

## MEMORANDUM

To: Township of West Orange Planning Board

From: Paul Grygiel, AICP, PP

Date: June 17, 2022

Re: **Master Plan Consistency Review – Ordinance 2685-22 (Fair Share Housing Center Settlement Agreement Implementation)**

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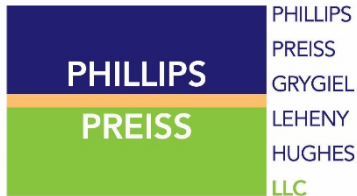
The Municipal Land Use Law at N.J.S.A. 40:55D-26a includes the following requirement:

*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 2685-22 at its June 14, 2022 meeting, which modifies certain sections of the Township's Land Use Regulations Ordinance to permit a 100% Affordable/Inclusionary Senior Citizen Housing development as a conditional use in the OB-2 zone. I have reviewed this ordinance for Master Plan consistency and offer the following for your consideration.

As a matter of background, the Township of West Orange has a court-approved plan to provide for affordable and inclusionary housing development that contributes to the region's fair share of affordable housing. This housing plan is outlined in a settlement agreement approved by the Township Council on April 14, 2020 with Fair Share Housing Center, a statewide affordable housing advocacy organization, and other parties, and is the basis for the Township's current Master Plan Housing Element and Fair Share Plan. The Superior Court of New Jersey approved the Settlement Agreement on July 10, 2020. One of the compliance mechanisms in the housing plan is the redevelopment of the current West Orange Public Library site with a 100% affordable senior housing development, which was permitted pursuant to a redevelopment plan and the Planning Board subsequently approved a site plan for this development.

However, the Library site redevelopment plan has been the subject of litigation, which to date has been decided twice in West Orange's favor by the courts, but which will be reviewed by the New Jersey Supreme Court. In order to move this project forward in



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furtherance of the Township’s housing plan, zoning amendments have been proposed in Ordinance 2685-22 to allow this development. This ordinance simply provides a different means of implementing a development proposed in the Township’s court-approved housing plan and Master Plan, in order to fulfill one of the conditions of the settlement agreement. The zoning regulations are essentially the same as the regulations in the previously adopted redevelopment plan. In 2019 the Planning Board determined that document to be substantially consistent with and/or designed to effectuate the goals and objectives of the West Orange Master Plan.

I would note that providing for affordable housing and senior citizen housing both further goals and objectives of the Township’s 2019 Master Plan Update, in particular objective 12 (“Provide for the Housing Needs of Senior Citizens and Low and Moderate Income Households”) and principle 1 (“Encourage Appropriate Residential Development”), particularly the section of which that states “Senior and specialized housing options should be supported as well, as long as potential development impacts are addressed.” The proposed redevelopment of the Library site that would be enabled by Ordinance 2685-22 is thoroughly consistent with the Master Plan Housing Element and Fair Share Plan as well.

In my opinion, these zoning amendments proposed in Ordinance 2685-22 are therefore consistent with the Township’s Master Plan.