

1. Conference Meeting Agenda

Documents:

[CA 5.7.24.PDF](#)

2. Public Meeting Agenda

Documents:

[PM 5.7.24.PDF](#)

3. Resolution(S)

3.I. 148-24

Documents:

[148-24 RESOLUTION AUTHORIZING AGREEMENT WITH JOE FAGAN FOR PUBLIC RELATIONS OFFICER - 2024.PDF](#)

3.II. 149-24

Documents:

[149-24 RESOLUTION REVOKING RESOLUTION OF LOCAL SUPPORT FOR PEACE OF MIND CONSTRUCTION GROUP LLC.PDF](#)

3.III. 150-24

Documents:

[150-24 RESOLUTION CLOSING THE TIMEFRAME FOR KEMISTRY LLC TO CURE ITS APPLICATION FOR A RESOLUTION OF LOCAL SUPPORT.PDF](#)

3.IV. 151-24

Documents:

[151-24 EXECUTIVE SESSION 5.7.24.PDF](#)

3.V. 152-24

Documents:

[152-24 RESOLUTION AMENDING 16-3 \(PLAN REVIEW FEES\).PDF](#)

3.VI. 153-24

Documents:

[153-24 RESOLUTION AMENDING 16-4- VARIOUS.PDF](#)

3.VII. 154-24

Documents:

[154-24 RESOLUTION AUTHORIZING EXECUTION OF TEMPORARY EASEMENT AGREEMENT \(5.1\).PDF](#)
[154-24 TEMPORARY EASEMENT AGREEMENT--71 SEAMAN ROAD--FINAL.PDF](#)

3.VIII. 155-24

Documents:

[155-24 RESOLUTION AUTHORIZING TOWNSHIP TO SEEK REIMBURSEMENT FOR POLICE TRAINING AND EDUCATIONAL COSTS.PDF](#)

3.IX. 156-24

Documents:

[156-24 REQUESTING COST SHARE AGREEMENT NJDOT.PDF](#)
[156-24 EXHIBIT 1.PDF](#)
[156-24 EXHIBIT 2.PDF](#)

3.X. 157-24

Documents:

[157-24 RESOLUTION RE ZUFALL HEALTH CENTER.PDF](#)
[157-24 NRDF AGREEMENT.PDF](#)

4. Ordinance(S) On Second And Final Reading

4.I. 2846-24

Documents:

[2846-24 -AMENDED TREE REMOVAL ORDINANCE--REDLINED WITH PROPOSED CHANGES FROM WORKSHOP \(3.19.24\)-FINAL DRAFT.PDF](#)

4.II. 2848-24

Documents:

[2848-24 REVISED ORDINANCE GOVERNING CANNABIS BUSINESSES - 5.1.24 \(REDLINED\).PDF](#)

5. Ordinance(S) On First Reading

5.I. 2851-24

Documents:

[2851-24 ORDINANCE - HANDICAPPED PARKING -47 MISS. 16 VIRGINIA 21 SUMMIT 24 NUTMAN PL 16 STOCKMAN ST.PDF](#)

Township of West Orange
CONFERENCE MEETING AGENDA
Council Chambers – 66 Main Street
Tuesday, May 7, 2024
Meeting No. 9

This is to inform the general public that this meeting is being held in compliance with Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975. The annual notice was emailed to the Star Ledger and filed in the Township Clerk's office on November 21, 2023, and published in the West Orange Chronicle on November 30, 2023.

Roll Call – Councilwoman Casalino, Councilwoman Ghebremicael, Councilwoman Scarpa, Councilwoman Williams, Council President Rutherford, Mayor McCartney

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6:30 P.M.

- **Swearing In: Zayibeth Carballo – Director of Engineering-Municipal Engineer**
- **West Orange PAL Mustangs Competition Cheer Team**
- **Proclamation: Love and Unity Day West Orange-Carl Brister**
- **Proclamation – Lupus Awareness Month (7:30 p.m.)**
- **Presentation: Piazza Associates – Low/Moderate Income Housing Lottery**
- **Wayne DeFeo – Environmental Consultant – Solid Waste Contract**
- **Council Liaison Announcements**
- **Public Meeting – 7:00 p.m.**

PUBLIC MEETING AGENDA

Township of West Orange

66 Main Street – 7:00 p.m.

May 7, 2024-Meeting No. 9

This is to inform the general public that this meeting is being held in compliance with Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975. The annual notice was emailed to the Star Ledger and filed in the Township Clerk's office on November 21, 2023, and published in the West Orange Chronicle on November 30, 2023.

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)

Roll Call – Councilwoman Casalino, Councilwoman Ghebremicael, Councilwoman Scarpa, Councilwoman Williams, Council President Rutherford, Mayor McCartney

- 1. Public Comment (Agenda Items Only)**
- 2. *Consent Agenda**
- 3. *Approval of Minutes of Previous Meeting – Executive Session April 4, 2024 and Public Meeting April 24, 2024**
- 4. *Report of Township Officers - None**
- 5. *Reading of Petitions and Communications and Bids**
- 6. *Bill List 5.7.24**
- 7. *Resolutions**
 - a. 148-24 Resolution Authorizing an Agreement with Joe Fagan for the Services of Communications Director/Public Information Officer for the Period of May 1, 2024 through April 30, 2025 in the Amount of \$34,800. (Legal-Gengaro)**
 - b. 149-24 Resolution Revoking Resolution of Local Support for Peace of Mind Construction Group LLC (Legal-Moon)**
 - c. 150-24 Resolution Closing the Timeframe for Kemistry LLC to Cure its Application for a Resolution of Local Support (Legal-Moon)**
 - d. 151-24 Resolution Authorizing an Executive Session for the Purpose of Discussing Contract Negotiations Specifically Downtown Redevelopment Project (Smeraldo)**
 - e. 152-24 Resolution Prescribing Fees As Set Forth In Chapter 16, Section 3 Of The Revised General Ordinances And In Ordinance 2849-24 – Plan Review Fees (Legal-Gengaro)**
 - f. 153-24 Resolution Prescribing Fees As Set Forth In Chapter 16, Section 4 Of The Revised General Ordinances And In Ordinance 2850-24 (Legal-Gengaro)**
 - g. 154-24 Resolution Authorizing Execution of Temporary Easement Agreement over Portions of 71 Seaman Road (Legal-Gengaro)**

- h. 155-24** Resolution Authorizing Township of West Orange to Seek Reimbursement for Training and Educational Expenses for Officer of WOPD from the New Jersey Institute of Technology Pursuant to NJSA 40A:14-178 (Legal-Gengaro)
- i. 156-24** A Resolution Requesting a Cost Share Agreement Between the New Jersey Department Of Transportation (NJDOT) and the Township of West Orange for NJDOT to Take All Necessary Actions to Implement the Applicable Safety Countermeasures Listed in the Township's Vision Zero Action Plan (2023-2030) for the Signalized Intersection of the I-280 Eastbound Ramp and Pleasant Valley Way (CR636) (Carballo)
- j. 157-24** Resolution Authorizing the Township to Execute the Proposed Non-Residential Development Fee (NRDF) Agreement By and Between Zufall Health Center, Inc. and the Township of West Orange Whereby Zufall will Pay the Amount of \$34,061.13 in Full Satisfaction of the Claim (Legal-Trenk)

8. Ordinances on Second and Final Reading

- a. 2846-24** An Ordinance Repealing and Replacing Chapter 25, Sections 27 of the Revised General Ordinances of the Township of West Orange and Establishing Chapter ____ for Environmental Protection (Tree Protection, Removal And Replacement) (Legal-Trenk)
- b. 2848-24** An Ordinance Amending Chapter 5, Section 34.2, Section 34.4, Section 34.5, And Chapter 25, Section 24.2 Of The Revised General Ordinances Of The Township Of West Orange (Licensed Cannabis Entities) (Legal-Moon)

9. Ordinances on First Reading

- a. 2851-24** An Ordinance Amending and Supplementing Chapter 7, Traffic, Subsection 7-32.2 Restricted Parking Zones of the Revised General Ordinances of the Township Of West Orange - (Carballo)

10. Pending Matters/New Matters/Council Discussion

- CCRB Representative
- Approval of the Older Adults Advisory Board By-Laws
- Resolution to Move Forward with Litigation – Docket No. ESX-L-4867-23
- Town Hall meetings
- Ordinance re: Parking Issues

Public Comment – Non-Agenda Items (if needed)

11. ABC Hearing-None

12. 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)**

Please click the link below to join the webinar:

https://us06web.zoom.us/j/88276608419?pwd=p-kkYl_hg7woT3EIydc0-7xwn7PqWw.PBRcVKUAgpueB7R2

Webinar ID: 882 7660 8419

Passcode: 789865

Public Comment – In Person Only

Next Meeting Date(s): May 21, 2024

Agenda is subject to change.

RESOLUTION

WHEREAS, the Township of West Orange (the “Township”) requires the services of a Communications Director/Public Information Officer to perform certain duties including, but not limited to those set forth in the West Orange Code, Chapter 2-52; and

WHEREAS, Mr. Joe Fagan (“Mr. Fagan”) has a wealth of knowledge regarding the Township and its history providing him with unique qualifications to serve as the Township’s Communications Director/Public Information Officer; and

WHEREAS, the Township seeks to reappoint Mr. Fagan as the Township’s Communications Director/Public Information Officer for a one-year term starting as of May 1, 2024 through April 30, 2025; and

WHEREAS, per the terms of the proposed agreement, a copy of which is annexed hereto as **Attachment “A,”** Mr. Fagan will be paid \$34,800 per year; and

WHEREAS, Mr. Fagan shall exercise all his functions and perform his duties in accordance with all applicable ordinances and statutes; and

WHEREAS, the annual amount of the Agreement falls below the bid threshold allowing the Township to award this Agreement without a formal bidding process;

NOW, THEREFORE BE IT HEREBY RESOLVED, by the Township Council of the Township of West Orange that Mr. Fagan shall be and hereby is appointed to serve as the Township’s Communications Director/Public Information Officer in accordance with all applicable ordinances and statutes until April 30, 2025; and be it further

RESOLVED, that the Mayor shall be and is hereby authorized to execute the Agreement with Mr. Fagan, and the Municipal Clerk shall be and is hereby authorized to attest to the Mayor’s signature; and be it further

RESOLVED that this award shall be published and available in the Clerk's Office for reasonable inspection in accordance with applicable law.

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

Bill Rutherford
Council President

Adopted: May 7, 2024

I hereby certify funds are available from Account No. _____

John O. Gross, Chief Financial Officer

RESOLUTION

WHEREAS, on April 26, 2022, the Township Council for the Township of West Orange (the “Township”) adopted Resolution #127-22 as a Resolution of Local Support for Peace of Mind Construction Group, LLC pursuant to N.J.A.C. 17:30-5.1(g) of the regulations promulgated by the New Jersey Cannabis Regulatory Commission (the “Commission”) to operate a proposed cannabis cultivation and/or cultivation manufacturing business at its proposed location at 76 Ashland Avenue; and

WHEREAS, since providing the Resolution of Local Support for Peace of Mind Construction Group, LLC the Township has been advised that: (i) the owner of the property at 76 Ashland Avenue has terminated its non-binding letter of intent to lease the property to Peace of Mind Construction Group, LLC; and (ii) Peace of Mind Construction Group, LLC has not proceeded with an application with the Commission to convert its conditional license to an annual license from the Commission; and

WHEREAS, the Township Attorney’s office issued a letter dated March 27, 2024 to Peace of Mind Construction Group, LLC notifying it to provide an updated application with a new proposed location no later than April 26, 2024; and

WHEREAS, Peace of Mind Construction Group, LLC has not provided any such update or amended application for a Resolution of Local Support with a new proposed location for its proposed cannabis cultivation and manufacturing business.

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, that Resolution #127-22 be rescinded and revoked; and be it further

RESOLVED, that a copy of this Resolution shall be forwarded by the Municipal Clerk to the New Jersey Cannabis Regulatory Commission and made available in the Clerk's office in accordance with applicable law.

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

Bill Rutherford
Council President

Adopted: May 7, 2024

RESOLUTION

WHEREAS, on January 10, 2023, the Township Council for the Township of West Orange (the “Township”) adopted Resolution #23-23 to revoke the Resolution of Local Support issued to Kemistry, LLC for its proposed cannabis retail business within the Township based on the proposed location for the proposed cannabis retail business after Kemistry, LLC lost its prior proposed location for cannabis retail business; and

WHEREAS, on Resolution #23-23 provided an opportunity for Kemistry, LLC to cure its application for a Resolution of Local Support with a new proposed location for its proposed cannabis retail business; and

WHEREAS, Kemistry, LLC has not since provided any such updated or amended application for a Resolution of Local Support; and

WHEREAS, the Township Attorney’s office issued a letter dated March 27, 2024 to Kemistry, LLC notifying it to provide an updated application no later than April 26, 2024; and

WHEREAS, Kemistry, LLC has not provided a new proposed location for its proposed cannabis retail business, but instead requested an additional ninety (90) days to locate a new proposed location.

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, that notwithstanding its request for additional time to locate a new proposed location, Kemistry, LLC’s ability to cure its application for a Resolution of Local Support is and is hereby deemed closed; and be it further

RESOLVED, that a copy of this Resolution shall be forwarded by the Municipal Clerk to the New Jersey Cannabis Regulatory Commission and made available in the Clerk's office in accordance with applicable law.

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

Bill Rutherford
Council President

Adopted: May 7, 2024

RESOLUTION TO HOLD A CLOSED SESSION

WHEREAS, the Open Public Meetings Act (N.J.S.A. 10:4. et seq.) provides for the exclusion of the public meetings of the governing body during the discussion of certain matters; and

WHEREAS, prior to the exclusion of the public from a meeting of the Township Council it is required that the Council adopt a Resolution stating the general nature of the subject to be discussed and stating as precisely as possible the time when the minutes of the discussion conducted in closed session can be disclosed to the public; and

WHEREAS, this body is about to consider a matter which falls within the purview of N.J.S.A. 10-4-12, and can properly exclude the public from such discussions; now, therefore, be it

BE IT RESOLVED, that the Township Council of the Township of West Orange, now assembled in public session at its regular meeting of May 7, 2024 enter into a closed session to consider the following matter(s).

- () 1. Discussion of any material, the disclosure of which constitutes an invasion of individual privacy.
- () 2. A collective bargaining agreement or the terms of provisions of same.
- () 3. Techniques or tactic utilized to protect the safety and property of the public provided that their disclosure could impair such protection.
- () 4. An investigation of violations or possible violations of the laws of the State of New Jersey and/or the Township of West Orange Administrative Code.
- (X) 5. Pending or anticipated litigation or contract negotiation in which this body is or maybe a party.
- () 6. A matter falling within the attorney-client privilege to the extent that confidentiality is required in order for the attorney to exercise his ethical duties to this body.
- () 7. Personnel matters.
- () 8. Discussion of any matter which by express provision of Federal law or State statute or rule of Court shall be rendered confidential.
- () 9. Discussion of any matter in which the release of information would impair a right to receive funds from the Government of the United Sates.
- () 10. Discussion of any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.

