

1. Workshop Agenda

Documents:

[8.31.23.PDF](#)

2. Proposed Ordinance - Drive Thru Window Ord.

Documents:

[DRIVE THRU ORDINANCE PROPOSED AMENDMENT 8.22.23.PDF](#)

3. Proposed Ordinance - Gas Powered Leaf Blowers

Documents:

[PROPOSED ORDINANCE - BLOWER PHASED TRANSITION LEAF  
MANAGEMENT JULY 25 2023.PDF](#)

4. Proposed Ordinance - Older Adult Advisory Board

Documents:

[PROPOSED ORDINANCE - AMENDING ARTICLE X SECTION 2-62. OLDER  
ADULTS ADVISORY BOARD.PDF](#)

## **TOWNSHIP COUNCIL WORKSHOP**

**August 31, 2023**

**1:00 p.m.**

This is to inform the general public that this workshop is being held in compliance with Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975. The notice for this workshop was emailed to the West Orange Chronicle and the Star Ledger on August 24, 2023.

**Roll Call – Councilwoman Casalino, Councilwoman Ghebremicael, Councilman Rutherford, Councilwoman Scarpa, Council President Williams**

### **Matters to Be Discussed:**

- **Drive Thru Window Ordinance**
- **Gas Powered Leaf Blowers**
- **Tree Ordinance**
- **Older Adult Advisory Board**

### **Public Comment**

### **Adjournment:**

**The Council President may at his/her discretion modify with consent the order of business at any meeting of the Council if he/she deems it necessary and appropriate.  
(1972 Code § 3-8; Ord. No. 726-84; Ord. No. 1157-93; Ord. No. 2128-07 § II)**

### **Statement of Decorum**

**In all matters not provided for in subsection 3-15.1 and except upon consent of the Council President, each person addressing the Council pursuant to this subsection shall be required to limit his or her remarks to five (5) minutes and shall at no time engage in any personally offensive or abusive remarks. The chair shall call any speaker to order who violates any provision of this rule.  
(1972 Code § 3-15.2)**

## **DRIVE THRU WINDOWS**

Amendment to Ordinance 25-11-14 (added 9-22-2020 by Ordinance 2617-20) Resolution amending the land use chapter regarding "Drive-Thru Windows."

Whereas, drive-thru window restaurants and fast food restaurants increase traffic and congestion, diminish the character of the township, negatively impact foot traffic in and around the establishment, can be a hazard to pedestrians, cyclists and other cars, create air pollution with idling car and truck engines, counter our Township's need to be a destination instead of a pass through community, create single use plastic or paper trash, and contradict the environmental and livability goals of the community; and

Whereas, lawmakers throughout the country have banned new drive-thru restaurants and fast-food restaurants for these, and other, reasons and many of our surrounding municipalities do not allow them;

The following changes shall be made to:

§ 25-11.14 Drive-up Windows.

(added 9-22-2020 by Ord. No 2617-20)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXV LAND USE REGULATIONS OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE TO IMPLEMENT RECOMMENDATIONS OF THE MASTER PLAN REEXAMINATION

BE IT ORDAINED, by the Township Council of the Township of West Orange, in the County of Essex, State of New Jersey, as follows:

A drive-up window shall be permitted as an accessory use for banks ~~and, restaurants, fast food restaurants,~~ pharmacies ~~and similar retail uses~~ in the zoning districts in which such uses are permitted and shall meet the following conditions:

- a. Drive-up window stacking lanes shall be separate and distinct from parking lot aisles and driveways by means of defined separation including curbing, landscaping, striping so as to meet the required circulation aisle standards exclusive of the drive-through window lane.
- b. Stacking lanes shall have sufficient length for a minimum of six vehicles in total for restaurants and fast-food restaurants and three vehicles for banks and retail uses. Each lane shall have a minimum width of nine feet.
- c. The entire length of the stacking lane or lanes shall be behind the front yard limit line and shall not block any parking space, aisle, driveway or loading area when the stacking lane is occupied with the maximum number of vehicles.
- d. If multiple stacking lanes are provided for restaurant or fast-food restaurant uses, they shall merge into one drive-up window lane prior to reaching any window or windows. Facilities with separate lanes served by separate windows or transaction portals shall be exempt from this requirement.
- e. The drive-up window stacking lane may end after the last window and merge with the exit driveway of the property.

- f. The drive-up window lane shall not be used as an exit driveway from the property.
- g. The drive-up windows and stacking lane or lanes shall be designed to prevent uncontrolled conflicting movements between any on-site vehicles and pedestrian traffic and shall also be designed to allow safe ingress and egress from the site at all times.
- h. One or more drive-up windows may be used for payment and/or pickup of product; said window or windows shall be an integral part of the principal building.
- i. No drive-up windows shall be permitted in a required yard setback

ADD: j. Existing drive-through fast food and restaurants shall be permitted to remain. (Or similar language that indicates existing Drive-Thru operations are not subject to these changes)

## **GAS POWERED BLOWERS**

(Insert in new Sustainability Chapter or existing Environmental Chapter)

Ordinance #

### **AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER \_\_ SECTION \_\_, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE ENTITLED PHASED TRANSITION TO CLEAN AND QUIET LEAF MANAGEMENT**

#### **"Interpretive Statement"**

This Ordinance will prohibit the use of gas-powered leaf blowers within the Township of West Orange seasonally and then fully within a designated time period.

