

Planning & Real Estate Consultants

MEMORANDUM

To: Township of West Orange Planning Board

From: Paul Grygiel, AICP, PP

Date: March 28, 2022

Re: **Master Plan Consistency Review – Ordinance 2678-22 (Steep Slopes)**

The Municipal Land Use Law at N.J.S.A. 40:55D-26a includes the following requirement:

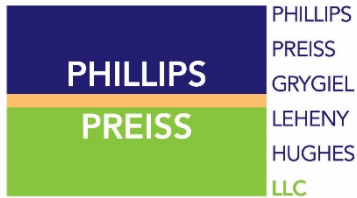
Prior to the adoption of a development regulation, revision, or amendment thereto, the planning board shall make and transmit to the governing body, within 35 days after referral, a report including identification of any provisions in the proposed development regulation, revision or amendment which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the board deems appropriate.

The Township Council introduced a proposed ordinance amendment, Ordinance 2678-22 at its March 1, 2022 meeting, which includes changes to the Steep Slope and Natural Features Ordinance within the Township's Land Use Regulations Ordinance. I have reviewed these proposed changes for Master Plan consistency and offer the following for your consideration.

Ordinance 2678-22 proposes to modify certain zoning provisions of the Land Use Regulations Ordinance to strengthen the existing steep slope regulations. The rationale in for these changes is as follows:

“The Township of West Orange is located in an area of steep slopes. In addition, over recent years the Township has been experiencing severe weather conditions as a result of global warming and climate change. The purpose of the ordinance changes is to ensure that the health, safety and welfare of the residents of the Township is protected in light of the climate changes that are occurring.”

The specific changes include tightening controls on single-family residential properties and requiring 1) consideration of off-site impacts, 2) provision of geotechnical analysis of development on parcels with steep slopes, 3) requiring a rock fall zone at the toe of a slope where the potential for rockslides exist, 4) preparation of a maintenance plan and 5) setback requirements at the top of steep slopes.



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The Township’s 2019 Master Plan Update includes the following as Master Plan Principle 3 in the Reexamination Report: “Protect Natural Features and Environmental Resources: Continue to protect natural features and environmental resources including, but not limited to, floodplains, wetlands, woodlands, steep slopes, ridgelines, and areas valuable as scenic, historical, cultural, or recreational resources.” This principle was also included in the 2010 Reexamination Report, which had additional recommendations for revisions to the Steep Slopes and Natural Features Ordinance. This issue has been a concern of West Orange’s planning efforts for a number of years, given the Township’s topography.

In my opinion, these additional changes proposed in Ordinance 2678-22 are consistent with the Township’s Master Plan.