AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WEST ORANGE, CHAPTER 25, "LAND USE REGULATIONS", TO ESTABLISH THE CONTINUING CARE RETIREMENT COMMUNITY DISTRICT (CCRC) AT BLOCK 171 LOT 12 AND TO ESTABLISH STANDARDS AND REGULATIONS FOR CCRC DEVELOPMENT AND OPERATIONS

WHEREAS, the Township of West Orange finds that there is a need for a variety of housing options to serve its aging population, allowing seniors to age in place with dignity and access to appropriate levels of care; and

WHEREAS, Continuing Care Retirement Communities (CCRCs) provide a unique housing model that integrates independent living, assisted living, and skilled nursing care on a single campus, offering residents a continuum of care; and

WHEREAS, the West Orange Planning Board adopted a Housing Element and Fair Share Plan on November 10, 2025, which proposes a CCRC District at 1155 Pleasant Valley Way (Block 171 Lot 12), as one of the compliance components proposed to achieve Compliance Certification from the Court and Immunity from future Builders' Remedy Lawsuits; and

WHEREAS, the State of New Jersey has established a comprehensive regulatory framework for CCRCs under the Continuing Care Retirement Community Regulation and Financial Disclosure Act, N.J.S.A. 52:27D-330 et seq., and the rules of the New Jersey Department of Community Affairs (N.J.A.C. 5:19-1.1 et seq.); and

WHEREAS, it is the intent of this ordinance to ensure that any CCRC developed within the Township of West Orange is designed to be a high-quality, financially solvent, and architecturally integrated development that minimizes negative impacts on adjacent properties and the municipal tax base, while providing a public benefit; and

WHEREAS, this ordinance promotes the health, safety, and general welfare of its residents.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of West Orange, County of Essex, State of New Jersey, that Chapter 25 of the Code of the Township of West Orange, titled "The Land Use Regulations of the Township of West Orange," be amended as follows (additions noted in bold italic ***thus*** and deletions notes in strikethrough ~~thus~~):

SECTION 1. ZONE DISTRICTS AND MAP

§25-3.1, titled "Zone Districts" be and hereby is amended as follows:

For the purposes of this chapter the Township is divided into ~~24~~ ***25*** districts as follows:

R-1 District	One-family dwellings on 80,000 square foot lots
R-2 District	One-family dwellings on 40,000 square foot lots
R-3 District	One-family dwellings on 20,000 square foot lots
R-3AH District	One-family dwellings (See §25-31 for size of lots)
R-4 District	One-family dwellings on 15,000 square foot lots
R-5 District	One-family dwellings on 10,000 square foot lots
R-6 District	One-family dwellings on 6,000 square foot lots
R-T District	Two-family dwellings on 7,500 square foot lots
R-G District	Garden apartments

R-M District	Multi-family residences
OB-1 District	Office building
OB-2 District	Office building
B-1 District	Retail business
B-2 District	General business
P-C District	Planned Commercial
O-R District	Office Research
I District	Industry
PURD District	Planned Unit Residential Development
RC District	Residential Cluster Development
C District	Conservation (Over Lay Zone)
CBD District	Central Business District (Over Lay Zone)
CCRC District	***Continuing Care Retirement Community District***
West Orange Downtown Redevelopment Area - Fourth amendment to the West Orange Downtown Redevelopment Plan [Added by Ord. No. 2656-21]	
Organon Redevelopment Area	
Valley Road Area (Harvard Press) Redevelopment Area	
300 Executive Redevelopment Plan	
Essex Green – Executive Drive Redevelopment Area [Added by Ord. No. 2573-19]	
West Orange Library Redevelopment Area [Added by Ord. No. 2580-19]	
Executive Drive – Rooney Circle Redevelopment Plan [Added by Ord. No. 2632-21]	

§25-3.2a.3, titled “Zone Map and Table of District Regulations” be and hereby is amended as follows:

The Zoning District Map of the Township of West Orange is amended as follows:

a. Block 152.02, Lot 186: rezone from O-R to R-1.
b. Block 169, Lots 19 and 19.01 and abutting right-of-way of Cedar Avenue: rezone from R-3 to R-1.
c. Block 106, Lot 20.02: rezone from OB-2 to R-1.
d. Block 89, Lots 1.01, 3, 4, 5, 6, 10, 12, 14, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 41.01: rezone from OB-1 to B-1.
e. Block 171.03, Lot 17: rezone from R-4 to B-2.
f. Block 155, Lot 40.04: rezone from P-C to B-2.
g. Block 171, Lot 12: rezone from R-2 to CCRC.

