

**MINUTES
TOWNSHIP OF WEST ORANGE
PLANNING BOARD MEETING
January 5, 2021 7:30 P.M.**

The Township of West Orange Planning Board held its regular meeting on January 5, 2021 at 7:34 P.M. via virtual ZOOM videoconference.

Chairman Bagoff called the meeting to order at approximately 7:30 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 **Wednesday February 2, 2022 at 7:30 P.M.**

ROLL CALL

PRESENT: Dr. Robert Bagoff; Mr. Jerry Guarino; Mr. Lee Klein; Mr. John McNair; Mr. Christopher Morgan, Sr.; Councilwoman Susan McCartney; Mr. Peter Smeraldo; Sarabraj Thapar, Esq., Public Advocate

ABSENT: Mr. William Wilkes;

ALSO PRESENT: Diana P. McGovern, Esq., Planning Board Attorney;
Paul Grygiel, Town Planner;
Mr. John Hess, Town Engineer;
Diana L. Chandler, Acting Planning Board Secretary;

ANNUAL REORGANIZATION

- **Chairperson**

- *Chairman Bagoff* handed the gavel over to *Mr. Guarino*, a senior member of the Board for the nominations for Chairperson. *Mr. Jerry Guarino* asked for nomination for the Planning Board Chair.
- *Dr. Robert Bagoff* was nominated by *Mr. Peter Smeraldo*. There were no other nominations for Chair.

Motion: P. Smeraldo

Second: S. McCartney

Alper:	Y	Morgan:	Y
Bagoff:	-	Smeraldo:	Y
Guarino:	Y	Wilkes:	-
Klein:	Y		
McCartney:	Y	Yes: 7	
McNair:	Y		

Note: After Dr. Bagoff was elected to the Chair position, Mr. Guarino passed the gavel back to him.

- **Vice Chairperson**

- *Chairman Bagoff* nominated *Mr. Wilkes* with his permission via a previous telephone conversation to do so since he is not present at this meeting. There were no other nominations for Vice-Chair.

Motion: R. Bagoff

Second: J. Guarino

Alper:	Y	Morgan:	Y
Bagoff:	Y	Smeraldo:	Y
Guarino:	Y	Wilkes:	-
Klein:	Y		
McCartney:	Y	Yes; 8	
McNair:	Y		

- **SPRAB Representative**

- *Chairman Bagoff* nominated *Mr. Lee Klein* as the Site Plan Review Advisory Board's Planning Board Representative. There were no other nominations.

Motion: R. Bagoff

Second: J. Guarino

Alper:	Y	Morgan:	Y
Bagoff:	Y	Smeraldo:	Y
Guarino:	Y	Wilkes:	-
Klein:	-		
McCartney:	Y	Yes;	Absent
McNair:	Y		

- **SPRAB Alternate**

- *Chairman Bagoff* nominated *Council President Susan McCartney* as the Site Plan Review Advisory Board's Alternate Planning Board Representative. There were no other nominations.

Motion: R. Bagoff

Second: J. Guarino

Alper:	Y	Morgan:	Y
Bagoff:	Y	Smeraldo:	Y
Guarino:	Y	Wilkes:	-
Klein:	Y		
McCartney:	-	Yes;	Absent
McNair:	Y		

- **Board Attorney**
- *Chairman Bagoff* nominated *Ms. Diana P. McGovern* as Planning Board Attorney.
Motion: R. Bagoff
Second: S. McCartney

Alper:	Y	Morgan:	Y
Bagoff:	Y	Smeraldo:	Y
Guarino:	Y	Wilkes:	-
Klein:	-		
McCartney:	Y	Yes;	Absent
McNair:	Y		

- **Planner**
- *Chairman Bagoff* nominated *Mr. Paul Grygiel* as the Town Planner.
Motion: R. Bagoff
Second: L. Klein

Alper:	Y	Morgan:	Y
Bagoff:	Y	Smeraldo:	Y
Guarino:	Y	Wilkes:	-
Klein:	Y		
McCartney:	Y	Yes;	Absent
McNair:	Y		

- **Engineer**
- *Chairman Bagoff* nominated *Mr. John Hess* as the Town Engineer.
Motion: R. Bagoff
Second: L. Klein

Alper:	Y	Morgan:	Y
Bagoff:	Y	Smeraldo:	Y
Guarino:	Y	Wilkes:	-
Klein:	Y		
McCartney:	Y	Yes;	Absent
McNair:	Y		

- **Acting Secretary**
 - *Chairman Bagoff* nominated *Ms. Diana L. Chandler* as the Acting Board Secretary.
- Motion:** R. Bagoff
Second: S. McCartney

Alper:	Y	Morgan:	Y
Bagoff:	Y	Smeraldo:	Y
Guarino:	Y	Wilkes:	-
Klein:	Y		
McCartney:	Y	Yes;	Absent
McNair:	Y		

MINUTES & RESOLUTIONS

- [Adopt December 1, 2021 Regular Planning Board Minutes](#)
- Motion:** R. Bagoff
Second: P. Smeraldo

Bagoff:	Y	Smeraldo:	Y
Guarino:	Y		
Klein:	-	Wilkes:	-
McCartney:	Y		
McNair:	Y	Yes;	Absent
Morgan:	-		

SWEARING IN

- The Township Professional, *Mr. Paul Grygiel* Township Planning Consultant and *Mr. John Hess*, Town Engineer sworn under oath.
- Reappointments of *Mr. Christopher Morgan Sr.* (Class I: Planning Board-Mayor's Designee), *Mr. Peter Smeraldo Jr.* (Class II: Planning Board-Township Employee), and *Council President Susan McCartney* (Class III: Planning Board- Council Representative) for the 2022 Calendar Year were sworn under oath.