() 11. Deliberations occurring after a public hearing that may result in imposition of a civil penalty or suspension or loss of a license or permit.

More specifically, the Council may discuss in closed session the following topic(s):

**Resolution Authorizing an Executive Session for the Purpose of Discussing
Contract Negotiations Specifically Downtown Redevelopment Project**

(the general subject matter(s) of discussion shall be indicated by a check mark in the appropriate box and shall be more specifically referred to thereafter to the extent such additional disclosure can be made without compromising the need for confidentiality giving rise to the closed session.

IT IS FURTHER RESOLVED that the minutes of said discussion shall be made public as soon as the matter under discussion is no longer of a confidential or sensitive nature such that the public interest will no longer be served by such confidentiality.

The foregoing resolution was duly adopted by the Township Council of the Township of West Orange at a public meeting held on **May 7, 2024.**

Motion:

Second:

Vote

Aye:

Opposed:

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

Bill Rutherford
Council President

Adopted: May 7, 2024

152-24
May 7, 2024

**RESOLUTION PRESCRIBING FEES AS SET FORTH IN CHAPTER 16, SECTION 3
OF THE REVISED GENERAL ORDINANCES AND IN ORDINANCE 2849-24**

WHEREAS, on April 12 , 2024, the Township of West Orange (the “Township”) passed Ordinance 2849-24 (the “Ordinance”) on first reading, amending Chapter 16, Section 3 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 16, Section 3 of the Revised General Ordinances of the Township to set the fees set forth therein to prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the fee as set forth in the Ordinance shall be prescribed as follows:

- a. There shall be a plan review fee of \$250 for all new construction.
- b. If the plan review involves a proposed renovation, the plan review fee shall be \$100; and it is further;

RESOLVED, that the Township Clerk is authorized to attest to the Mayor’s signature.

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

Bill Rutherford
Council President

Adopted: May 7, 2024

**RESOLUTION PRESCRIBING FEES AS SET FORTH IN CHAPTER 16, SECTION 4
OF THE REVISED GENERAL ORDINANCES AND IN ORDINANCE 2850-24**

WHEREAS, on April 12 , 2024, the Township of West Orange (the “Township”) passed Ordinance 2850-24 (the “Ordinance”) on first reading, amending Chapter 16, Section 4 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 16, Section 4 of the Revised General Ordinances of the Township to set the fees set forth therein to prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the fee as set forth in the Ordinance shall be prescribed as follows:

- a. Hotel or Motel: \$600.
- b. Country Club: \$600.
- c. Health or Swim Clubs: \$750.
- d. Public Whirlpool or Jacuzzi: \$75 each.
- e. Multiple Housing Dwellings of more than four units: \$150.
- f. Condominium or Cooperative Complex: \$150;
- g. Schools, Camps, and/or child care facilities: \$250; and it is

further;

RESOLVED, that the Township Clerk is authorized to attest to the Mayor’s signature.

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

Bill Rutherford
Council President

Adopted: May 7, 2024

RESOLUTION

WHEREAS, the Township of West Orange Engineer has determined that there are emergency repairs needed to mobilize, excavate, and reconstruct drainage improvements to sewage and/or stormwater piping owned by the Township that runs beneath the property located at 71 Seaman Road, West Orange, NJ 07052, known as Block 151.09, Lots 19; and

WHEREAS, the owner of the Property has agreed to a Deed of Temporary Easement and Temporary Easement Agreement attached herein as Exhibit “A;” and

WHEREAS, the storm water drainage channel that runs along the rear the property has needs to be repaired on an emergent basis due to flooding and erosion on the Property and neighboring properties; and

WHEREAS, the Township Engineer has deemed these repairs necessary to protect the health and safety of residents located on Seaman Road; and

NOW, BEING HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, that Township is authorized to enter into the Deed of Temporary Easement and Easement Agreement attached herein as Exhibit “A;” and it is further

RESOLVED, that a copy of this Resolution shall be made available in the Clerk’s office in accordance with applicable law.

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

Bill Rutherford
Council President

Adopted: May 7, 2024, 2024

I hereby certify funds are available from Account No. _____

John O. Gross, Chief Financial Officer

DEED OF TEMPORARY EASEMENT AND TEMPORARY EASEMENT AGREEMENT

This Deed of Temporary Easement and Temporary Easement Agreement made effective as of ~~April~~ ____, 2024 BY AND BETWEEN MARK CHAPLIN residing at 71 Seaman Road, Township of West Orange, County of Essex and State of New Jersey, hereinafter referred to as "GRANTOR," and THE TOWNSHIP OF WEST ORANGE, a municipal corporation of the State of New Jersey, having offices located at 66 Main Street, in the Township of West Orange, County of Essex, and State of New Jersey, hereinafter referred to as the "GRANTEE" or the "TOWNSHIP."

WITNESSETH

WHEREAS the Grantor is the sole owner of Tax Block 151.01, Block 19 on the official Tax Map of the Township of West Orange, County of Essex, State and New Jersey, also known as 71 Seaman Road, West Orange, New Jersey (hereinafter the "PREMISES"), and

WHEREAS the GRANTEE has determined that certain emergency and other repairs are needed to a sanitary sewer and/or stormwater pipe beneath the PREMISES; and

WHEREAS, the GRANTOR is willing to grant to the GRANTEE and the GRANTEE is willing to accept a temporary easement over a portion of said premises to conduct emergency repairs to sewage and/or stormwater piping and the headwall related thereto on the PREMISES; and

Said Temporary Easement shall include the right to mobilize, excavate, reconstruct drainage improvements including but is not limited to pipe, headwall, rip-rap concrete footing, compaction, grade, backfill, topsoil and seed for the purposes of stabilizing disturbed areas, preventing erosion and restoring GRANTOR's property to its condition prior to the Grantee's right-of-entry; and

WHEREAS the above-described Temporary Easement being as shown on a tax map in "Exhibit A", as a temporary construction easement in connection with the emergency repair of stormwater facility ; and

The GRANTOR hereby covenants with the GRANTEE that:

- a. The GRANTOR has good and lawful right to convey the temporary easement reference herein.
- b. The temporary easement is free and clear from encumbrances of record that might interfere with the scope of work reference herein.
- c. The GRANTEE has a stormwater sewer line that extends across a portion of the GRANTOR'S property; and

- d. GRANTOR desires to provide a permanent easement on GRANTOR'S Property once the scope of work is completed and said easement will be shown on a Survey to be obtained by the GRANTEE as soon as the same is available;
- e. GRANTREE will provide GRANTOR at least 48 hours' notice prior to the commence of the emergency repair;
- f. GRANTOR does hereby expressly permit right of entry and temporary easement to the GRANTEE for the purposes of conducting emergency repair is intended to be uninterrupted and unobstructed right of entry, under, across and over the area as shown in "Exhibit A" consisting of the right to excavate, erect, construct, install, use, impact, repair, remove, maintain and preserve the stormwater facility reference herein.
- g. GRANTOR, its successors and/or assigns shall hold harmless GRANTEE, its successors and/or assigns from and against any and all claim, liabilities, penalties, costs or other damages, whether foreseen and unforeseen, arising directly from the temporary easement reference herein.
- h. GRANTOR agrees that if any disturbance or damage is caused to the subject property as a result of the GRANTEE'S exercise of the rights and privileges afforded to it under this instrument, the GRANTEE shall restore the affected area as near as practicable to its original condition.
- i. GRANTOR agrees, acknowledges, and affirms that the temporary easement hereunder granted shall be binding upon his heirs, successors, and assigns.

NOW THEREFORE, in consideration of the sum of One (\$1.00) Dollars and other good and valuable consideration paid to the GRANTOR by the GRANTEE, GRANTOR does hereby grant unto the GRANTEE, their heirs, successors and assigns a Temporary Easement to conduct emergency repairs to the sewer and/or stormwater piping located on the Premises in the area to be prescribed by the survey to be provided by the GRANTEE to the GRANTOR.

IN WITNESS WHEREOF, the parties have hereunder affixed their hands and seals
the day and year first above written.

MARK CHAPLIN

ATTESTED

TOWNSHIP OF WEST ORANGE

Karen Carnevale, Township Clerk

_____(seal)
by: Susan McCartney, Mayor

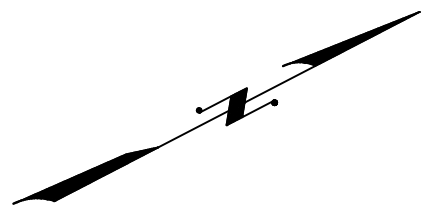
STATE OF NEW JERSEY
COUNTY OF ESSEX ss:

I CERTIFY that on May ____, 2024

Mark Chaplin personally came before me and stated to my satisfaction that he each
person executed this instrument as his own act.

EXHIBIT A

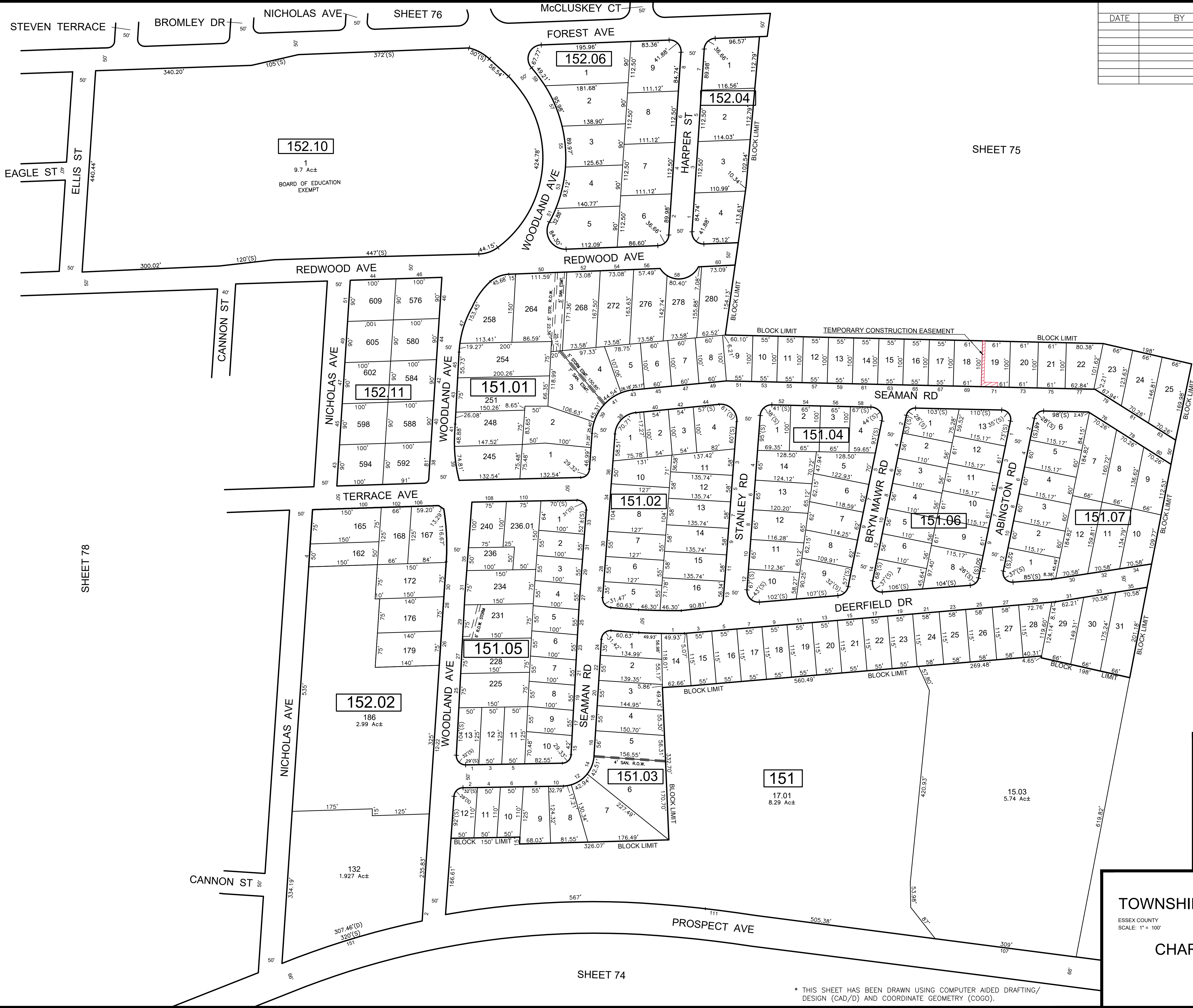
REVISIONS				
DATE	BY	LIC.NO	BLOCK	LOT



SHEET 80

SHEET 75

SHEET 75



TAX MAP
TOWNSHIP OF WEST ORANGE

ESSEX COUNTY
SCALE: 1" = 100'

NEW JERSEY
DATE: JUNE 2011

CHARLES A. ATKINSON

LICENSED LAND SURVEYOR
NEW JERSEY LICENSE NO. 33994
850 SO. WHITE HORSE PIKE
HAMMONTON, NEW JERSEY 08037
COA# 24GA27973300

* THIS SHEET HAS BEEN DRAWN USING COMPUTER AIDED DRAFTING/
DESIGN (CAD/D) AND COORDINATE GEOMETRY (COGO).

**RESOLUTION AUTHORIZING THE TOWNSHIP TO SEEK REIMBURSEMENT
COSTS FOR TRIANING AND EDUCATIONAL EXPENSES FOR OFFICER OF WOPD
FROM THE NEW JERSEY INSTITUTE OF TECHNOLOGY**

WHEREAS, pursuant to N.J.S.A. 40A:14-178, the Township of West Orange (the “Township”) is authorized to seek reimbursement of training and educational costs for police officers who resign from the Township Police Department; and

WHEREAS, a police officer (the “Police Officer”) recently resigned from the Township Police Department on or about April 5, 2024;

WHEREAS, said Police Officer began working as an officer for the New Jersey Institute of Technology (“NJIT”) on or about April 8, 2024; and

NOW, THEREFORE BE IT HEREBY RESOLVED, by the Township Council of the Township of West Orange that the Township is hereby authorized to seek training and educational costs related to the Police Officer from NJIT; and be it further

RESOLVED that this award shall be published and available in the Clerk’s Office for reasonable inspection in accordance with applicable law.