§ 25-7.1, titled “Zoning District Regulations” be and hereby amended as follows:

Attachment 2 of Chapter 25, entitled "TABLE OF DISTRICT REGULATIONS, PART A: PERMITTED USES TABLE OF DISTRICT REGULATIONS,” by adding the following row to the table:

ZONE	PERMITTED PRINCIPAL USES	PERMITTED ACCESSORY USES	PERMITTED CONDITIONAL USES
CCRC	Continuing care retirement community (i.e., independent living units, assisted living beds, and skilled nursing beds)	• Parking • Loading • Accessory buildings and uses • Signs	None

		• Fences and retaining walls • In-house amenities for resident use only	

Attachment 3 of Chapter 25, entitled "TABLE OF DISTRICT REGULATIONS, PART B: BULK STANDARDS," by adding the CCRC District dimensional requirements. See §25-11.15 "CCRC District Development Standards and Requirements" for more details.

SECTION 2. DEFINITIONS

§25-4b entitled "Specific Definitions," be and hereby is amended as follows:

ASSISTED LIVING BED: Shall mean a bed located within an apartment unit that offers, at a minimum, one unfurnished room, a private bathroom, a kitchenette, and a lockable door on the unit entrance.

ASSISTED LIVING RESIDENCE: Shall mean a facility that is licensed by the Department of Health, in accordance with N.J.A.C. 8:36, to provide apartment-style housing and congregate dining and to ensure that assisted living services are available, when needed, for four or more adults unrelated to the proprietor. Apartment units offer, at a minimum, one unfurnished room, a private bathroom, a kitchenette, and a lockable door on the unit entrance.

ASSISTED LIVING PROGRAM PROVIDER: Shall mean an organization licensed by the New Jersey Department of Health to provide all services required of an assisted living program.

CONTINUING CARE RETIREMENT COMMUNITY (CCRC): Shall mean a facility that has received a certificate of authority pursuant to the Continuing Care Retirement Community Regulation and Financial Disclosure Act, N.J.S.A. 52:27D-330 et seq.

GENERATOR: Shall mean an emergency power generator that is integrated with the electrical system of a facility;

INDEPENDENT LIVING UNIT: Shall mean a dwelling unit within a CCRC that provides complete independent living facilities for one or more persons, including provisions for living, sleeping, eating, cooking, and sanitation.

SKILLED NURSING: Shall mean a facility within the CCRC that is licensed to provide skilled nursing care services pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.).

SECTION 3. CCRC DISTRICT ZONING STANDARDS AND REQUIREMENTS

§25-11, titled "SUPPLEMENTAL PROVISIONS FOR NONRESIDENTIAL DISTRICTS AND USES," be and hereby is amended by adding the following new sections:

§25-11.15 CCRC District Development Standards and Requirements

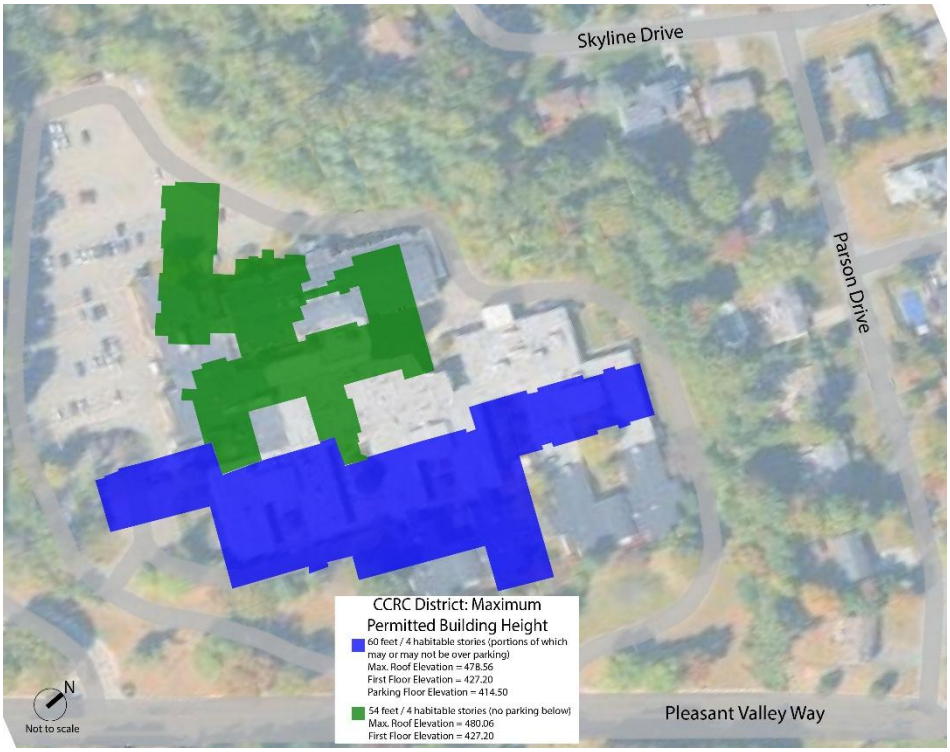
a. Purpose

The purpose of this section is to establish the Continuing Care Retirement Community/CCRC District at Block 171 Lot 12, subject to the following standards and criteria. These standards are designed to:

