review is for the Planning Board to evaluate whether the proposed ordinance is consistent with the municipal Master Plan. This process is commonly known as a Master Plan "consistency review". Upon receipt of the referral from the Township Council, the Planning Board "shall make and transmit to the governing body, within 35 days after referral, a report including identification any provisions in the proposed development regulation, revision, or amendment which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the Board deems appropriate." (NJSA 40:55D-26).

Per N.J.S.A. 40:55D-62a, all municipal land use regulations are required to "either be substantially consistent with the land use plan element and the housing plan element of the master plan or designed to effectuate such plan elements." Land development regulations that do not conform to the above requirement can nonetheless be adopted by the Township Council but only by way of a majority vote of the full membership and "with the reasons of the governing body for so acting set forth in a resolution and recorded in its minutes... "

3. Master Plan Consistency Review:

Currently, section §25-47.5a of the land use ordinance states

*"The Zoning Board of Adjustment shall elect a Chairperson and Vice-Chairperson from its members. Each shall serve in such capacity for one year, dated from January 1 of the calendar year in which elected. **Members may not be elected to successive terms as Chairperson and Vice-Chairperson.**"*

Township of West Orange Mayor and Council amends the ordinance to read as follows:

"The Zoning Board of Adjustment shall elect a Chairperson and Vice-Chairperson from its members. Each shall serve in such capacity for one year, dated from January 1 of the calendar year in which elected."

The latest Master Plan of Township of West Orange was adopted in 2019. One of main goals of the Master Plan was:

Amend administrative and procedural regulations for development application requirements, referrals to boards and commissions and for expiration of approvals.

While it is understood, Chairman and Vice Chairman are elected by the Board Members at the beginning of the year during reorganization. For efficient working of the Board of Adjustment, the elected members are required to have knowledge and workings of the Municipal Land Use Law in order to run an efficient Board. Removing the term limit on

the elected members may be decision of the Zoning Board members in order to run an efficient Board.

4. Master Plan Consistency Review:

The proposed amendment is noted to be substantially consistent with the Township of West Orange Master Plan, and the amendment is intended to create an efficient working of the Zoning Board of Adjustment.