

Hartell Town Center
B 430, Lots 1,01, 1,02
1,03 9 10 11 12
13

BOROUGH OF WANAQUE
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ORDINANCE #2-0-06

AN ORDINANCE ESTABLISHING A REDEVELOPMENT PLAN AND DESIGNATING THE COUNCIL OF THE BOROUGH OF WANAQUE TO ACT AS THE REDEVELOPMENT ENTITY FOR THE RINGWOOD AVENUE MIXED USE REDEVELOPMENT PROJECT WITHIN THE RINGWOOD AVENUE RENEWAL AREA AND ESTABLISHING THE RINGWOOD AVENUE SERVICE BUSINESS ZONING DISTRICT (SBD) AS SECTION 114-12 OF THE CODE OF THE BOROUGH OF WANAQUE.

WHEREAS, by resolution adopted on May 10, 2004, the Council of the Borough of Wanaque authorized and directed the Planning Board of the Borough of Wanaque to undertake a preliminary investigation to determine whether Lots one through 8 in Block 430 of the Borough of Wanaque should be declared an area in need of redevelopment pursuant to the Local Redevelopment Housing Law (N.J.S.A. 40A:12A-1 et seq.); and

WHEREAS, following two consecutive publications of a notice of a hearing before the Planning Board and the filing in the office of the Borough Clerk of a map showing the boundaries of the proposed area in need of redevelopment and the location of the various properties included therein, together with the resolution setting forth the basis for such investigation, a public hearing thereon was held by the Planning Board; and

WHEREAS, at said hearing the Planning Board heard and considered the testimony and preliminary redevelopment investigation report of Kauker, Gregory & Kauker, P.P., planning consultants; and

WHEREAS, following such hearing, the Planning Board voted on October 21, 2004 to recommend the designation of Lots 1.01, 1.02, 1.03, 9, 10, 11, 12 and 13 as shown on the Tax Map of the Borough of Wanaque as included within an area in need of redevelopment,

WHEREAS, following the aforesaid referral to and a public hearing before the Planning Board of the Borough of Wanaque and favorable recommendations thereon, the Borough Council of the Borough of Wanaque has declared the Ringwood Avenue Mixed Use project, as an area in need of redevelopment in accordance with the New Jersey Local Redevelopment and Housing Law (N.J.S.A. 40A- 12A-1 et seq.); and

WHEREAS, in furtherance of the continuing efforts to enhance and revitalize the Borough of Wanaque and to stimulate the proper growth of jobs, retail, and other economic opportunities in Wanaque the Borough Council finds that it would promote the public health, safety, morals and welfare to redevelop the premises located along Ringwood Avenue, consisting of Lots 1.01, 1.02, 1.03, 9, 10, 11, 12 and 13 in Block 430 as shown on the tax map of the Borough of Wanaque which area has heretofore been

declared to be an area in need of redevelopment for the purpose of providing additional retail and professional offices in furtherance of the overall redevelopment efforts of the Borough of Wanaque;

NOW, THEREFORE BE IT ORDAINED by the Council of the Borough of Wanaque, Passaic County, New Jersey, in accordance with the provisions of *N.J.S.A. 40A:12A-1, et seq.* that the Ringwood Avenue Mixed Use Redevelopment Plan is hereby established and adopted with the following provisions:

114.12. **Service Business District**

Section 1. Designation of the Ringwood Avenue Mixed Use Redevelopment Project. The Ringwood Avenue Mixed Use Redevelopment Project, encompassed within a portion of Ringwood Avenue northwest of Doty Road, more specifically described as Lots one through eight in Block 430 as shown on the tax map of the Borough of Wanaque, is hereby declared and determined to be located within an area in need of redevelopment in accordance with the provisions of *N.J.S.A. 40A:12A-3*.

Section 2. Designation of Redevelopment Agency. Pursuant to the authority granted by *N.J.S.A. 40A:12A-4(c)*, the Borough Council of the Borough of Wanaque is hereby designated to act as the redevelopment entity and to exercise the powers thereof for the Ringwood Avenue Mixed Use Redevelopment Project.

Section 3. Redevelopment Plan.

