

Planning & Real Estate Consultants

MEMORANDUM

To: Township of West Orange Planning Board

From: Paul Grygiel, AICP, PP

Date: September 23, 2020

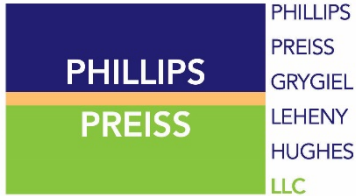
Re: **Overview of Ordinance 2614-20 and its Relationship to the Master Plan**

The Township Council has referred Ordinance 2614-20 to the Planning Board pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-26a, which reads in part:

“Prior to the adoption of a development regulation, revision, or amendment thereto, the planning board shall make and transmit to the governing body, within 35 days after referral, a report including identification of 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.”

The Township of West Orange has been involved in legal actions pertaining to affordable housing compliance since 2015, when a New Jersey Supreme Court decision changed the landscape related to this topic. After years of negotiations, settlement agreements with West Essex Highlands Inc. and Fair Share Housing Center (FSHC) were approved by the Township Council on April 14, 2020 and by the Superior Court of New Jersey, Law Division – Essex County at a Fairness Hearing on July 10, 2020. These agreements require the adoption of amendments to the Township’s Master Plan and Zoning Ordinance.

Ordinance 2614-10 would create a new IH-1 Inclusionary Housing zone district for the West Essex Highlands site (Block 179, Lot 32), a 120-acre property in the northwestern corner of the Township. This zone will allow development of 496 multifamily residential dwelling units on a portion of this property, while preserving a substantial portion of the site, including a ridgeline and steeply sloped areas. Twenty percent of the units are required to be set aside for low- and moderate-income households. This ordinance was prepared through a collaborative process that included representatives of the Township Council, the property owner and the West Essex Highlands Condominium Association (the existing adjacent townhouse complex), as well as the Township’s engineer, planner and affordable housing planner. Attachments to the West Essex Highlands settlement agreement outline numerous requirements addressing environmental concerns and minimization of impacts on adjoining properties.



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The West Orange Master Plan Land Use Plan Element currently designates the West Essex Highlands site for single-family residential development. The proposed zoning of this site is therefore inconsistent with its Master Plan land use designation. However, the proposed IH-1 zone will be consistent with the Master Plan Housing Element and Fair Share Plan when it is updated to include this property and other affordable housing compliance mechanisms. It is also consistent with certain Master Plan goals, objectives and recommendations, including providing housing opportunities for low- and moderate-income households, protecting natural features and environmental resources and incorporating sustainable design techniques into the development.

It is noted prior development proposals for this property in accordance with single-family zoning would have disturbed more land area and would not have been required to include sustainability measures. By comparison, the proposed IH-1 zone regulations and the West Essex Highlands settlement agreement both set a maximum area of disturbance on the property for development and tree clearing at 30 acres – or one-quarter of the overall site area. The West Essex Highlands settlement agreement also mandates numerous sustainable design elements in the development.

If the Board has any questions or comments on the above, I would be happy to address them at the October 7th Planning Board meeting.

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