- ***Provide for affordable units/beds to partially address the Township's affordable housing obligations.***
- ***Ensure the provision of safe, secure, and well-designed housing and care for seniors.***
- ***Protect the financial interests of prospective and current residents through compliance with stringent State and Federal oversight.***
- ***Encourage innovative design and site planning that respects the character of the Township and the site.***

b. Bulk Standards

- ***Minimum Tract Size: 17 acres***
- ***Maximum Units/Beds***
  - ***163 independent living units,***
  - ***84 skilled nursing beds,***
  - ***64 assisted living beds including memory care, with a 10% affordable set aside, not to be less than 7 beds***
  - ***Assisted living and skilled nursing beds shall not be counted as dwelling units but shall be regulated by the required licenses.***
- ***Impervious Coverage:***
  - ***Maximum Effective Impervious Lot Coverage: 60%***
- ***Building Coverage:***
  - ***Maximum Effective Building Coverage: 25%***
- ***Maximum Building Height: 60' Maximum / 4 Habitable Stories Over Parking – The building shall not exceed 4 habitable stories, portions of which may or may not be over parking. However, the Applicant shall step down portions of the building height, substantially consistent with the diagram set forth below.***



. ***Minimum Setbacks and Buffers:***

. ***Perimeter Buffer: 50 feet. Developments within the CCRC District must comply with §25-11.3 "Buffer Strips in All Nonresidential Districts and for Residential Developments of 10 Acres or Greater" of the Township Ordinance.***

. ***Front Yard Setback: 115 feet***

. ***Side Yard Setback: 80 feet***

. ***Rear Yard Setback: 165 feet***

c. Minimum Parking Requirements:

. ***Independent Living Units: 1.0 space/unit***

. ***Assisted Living Beds: 0.35 space/bed***

. ***Nursing Beds: 0.35 space/bed***

. ***Staff: 1 space per full-time employee and 0.5 space per part-time employee at maximum shift***

. ***Visitors: 10% of total units/beds in the CCRC facility***

d. Loading

. ***All proposed developments shall comply with §25-12.3 "Loading Spaces," of the Township Ordinance, except that only one (1) loading space shall be required.***

e. Access and Circulation

. ***Access to the site shall be provided utilizing existing access points. All access driveways to and from the property must be located along Pleasant Valley Way.***

f. Services and Amenities

. ***Permitted in-house amenities for use by residents and guests only, in common areas include:***

. ***Convenience (central dining facilities, beauty parlor, restaurant, etc.)***

. ***Indoor and Outdoor Wellness and Fitness (library, arts studio, fitness/wellness center, auditorium recreation area, pool, walking path, dog park, etc.)***

. ***Social (community room, courtyard, gazebo, outdoor grill)***

g. Licensure: Prior to the issuance of any construction permit, the following are required:

. ***Site Plan Approval***

. ***Certificate of Authority from the State of New Jersey, Department of Community Affairs, pursuant to the Continuing Care Retirement Community Regulation and Financial Disclosure Act (N.J.S.A. 52:27D-330, et seq.).***

SECTION 4. CCRC DISTRICT DESIGN STANDARDS

§25-17, titled "MISCELLANEOUS DESIGN STANDARDS AND SUBDIVISION CONTROLS," be hereby amended to add the following new section:

§25-17.1 CCRC DISTRICT DESIGN STANDARDS

a. Lighting Standards:

1. Required Illumination Levels:

. ***Pedestrian Walkways:***

. ***Minimum: 0.5 footcandles (fc)***

. ***Maximum: 2.5 fc***

. ***Driveways:***

. ***Minimum: 0.5 fc***

. ***Maximum: 5.0 fc***

. ***Surface Parking Lots***

. ***Minimum: 1.0 fc***

. ***Maximum: 5.0 fc***

. ***Parking Garages***

. ***Minimum: 2.0 fc***

. ***Maximum: 5.0 fc***

. ***Building Entrances/Exits (within a five-foot radius of the entrance or exit):***

