

**BOROUGH OF WANAQUE
COUNTY OF PASSAIC
STATE OF NEW JERSEY**

*Redev. Plan -
Various Areas
Including US Aluminum
and Midvale*

ORDINANCE #5-0-09

AN ORDINANCE ESTABLISHING A REDEVELOPMENT PLAN FOR CERTAIN PROPERTIES LOCATED ON OR NEAR RINGWOOD AVENUE, FURNACE AVENUE, RHINESMITH AVENUE, AND FOURTH AVENUE IN THE BOROUGH OF WANAQUE, DESIGNATING THE BOROUGH COUNCIL OF THE BOROUGH OF WANAQUE AS THE REDEVELOPMENT ENTITY FOR THE MIDVALE AND US ALUMINUM REDEVELOPMENT AREAS AND ESTABLISHING THE MIDVALE REDEVELOPMENT AREA ZONING DISTRICT (MRA) AND THE INDUSTRIAL-MIXED USE REDEVELOPMENT AREA (IMU) ZONING DISTRICT. CHAPTER 114 OF THE CODE OF THE BOROUGH OF WANAQUE ENTITLED 'ZONING' IS HEREBY AMENDED TO INCLUDE THE MRA ZONE AND IMU ZONE AND ZONING DISTRICTS.

WHEREAS, on July 14, 2008 the Borough Council of the Borough of Wanaque adopted a Resolution authorizing and directing the Wanaque Planning Board to undertake a preliminary investigation to determine whether the properties in a proposed redevelopment area, which is located in the Midvale section of the Borough of Wanaque generally along Ringwood Avenue and certain other properties located in the Haskell section of the Borough generally along Ringwood Avenue and the US Aluminum factory site, is a redevelopment area in accordance with the criteria set forth in the New Jersey Local Redevelopment and Housing Law (NJSA 40A:12A-1 et seq.); and

WHEREAS, the Local Redevelopment and Housing Law (LRHL) allows for the substantial improvement to properties included in an area in need of redevelopment resulting in capital investment and the turnaround or rearrangement of properties that are either unused, underutilized, fragmented, or deteriorated and foster beneficial economic development; and

WHEREAS, the Wanaque Planning Board, thoroughly investigated and discussed the issue of redevelopment and the process of investigating an area in need of redevelopment. This investigation included a review of the criteria set forth in the LRHL (NJSA 40A:12A-5) to determine if said area of Wanaque qualifies as an area in need of redevelopment; and

WHEREAS, on October 16, 2008 the Wanaque Planning Board conducted a public hearing pursuant to the LRHL and following publication and wide distribution of a notice of hearing and following the preparation of a map of the proposed, potential area in need of redevelopment; and

WHEREAS, on October 16, 2008 the Wanaque Planning Board adopted a motion recommending to the Borough Council that the area being investigated by the Planning Board be designated as an area in need of redevelopment pursuant to the LRHL, and

WHEREAS, on November 10, 2008 the Borough Council of the Borough of Wanaque adopted a Resolution designating the aforesaid properties in need of redevelopment within the meaning of NJSA 40A:12A-1 et seq.

NOW, THEREFORE BE IT ORDAINED by the Borough Council of The Borough of Wanaque, in accordance with the provisions of the LRHL, that the following 2009 Wanaque Redevelopment Plan for the Midvale, Ringwood Avenue and Fourth Avenue Redevelopment Areas, is hereby established with the following provisions.

Section 1. Declaration of Redevelopment Area.

Based upon the recommendation of the Wanaque Planning Board and recognizing the diligent work of the Board, the following properties, within each respective redevelopment area are hereby declared an area in need of redevelopment pursuant to the provisions of NJSA 40A:12A-1 et seq.

I. Block 231, Lot 11; Lots 5, 5.01, 7, 8, 9, and 10. This area is generally located along Ringwood Avenue in the Midvale section of the Borough and includes the former "Rheinsmith School" property. Block 232, Lots 6 and 8; Lots 11 and 13. This area is generally located along Ringwood Avenue and includes the current municipal building and adjacent parking lot. Block 220, Lots 4, 11: this area is also generally located along Ringwood Avenue (Furnace Avenue and Stephens Avenue) and is also situated in the Midvale section of the Borough.

II. Block 435, Lots 5 and 5.01. This is the US Aluminum factory site.

III. Block 435, Lots 13, 14.01, 15, 16, and 17. This area is generally located along Ringwood Avenue and is located in the Haskell Town Center.

It is further determined by the Borough Council that the use of eminent domain condemnation is NOT authorized in this Redevelopment Plan, with the sole (possible) exception of Block 435, Lot 5.01-a property in tax foreclosure proceedings. As such, this is the only property identified to be acquired through eminent domain condemnation as required by NJSA 40A:12A-7.a (4). No relocation efforts and expenses are therefore necessary, as required to be identified by NJSA 40:12A-7 a. (3).

Section 2. Zoning Districts and Implementation of the 2009 Wanaque Redevelopment Plan NJSA 40A:12A-7a (2).