**WHEREAS**, the science has shown that the noise, particulate matter, gas and oil released unburned, and the fumes from burnt fuel are dangerous to all residents and landscape workers. The use of gas-powered blowers has been directly linked to hearing loss, cancers, dementia, cardiac disease and acute stress. According to the National Academy of Science published in National Institute of Health (NIH) gas powered blowers emit a *“cocktail of gasses, solids, and liquid particles”* with small particulate matter being of the most concern. *“Particles may also afflict the brain via the bloodstream...The immune system can react to particles in the lung or bloodstream, too, triggering widespread inflammation that affects the brain.”* and

**WHEREAS**, The World Health Organization states noise by gas-powered leaf blowers is from 102 - 115 decibels. The EPA & National Institute for Occupational Safety & Health states that noise levels above 85 decibels are harmful.

**WHEREAS**, the same noise, fuels, particulate matter, and high velocity winds damage and destroy animal, bird and insect habitats disrupting nature and adversely impacting the health of our pets causing respiratory and other health issues; and

**WHEREAS**, the EPA states that operating a gas-powered leaf blower for one hour equals the emissions of driving a gas-powered car 1100 miles.

**WHEREAS**, leaving leaves in landscape beds wherever possible is essential to the survival of beneficial insects;

**WHEREAS**, mulching leaves and grass clippings provides natural fertilizer to lawns and beds;

**WHEREAS**, the Township wishes to continue to strengthen its commitment to public health, wellness and environmental sustainability and believes that the proposed amendments will help achieve greater equity and public health; and

**WHEREAS**, commercial grade battery powered leaf blowers have become more readily available and accessible; and

**WHEREAS**, the Township believes that the passage of this ordinance will more clearly reflect the needs and values of the West Orange community.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Council of the Township of West Orange, County of Essex, State of New Jersey that:

Definitions:

*Electric powered leaf blower shall mean a piece of equipment powered by an electric motor used in yard maintenance.*

*Gas-powered leaf blower shall mean a piece of equipment powered by a two-stroke or four-stroke engine using gasoline or a mixture of gasoline and oil blend as fuel and used primarily for but not exclusively to blow grass clippings and debris, leaves, dirt, etc. often used in yard and lawn maintenance.*

*Turbine blower commonly referred to as a “Buffalo Blower” shall mean a piece of equipment that is connected to a small tractor, golf cart or other vehicle and is intended to maintain large parcels of land. It shall be used only on golf courses.*

**Transition Phases;**

1. The use of gas-powered leaf blowers, except a turbine blower, shall be prohibited within the Township of West Orange on residential, commercial and township properties in two phases:

**Phase I:** Gas powered leaf blowers may be permitted March 15 through April 30, 2024; and October 15 through November 30, 2024.

**Phase II:** Beginning January 1, 2025, gas-powered blowers shall be prohibited anywhere in the township for any reason.

2. All leaf blowers shall be prohibited from use in the application of chemicals or products to treat bug or insect infestation.
3. No more than one gas-powered blower may be used on a residential lot at the same time during Phase I. Hours of usage for blowers shall be:
  - Monday through Friday 8:00 a.m. to 5:00 p.m.
  - Saturdays 9:00 a.m. to 5:00 p.m.
  - Sunday use is prohibited.

4. A turbine blower, is permitted between May 1st and September 30th of each year, on the golf courses only where they are currently in use as follows:

Monday through Friday 8:00 a.m. to 5:00 p.m.

Saturdays 9:00 a.m. to 5:00 p.m.

Sunday use is prohibited.

**Penalties;**

Violation fines apply to both the property owner and contractor:

a) First Offense \$ 500.00

b) Second Offense \$ 1,000.00

c) For a third or subsequent offense \$1,500.00 and loss of license to work within the Township of West Orange.

**Exemptions;**

In the event of a weather emergency or other emergent circumstances, the Township Emergency Management Coordinator shall be permitted to modify the restrictions of this Ordinance.

**Compliance Notifications;**

To ensure compliance with this ordinance, all landscapers working within the township shall be registered by March 15, 2024 with the Township of West Orange. Said list of authorized landscapers shall be posted on the Township website.

**Severability;**

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

**Repeal of Prior Ordinances;**

Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of any such inconsistencies.

**Effective Date;**

This Ordinance shall take effect on January 1, 2024 after final passage and publication and as provided by law.

**PUBLIC NOTICE** is hereby given that the foregoing proposed Ordinance was introduced and read by title at a meeting of the Township Committee of the Township of West Orange, held on

This Ordinance shall take effect upon final passage and publication as required by law.