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

Bill Rutherford
Council President

Adopted: May 7, 2024

**A RESOLUTION REQUESTING A COST SHARE AGREEMENT BETWEEN THE
NEW JERSEY DEPARTMENT OF TRANSPORTATION (NJDOT) AND THE TOWNSHIP OF
WEST ORANGE FOR NJDOT TO TAKE ALL NECESSARY ACTIONS TO IMPLEMENT THE
APPLICABLE SAFETY COUNTERMEASURES LISTED IN THE TOWNSHIP'S VISION
ZERO ACTION PLAN (2023-2030) FOR THE SIGNALIZED INTERSECTION OF THE I-280
EASTBOUND RAMP AND PLEASANT VALLEY WAY (CR636)**

WHEREAS, the Township of West Orange has requested the New Jersey Department of Transportation (NJDOT) to install pedestrian safety improvements at the signalized intersection of the I-280 eastbound ramp and Pleasant Valley Way (CR636) and annexed hereto as Exhibit “1”; and

WHEREAS, the State of New Jersey Department of Transportation responded by requesting a 25% cost-sharing for the electrical construction cost that is annexed here to as Exhibit “2” and Resolution of support be submitted by the Township; and

WHEREAS, the Township of West Orange has received several resident complaints regarding the lack of pedestrian crosswalks in this signalized intersection; and

WHEREAS, the Township believes these requested improvements will enhance pedestrian and vehicular safety at this signalized intersection; and

WHEREAS, NJDOT Policy 346 requires that West Orange agree to pay 25% cost share for the requested improvements to the signalized intersection; and

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, that West Orange agrees to commit to contributing 25% of the necessary improvement costs pursuant to NJDOT Policy 346; and

BE IT FURTHER RESOLVED, that it is understood that the Township of West Orange will have the opportunity to concur with the recommended improvements and will be advised of the approximate amount to cover 25% cost share prior to entering into any agreement.

I, **Karen J. Carnevale**, Municipal Clerk of the **Township of West Orange**, County of Essex, State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Mayor and Council of the Township of West Orange, Essex, State of New Jersey, at a meeting held this 7th day of May, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and day of official seal this 7th day of May, 2024.

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

Bill Rutherford, Council President

Adopted : May 7, 2024

EXHIBIT 1



TOWNSHIP OF WEST ORANGE

25 LAKESIDE AVENUE, WEST ORANGE, N.J. 07052

DEPARTMENT OF ENGINEERING

SUSAN McCARTNEY

Mayor

Tel/Fax: (973) 325-4160

ZAYIBETH CARBALLO

Director, Municipal Engineer

Email: Engineering@westorange.org

February 29, 2024

VIA MAIL DELIVERY

Francis K. O'Connor, Acting Commissioner
New Jersey Department of Transportation
1035 Parkway Avenue
P.O. Box 600
Trenton, NJ 08625-0600

**Re: Pedestrian Safety I-280 Ramps
Township of West Orange, Essex County
I-280 East Ramp at Pleasant Valley Way (CR 636)**

Dear Mr. O'Connor,

On behalf of the Township of West Orange, our Engineering Department would like to request pedestrian safety improvements at the intersection of the I-280 eastbound ramp and Pleasant Valley Way (CR 636).

- There are no pedestrian crosswalk heads installed at the traffic signals.
- There are sidewalks that do not lead to crosswalks.
- There are crosswalks that do not have ADA compliant curb cuts or detectable warning systems, particularly on the islands.
- The concrete curbs, especially on the ramp center island show erosion from salt and should be replaced.

On the opposite side of the highway (westbound ramps) there are pedestrian crosswalk heads installed. All other issues are addressed, except for the lack of detectable warning systems at the crossings.

Pedestrians regularly cross these intersections on the way to school or worship and have contacted the Township for a resolution to this issue. Attached is a letter from NJDOT to Township resident Robert Daniel dated February 12, 2019 (Exhibit A), and Township concerned

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resident Robert Daniel correspondence to NJDOT with some photos of the area dated November 16, 2018 (Exhibit B).

We would welcome the opportunity to discuss the matter with the proper official, and to see what the Township would need to contribute for 25% of the costs associated with request for pedestrian signal heads and operationally based electrical construction projects as mentioned in letter dated February 12, 2019 to the Township to ensure its completion.

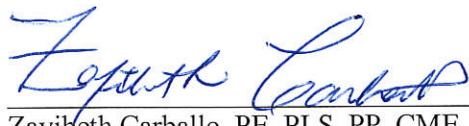
Previous calls and letters from the Township and local constituents have yielded a contact from the Office of Community and Constituent Relations and a promise to be contacted by a representative of Traffic Engineering. So far, we have not been contacted.

The Township has committed resources to the *Vision Zero Action Plan (2023-2030)* that NJDOT finalized in December 2023 and endorsed the Safe Streets near Schools program as well. As a community, West Orange is proactive in efforts to ensure pedestrian safety and established the Pedestrian safety Advisory Board as a volunteer committee in May 2015. Attached is a copy of NJDOT Finalized Township's *Vision Zero Action Plan (2023-2030)* as Exhibit C. Please refer to pages 24-25, 51-52, 102 and 138-147 with area of concern identified on maps and text.

We look forward to working together with the New Jersey Department of Transportation in a collaborative effort to improve and address pedestrian safety concerns for all residents of the Township of West Orange and non-residents.

Please do not hesitate to contact my office if you have any questions. Our offices are open M-F 8:30-4:30. Thank you for your assistance in this matter.

Very truly yours,



Zayibeth Carballo, PE, PLS, PP, CME, CFM, CFS
Municipal Engineer/Director of Engineering

ZYC/gmc

[filename: 1_njdot pvw ramps-sw]

Enclosures

cc: Susan McCartney, Mayor
James Abbott, Chief of Police/Interim BA
John Gross Chief of Staff/CFO
Pete Smeraldo, Assistant BA
Jerry Guarino, PSAB
Sanjeev Varghese, County Engineer

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EXHIBIT A



State of New Jersey

DEPARTMENT OF TRANSPORTATION
P.O. Box 600
Trenton, New Jersey 08625-0600

PHILIP D. MURPHY
Governor

DIANE GUTIERREZ-SCACCI
Commissioner

SHEILA Y. OLIVER
Lt. Governor

February 12, 2019

Robert S. Daniel, PhD
2-B Buckingham Road
West Orange, NJ 07052-1184

Dear Dr. Daniel:

Commissioner Diane Gutierrez-Scaccetti has asked me to respond to your letter requesting the installation of pedestrian traffic signal heads and intersection improvements on Route 280 eastbound ramps at Pleasant Valley Way. On behalf of the New Jersey Department of Transportation (NJDOT), I appreciate the opportunity to assist you.

As you may be aware, there are certain municipal requirements associated with the vast majority of state highway projects undertaken by NJDOT, such as sharing in costs or providing resolutions of support. With respect to your request for pedestrian signal heads, as per NJDOT Policy 346, West Orange Township must commit to pay 25% of the costs associated with operationally-based electrical construction projects. I have taken this opportunity to forward your concerns to the attention of West Orange Mayor Robert D. Parisi. Should municipal officials concur with your thoughts, upon receipt of the cost-sharing commitment, NJDOT's Traffic Engineering representatives will be happy to initiate this investigation.

I hope this information is helpful. If you have any additional questions, please feel free to contact Meredith Hammond, Office of Community and Constituent Relations, at (609) 963-1982.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay Jimenez", with a stylized flourish extending from the end.

Jay Jimenez
Chief of Staff

c: Robert D. Parisi
Mayor, West Orange Township (w/encl.)

EXHIBIT B

Robert S. Daniel, PhD
2-B Buckingham Road
West Orange, NJ 07052-1184

November 16, 2018

Ms. Diane Gutierrez-Scaccetti, Commissioner
New Jersey Department of Transportation
PO Box 600
Trenton, NJ 08625-0600

Dear Ms. Gutierrez-Scaccetti

Subject: Pedestrian signals, crosswalks and ADA compliant curb cuts and ramps
Intersection in West Orange of I-280 Eastbound Ramps at Pleasant Valley Way

Could one of your staff members kindly examine the status of this intersection's compliance with the NJDOT's overall program of compliance with American Disability Act, Title II (Section 504)?

It is quite evident that minimal pedestrian aids are missing at this location.

- There are no pedestrian crosswalk heads on the traffic signals.
- There are sidewalks which do not lead to crosswalks.
- There are crosswalks which do not have the ADA compliant curb cuts and ramps particularly in the center islands.

Perhaps this intersection is scheduled for review in 2019, or 2020? Or should have been upgraded years ago....all of this in the overall context of available resources, project prioritizations and the Department's Transition Plan and self-evaluation (2015)

I can be reached by phone at 201.303.3554 or by e-mail at robertdaniel1921@gmail.com

Thanking you in advance.

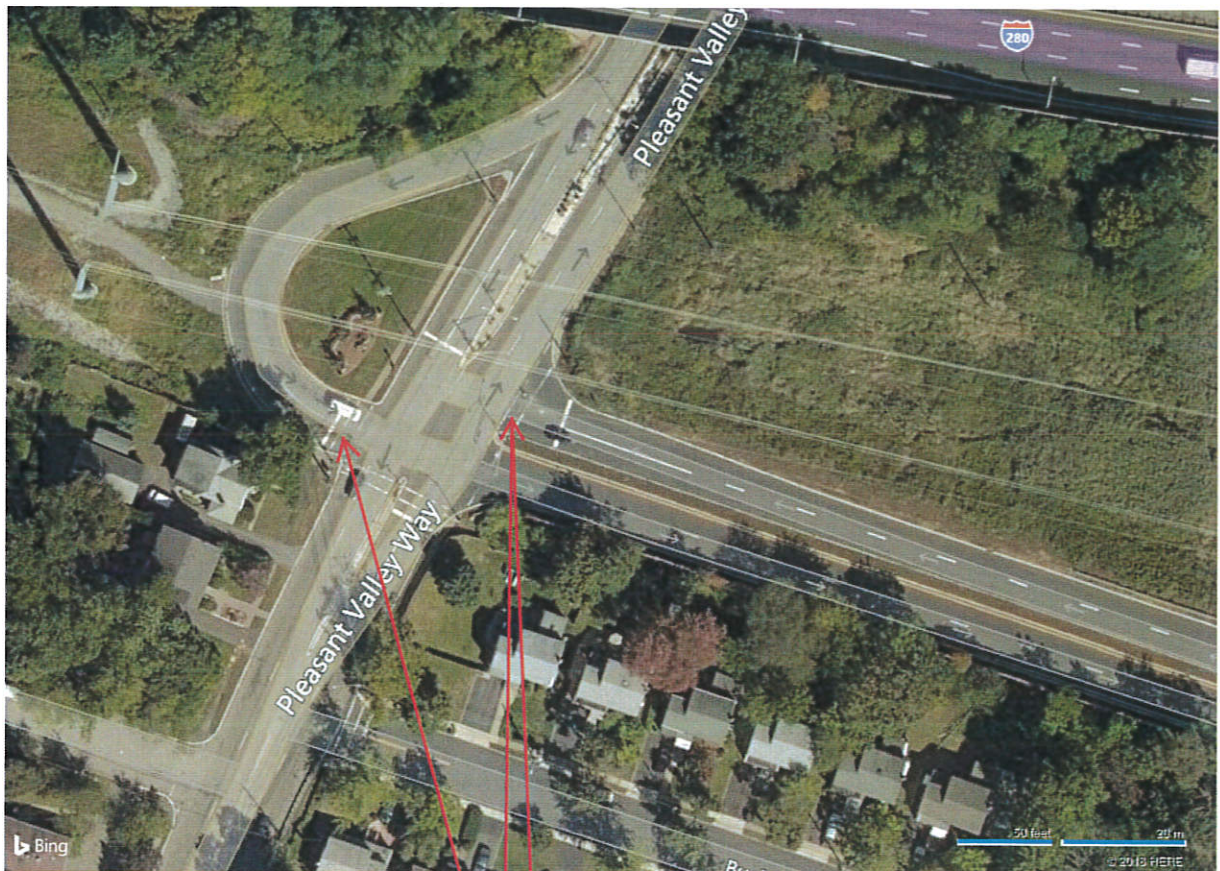


Rob Daniel

Attached:
Map and photo

Notes

Intersection of ramps to and from I-280
East and Pleasant Valley Way in West
Orange (County Road 636).
November 16, 2018



Curb cuts and
pedestrian
heads missing

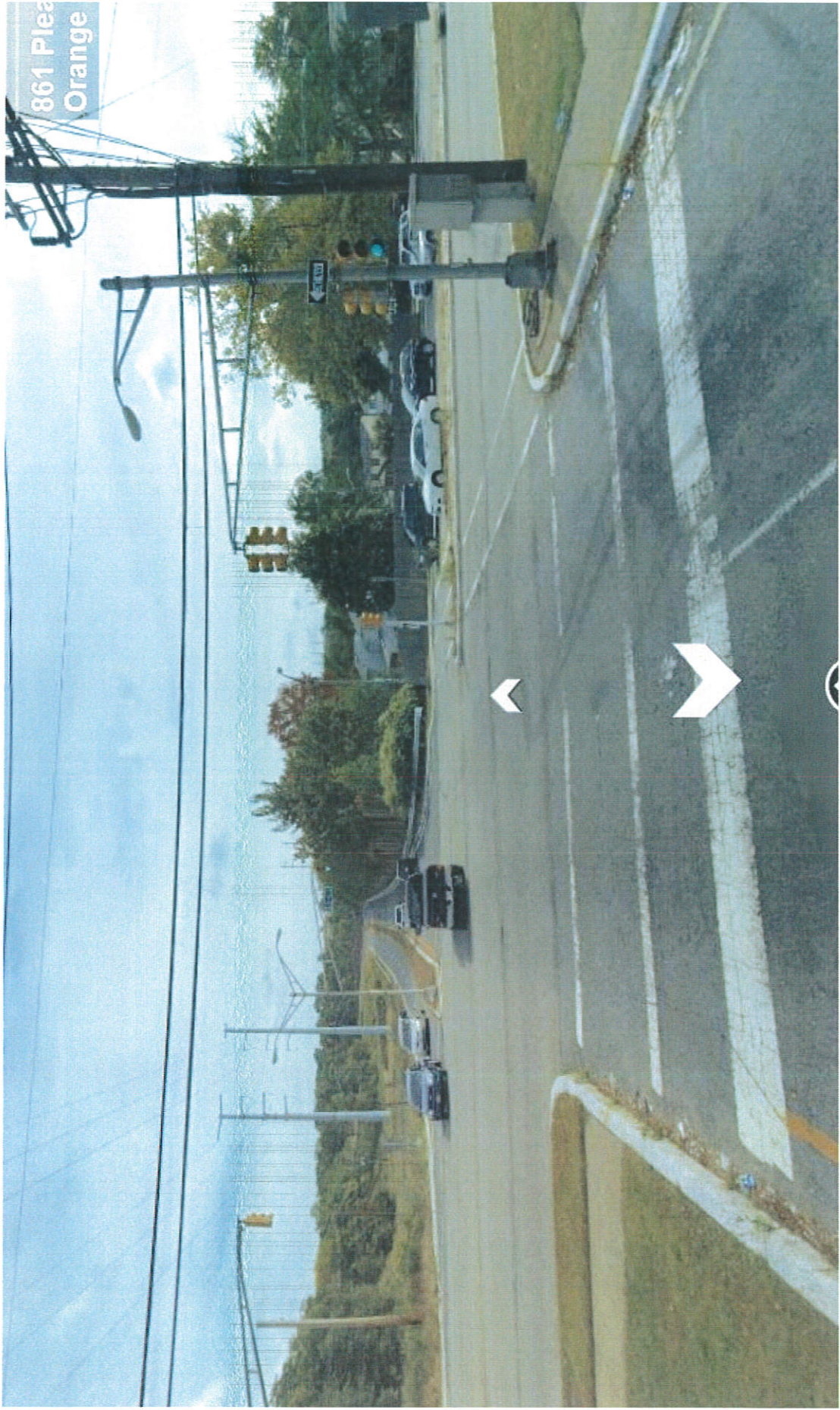


EXHIBIT C

Figure 1. All Crashes Map (2015-2021)