APPLICATIONS

- **Master Plan Review Presentation**
 - [2019 Master Plan Update \(Re Examination Report and Plan Element Amendments\)](#)

PRESENTATION

- *Chairman Bagoff* announced that after a discussion with *Mr. Wilkes*, *Ms. McGovern*, and *Mr. Grygiel* that an understanding of the Reexamination of the Master Plan and plan element amendments should be discussed at the beginning of each calendar year so each member of the Planning Board has an understanding of the rules/roles of engagement and how the Board operates.
- *Mr. Paul Grygiel* gave brief presentation to explain that the Master Plan is a document to guide the growth of the redevelopment and community with text, maps, and figures to provide a vision for a community with three (3) general components:
 - 1) What the community is today.
 - 2) What the community wants to be.
 - 3) How it will become what it wants to be. (Implementation component)
- *Mr. Grygiel* said that the Municipal Land Use Law (the enabling statute that regulates Planning and Zoning.) gives power for the Planning Board to exist and gives regulations (duties etc.). According to MLUL, a town (municipality) may not have Zoning unless it has a Master Plan in place. Every municipality in New Jersey has one.
- *Mr. Grygiel* testified further stating that the last full update was in 2004 with a reexamination taking place a number of times after that. Most recently this was done in 2019. State law requires a reexamination to be performed every ten (10) years. Planning Board adopts this reexamination. The Planning Board is the entity that adopts this but Town Council does not have a role other than that of implementing the recommendations. At anytime the Master Plan can be reexamined and follow proper procedures to do so. The idea is to keep it current at a minimum of every ten (10) years. Essentially, they deal with what major problems and issues were at the time of the last reexamination, how they have changed, general overview of what changes have taken place in the community in the previous ten (10) years or period of time it has been since the last reexamination, and a section setting forth the recommendations to the Master Plan and Zoning. At the time this last adopted, a section pertaining to Redevelopment Plans added in regards to their status and recommendations for them. Since that time period a new component has been added pertaining the appropriate location for Electric Vehicle Charging Infrastructure which was changed by state law to require this going forward.
- *Mr. Grygiel* 's testimony specifically regarding the Township of West Orange, 2019 was the last reexamination/adoption of the Master Plan. It was developed through a process that involved community input with three (3) community meetings to try and gauge concerns and get ideas. The Board listened, gave their own ideas and this process occurred almost concurrently with the Open Space and Recreation Plan's updates as well. The Master Plan has a role when variances are requested by applicants. When applying it is stated that there no substantial impairments to the Master Plan or Zoning Ordinance.
- *Chairman Bagoff* advised of the completeness review how to streamline the process is through SPRAB (Site Plan Review Advisory Board) with everything in the public view.

BOARD QUESTIONS

- *Mr. Jerry Guarino* asked about how to get a new listing of complete streets incorporated into the current Master Plan. *Mr. Grygiel* said that circulation element wasn't amended as a place of public policy. The implementation would be up to the Town Council to turn into an Ordinance. Right now there's a policy but no formal Ordinance.
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- [Ordinance Review – Electric Vehicle Charging Stations](#)

PRESENTATION

- *Mr. Grygiel* advised that in July of 2021, Governor Murphy signed new list and must be in preliminary site plans. Will make people think Township of West Orange is serious about this as West Orange is ahead of the curve in regards to the Electric Charging stations. This is a "Model Ordinance" that cannot be changed.
 - *Chairman Bagoff* asked Town Council to look at funding. *Council President Susan McCartney* said they will share since this is mainly from Municipality and a bid would have to take place. *Chairman Bagoff* asked for this to be put on the website.
 - *Mr. Grygiel* agreed with the recommendations.

BOARD QUESTIONS

- *Council President Susan McCartney* asked if there was a way to enforce specifically for electronic vehicles signage. *Mr. Grygiel* said that in Town Ordinance Section 5 it states that as long as proper signage is utilized, this is proper procedure.

NO PUBLIC QUESTION/ PUBLIC COMMENT

Chairman Bagoff asked for Mr. Grygiel to update the checklist. Mr. Grygiel said he will contact Ms. Chandler to work on updating this together.

Motion: R. Bagoff

Second: S. McCartney

Alper:	Y	Morgan:	Y
Bagoff:	Y	Smeraldo:	Y
Guarino:	Y	Wilkes:	-
Klein:	Y		
McCartney:	Y	Yes;	Absent
McNair:	Y		

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- [2673-21 Ordinance Governing Cannabis Businesses](#)

PRESENTATION

- *Chairman Bagoff* informed the Board Members and Public that the information submitted previously is for informational purposes only. After the Board is in receipt of further information from the Cannabis Task Force this Ordinance will be thoroughly reviewed.

PUBLIC COMMENT

- *James Jackson (1 Ashley Road)* previously sent letter to the Board, has been involved with Cannabis since 2011 and wanted to let Board know of his concerns with the documentation in this evening's application. He opined to say that "there is no true path to a conclusion and that the Ordinance does not offer West Orange to be a host community and asked for an expansion of the "I" Business District."
- *Dr. Corey Smith (36 Haggerty Road)* echoed *Mr. Jackson's* sentiments.

-2673-21 Ordinance Governing Cannabis Business Review is carried to the February 2, 2022 Regular Meeting with no further notice.

Meeting adjourned at 8:27 P.M. by *Chairman Bagoff*. Seconded by *Lee Klein*.

ADOPTED:

Diana L. Chandler
Acting Planning Board Secretary