Adopted:

\_\_\_\_\_ Tammy Williams, Council President

Approved:

\_\_\_\_\_ Susan McCartney, Mayor

FIRST READING:

SECOND READING:

**AN ORDINANCE AMENDING CHAPTER 2, SECTION 62 OF THE REVISED  
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE, ENTITLED  
“OLDER ADULTS ADVISORY BOARD”**

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, in the County of Essex and State of New Jersey, that Chapter 2, Section 62 of the Revised General Ordinances of the Township of West Orange, be amended in order to make the Board a more inclusive body and for its operations to flow more efficiently and effectively by expanding the Board with two Council consensus appointments, having the Mayor designate one of her appointments Secretary of the Board who shall take Minutes and make a public record of the Monthly Meetings of the Board , and finally to have Board Members collectively elect the Chairperson and Vice-Chairperson of the Board, each by a majority vote.

Now therefore the Township Council approves and authorizes that Chapter 2, Section 62 of the Revised General Ordinances of the Township of West Orange be amended as follows:

~~s follows:~~

**§ 2-62. OLDER ADULTS AND ADVISORY BOARD.**

**§ 2.62.1 Purpose.**

The Township of West Orange has established an Older Adults Advisory Board (“Board”) to serve as a volunteer advisory committee to the Mayor and Township Council with regard to issues affecting the safety, welfare, health, finances, transportation, social interaction, housing, and quality of life for older adults and their caregivers. The Board shall provide information on any issues of importance to older adults in the Township. It shall also serve as an information source with regard to older adults and aging topics.

**§ 2.62.2. Mission.**

The Township strives to identify a continuum of services for persons 55 years young and older to enhance their quality of life and act in an advisory capacity concerning matters related to their physical, emotional and economic well-being. The Township endeavors to encourage older adults to participate in all aspects of community life to the best of their abilities, recognizing cultural diversity, being responsive and respectful, and promoting dignity and well-being for not only older adults but all individuals in support of the Township as an Age-Friendly Community.

**§ 2.62.3. Membership.**

The Board shall consist of eleven members, each of whom shall be a bona fide resident of the Township of West Orange, and each of whom shall be appointed as follows:

- a. Four members (4) appointed by the Mayor, one of whom shall be designated Secretary of the Board, ~~and~~
- b. One (1) member appointed by each Township Councilperson for a total of five, and
- c. Two Council Consensus appointments.

**§ 2.62.4. Term and Attendance.**

All members of the Board are expected to attend each meeting whenever possible. In addition, members:

- a. Shall serve for a term of one year (1) and may be reappointed.
- b. Shall serve until a successor is appointed, and any vacancy shall be filled for the remainder of the unexpired term only.
- c. Shall be commissioned, and shall resign, by the submission of a letter to the Township Clerk's office. All vacancies shall be filled as quickly as possible.

**§ 2.62.5. Organizational Structure.**

- a. The Board may adopt bylaws to govern its general operation, provided the bylaws, and any subsequent amendments, are approved in advance by resolution of the Township Council.
- b. ~~The Mayor-Board~~ shall appoint a Chairperson and Vice Chairperson, each by majority vote who shall serve for terms of one year. Chairpersons may be elected for multiple terms.
- c. The Board shall meet monthly. ~~at least six times per year.~~
- d. Meetings will be held in a Township facility.
- e. ~~The Secretary of the Board shall take minutes~~ Minutes of each meeting of the Board ~~shall be taken to serve as a public record.~~ Approved minutes shall be sent to the Municipal Clerk, Mayor and Township Council.

**§ 2.62.6. Assistance.**

The Board shall have the ability to request and to obtain assistance from the Township to fulfill its functions, as follows:

- a. Submit a written request to the Mayor and Township Council for consideration of a budget appropriation as part of the Township annual budget process;
- b. Recommend to the Township improvements to the website, social media and other electronic-communication methods such as email or text, to post relevant information, either directly or through designated Township employees or contractors;
- c. Recommend to the Township grants which the Township may seek;
- d. Request assistance and advice, from time to time, from the Township, as reviewed and directed by the Mayor or his/her designated representative.

**§ 2.62.7. Functions.**

The functions of the Board shall be as follows:

- a. Liaison with all older adults and all existing older adult groups and analysis of issues affecting the safety, health, welfare and quality of life of older adults in the Township and identify any barriers to programs and service access;
- b. Recommendations to the Mayor and Township Council regarding initiatives and policies designated to enhance the safety, welfare and quality of life of older adults in the Township;

- c. Participating, when authorized by the Mayor, in appropriate regional activities relating to the safety, welfare and quality of life of older adults in the Township;
- d. Dissemination of relevant information to, and promotion of discussions among, Township older adults and their caregivers through communication methods and meetings; and
- e. Development of annual report and presentation to inform the Mayor, Township Council and the general public of the Board's activities, progress, and, if any, expenditures. The report shall be submitted to the Mayor and Township Council no later than March 31 of the calendar year following the Board's activities, and advise the general public as to upcoming events and issues during the new year.

**§ 2.63 through § 2.65. (Reserved).**