Figure 2. Severe and Fatal Injury (KSI) Crash Map (2015-2021)

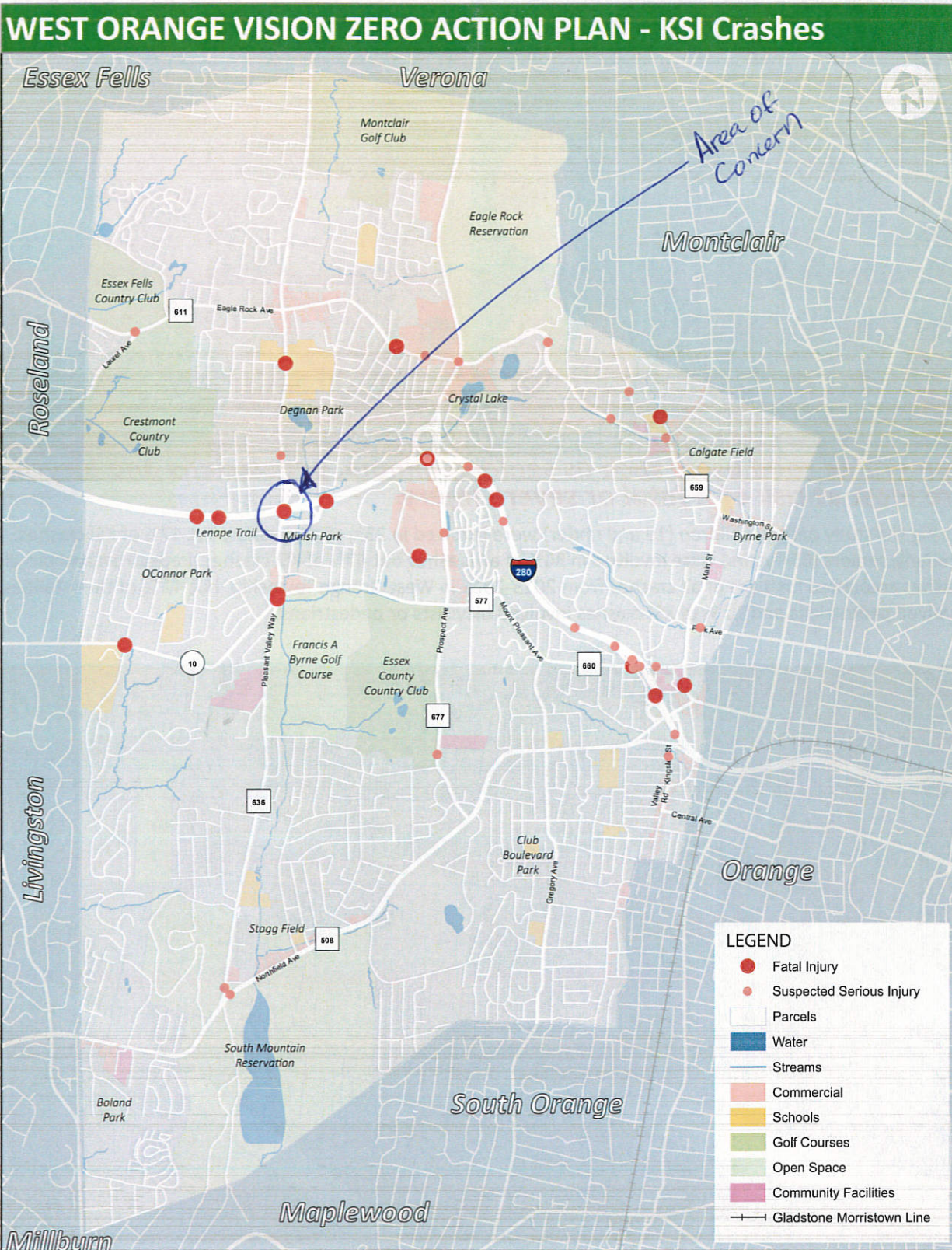
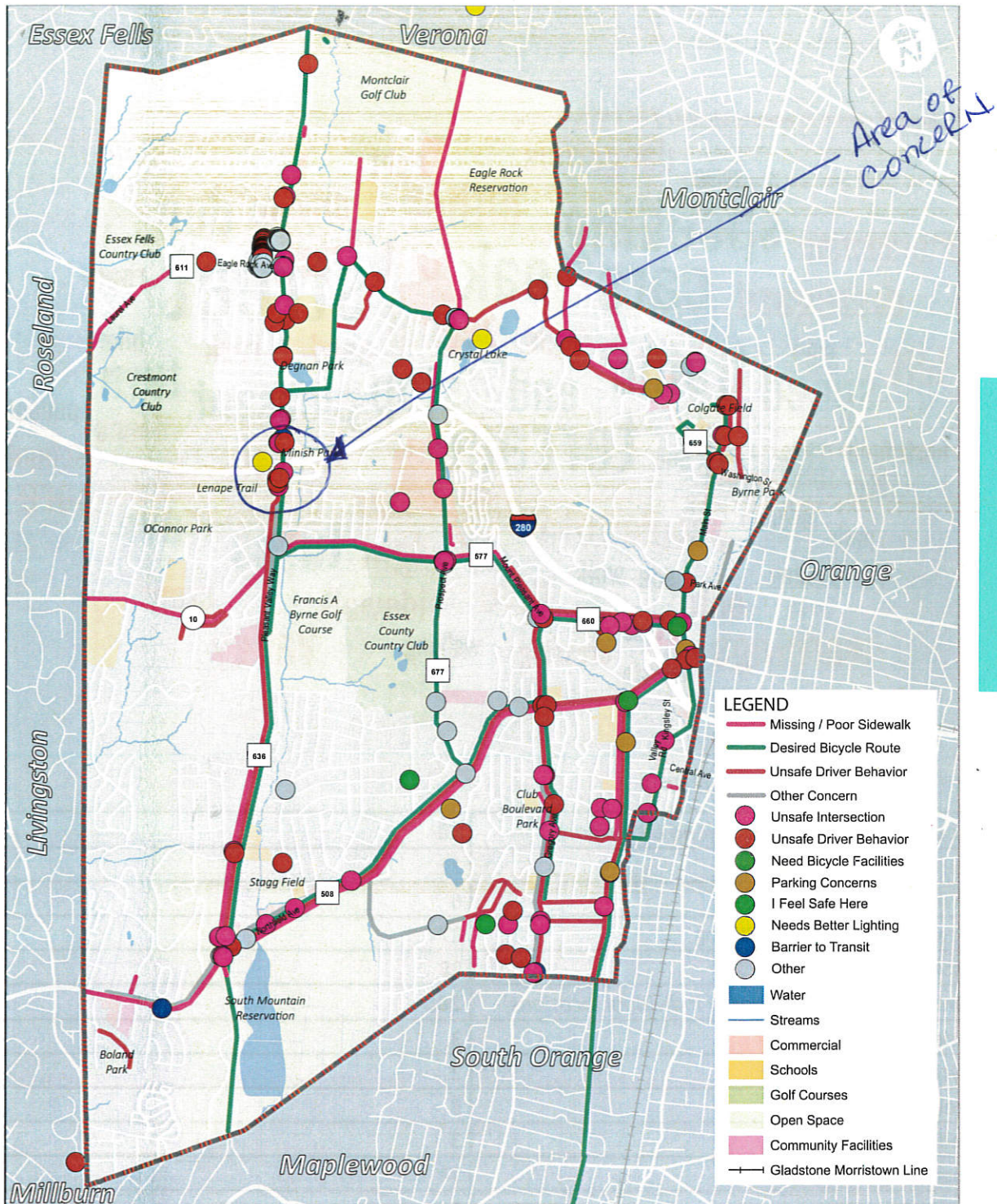


Figure 11. Wikimapping input: points and lines



**SAFETY MAP for the
WEST ORANGE VISION
ZERO ACTION PLAN**
MAPA DE SEGURIDAD
PARA PLAN DE ACCIÓN
DE VISIÓN CERO DEL
MUNICIPIO DE WEST
ORANGE

**INSTRUCTIONS
INSTRUCCIONES**

**CLICK "ADD
POINTS
OR LINES"
BELOW**
HACER
CLIC
"AÑADIR
PUNTOS O
LINEAS"
ABAJO

**SELECT
THE
POINT OR
LINE TYPE
TO ADD**
SELECCIO-
NAR EL TIPO
DE PUNTO O
LINEA QUE
SE QUIERE
AÑADIR

**ADD
A
COMMENT
TO THE
POINT OR
LINE
(OPTIONAL)**
AÑADIR
UN CO-
MENTARIO
AL PUN-
TO O LA
LINEA
(OPCIONAL)

**UPLOAD
A PHOTO
TO THE
POINT OR
LINE
(OPTIONAL)**
SUBIR
UNA FOTO
AL PUN-
TO O LA
LINEA
(OPCIONAL)

**USER COMMENTS
COMENTARIOS DEL
USUARIO**

Add Points / Añadir Puntos

- Safe Pedestrian Crossing Needed / Paso de peatones seguro necesario
- Unsafe Location for Bicyclists / Ubicación insegura para ciclistas
- Unsafe Driver Behavior / Comportamiento inseguro del conductor
- Lighting improvement Needed / Se necesita mejorar la iluminación

Add Lines / Añadir Líneas

- Parking Concerns / Problemas de estacionamiento
- Barriers to Transit / Barreras al tránsito
- Other Traffic or Travel Concerns / Otras inquietudes de tránsito o viaje
- I feel safe traveling here / Me siento seguro viajando aquí

Add Lines / Añadir Líneas

- Sidewalk improvement or Missing / Mejora de la acera o faltante
- Desired Biking Routes / Ruta ciclista deseada
- Unsafe Driver Behavior / Comportamiento inseguro del conductor/inseguro
- Other Traffic or Travel Concerns / Otras inquietudes de tránsito o viaje
- I feel safe traveling here / Me siento seguro viajando aquí

Many points and lines included comments which were translated into a word cloud as shown. It can be seen that common concerns include speeding, texting, disregard of other road users, and dangerous behavior. The comments were then grouped by category to identify recurring issues and recommendations.

The options for line drawing were to identify: desired routes for a bicycle network, sidewalk gaps/deteriorated sidewalks, corridors of unsafe driving, and any other concerns.

Table 5. Roads of Concern by Category

Category of Concern	Roads Identified (Bold indicates the entire distance of the road)
Missing / Poor Sidewalk	Northfield Avenue, Laurel Avenue, Mt. Pleasant Avenue, Forest Avenue, Pleasant Valley Way, Prospect Avenue, Mountain Avenue/ Undercliff Road, Fairmount Terrace, Valley Way, Rollinson Street, Undercliff Terrace, Burnett Terrace
Desired Bicycle Route	Pleasant Valley Way, Northfield Avenue, Prospect Avenue, Mt. Pleasant Avenue, Main Street, Eagle Rock Avenue, Hooper Avenue/ Conforti Avenue, Valley Road, Rollinson Street, Gregory Avenue, Franklin Avenue
Unsafe Driver Behavior	Mt. Pleasant Avenue, Pleasant Valley Way, Northfield Avenue, Gregory Avenue, Rollinson Street, Eagle Rock Avenue, Franklin Avenue, Whittlesey Avenue, Walker Road, Lawrence Avenue, Forest Hill Road, Burnett Terrace, Dogwood Drive, Phyllis Road
Other	Pleasant Valley Way, Northfield Avenue, Gregory Avenue, Walker Road, Standish Avenue

The lines categorized as "other" included complaints about road striping on Northfield Avenue near Pleasant Valley Way, dissatisfaction with speed humps on Walker Road, poor road quality on Standish Avenue, and the width of Pleasant Valley Way.

The options for point placement were to identify: unsafe intersections, unsafe driver behavior, need for bicycle facilities, parking concerns, need for lighting improvement, barriers to transit, and other concerns as well as places people feel safe. Points identified across West Orange were well-mixed, with concentrations of points identifying the various topics scattered across the municipality. Below is a list of some common themes for each.

- Unsafe Intersections

- Many intersections were marked as unsafe across West Orange. Common areas include:

- Eagle Rock Avenue and Pleasant Valley Way and the intersections nearby
- Pleasant Valley Way and the Interstate 280 ramps, Eagle Rock Avenue and Prospect Avenue

- Northfield Avenue and Pleasant Valley Way and the nearby intersections on Northfield Avenue
- Mt. Pleasant Avenue and Prospect Avenue
- Mt. Pleasant Avenue and Gregory Avenue
- Junctions surrounding the Essex Green Mall
- Main Street and both Mt. Pleasant Avenue and Northfield Avenue
- Eagle Rock Avenue and both Harrison Avenue and Mountain Avenue
- Northfield Avenue and the Interstate 280 ramps
- Several intersections along Gregory Avenue and Rollinson Street in the southeastern portion of the municipality

- Unsafe Driver Behavior
 - Unsafe Driver Behavior was identified across the municipality, including concentrated areas of reporting along Pleasant Valley Way, Eagle Rock Avenue, Northfield Avenue, Main Street and Gregory Avenue.
 - Other areas include:
 - neighborhoods off of the eastern portion of Eagle Rock Avenue
 - neighborhoods surrounding Gregory Avenue
 - the area surrounding the intersection of Eagle Rock Avenue and Pleasant Valley Way
- Need Bicycle Facilities
 - While this concern was primarily addressed through line-based submissions, the WikiMap contained points where bicycle facilities are needed, identified at the intersection of Main Street and Mt. Pleasant Avenue and at the intersection of Northfield Avenue and Rollinson Street.
- Parking Concerns
 - Parking Concerns were centered around the areas closer to Downtown West Orange, with points placed along Rollinson Street, Main Street, Northfield Avenue, Mt. Pleasant Avenue and Eagle Rock Avenue, all of which were located in the eastern portion of the municipality.
 - Comments about this issue were largely related to illegal parking or parking in ways that block visibility, but others were concerned about parking availability for those without personal driveways and equitable parking enforcement.
- Need Lighting Improvement
 - Of the two points placed within the West Orange boundary, one was related to lighting along the path at Crystal Lake Park and the other requests better lighting near the intersection of Pleasant Valley Way and Interstate 280 due to reports of criminal activity in the area.
- Barrier to Transit
 - Multiple comments involved buses. People noted difficulty reaching buses at both the intersection of Interstate 280 and Pleasant Valley Way and at the intersection of Woods End Road and Northfield Avenue, both of which were due to a lack of sidewalk access to the bus stop. Another difficulty was reaching the school bus along Gregory Avenue.
- I feel safe here
 - Three points were placed where people felt safe: the intersection of Mountain Way and Sylvan Place, the intersection of Benvenue Avenue and Ridgeway Avenue, and the intersection of Valley Road and Freeman Street.