A. Purpose

i. The purpose of the Ringwood Avenue Service Business District (SBD) is to provide additional economic and retail opportunities for Wanaque residents in the form of a high-quality retail office (mixed use) area. The SBD zoning district herein authorized shall have a public space component for the enjoyment of residents and visitors to the proposed area.

ii. A purpose of this ordinance is to establish rules, regulations, standards, and procedures designed to promote the integrated and logical development of the area designated as Lots 1.01, 1.02, 1.03, 9, 10, 11, 12 and 13 in Block 430 on the official tax map of the Borough of Wanaque.

iii. This Redevelopment Plan Ordinance also authorizes the financial agreement(s) necessary to fulfill the redevelopment project including but not limited to long term financing allowed under the New Jersey Long Term Tax Exemption Law, *NJSA 40A:20-1 et seq.*

B. Permitted Uses.

i. The specific intent of the Service Business District Zone is to allow for the mix of retail stores-including banks and restaurants-and professional, commercial and general office uses. As such this is a mixed use zone allowing for both retail stores and professional offices.

ii. The principal uses permitted in this redevelopment area are "Mixed Use Service Businesses" comprised of retail and professional, general, commercial and general offices. These dwellings are to be built and occupied in accordance with Section 3 C, D, E, and F.

iii. An additional intent and requirement of this ordinance is to have and incorporate high quality uses in this redevelopment area. Accordingly,

only one (1) fast food restaurant is permitted in the SBD zone. Fast food is hereby defined as food that is pre made and wrapped or packaged to take off premises and where there is no table service where individual food orders are taken. Dry cleaners are allowed, provided that there are no coin operated clothes washing or drying machines on the premises. Professional office space is allowed to exist on the ground floor but not in excess of 4,000 total square feet.

- C. Accessory Uses.
 - i. Signs
 - 1. One sign is permitted identifying the development located at each entrance to the development. Exterior free standing signs shall have a maximum of two sign faces each not to exceed 25 square feet per side.
 - 2. Other signs may be erected as otherwise provided in Borough of Wanaque Code (Business District Sign Regulations §114-17C) or as included on the project site plan provided that there are no more than one building mounted sign above each individual tenants' establishment and no more than two such signs on the corner establishment(s).
 - ii. Passive recreational uses, such as but not limited to, common open spaces, walking paths, and gazebos. This shall include an area located near the intersection of Ringwood Avenue and Doty Road that currently has a gazebo erected thereon.
 - iii. Maintenance and equipment storage and kitchen facilities that is either common or ancillary to a restaurant use. A kitchen facility is allowed in all other permitted uses provided that such kitchens are not used for retail or wholesale food sales activity and first receive a permit or other letter of consent from the Borough of Wanaque Administrator.
 - v. Fences and walls that are shown and approved on the project site plan.
 - vi. Administration, maintenance, external storage, and utility buildings not exceeding 1,000 square feet in total area.
 - vii. Storage Facilities. Each retail and office space shall provide a minimum of 32 sq. ft. of internal storage space.
- D. Bulk Regulations. The following are the bulk-building density and coverage- requirements of the SBD zone herein established:
 - i. Minimum lot area: 10,000 square feet.
 - ii. Minimum lot frontage along a county or municipal road: 100 feet.
 - iii. Minimum building setbacks from public roadways: 30 feet, excluding parking areas.
 - iv. Minimum building setbacks from other abutting property lines: 10 feet
 - v. Maximum building coverage: 40% of total site area
 - vi. Maximum impervious lot coverage: 95%.
 - vii. Maximum building height: 3-stories or 39 feet, excluding chimneys, steeples, or other decorative features that may rise

above the functional roof-line. (The building height shall be measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between the eaves and ridge for gable, hop and gambrel roofs)

- iix. Accessory use standards:
 - 1. Accessory buildings shall meet the street and property line setbacks of principal buildings. The minimum accessory building setback to/from other accessory buildings is 5 feet.
 - 2. Accessory buildings:
 - a. Maximum building height: 13 feet.
 - b. Maximum building floor area: 200 square feet.
- ix. Liquor Establishments are a permitted use. Liquor establishments shall be licensed as provided by law. Within the Mixed Use Service Business District (SBD) no limitation shall exist as to the number of such establishments and liquor establishments may exist within 500 feet of any other establishment in or out of the SBD.

E. Circulation and parking standards.

It is the intent of this ordinance to provide for shared parking where practical.

- i. All public streets, internal roadways, and private driveways shall be in accordance with the site plan requirements of the Borough of Wanaque and the State of New Jersey if applicable. All parking spaces shall have a minimum area of 160 square feet, and shall have the proper turning area as included on the approved project site plan. This specifically shall include sufficient area to provide for 90 degree parking where applicable.
- ii. This mixed use SBD district shall provide two points of ingress and egress into the project site. Off-site parking may be provided by the redeveloper of the project as part of a community parking program. This off-site parking may be counted toward the minimum parking requirements of the project. The Wanaque Borough Administrator shall determine the effectiveness of such a parking program and submit a written report to the Wanaque Planning Board for their consideration when determining the number of such parking spaces that may be counted toward the project requirements.
- iii. On-site parking, including off-site parking that may be counted towards the project parking, shall be provided as follows:
 - 1-Retail establishments, including banks but excluding restaurants, three (3) parking spaces per 1,000 square feet of gross building area.
 - 2-Office establishments, including ground floor offices, two (2) parking spaces per 1,000 square feet of gross building area.
 - 3-Restaurants, excluding fast food establishments, one (1) parking space per 4 seats in the dining area.

