



TOWNSHIP OF WEST ORANGE
66 MAIN STREET, WEST ORANGE, N.J. 07052

Department of Planning and Development

SUSAN McCARTNEY
Mayor

Tel: (973) 325-4111
 Email: planningboard@westorange.org

JAMILET BAQUERIZO VITE
Planning Board Secretary

Dr. Robert Bagoff, Chairman
Jerry Guarino, Vice-Chairman
Mayor Susan McCartney
Council President Susan Scarpa
Ken Alper
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Christopher Morgan, Sr
Frank Noborine.
John Cardoza (Alternate #1)
Lori Kapferer (Alternate #2)

Diana P. McGovern, Esq., Board Attorney
John J. Hess, PE, PP, Consulting Engineer
Zayibeth Carballo, PE, Township Engineer
Heyer, Gruel & Associates, Consulting Planners
Matrix New World Engineering, Consulting Engineer
Geniece Gary-Adams, Director of Planning and Development/Zoning Official

Mayor and Township Council
 (SMccartney@westorange.org; Council@westorange.org)
 Municipal Building
 66 Main Street
 West Orange, New Jersey 07052

RE: Proposed Amendment to Land Use Regulations, Section 25-47.5 (2955-26)
 Permitting Successive Terms and Chairperson and Vice-Chairperson of Zoning Board
 Dear Mayor McCartney, Council President Scarpa, and Council Members:

Pursuant to N.J.S.A. 40:55D-64 and 40:55D-26, the Township of West Orange Planning Board (the "Board") has evaluated the Proposed Ordinance Amending and Supplementing Chapter 25, Land Use Regulations, Section 25-47.5, permitting successive terms as chairperson and vice chairperson for the Zoning Board. (A copy is enclosed hereto.) After reviewing the proposed Ordinance and conferring with the Township's Planner at the Board's April 15, 2026, Regular Meeting, provides the following comments and conclusions.

The Board notes that the Municipal Land Use Law at N.J.S.A. 40:55D-26a states:

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 governing body, when considering the adoption of a development regulation, revision or amendment thereto, shall review the report of the planning board and may disapprove or change any

recommendation by a vote of a majority of its full authorized membership and shall record in its minutes the reasons for not following such recommendation.

The current ordinance states:

- a. 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.

The Township Council introduced the proposed ordinance (2955-26) at its March 10, 2026 meeting. The proposed amendment to the ordinance seeks to eliminate the restriction that members may to be elected to successive terms as Chairperson and Vice-Chairperson.

The Board finds that the proposed amendment is consistent with the Master Plan.

The Board also recommends that the current ordinance pertaining to the Planning Board §25-46.5, also be amended to eliminate the limitation on successive terms of the Planning Board Chairperson and Vice-Chairperson. Specifically, §25-46.5 states:

- a. The Planning Board shall elect a Chairperson and Vice-Chairperson from the members of Class IV, each to serve in such capacity for one year dating from January 1 of the calendar year in which elected. Individual Class IV members may not be elected to successive terms as Chairperson and Vice-Chairperson.

It is the Board's opinion that the above recommended change to the current ordinance pertaining to the Planning Board Chairperson and Vice-Chairperson terms is consistent with the Master Plan and also should be consistent with the ordinance pertaining to the Zoning Board of Adjustment.

Very truly yours,

Dr. Robert Bagoff, D.M.D.
Chair, Township of West Orange Planning Board

CC: Diana Powell McGovern, Esq. (Via email)
Mark Semeraro, Esq. (Via email)