HIN CORRIDOR FACT SHEETS

CORRIDOR G: PLEASANT VALLEY WAY

Represents 3% of HIN miles

KEY CRASH FACTS

#	%
 303 Crashes	3.5% of all West Orange Crashes
 17 Fatal, Severe & Minor Injury Crashes	3.8% of all Fatal, Severe & Minor Injury Crashes
 1 Pedestrian Crash	1.2% of all Pedestrian Crashes
 1 Bicyclist Crash	3.2% of all Bicyclist Crashes

OVERREPRESENTED CRASH TYPES



TOP CRASH FACTORS



INTERSECTION CRASHES



112 Crashes
5.6% of all Intersection Crashes



COUNTY ROUTE 636
1 MILE
40' - 60' WIDTH / 4 LANES
NO SHOULDERS
NO PARKING PERMITTED

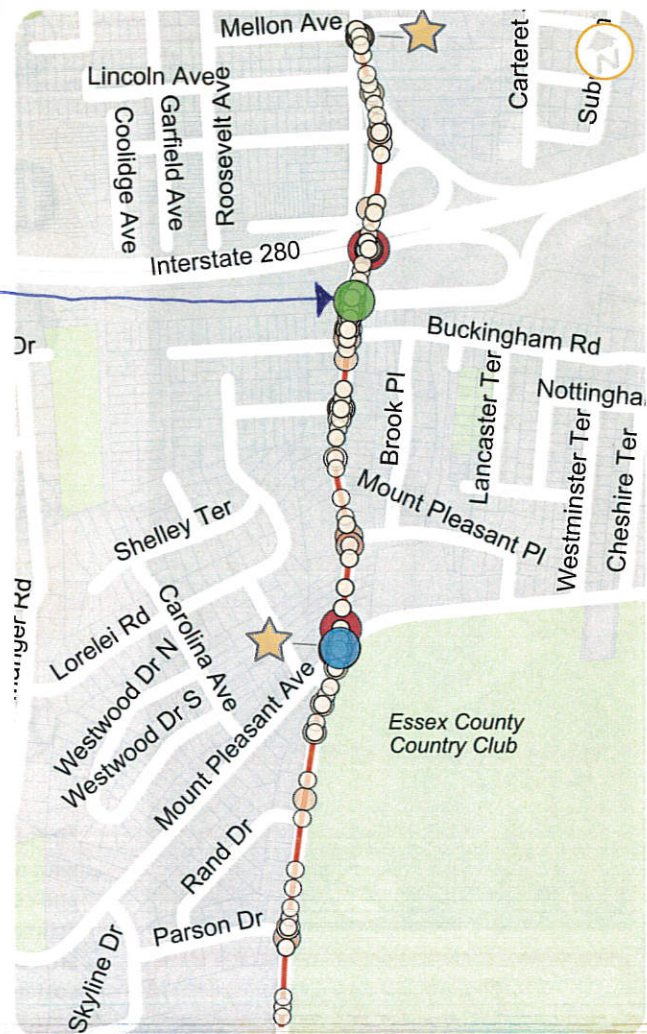
SPEED
LIMIT
40

HIN SCORE

15

EQUITY + HIN SCORE

23



intersections, signals and ramps with I-280 are NJDOT jurisdiction and will be subject to coordination and review with NJDOT.

intersections and signals with Route 10/Mt. Pleasant Avenue are NJDOT jurisdiction and will be subject to coordination and review with NJDOT.

WEST ORANGE TOWNSHIP: VISION ZERO ACTION PLAN

EXHIBIT 2



RECEIVED APR 18 2024

State of New Jersey

DEPARTMENT OF TRANSPORTATION

P.O. Box 600

Trenton, New Jersey 08625-0600

PHILIP D. MURPHY
Governor

FRANCIS K. O'CONNOR
Acting Commissioner

TAHESHA L. WAY
Lt. Governor

April 12, 2024

Zayibeth Carballo, PE, PLS, PP, CME, CFM, CFS
Municipal Engineer/Director of Engineering
25 Lakeside Avenue
West Orange, NJ 07052

Dear Ms. Carballo:

Acting Commissioner Fran O'Connor has asked me to respond to your letter requesting pedestrian safety improvements at the signalized intersection of the I-280 eastbound exit ramp and Pleasant Valley Way (CR 636). On behalf of the New Jersey Department of Transportation (NJDOT), I appreciate the opportunity to assist you.

I am pleased to inform you that in November of 2023, NJDOT sent a work order for improvements regarding this intersection. It is anticipated that the work order will be completed this year and will produce the following:

- 1) Install enhanced ladder-style pedestrian crosswalk markings and countdown pedestrian signal heads for the existing marked pedestrian crosswalks to cross the I-280 eastbound exit ramp lanes, Pleasant Valley Way, and the Pleasant Valley Way southbound jughandle lanes at this intersection. Additionally, the turning radius of the Pleasant Valley Way northbound right-turn movement onto the I-280 eastbound exit ramp will be visually reduced and tightened by painting a white shoulder in the southeast corner of the intersection.
- 2) Install Leading Pedestrian Interval (LPI) for the crosswalks to cross the I-280 eastbound exit ramp lanes and the Pleasant Valley Way southbound jughandle lanes to provide pedestrians the opportunity to enter this crosswalk seven seconds before Pleasant Valley Way vehicles are given a green indication for every signal cycle.
- 3) Install "No Turn On Red" prohibition signs for Pleasant Valley Way northbound.
- 4) Install "No U and Left Turn" signs, "No Right Turn" signs, and through arrow and "ONLY" pavement markings for Pleasant Valley Way southbound through only lanes at the intersection.

To address the remainder of the requests in your letter such as the installation and replacement of curbing, sidewalk, ADA-compliant curb ramps and detectable warning surfaces, and the implementation of the proven safety countermeasures listed in Exhibit C *Vision Zero Action Plan (2023-2030)*, an additional work order is needed. This work would require the relocation of existing signal equipment and the

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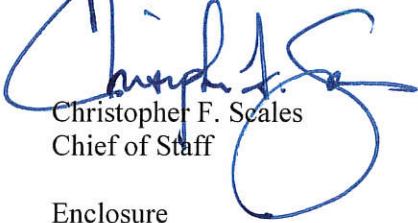
installation of new signal equipment to meet the standards in the 11th Edition of the "Manual on Uniform Traffic Control Devices" (MUTCD).

Per NJDOT Policy No. 346 (enclosed), the requestor would be required to cover 25% of the electrical construction costs for revising the signal. The total estimated electrical cost to implement the additional work at the intersection of I-280 eastbound exit ramp and Pleasant Valley Way (CR 636) is approximately \$250,000. Therefore, the Township of West Orange would need to commit to an approximate contribution of \$62,500.

This commitment should be formalized through a resolution of support and sent to Ms. Jaime Oplinger, Executive Director, Division of Traffic Engineering NJDOT, 1035 Parkway Avenue, P.O. Box 600, Trenton, NJ 08625-0600. Upon receiving the cost-sharing commitment, staff will initiate the design process to develop the formal cost sharing agreement and a maintenance work order package to address the remainder of the requests in your letter.

I hope that this information is helpful. If you have any additional questions or concerns, please feel free to contact Meredith Hammond, Office of Government and Community Relations, at (609) 963-1982.

Sincerely,



Christopher F. Scales
Chief of Staff

Enclosure



DEPARTMENT OF TRANSPORTATION POLICY / PROCEDURE

Policy No. 346

Supersedes: N/A

Page 1 of 3

SUBJECT:

**Maintenance Work Order
Electrical Cost Sharing**

Effective Date:

02-01-11

Commissioner Approval:

William A. Carter
Sponsor Approval: William A. Carter
Assistant Commissioner, Operations
Contact Telephone #: 609-530-2590

I. PURPOSE

To clarify the policy for Maintenance Work Order Electrical Cost Sharing between the State, Counties, Municipalities and Third Parties governing installations of new or revisions to existing active traffic control devices on the State highway system.

II. BACKGROUND

Dating back to at least the late 1930's, the Department's Deputy Attorneys General have executed electrical agreements with both public and private entities to include graduated cost sharing of 15%, 25% and 100%, based on the jurisdiction of and complexity of the intersection. A 1982 Departmental Administrative Directive outlined the ability of the then-Bureau of Electrical Engineering to negotiate cost-sharing for construction costs as part of all electrical agreements. Full federal reimbursement of the construction costs occurred for several decades until the early 1990's, but no longer exists. In the mid-1980's, the Department stopped seeking a local cost share for all electrical installations affected by the federal reimbursement.

III. DEFINITIONS

The following words and terms, when used in this policy, shall have the following meaning, unless the context clearly indicates otherwise:

- Traffic Control Devices – Traffic control signals, hybrid pedestrian signals, intersection control beacons, flashing warning and/or regulatory sign beacons, and all related electrical appurtenances.
- Maintenance Work Order – Planned new design or redesign of existing Traffic Control Devices, exclusive of routine and emergency maintenance.
- Requesting party - County, Municipality, Fire Company, Emergency or Rescue Squad, etc.
- Third Party – Any private entity or entities having ownership of an egress driveway that is controlled by a vehicular traffic signal phase, improvements by which are subject to the NJ Access Code requirements.
- Electric current costs – Annual energy cost to power the traffic signal at full operational capacity, including the intersection lighting.
- Optical Emergency Pre-emption System – proprietary transmitter / receiver equipment to remotely interrupt traffic signal displays.
- UPS Battery Back-up System – Uninterrupted power supply by batteries in the controller cabinet.

Policy

SUBJECT Maintenance Work Order Electrical Cost Sharing		No. 346
		Effective Date: 02-01-11
		Page 2 of 3

IV. POLICY

A. New Traffic Control Devices

The requesting party will assume **25 %** of the total costs to construct all traffic control devices. The State will assume the remaining **75 %** of the construction costs.

1. Maintenance Costs

Where traffic signals are installed for the primary benefit of a Third Party, said Third Party will pay **100 %** of the average cost of maintaining such facilities. These costs will be computed by Maintenance Engineering and billed to the Third Party annually.

The State will assume **100 %** of the maintenance costs in all other cases involving State intersections unless ownership is transferred by jurisdictional agreement.

2. Electric Current Costs

a) The designated party in the new electrical agreement for an intersection will pay **100 %**. This is typically the requesting party or Third Party.

The State will assume **100%** of the costs when the intersection is made up entirely of State owned roadway, jughandle or ramp approaches.

b) The requesting party will pay **100%** of the costs for all non-intersection traffic control devices.

3. Context Sensitive Coloration

Requests for the installation of aluminum or steel traffic signal poles and mast arms that specify a non-standard color other than silver will require the requesting party or Third Party to assume **100 %** of the labor and material costs involved in the replacement of any units newly installed by State forces or its designated agents. If the requesting party makes such a request within the initial investigation, it will be responsible for **25 %** as defined within IV. A.

4. Optical Emergency Pre-emption System

The requesting party will independently procure and assume **100%** of the costs for the installation and maintenance of the optical system. State forces will not participate in the cost, installation and maintenance of the optical system.

B. Existing Traffic Control Devices

The requesting party will assume **25 %** of the total costs to revise all traffic control devices. The State will assume the remaining **75 %** of the construction costs.

1. Maintenance Costs

Governed by the existing electrical agreement.

2. Electric Current Costs

Governed by the existing electrical agreement.

Policy

SUBJECT Maintenance Work Order Electrical Cost Sharing		No. 346
		Effective Date: 02-01-11
		Page 3 of 3

3. Context Sensitive Coloration

Requests for the installation of aluminum or steel traffic signal poles and mast arms that specify a non-standard color other than silver will require the requesting party or Third Party to assume **100 %** of the labor and material costs involved in the replacement of any units by State forces or its designated agents.

4. UPS Battery Back-up System

The requesting party will assume **25%** of the total costs for modification of the signal system to accept installation of the battery units. The State will assume **75%** of the installation costs and **100%** of the system maintenance.

5. Optical Emergency Pre-emption System

The requesting party will independently procure and assume **100%** of the costs for the installation and maintenance of the optical system. The requesting party will assume **25%** of the total costs for modification of the traffic signal to accept installation of the system units. State forces will not participate in the cost, installation and maintenance of the optical system.

RESOLUTION

WHEREAS, on October 2, 2019, Zufall Health Center Inc. (“Zufall”) was granted site plan approval for the construction of a new 15,000 square foot health center at 49 Mt. Pleasant Avenue, Block 88, Lots 29 and 31 in the Township of West Orange (the “Facility”); and

WHEREAS, on December 7, 2020, the Township issued a demolition permit for the existing structure to permit construction of the Facility; and

WHEREAS, on or about December 14, 2023, the Facility was completed; and

WHEREAS, on January 8, 2024, the Township issued a temporary certificate of occupancy for the Facility; and

WHEREAS, the Facility has received final approval from the New Jersey Department of Health to conduct patient care; and

WHEREAS, the Township has a non-residential development fee Ordinance pursuant to N.J.S.A. 40:55D-8.1 et seq.; and

WHEREAS, the non-residential development fee Statute set forth above provides an exemption for non-profit educational uses; and

WHEREAS, Zufall has indicated that the new Facility will include non-profit educational uses on a perpetual basis; and

WHEREAS, the Tax Assessor has reviewed this matter and determined that approximately one-third (1/3) of the new Facility will be used for the non-profit educational purposes which Zufall has confirmed; and

WHEREAS, based upon the above analysis, one-third (1/3) of the developer’s fee would be exempt from the non-residential development fee Statute and Ordinance; and

WHEREAS, the Township has negotiated the proposed agreement whereby Zufall will pay a non-residential developer’s fee in the amount of \$34,061.13 in full satisfaction of the claim;

NOW, BE IT HEREBY RESOLVED, by the Township Council of the Township of West Orange that the Township Business Administrator James P. Abbott be and is hereby authorized to execute the proposed NRDF Agreement by and between Zufall Health Center Inc. and the Township of West Orange; and it is further

RESOLVED, that the Municipal Clerk shall provide notice in accordance with the applicable laws.