- 4-Fast food restaurants one (1) parking space per 2 seats.
- iv. Required off-street parking may be provided in private driveways as shown on the approved site plan.
- v. Said parking shall include handicapped spaces as required by general law.
- F. Ownership, maintenance, and landscaping.
 - i. The ownership and maintenance requirements of the SBD zone shall be the same as those generally required in the Borough of Wanaque Zoning Ordinance.
 - ii. Shade trees shall be planted upon the project site and replaced as needed. It is the intent of this ordinance to require an attractive project site with plantings and other landscaping treatments, as may be approved by the Planning Board.
- G. Loading and unloading areas shall be provided and included on the site plan. There shall be a minimum of two loading areas.
- H. With respect to the proposed land uses and building requirements, this Mixed Use Redevelopment Plan is in conformity with the Master Plan of the Borough of Wanaque. Furthermore, the Master Plan of the Borough of Wanaque is consistent with the Master Plans of adjoining municipalities.

Section 4. Powers of Redevelopment Agency: Subject to the approval of the Borough Council, the Borough of Wanaque may proceed with the rehabilitation, planning, renewal, and redevelopment of the Ringwood Avenue Mixed Use Redevelopment Project, located in the Ringwood Avenue Renewal Area so as to carry out and effectuate said purposes, the Borough of Wanaque may:

- A. lease, exchange, or convey property or improvements to any other party pursuant to this section, without public bidding and at such prices and upon such terms as it deems reasonable, provided that the lease, exchange, or conveyance is made in conjunction with this redevelopment plan, notwithstanding the provisions of any law, rule, or regulation to the contrary.
- B. request the Planning Board to recommend pursuant to existing law the designation of additional areas in need of redevelopment or rehabilitation and to make recommendations for such redevelopment; or rehabilitation of such areas;
- C. publish and disseminate information;
- D. prepare or arrange by contract for the provision of professional services and the preparation of plans by registered architects or licensed professional engineers, planners, financial analysts, or other consultants for the carrying out of redevelopment projects;
- E. contract with public agencies, including an urban renewal entity (URE), or redevelopers, including private companies, for the planning, replanning, construction, or undertaking of any project or redevelopment work, or any part thereof, to provide as part of any such arrangement or contract for extension of credit or making of loans to redevelopers to finance any project or redevelopment work, and to arrange or contract with public agencies for the opening, grading or closing of streets, roads, roadways, alleys, or other places or for the furnishing of facilities or for the acquisition by such agency of property options or property rights or for the furnishing of property or services in connection with a

redevelopment area;

F. arrange or contract with a public agency, to the extent that it is within the scope of that agency's functions, to cause the services customarily provided by such other agency to be rendered for the benefit of the occupants of any development area, and to have such other agency provide and maintain parks, recreation centers, schools, sewerage, transportation, water and other municipal facilities adjacent to or in connection with redevelopment areas;

G. conduct examinations and investigations, hear testimony and make proof, under oath at public or private hearings of any material matter, require the attendance of witnesses and the production of books and papers and issue commissions for the examination of witnesses who are out of State, unable to attend, or excused from attendance;

H. authorize a committee designated by it consisting of one or more members, or counsel, or any officer or employee to conduct any such investigation or examination, in which case such committee, counsel, officer or employee shall have power to administer oaths, take affidavits and issue subpoenas;

I. do all things necessary or convenient to carry out its powers;

J. negotiate with a duly organized urban renewal entity (URE) or potential redevelopers for the provisions of a financial agreement pursuant to both the New Jersey Redevelopment and Housing Law and the New Jersey Long Term Tax Exemption Law so as to provide the Borough of Wanaque with the appropriate financial return as solely determined by the Borough Council;

K. enter into a financial agreement with a redeveloper or URE which may include the provision of a service charge paid by the redeveloper in the form of Payment in Lieu of Taxes upon the private sale of improved real property within the renewal area hereinbefore set forth in this Redevelopment Plan Ordinance pursuant to the New Jersey Long Term Tax Exemption Law; and

L. perform all powers authorized by law to carry out the foregoing purposes not otherwise specifically listed herein.

Section 5. The Mayor of the Borough of Wanaque or the Borough Administrator is hereby designated to execute and the Borough Clerk to attest, any and all documents necessary to carry out any of the purposes set forth in this ordinance including the aforesaid financial agreement.