. ***Minimum: 1.0 fc***

. ***Maximum: 5.0 fc***

. ***All proposed lighting in the CCRC District shall comply with §25-14.1 "General Standards," and §25-14.2 "Scope and Details of Site Lighting" of the Township's Lighting Ordinance.***

b. Walls and Fences

1. ***The maximum height for retaining walls shall be 10 feet. Compliance with the standards outlined in §25-8.4 "Walls and Fences" of the Township's Ordinance is required other than the retaining wall height.***

2. ***The use of chain link fencing within the CCRC Zone is prohibited.***

c. Parking Area Screening

1. ***Compliance with the standards for parking area screening, outlined in §25-12.1 "General Provisions for Off-Street Parking" of the Township's Ordinance, is required.***

2. ***In addition, the developer must comply with the following standards:***

. ***The building materials at the underground parking level shall be complimentary to the rest of the building.***

. ***Any underground parking level and surface parking area shall be screened from view from any public rights-of-way and the neighboring residences, with all-season landscaping.***

d. Tree Replacement

1. ***Tree removal and replacement shall be governed by the relevant provisions of the West Orange Land Use Ordinance in effect on November 2, 2021, the date when the initial site plan application for the CCRC District was submitted (i.e., Prior §25-27, Tree Protection and Removal.***

e. Steep Slopes

1. ***All proposals within the CCRC District must comply with the Township's Steep Slope Ordinance, outlined in §25-28 "Steep Slope and Natural Features Ordinance."***

f. Generators

1. ***All facilities on the site shall be equipped with generators as required to comply with the standards outlined in N.J.S.A. §26:2H-12.79, as most recently amended.***

g. Mechanical Systems

1. ***All mechanical equipment shall be located internally within the building(s) on the site or, if located on the rooftop, such mechanical equipment shall be shielded from view from the public right-of-way to the extent practicable and extend no higher than 10' above the maximum building height.***

h. Noise

1. ***Compliance with the Township Noise Ordinance (§4-4 "Noise") is required***

i. Sustainability - Site Plans in the CCRC District shall complete a Sustainability Checklist form as a completeness item, with the following design standards / compliance requirements:

1. ***Independent living, assisted living, and skilled nursing units shall implement EnergyStar and/or WaterSense appliances and fixtures where permitted.***
2. ***Construction shall include green or recycled building materials for majority of floorings, paint, coatings, and ceiling finishes.***
3. ***A Waste Management Plan shall be implemented for recycling and/or reuse of 60% of all construction and demolition waste in projects larger than $25,000.***
4. ***Water Efficient Landscaping shall be implemented through the planting of native and/or adapted species.***
5. ***On-Site Renewable Energy Systems shall not be required.***
6. ***Urban Heat Island Effect shall be mitigated through the implementation of light gray or light roofing materials. Green roofs shall be permitted but not required.***
7. ***Sustainable stormwater systems shall be employed including an overall reduction on both impervious and motor vehicle surfaces – bioswales, rain gardens, retention, and detention systems will be implemented to improve infiltration and reduce outflow rates.***
8. ***Native and well-adapted species used in landscaping to eliminate the need for fertilization and pesticides shall be planted including, but not limited to, the following species - Red Maple, River Birch, Hackberry, Honeylocust, Kentucky Coffeetree, Sweetgum, Pin Oak, Willow Oak, Red Oak, American Basswood, American Elm, Serviceberry, Redbud, Fringetree, Flowering Dogwood, Washington Hawthorn, Crepe Myrtle, Sweetbay Magnolia, American Holly, Eastern Red Cedar, Southern Magnolia, White Pine, Giant Arborvitae, Boxwood, Inkberry, Shore Juniper, Grey Owl Juniper, Summersweet, Redtwig Dogwood, Sweetspire, Northern Bayberry, Chokeberry, Arrowwood, Possumhaw Viburnum, Blackhaw Viburnum.***
9. ***LEED is not required for development within the CCRC Zone.***

SECTION 5. SEVERABILITY

If any section, paragraph, subdivision, sentence, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, sentence, clause, or provision so adjudged and the remainder of this Ordinance shall remain valid and effective.

SECTION 6. REFERRAL TO THE PLANNING BOARD

After adoption by the Borough Council on first reading, a copy of this ordinance shall be submitted to the Planning Board for a Consistency Hearing, pursuant to N.J.S.A. 40:55D-26a and as required by N.J.S.A. 40:55D-64.

SECTION 7. EFFECTIVENESS

This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey, following the required 20 day after adoption as set forth in N.J.S.A. 40:69A-181 (b).

Susan McCartney, Mayor

Karen J. Carnevale, R.M.C.
Municipal Clerk

Susan Scarpa, Council President

Introduced: October 27, 2026

Adopted: November 23, 2026