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

Bill Rutherford, Council President

Adopted : May 7, 2024

NRDF AGREEMENT

THIS AGREEMENT is made as of the last date signed below (“Effective Date”) by and between Zufall Health Center, Inc. (“Zufall”) and the Township of West Orange (the “Township”) (collectively the “Parties”).

RECITALS

WHEREAS, on or about October 2, 2019, Zufall was granted site plan approval for the construction of a new 15,000 square foot health center at 49 Mount Pleasant Avenue (a/k/a Block 88, Lots 29 and 31) in the Township (the “Facility”).

WHEREAS, on or about December 7, 2020, the Township issued a demolition permit for the existing structure to permit construction of the Facility.

WHEREAS, on or about December 14, 2023, the Facility was completed and a ribbon cutting ceremony was held, attendees included officials of Zufall as well as the Mayor of the Township.

WHEREAS, on or about January 8, 2024 the Township issued a temporary certificate of occupancy for the Facility (the “TCO”).

WHEREAS, thereafter the Facility received final approval from the New Jersey Department of Health to commence patient care.

WHEREAS, since the issuance of the TCO, the parties have been in negotiations as to the amount of the assessed Non Residential Development Fee pursuant to N.J.S.A. 40:55D-8.1 et seq. (the “NRDF”) to be paid by Zufall to the Township so as to permit the issuance of a Final Certificate of Occupancy.

WHEREAS, Zufall has represented that the Facility provides and will continue to provide certain non-profit educational programs throughout the life of its ownership of the Facility.

NOW, THEREFORE, in consideration of the mutual promises and covenants of the Parties and adequate and valuable consideration, which is hereby acknowledged by the Parties, the Parties agree as follows:

1. The Recitals above are incorporated herein and shall remain in full force and effect.

2. Consideration. The Parties agree that the amount of the total assessment for purposes of the NRDF for the Facility shall be \$2,033,500 reduced by \$671,055 to reflect an education exemption for a portion of the Facility pursuant to N.J.S.A. 40:55D-8.4(b), for a total NRDF assessment of \$1,362,445. Based thereon, the total amount of the NRDF due and owing by Zufall to the Township for the Facility shall be \$34,061.13 calculated by multiplying \$1,362,445 by 2.5% pursuant to N.J.S.A. 40:55D-8.4(a). The Township agrees not to levy or assess any additional fees, charges or other amounts relative to the NRDF for the Facility.

3. Payment. Zufall shall pay the total amount of the NRDF to the Township set forth above (\$34,061.13) within ten (10) days of the Effective Date hereof by delivery to the Township Chief Financial Officer, 66 Main Street, West Orange, New Jersey 07052 with a copy via e-mail to Richard D. Trenk, Esq., Township Attorney, at rtrenk@trenkisabel.law. This shall be Zufall's final payment.

4. Certificate of Occupancy. The Township shall issue a final Certificate of Occupancy for the Facility as soon as practicable after of payment of the NRDF by Zufall.

5. Release. The Parties shall release and forever discharge each other and their agents, employees, members, parent companies, affiliates, shareholders, officers, directors, representatives, successors, attorneys, and assigns from any and all claims or causes of action of any type whatsoever, legal or equitable, whether known or unknown, arising from or pertaining

to any act, circumstance or related to (including the claims and any other claims or counterclaims that could have been brought in) the Parties in connection with the NRDF. Nothing contained herein shall limit or compromise any other Township rights and remedies.

6. Authority. Zufall acknowledges that it has received authorization from its Board of Directors or other appropriate authority to enter into this Agreement, and the Township acknowledges that it has the approval of its Governing Body to enter into this Agreement.

7. Severability. If any provision or provisions of this Agreement shall be held to be illegal, invalid or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

8. Governing Law and Jurisdiction. This Agreement shall be construed and interpreted in accordance with the laws of the State of New Jersey. Any controversy or claim arising out of or relating to this Agreement or any alleged breach thereof shall be brought in the Superior Court of the State of New Jersey. The Parties agree and consent to New Jersey as the sole and exclusive forum for any and all controversies or claims arising out of or related to this Agreement. The Parties waive any trial by jury in connection with same.

9. Consultation with Legal Counsel. The Parties agree that each party has had the opportunity to confer with legal counsel on the terms of this Agreement and that it shall not be subject to the principle that any ambiguities shall be construed against the drafter of the Agreement or any particular provision.

10. No Admission of Wrongdoing. The Parties acknowledge that anything contained herein is not to be construed as an admission of wrongdoing by either party and neither party admits to any wrongdoing.

11. Entire Agreement. The Parties agree that there are no additional promises or assurances between the Parties other than those written in this Agreement and that this Agreement constitutes the entire Agreement and the understanding of the Parties.

12. Counterparts and Facsimile Signatures. The Parties may sign this Agreement in counterparts and the Parties agree to accept facsimile or electronic signatures in lieu of original signatures.

IN WITNESS HEREOF, the undersigned have executed this Agreement effective as of the last date signed below to signify their understanding and acceptance of the terms and provisions of this Agreement.

Zufall Health Center, Inc.

Township of West Orange

By: Frances Palm
Name: Frances Palm
Title: President + CEO

Dated: 4/30/24

By: _____
Name: _____
Title: _____

Dated: _____

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 25, SECTIONS 27 OF
THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
AND ESTABLISHING CHAPTER ____ FOR ENVIRONMENTAL PROTECTION
(TREE PROTECTION, REMOVAL AND REPLACEMENT)**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF
WEST ORANGE, NEW JERSEY** that Chapter 25, Sections 27 of the Revised General Ordinances of the Township of West Orange be and are hereby **repealed** and **replaced** with the newly established Chapter ____ Section ____ of the Revised General Ordinances of the Township of West Orange, which establishes a Chapter dedicated to environmental protection in the Township of West Orange, and shall state as follows:

§ ____-1: Title

This Section shall be known as the “Tree Protection, Removal and Replacement Ordinance of the Township of West Orange”

§ ____-2: Findings and Purpose

a. A 2023 study commissioned by the Township of West Orange found that the tree canopy in West Orange has been dramatically declining and will continue to decline in future years without replanting and renewing protections for the tree canopy. The Township of West Orange finds that: trees are among the Township's most valuable natural resource assets, greatly enhancing the appearance of the Township and contributing to its suburban residential character; the integrity of Township and regional water resources is substantially affected by development on constrained land (e.g., steep slopes, wetlands and reduced depth to groundwater), tree removal, soil disturbance, stormwater management and the general use of land resources; the preservation, protection and planting of trees aids in the stabilization of soil by the prevention of erosion and sedimentation, reduces stormwater runoff and the potential damage it may create, increases groundwater recharge thus enhancing the groundwater supply to streams and wetlands and the yield of water supply wells, aids in the removal of pollutants from the air and assists in the generation of oxygen, provides a buffer and screen against noise and pollution, provides protection against severe weather, dramatically reduces “urban heat effect,” aids in the control of drainage and restoration of denuded soil subsequent to construction or grading, provides a haven for birds and other wildlife and otherwise enhances the environment, protects and increases property values, conserves and enhances the Township's physical and aesthetic appearance, and generally protects the public health, mental health, and safety as well as the general welfare.

b. Numerous governmental, professional, educational and business sources have cited the importance of trees to our well-being: "One acre of forest absorbs six tons of carbon dioxide and puts out four tons of oxygen, enough to meet the annual needs of 18 people."

(U.S. Department of Agriculture). In one study, 83% of realtors expressed the belief that mature trees have a "strong or moderate impact" on the salability of homes listed for under \$150,000 and on homes listed for over \$250,000 this perception increased to 98% (American Forests, Arbor National Mortgage). Healthy, mature trees are said to add an average of 10% to a property's value (USDA Forest Service). "Landscaping, especially with trees, can increase property values as much as 20%." (Management Information Services/ICMA). "The net cooling effect of a young, healthy tree is equivalent to 10 room-size air conditioners operating 20 hours a day." (U.S. Department of Agriculture). "If you plant a tree today on the west side of your home, in five years your energy bills should be 3% less. In 15 years, the savings will be nearly 12%." (Dr. E. Greg McPherson, Center for Urban Forest Research). "Trees properly placed around buildings can reduce air conditioning needs by 30% and can save 20% to 50% in energy used for heating." (USDA Forest Service). "In laboratory research, visual exposure to settings with trees has produced significant recovery from stress within five minutes, as indicated by changes in blood pressure and muscle tension." (Dr. Roger S. Ulrich, Texas A&M University).

c. The purpose of this section is to protect and foster the existence and health of trees growing within the Township's borders, to preserve the maximum possible number of trees in the development of a site or lot; to protect specimen trees; to encourage innovative design and grading to promote the protection of existing trees, and to prevent indiscriminate, uncontrolled and excessive removal and cutting of trees, as well as land use activities inconsistent with accepted arboricultural practices, that contribute to the destruction or result in permanent injury to trees upon lots and tracts within the Township. The standards and procedures established by this chapter are intended to furnish criteria for the use of Township personnel, boards, committees, commissions and officers in evaluating applications involving tree removal for site plan, subdivision and other development approvals. They are further intended to inform those with interests in real property in the Township of the requirements for trees located in the Township. The purpose of this section is to protect trees, the environment, and owners of real property who would be affected adversely by the removal of trees from property belonging to another person. The issuance of permits is a procedure designed to effectuate these goals. In addition, the Tree Replacement Fund in no way relieves the Township from a yearly budgetary allocation dedicated to planting new trees in the Township.

§ 3 (Definitions)

The following definitions shall apply to this chapter:

APPLICANT—Owner of property or person with authority to apply for a Tree Removal Permit on any Lot.

APPEAL—The process by which an applicant may contest the grant or denial of a tree removal and replacement permit. Appeals shall be considered by the Township of West Orange Land Use Board in accordance with § 7, herein.

BUILDING—Any structure constructed for the support, shelter, enclosure of persons, animals, and/or a combination of materials containing a roof that is used to form a structure for either use, occupancy, and/or habitation.

CONSERVATION EASEMENT — A legal covenant restricting the use of land or natural features of the land that is described in the property deed and shown on a filed plat.

CROWN REDUCTION—Pruning (as defined herein) of the tree reducing the height or scope of the tree.

DBH — The measurement of the diameter of the trunk of a tree planted in the ground taken 4.5 feet from ground level on the uphill side of the tree.

DEVELOPMENT APPLICATION — An application filed with the Township Planning Board or Board of Adjustment pursuant to the Municipal Land Use Law and the Township land development ordinances for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance or direction of the issuance of a permit pursuant to N.J.S.A. 40:55D-34 or N.J.S.A. 40:55D-3.

DRIP LINE — A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground beneath.

EMERGENCY CONDITIONS—Shall mean when trees are hazardous and the Township Forester and/or a Qualified Tree Expert determines that the non-viable tree will cause an unacceptable risk of damage to person or property because of extreme wind, stormwater or other weather events.

EMERGENCY TREE REMOVAL AND REPLACEMENT FORM—A form completed by the Applicant provided to the Township which shall be submitted to the Township Forester if tree(s) are removed under Emergency Conditions pursuant to this Chapter. Trees removed under emergency situations must be replaced in accordance with the requirements of this Ordinance.

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ENDANGERED OR THREATENED SPECIES — Any species of tree or animal which has been determined by the Federal Fish and Wildlife Service or the State of New Jersey to be endangered or threatened.

IMPROVED LOT — A parcel of land with a building or other physical improvements.

INVASIVE VINE—Non- native vine that will climb up the tree and cause damage to the tree.

LAND USE BOARD — The Planning Board or Zoning Board of Adjustment of the Township of West Orange.

LOT—A designated parcel, tract of land established in the record as of local and county registers of deeds by plat, deed, subdivision, zoning lot of record, or as otherwise permitted by law.

MAJOR TREE — A tree species with a mature height of at least 50 feet.

MINOR TREE — An evergreen tree, ornamental tree or other small tree that is not defined as a Major Tree.

NONVIALBLE TREE — A hazardous tree that a Qualified Tree Expert and/or the Township Forester determines is dead, dying or otherwise non-viable.

PERSON — The owner of a parcel of real estate or any other individual, group, company, firm, corporation, partnership, association, society or other legal entity.

PROPERTY LINE TREE—Shall mean a tree whose tree-trunk is on more than one Lot and/or on the boundary of the Lot.

PRUNING—Pruning is the selective removal of branches or limbs of a tree.

QUALIFIED TREE EXPERT — A New Jersey Licensed Tree Expert pursuant to N.J.S.A. 45:15C-11 et seq. and is registered by the Township.

REPLACEMENT TREE — A native tree species approved by the Township Forester and of nursery grade, properly balled and burlapped, untreated with herbicides or pesticides and meeting the minimum measurements of a major or minor tree.

SPECIES — The common name of a tree.

SPECIMEN TREE — A tree in good health of unusual or exceptional form, size, age or shape for its species, including but not limited to those included on New Jersey's Big Tree List, or database, published and coordinated by the New Jersey Forest Service, or having a champion tree point total (girth in inches plus height in feet, plus one quarter of average crown spread in feet) within 10% of the point total of a tree of the same species

listed in New Jersey's Big Tree List, published in "New Jersey's Big Trees," by the New Jersey Forest Service.

STRUCTURE — A combination of materials to form a construction for occupancy, use or ornamentation, whether installed on, above or below the surface of a parcel of land, including but not limited to homes, buildings, above-ground tanks, pools, sheds, signs, fences, and towers.

STREET TREES OR SHADE TREES—A tree planted in a Township right-of-way within ten (10) feet of a curb.

SURROUNDING LOTS—The Lots immediately contiguous to the Applicant's Lot and the three (3) Lots immediately across the street from the Applicant's Lot, provided they are within one-hundred (100) feet of the Applicant's Lot. If the Applicant's Lot is located on the corner of a street, then the Surrounding Lots shall include each Lot contiguous the Applicant's lot, and the three (3) lots nearest to the Applicant across both roadways, provided they are within one-hundred (100) feet of the Applicant's Lot.

TOWNSHIP FORESTER—The Township-designated person primarily responsible for enforcing this chapter and who is qualified to do so by having the status of a Qualified Tree Expert; appointed by the Township of West Orange to implement this chapter and to carry out other related responsibilities as the Township may provide, including, but not limited to, developing and recommending (i) Township Woodlands Retention and Protection Plan; (ii) Township Tree Inventory; and (iii) Planting Schedule.

TREE — A self-supporting perennial woody plant having a diameter of at least 2.5 inches measured at a point 4.5 feet (or 54 inches) from the ground at the base of the tree on its uphill side.