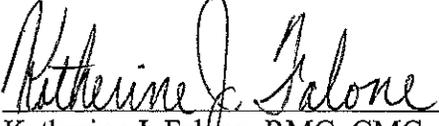
Section 6. The Zoning Ordinance of the Borough of Wanaque is hereby amended to add thereto the Service Business zoning district (SBD) hereinbefore created as part of this Redevelopment Plan Ordinance.

Section 7. If any sentence, section, clause or other portion of this ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or repeal the remainder of this ordinance.

Section 8. All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 9. This ordinance shall take effect immediately upon final passage and publication as required by law and upon filing with the Passaic County Planning Board.

Dated: January 9, 2006


Katherine J. Falone, RMC, CMC
Municipal Clerk

BOROUGH OF WANAQUE
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ORDINANCE #2-0-06

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was Introduced at a Regular Meeting of the Mayor and Council of the Borough of Wanaque, Passaic County, New Jersey, held on the 9th day of January 2006, and passed on first reading, and the same was then ordered to be published according to law; and that such Ordinance will be further considered for final passage at a meeting of said Mayor and Council to be held in the Municipal Building, 579 Ringwood Avenue, Wanaque, New Jersey, at 8:00 P.M., at which time and place or at any time and place to which said meeting shall be from time to time adjourned, all persons interested will be given an opportunity to be heard concerning said Ordinance.

BY ORDER OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
WANAQUE.

DATED: January 9, 2006


KATHERINE J. FALONE, RMC, CMC
Municipal Clerk

BOROUGH OF WANAQUE
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ORDINANCE #2-0-06

BE IT RESOLVED that an Ordinance entitled

AN ORDINANCE ESTABLISHING A REDEVELOPMENT
PLAN AND DESIGNATING THE COUNCIL OF THE
BOROUGH OF WANAQUE TO ACT AS THE
REDEVELOPMENT ENTITY FOR THE RINGWOOD
AVENUE MIXED USE REDEVELOPMENT PROJECT
WITHIN THE RINGWOOD AVENUE RENEWAL AREA
AND ESTABLISHING THE RINGWOOD AVENUE
SERVICE BUSINESS ZONING DISTRICT (SBD) AS
SECTION 114-12 OF THE CODE OF THE BOROUGH OF
WANAQUE

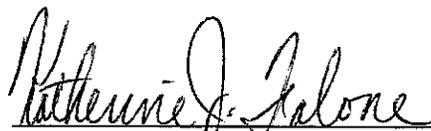
pass first reading, and that said Ordinance be further considered for final passage and adoption at a regular meeting of the Borough Council to be held on the 13th day of February 2006, at the Municipal Building in the Borough of Wanaque, at 8:00 o'clock p.m., and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance.

AND BE IT FURTHER RESOLVED that the Borough Clerk be instructed to publish in the manner provided by law a copy of said Ordinance, together with introduction thereof and notice when same will be considered for final passage and adoption.

Passed: 1/9/06

Filed: 1/9/06

Approved: 1/9/06


KATHERINE J. FALONE, RMC, CMC
Municipal Clerk

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COUNTY OF PASSAIC
STATE OF NEW JERSEY

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SECTION 114-12 OF THE CODE OF THE BOROUGH
OF WANAQUE

pass final reading and that said Ordinance be adopted as an Ordinance of the Borough of
Wanaque.

BE IT FURTHER RESOLVED that the Borough Clerk be and she is hereby
directed to cause said Ordinance to be published in the manner prescribed by law.

Passed: 2/13/06

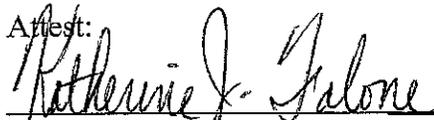
Final: 2/13/06

Approved: 2/13/06



Thomas Balunis
Mayor

Attest:



Katherine J. Falone, RMC, CMC
Municipal Clerk

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COUNTY OF PASSAIC
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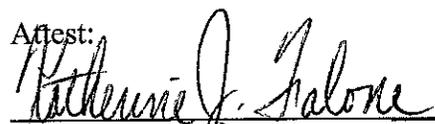
Passed: 2/13/06

Final: 2/13/06

Approved: 2/13/06


Thomas Balunis
Mayor

Attest:


Katherine J. Falone, RMC, CMC
Municipal Clerk