TREE CANOPY—Tree canopy means the layer of leaves, branches, and stems of trees that cover the ground when viewed from above and that can be measured as a percentage of a land area shaded by trees.

TREE OF HEAVEN—(Alanthus altissima) An invasive tree that attracts Japanese Spotted Lantern flies which pose a serious threat to the native ecosystem.

TREE REMOVAL NEIGHBOR NOTIFICATION FORM – A form required to be completed by an Applicant seeking to remove any trees. The applicant shall certify that that the Tree Removal Neighbor Notification Form has been delivered to all neighbors who own Surround Lots, as defined herein, to the Applicant's property line in accordance with this Chapter.

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TREE REMOVAL AND REPLACEMENT APPLICATION—A form completed by the Applicant provided by the Township which shall be submitted to the Township Forester in accordance with Chapter XXX, § 5.

TREE REMOVAL AND REPLACEMENT PERMIT—A permit issued by the Township Forester to an Applicant who complies with all tree removal and replacement procedures set forth in this Chapter.

TREE REPLACEMENT FUND—A dedicated fund established pursuant to this chapter. The purpose of the fund is to permit any applicant who removes a viable tree and demonstrates lack of feasibility in replanting replacement trees on-site the ability to pay a fee to the Fund. The amount of the fee that the applicant shall contribute must be made in accordance with the provisions of this chapter; specifically Chapter XXX, § 8.

VOLCANO MULCHING—Piling mulch against the trunk of a tree in the shape of a volcano causing tree roots to circle the trunk and subsequently weaken the tree. Thus, the tree root flare, which is the connection with the trunk root and the surface of the ground, shall remain visible at all times.

§ ____-4: Tree Removal and Replacement Permits

a. No person shall be granted permission to remove more than two (2) trees within a twenty-four (24) month period. No person shall cut, remove, or engage in activities that encroach upon the health of a tree or remove a non-viable tree with a DBH two-and-a-half (2.5”) inches or greater without first having been issued a Tree Removal and Replacement Permit from the Township. To obtain a permit, the Applicant must comply with the procedures set forth in Chapter XXX, § 5 and any replacement procedures in § ____, 8.

1. If any tree(s) sought to be taken down that are delineated by the Township Forester as viable or non-viable, the person seeking removal or who has removed tree(s) must comply with the tree replacement provisions set forth in Chapter XXX, § 8 and the Chart at Table “A;” unless the tree(s) removed are replanted on the Lot where the tree removal occurred.

2. All Tree Removal and Replacement Permits including Emergency Tree Removal Permits shall be accessible to the public subject to the confidentiality provisions of Daniel’s Law or any other similar law. All permits issued pursuant to this Chapter shall be posted to the Township’s website by the Township Forester.

3. All Tree Removal and Replacement Permits issued shall be posted on the tree(s) to be removed and in the property owner’s front door/window, so the tree removal permit is visible to any member of the public not less than seven (7) business days prior to removal.

4. For non-development applications, the Township Forester shall decide to grant or deny a Tree Removal and Replacement Permit Application within 30 days of submission and shall notify the applicant and any objectors who have contacted the Township Forester. Application(s) made in connection with a development

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application shall comply with the procedures set forth in Chapter XXX, § 4(e) and shall be adjudicated by the Land Use Board. If the application is granted, the permit shall be issued by the Township Forester.

5. Permits granted under this section shall run with the land and shall remain in force and effect for 12 months from the date of issuance. Any permit not acted upon within a period of 12 months after issuance shall become null and void.

b. Prohibitions. Notwithstanding Subsection (a) above, no person shall do any of the following:

1. Cut down or remove any tree within wetlands, flood hazard areas, riparian zones, or other areas protected by state or federal law or applicable EPA or NJDEP regulations;

2. Cut down or remove any tree within a conservation easement;

3. Engage in activities which could cause a tree to die, including but not limited to topping, grade cut or fill, soil compaction within the drip line, chemical contamination, excessive alterations to established drainage patterns or mechanical damage.

4. Cut down or remove any tree on a slope with a grade of 10% or greater on a slope where vegetation is presently stabilizing soils.

5. Prune, cut down or remove any tree unless it is performed by a Qualified Tree Expert and who shall be registered with the Township of West Orange pursuant to § 5-27.1 *et seq.*

6. Perform street, curb and sidewalk construction or repairs unless utilizing methods that protect the roots and trunk of a tree, such as manual excavation, reducing the curb, curving sidewalks around a tree, and modifying driveway aprons to accommodate trees as directed by the Township Forester or Township Engineer.

7. Cut or remove any tree older than 25 years with a DBH of 10" or more.

8. Remove trees within one hundred (100) feet of a ridgeline.

9. Remove trees which will impair the growth and development of the remaining trees on the applicant's Lot or on adjacent Lots.

10. Remove trees if tree removal will negatively alter existing drainage patterns and stormwater runoff.

11. Remove tree if it will result in soil erosion or would increase dust.

12. Remove trees if it would increase the amount of stormwater runoff and/or negatively affect stormwater runoff patterns on any Lot(s), whether contiguous or not.

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13. Remove trees if it would constitute a significant change in the screening between existing or proposed structures on roads and/or adjacent Lots.

14. Remove trees where it would alter topography of the area where such tree(s) are located and will create conditions which may be injurious to the trees or other trees located nearby.

15. Remove trees where it will impair suitable habitats and migratory zones for endangered or threatened species animals.

16. Engage in activities that cause harm to the health of the tree, including but not limited to, volcano mulching, cutting off light, water, or air, and/or fail to remove invasive vines or the invasive Tree of Heaven which harbors Japanese Spotted Lantern Flies which cause harm to native species of trees.

17. Cut down or remove trees in a landscaped buffered area.

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c. Specific prohibitions related to construction activities:

1. In connection with any construction, prior to the issuance of a building permit or start of construction, snow fencing or other protective barriers shall be placed around trees that are not to be removed. The protective barriers shall be placed at the outermost edge beyond the drip line or tree canopy. All protective barriers shall remain in place until all construction activity is terminated. No equipment, chemicals, soil deposits or construction materials shall be placed within any area so protected by barriers. Any landscaping activities performed subsequent to the removal of the barriers shall be accomplished by hand labor and only using light machinery where necessary.

2. Storing and placing building material or debris or placing construction equipment within the drip line.

d. Exemptions. The following are exempt from the permit requirement of Subsection (a) above:

1. Property owners may remove hazardous or non-viable trees under Emergency Conditions prior to obtaining a Tree Removal and Replacement Permit. However, following the emergency removal of the tree or trees, the property owner or agent thereof shall complete the Emergency Tree Removal and Replacement Form within seven (7) days of the removal. The person seeking emergency removal shall provide photographic and written proof of the Emergency Conditions by the Qualified Tree Expert to the Township Forester and

include a hazard tree evaluation form at that time. Tree stumps must be preserved for inspection by the Township Forester and all removed tree(s) must be replaced on a one-to-one ratio within two-years of removal.

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2. Activities lawfully conducted on public lands or rights-of-ways by or on behalf of a local, county, state, federal or other governmental agency or entity, or a utility company, provided however, that to the extent possible, such entity shall provide a courtesy review of any tree removal and replacement to the Township Forester.

3. Tree removal in conjunction with a Woodland Management Plan(s) must be approved by the N.J. Forest Service.

e. Development applications. Every development application filed with the Land Use Board that proposes tree removal and replacement shall:

1. Preserve fifty (50%) percent of the trees on each developed Lot, and seventy (70%) percent on any undeveloped Lot.

2. Comply with all prohibitions and procedures listed in this Ordinance including but not limited to, providing the Township Forester and Land Use Board with a report from a Qualified Tree Expert outlining the reasons stated for the removal of tree(s) on the Lot, a tree replacement plan, and response from the Township Forester outlining their approval or disapproval of the tree removal application. If replanting or replacement of trees is performed offsite, the developer shall, apart from the fees paid into the Tree Replacement Fund, hire a landscape architect, licensed by the State of New Jersey, to oversee the species, quantities and placement of replacement trees. This shall be completed prior to the Construction Official and/or appropriate Township Official having issued a Final Certificate of Occupancy or within six (6) months of completion of the development. A bond shall be posted to ensure compliance and two year survival of the replanted trees.

3. Install protective fencing around the remaining trees and ensure the provisions of Chapter ___, Section 4(c) are complied with.

4. Obtain a written report indicating that the Township Engineer or his/her designee(s) has inspected the site and certified that all soil erosion and sediment controls and stormwater runoff controls required by this Chapter and applicable laws have been installed and completed. Copies of the certification shall be delivered to both the applicant and the Township Forester by the Township Engineer immediately after it is completed and made available to the public upon request;

5. Specify that no trees may be removed until after installation of stormwater runoff controls as required by this Ordinance, by Title 7, Chapter 8, § 7:8-5.4 and

by Title 2, Chapter 90, Subchapter 1 of the New Jersey Administrative Code, respectively or any other applicable laws.

6. Provide written notice to the Township Forester and the Land Use Board not less than fourteen (14) days before any planned tree removal.

7. Ensure the Township Forester shall be onsite during all tree removal and replacement activities in connection with the development application. A stop work order may be issued by the applicable authority under this Chapter if the Township Forester is not onsite during the planned tree removal activities. Prior to the applicant's completion of its development project, the development applicant must have written permission/documentation from the Township Forester that the tree replacement has been completed in accordance with the development applicant's approved plan.

7. All parking lot owners shall maintain trees in compliance with Township Code § 25-12.1(o) and shall create 50% shade in the parking lots within five years.

f. If the proposed trees for removal are deemed by the Township Forester and/or a Qualified Tree Expert to be Property Line Tree(s), the owner of the Lot(s) are jointly and severally responsible for any costs associated with the removal of the Property Line Tree(s) and any replacement costs. If a Property Line Tree is unlawfully removed, both owners of the Lots where the Property Line Tree is located can be held liable pursuant to Chapter XXX, § 10.

§ ____-5: Application Procedure for Tree Removal and Replacement Permits

a. Every application for a tree removal and replacement permit shall be made by submission of the following:

1. Tree Removal and Replacement Application. The Applicant or Applicant's representative shall arrange for an informal in-person inspection with the Township Forester. The Applicant shall clearly mark the trunk of each tree proposed to be removed at the height of four and one-half (4.5) feet above the ground so that such tree or trees may be inspected more easily by the Township Forester at any time after the initiation of the application procedure set forth herein. The Township Forester will explain this portion of the Ordinance and provide advice as to the condition, value and recommended care of other trees on the Applicant's Lot to satisfy the educational purpose of the Chapter. Upon request, the Township Forester shall assist any Applicant with completing the Tree Removal and Replacement Application required by this section. If the tree replacement is to be done on-site, a survey (not more than one (1) year old) must be attached to the application to show the exact location of the replacement tree(s). The Township Forester's inspection shall confirm the location of the tree or trees sought to be removed, the reason for the application, and advise the

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Applicant whether the Tree Removal and Replacement Permit would be granted or denied based on the prohibitions contained in this ordinance.

2. An Applicant must submit to the Township Forester a Tree Removal and Replacement Application on forms provided by the Township. The Township Forester may request additional information to process the application.

3. The Tree Removal Neighbor Notification Form must be submitted to the Township with the Tree Removal and Replacement Application. The form shall be submitted in accordance herewith to all neighboring property owners who own the Surrounding Lots, as defined herein. The Applicant shall submit a written certification confirming the same. Failure to provide notice under this section shall be deemed a violation subject to enforcement under Chapter XXX, § 10.

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4. After the Township Forester and the owners of the Surrounding Lots receive the Tree Removal Neighbor Notification Form, the owners of the Surrounding Lots shall have seven (7) days to object to the proposed tree removal in writing articulating the basis for the objection. The Township Forester will have twenty-one (21) days thereafter to review any and all objections, the Tree Removal and Replacement Permit Application, and all other relevant documents to make a determination to grant or deny the Tree Removal and Replacement Permit.

b. The fees associated with the filing of a Tree Removal and Replacement Application shall be prescribed by Resolution, but shall be no less than \$100 per application A Tree Removal and Replacement Application for a development application shall be prescribed by Resolution but no less than \$1,000 per application.

c. Every development application or application before a Land Use Board shall include a tree removal and replacement plan which shall include a map drawn to scale clearly showing the number and location of all trees to be removed and number and location of trees to be replaced. A Qualified Tree Expert's report addressing the factors set forth in Chapter XXX § 6 shall be submitted with each application.

§ ____-6: Factors to Address in Granting or Denying a Tree Removal and Replacement Permit

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Factors to be Considered Where Tree Removal And Replacement is Sought. In deciding whether to issue a Tree Removal and Replacement Permit, the Township Forester shall consider whether the proposed tree removal and replacement complies with the provisions of this Ordinance, the prohibitions of tree removal set forth in Chapter XXX, § 4(b)-(d), and the tree replacement requirements set forth in Chapter XXX, § 8. In connection with a development application, an Applicant shall file a written report by a Qualified Tree Expert explaining how/why the prohibitions set forth in Chapter XXX § 4(b)-(e) are not violated and include a plan for tree replacement in accordance with Chapter XXX, § 8.

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§ ____-7: Appeal of Denial of Tree Removal and Replacement

Denial and granting of any application for a Tree Removal and Replacement Permit may be appealed directly to the Planning Board with written notice to the Secretary of the Planning Board within forty-five (45) days of the decision by the Township Forester to grant or deny an application. Only those who own the Surrounding Lots, who were required to be sent the Neighbor Notification Form shall have the right to appeal the decision of the Township Forester to grant a tree removal permit. Notice of the appeal shall be provided to all property owners who own a Surrounding Lot. The appellant who files the Appeal shall include a written report by a Qualified Tree Expert establishing why and how the Applicant has or has not complied with the factors set forth in § 6. It shall constitute a separate violation of the Ordinance if a tree is removed during the appeal process. All costs and fees associated with the Appeal shall be paid by the Appellant.

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§ ____-8: Tree Replacement

Every tree removed shall be replaced pursuant to this Chapter. In no instance is tree replacement to be considered a penalty, but rather the minimum requirement(s) to implement the purposes of this section. Tree replacement shall not be a substitute for, but shall be in addition to, any penalty imposed for violation of the provisions of this section. Tree replacement required by this Chapter shall be completed within six months of tree removal unless the Township Forester or Land Use Board grants an extension until the next appropriate planting season. If any replacement tree planted pursuant to this section fails to thrive or dies within two years, it shall be replaced by the property owner within six months and the same shall be viable for an additional two (2) years.

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a. Tree replacement, as approved by the Township Forester, Land Use Board, and/or Township Engineer, shall be required to comply with Table "A," except that hazardous or non-viable trees removed pursuant to Emergency Conditions shall be replaced on a one-to-one basis at the approval of the Township Forester. Tree Replacement shall occur in the following priority to amplify the goals of this Chapter to maintain the existing tree canopy within specific areas of the Township:

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1. The owner/applicant shall replant tree(s) on the Lot that which they were removed.

2. If the tree cannot be replaced on the Lot or an adjacent Lot, the applicant shall have the burden of demonstrating how such replacement on their Lot is not feasible. If the owner/applicant cannot replace tree(s) on the site that which they were removed, the owner/applicant shall replant the tree(s) on the immediate adjacent properties.

3. If the owner/applicant is unable to replace tree(s) on the site that which they were removed or on the adjacent Lot(s), and the owner/applicant has less than .75 acres of land, the owner/applicant shall pay into the Tree Removal and Replacement Fund in accordance with this Chapter.

4. If the owner/applicant has greater than .75 acres of land, the owner/applicant must replace the removed trees on their Lot or an adjacent Lot in accordance with § 8(a)(1)-(2).

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b. The Forester shall prioritize the Tree Removal and Replacement Fund to locations closest to the site of removal to amplify the goals of this Chapter. In furtherance of said goals, the Township Forester shall seek to prioritize replanting within 1,000 feet of the property line, and, if not feasible, anywhere within the municipality in accordance with Table “A.”

c. Tree Replacement Fund. Pursuant to this section, unless the Township Forester has approved replacement of the removed tree(s) on the permit holder’s property in accordance with Table “A,” the Township Forester shall condition tree removal upon payment to the Tree Replacement Fund, established hereunder. The Township Forester shall require payment to the Tree Replacement Fund if a person removes a viable tree as determined by the Township Forester which is not replaced on the same Lot, provided, however, that the applicant’s lot is less than .75 acres.

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1. **Tree Preservation and Replacement Fund:** A Tree Replacement Trust Fund dedicated to receive and disburse replacement tree fees when the permit applicant has conclusively demonstrated that it is not feasible to replace a tree(s) removed from the applicant’s lot with other qualifying tree(s) planted on that site in accordance with Table “A.” The Tree Replacement Fund may also accept contributions for its purposes from private or public sources. The amount to be paid in the Tree Replacement Fund shall be in accordance with Table “A” and shall be greater than the cost of on-site replacement both to encourage on-site tree replacement, the preferred approach under the Ordinance, and to assure that the Township is fully reimbursed for all fees and costs associated with off-site tree replacements. These fees shall be fixed by resolution and must be spent for tree replacements within one (1) year of the deposit into the account. All details of this fund shall be available to the public upon request. The Tree Replacement Fund in no way relieves the Township from a yearly budgetary allocation dedicated to planting new trees in the Township.

3. The amount to be paid to the Tree Replacement Fund shall be in accordance with Table “A” upon the approval of the Township Forester.

TABLE A

DBH of Tree	Required Action	Amount to Tree Replacement Fund
2.5"-6"	Replace with one 2.5" inch native non-pesticide/herbicide treated tree with a minimum of 6-feet tall	To be prescribed by Resolution
6"-13"	Replace with either two 4" inch native non-pesticide/herbicide treated trees; or four 2.5" native non-pesticide/herbicide treated trees. Each tree shall be a minimum of 6-feet tall.	To be prescribed by Resolution
13"-22"	Replace with either three 4" inch native non-pesticide/herbicide treated tree; or six 2.5" native non-pesticide/herbicide treated trees. Each tree shall be a minimum of 6-feet tall.	To be prescribed by Resolution
23"-32"	Replace with either four 4" inch native non-pesticide/herbicide treated tree; or eight 2.5" native non-pesticide/herbicide treated trees. Each tree shall be a minimum of 6-feet tall.	To be prescribed by Resolution
Over 33"	Replace with either five 4" inch native	To be prescribed by Resolution

	non-pesticide/herbicide treated tree; or ten 2.5" native non-pesticide/herbicide treated trees. Each tree shall be a minimum of 6-feet tall.	
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§ ____-9: Enforcement and Administration

In administering and enforcing this section, the Township Forester, the Township's Construction Official, Zoning Officer, Township Planner, Engineer, Chief of Police, or any other Township officer or designee, is hereby empowered to issue stop work orders whenever a claimed violation of this section is witnessed or reported.

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§ ____-10: Violations and Penalties

a. Any person, firm, partnership, corporation, association, or other legal entity violating any of the provisions of this article shall, upon conviction of such violation, be punished by a fine not to exceed \$2,000 for each offense, in addition to the required mitigation for each tree illegally removed. Each illegally removed or damaged tree shall constitute a separate offense. Violations of this Ordinance shall be heard in the Municipal Court of competent jurisdiction.

b. The removal of a tree in violation of this section shall automatically invalidate or void any existing tree removal permit(s) associated with a property and terminate the issuance of any future permits until the matter has been resolved and any required tree replacement has been completed. This provision shall be applicable to contractors, agents and/or persons who remove tree(s) without properly registering with the Township in accordance with Chapter 5, § 27.1 *et seq.*

c. In addition to the suspension of any active tree removal permit, any company, business, or other entity whom removes or damages any tree in violation of this Ordinance shall be subject potential suspension of their tree removal license within the Township as follows:

1. First Offense: 90-day suspension;
2. Second Offense: 180-day suspension;
3. Third Offense: One year suspension; and
4. Any offense thereafter: permanent suspension.

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§ __-11: Severability, Repeal of Inconsistent Ordinances, and Effective Date

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Any and all parts of ordinances which are inconsistent with any of the terms and provisions of this section be and the same are hereby repealed as to and to the extent of such inconsistency.

Any and all parts of ordinances which are inconsistent with any of the terms and provisions of this section be and the same are hereby repealed as to and to the extent of such inconsistency.

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

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SUSAN MCCARTNEY, MAYOR

**BILL RUTHERFORD,
COUNCIL PRESIDENT**

**KAREN J. CARNEVALE, R.M.C.
MUNICIPAL CLERK**

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INTRODUCED: January 23, 2024

ADOPTED: May 7, 2024

2846-24

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Legislative History

The purpose of this ordinance is to repeal and replace Chapter 25, Sections 27 of the Revised General Ordinances of the Township of West Orange and to create a new Chapter of the Township Code for the purpose of protecting trees which are among the Township's most valuable natural resource assets, which greatly enhance the appearance of the Township and contribute to its suburban and residential character, which must be kept and maintained in good order to enhance the Township's physical and aesthetic appearance, and generally protect the public health and safety as well as the general welfare. Importantly, trees contribute positively to climate change, protection of the environment, and maintenance of storm waters.

AN ORDINANCE AMENDING CHAPTER 5, SECTION 34.2, SECTION 34.4, SECTION 34.5, AND CHAPTER 25, SECTION 24.2 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE (LICENSED CANNABIS ENTITIES)

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 5 and Chapter 25 of the Revised General Ordinances of the Township of West Orange be and are hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to update the provision of the Municipal Code of the Township of West Orange governing the local licensing requirements and zoning conditions for Licensed Cannabis Entities within the Township of West Orange to: (i) update and amend the total number of local licenses allowable Licensed Cannabis Entities and specifying the maximum number of local license for specific categories of Licensed Cannabis Entities; and (ii) to create a separate parking requirement under the Zoning Conditions for Licensed Cannabis Cultivators and Licensed Cannabis Manufacturers who operate as Targeted Microbusinesses based on the existing regulations that limit the number of employees for those microbusinesses.

II. CHAPTER 5, SECTION 34.2 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

5-34.2 Definitions.

For the purpose of this section, the following words and phrases shall have the meanings respectively ascribed to them by this section:

* * * * *

Pre-Approved Entities means Applicant(s) who have: (i) received a Resolution of Local Support from the Township on or before January 10, 2023 with all subsequent modifications, if any, approved by the Township of West Orange; and (ii) whose cannabis business receives an annual license from the Commission.

III. CHAPTER 5, SECTION 34.4 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

5-34.4 Local License Standards and Limitations.

- a. The Township may approve or deny an application for a Local License to operate a License Cannabis Entity at its sole discretion, consistent with all governing State Law, based on an evaluation of the benefits compared to the potential harm of the prospective licensee's operation of a Licensed Cannabis Entity as proposed in the prospective licensee's application for a Local License.

- b. The number of Licensed Cannabis Entities holding a Local License shall be limited to: (i) four Local Licenses for Cannabis Retailers; and (ii) three total Local License for Cannabis Cultivators or Manufacturers.

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Deleted: a combined total of four (4) irrespective of the categories of Licensed Cannabis Entities. This cap shall be inclusive of all Local Licenses issued to Targeted Microbusinesses.. This cap of four (4) Licensed Cannabis Entities with Local Licenses may be increased to allow Pre-Approved Entities to move forward....

IV. CHAPTER 25, SECTION 24.2 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

25-24.2 Conditional Uses.

- b. Specific Requirements. Subject to the stipulations, guiding principles and conditions contained in this section, the Planning Board shall have the power to grant conditional uses authorized by the Table of District Regulations, in specified districts, as follows:

2. Business and Industrial Districts.

(o) Licensed Cannabis Entities. Licensed Cannabis Retailers and Licensed Medical Cannabis Dispensaries shall be permitted as a conditional use in the B-1, B-2, and I Districts. All other Licensed Cannabis Entities shall be permitted as a conditional use in the I Districts. These conditional uses shall be subject to the following conditions:

- (1) The Licensed Cannabis Entity shall be required to have a Local License pursuant to Chapter 5, Section 34 of the Township of West Orange Municipal Code.
- (2) No Licensed Cannabis Entity, except a Pre-Approved Entity at its originally approved location, shall be located within five hundred feet (500') of the property line of any property with any school building.
- (3) No Licensed Cannabis Entity, except a Pre-Approved Entity at its originally approved location, shall be located within 500 feet (500') from the property line of any property with a House of Worship, as defined under Chapter 25, Section 4.
- (4) All Licensed Cannabis Entities shall comply with the following Parking Requirements for Nonresidential Uses: (i) Licensed Cannabis Retailers shall comply with the minimum required number of parking spaces for Retail Stores and personal services stores or studios not separately listed; and (ii) all other Licensed Cannabis Entities shall comply with the minimum required number of parking spaces for Light industrial, laboratory and research uses, except that a Cannabis Cultivator or Cannabis Manufacturer that operates as a Targeted Microbusiness shall comply with the minimum required number of parking spaces for Warehouse, Wholesale business uses.
- (5) No Licensed Cannabis Entity shall be housed in a vehicle or any movable or mobile structure.
- (6) No Licensed Cannabis Entity shall be allowed to operate as a Home Occupation.

- (7) Any signage for a Licensed Cannabis Entity shall be subject to the approval from either the Planning Board or the Zoning Board of Adjustment under the guidelines and standards governing commercial signs as set forth within the Township Municipal Code.
- (8) A Licensed Cannabis Entity shall meet all of the required security measures as set forth in Chapter 5, Section 34 of the Township of West Orange Municipal Code.
- (9) Cannabis Consumption Areas, as defined in the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-31, et. seq., shall be prohibited from all Licensed Cannabis Entities.

V. REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Township which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

VI. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

VII. EFFECTIVE DATE

This Ordinance shall take effect upon final passage and publication in accordance with the law.

SUSAN McCARTNEY, MAYOR

**BILL RUTHERFORD
COUNCIL PRESIDENT**

**KAREN J. CARNEVALE, R.M.C.
MUNICIPAL CLERK**

INTRODUCED: April 24, 2024

ADOPTED: May 7, 2024

Legislative History

The purpose of this ordinance is to update the provision of the Municipal Code of the Township of West Orange governing the local licensing requirements and zoning conditions for Licensed Cannabis Entities within the Township of West Orange to: (i) update and amend the total number of local licenses allowable Licensed Cannabis Entities and specifying the maximum number of local license for specific categories of Licensed Cannabis Entities; and (ii) to create a separate parking requirement under the Zoning Conditions for Licensed Cannabis Cultivators and Licensed Cannabis Manufacturers who operate as Targeted Microbusinesses based on the existing regulations that limit the number of employees for those microbusinesses.

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 7, TRAFFIC, SUBSECTION 7-32.2
RESTRICTED PARKING ZONES OF THE REVISED GENERAL ORDINANCES
OF THE TOWNSHIP OF WEST ORANGE**

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

Section 1. Subsections 7-32.2, Restricted Parking Zones of the Revised General Ordinances of the Township of West Orange is hereby supplemented and amended as follows (*italic type denotes deletion, bold type denotes addition*):

7-32.2 Restricted Parking Zones. Pursuant to N.J.S.A 39:4-197.6, Restricted Parking Zones, as defined in N.J.S.A. 39:4-207.6e, are established in front of the following residences as indicated on the Tax Maps of the Township of West Orange, at the specified locations. Parking within a specific zone is restricted to the motor vehicle issued a permit pursuant to N.J.S.A. 39:4-197.7. In accordance with N.J.S.A., 39:4-197.6 parking is permitted in the Restricted Parking Zone except when prohibited in front of the residence by other sections of this Chapter.

Residence Address	No. of Spaces	Location
47 Mississippi Avenue	1	Beginning 35 feet south of the southerly curb line of Kirk Street and extending 20 feet south.
16 Virginia Avenue	1	Beginning 164 feet east of the easterly curb line of Winfield Street and extending 20 feet east.
21 Summit Street	1	Beginning 350 feet south of the southerly curb line of State Route 10 (Mt. Pleasant Avenue) and extending 20 feet south.
24 Nutman Place	1	Beginning 290 feet west of the westerly curb line of Valley Road and extending 18 feet west.
16 Stockman Street	1	Beginning 226 feet south of the southerly curb line of Mitchell Street extended and extending 20 feet south.

Section 2. If any provision of this Ordinance or application thereof, under any circumstances, is held invalid, the invalidity shall not affect any other provisions or applications of this Ordinance that can be given effect without the invalid provision(s) or application(s) and to this end the provisions of this Ordinance are severable.

Section 3. All other Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed.

Section 4. This Ordinance shall take effect upon final passage and publication in accordance with law and upon the approval of the New Jersey Department of Transportation if required.

SUSAN McCARTNEY, MAYOR

KAREN J. CARNEVALE, R.M.C., MUNICIPAL CLERK

BILL RUTHERFORD, COUNCIL PRESIDENT

INTRODUCED: MAY 7, 2024

ADOPTED: MAY 21, 2024

LEGISLATIVE HISTORY

This Ordinance is in response to requests from handicapped residents who reside at 47 Mississippi Avenue, 16 Virginia Avenue, 21 Summit Street, 16 Stockman Street, and 24 Nutman Place.

By adopting this Ordinance, the Township will establish a handicapped parking stall adjacent to each of these addresses. Such parking stalls are permissible under the laws of New Jersey, and they are designated as Restricted Parking Zones. All other Parking Ordinances under this chapter apply and supersede the use of these restricted spaces.