So that there may be a provision for community facilities and the provision of quality residential housing developed in concert with the pre-existing service businesses in the Midvale section of Wanaque, this 2009 Wanaque Redevelopment Plan provides for the implementation of the following zoning districts and land use patterns pursuant to NJSA 40A:12A-7a (2):

I-A) The MRA zone shall encompass and include the following parcels:

Block 231, Lot 11; Lots 5, 5.01, 7, 8, 9, and 10 (this area is generally located along Ringwood Avenue in the Midvale section of the Borough and includes the former "Rheinsmith School" property). Block 232, Lots 6 and 8; Lots 11 and 13 (this area is generally located along Ringwood Avenue and includes the current municipal building and adjacent parking lot). Block 220, Lots 4, 11: this area is also generally located along Ringwood Avenue (Furnace Avenue and Stephens Avenues) and is also situated in the Midvale section of the Borough.

B) Permitted primary uses in the MRA zone shall include the uses in the pre-existing Business (B) zone, as modified as follows:

(1)

Retail sales, service and eating establishments customarily found in and associated with contemporary centers of shopping and general business.

(2)

Theaters, bowling alleys and other similar places of indoor recreation.

(3)

Meeting rooms, convention halls, exhibition areas and other assembly halls situated entirely within an enclosed building.

(4)

Professional, commercial and general offices and businesses located on all floors of a building. *Municipal offices may be located on all floors of a building and may include meeting space(s).*

(5)

Churches and similar places of worship, parish houses, convents and church schools.

(6)

Public schools, municipal parks, public recreational facilities, public libraries, museums and other similar public uses.

(7)

Residential units, subject to the following requirements:

a. A minimum lot area of one (1) acre, plus 1,000 square feet of property, shall be strictly applied to any residential development unless otherwise permitted in the pre-existing B zone. A maximum of twenty four dwelling units per acre may be provided. Each such dwelling unit shall have a minimum floor area of 750 square feet. The Planning Board may NOT grant deviations from this paragraph.

b. Area, bulk and yard regulations shall be as follows:

(1) Minimum lot area: one (1) acre plus 1,000 square feet.

(2) Minimum lot frontage along a county or municipal road: 50 feet.

(3) Average minimum lot width: 120 feet.

(4) Minimum lot depth: 125 feet, as measured from any point along the street line with a municipal/county road to the rear property line.

(5) Where adequate landscaping and planting of buffers exist, such as shrubs and ornamental trees, the following setbacks from external lot lines are established as follows:

(a) Front yard: 30 feet and rear yard(s): 15 feet.

(b) Side yards: 15 feet.

(6) Coverage.

(a) Maximum building(s) area coverage: 50%.

(b) Maximum total site coverage by impervious surfaces: 85%.

(c) Minimum required open space/landscaped area: 10%.

(7) Grades.

(a) Maximum improved grade of buildable area for structures: 10%.

(b) (Reserved)

(c) Maximum improved grade for driveways and roadways: 5%.

(d) Maximum improved grades for parking areas: 5%.

(8) Accessory buildings, excludes air conditioning/heating units.

(a) Minimum distance setback from principal building: 10 feet.

(b) Minimum setback from any access roadway: 10 feet.

(9) Not more than six (6) residences shall be located on the first floor of any structure containing residences. A maximum building height of 36 feet, plus six (6) feet for appurtenances such as chimneys, false dormers, etc. is permitted provided that such appurtenances do not exceed 25% of the surface of the roof area.

c. Residential Site and Circulation requirements.

(1) Any development of twenty (20) or more residential units shall have two separate access and egress points to the site or development.

(2) Construction of paving of all driveways shall conform to the Borough standards for paving as contained in the Borough Code.

(3) Concrete walkways shall be provided between residential buildings and common parking areas. Walkways shall have a minimum width of four feet.

(4) No natural vegetation shall be disturbed except as approved by the Planning Board. The site plan shall indicate the maximum area of clearing.

(5) Adequate lighting fixtures for walks, steps, parking areas, driveways, streets and other facilities shall be provided at locations to provide for the safe and convenient use of the same. Fixtures shall be situated and designated in keeping with the character of the development and shall be adequately shaded to screen windows of dwelling units, both off and on the development site, from direct and indirect light. No flashing, intermittent, moving light shall be permitted. All lighting, including illumination levels, shall conform to the recommendation of the Borough Planner.

(6) Exterior air-conditioning/heating units shall be screened and insulated for aesthetic and acoustical purposes.

(7) Adequate sound protection between dwelling units shall be provided and designed in accordance with sound engineering principles.

d. Residential off-street parking requirements per residential dwelling unit shall be as follows:

(1) Residences shall have two (2) parking spaces per two bedroom unit and 1.8 parking spaces per one bedroom unit.

(2) Access aisles. Shall be constructed pursuant to §§ 114-25 through 114-30 of the Zoning Code.

C. Utility improvements and services to be utilized in the MRA Zone.

(1) Water facilities.

(a) The site/development shall be connected to a municipal water system.

(b) All facilities shall be designed and installed in accordance with the standards of the applicable governmental bodies having jurisdiction thereof.

(c) All water mains shall be a minimum of eight inches in diameter and shall be designed with fire hydrants to provide adequate fire protection in accordance with the recommendations of the National Fire Underwriters Board. The location of fire hydrants shall be determined by the Municipal Fire Department.

(2) Sanitary sewage system. The development shall be serviced by the Borough of Wanaque Municipal Sewerage Authority.

(3) Drainage and storm water management: any multiple family developments will be required to provide a comprehensive drainage system for the entire property including a mandate that there will be zero runoff from the property. Moreover, the applicant will be required to ensure that there will be no significant impact from this development to the adjoining properties.

(4) Electric, gas, telephone and cable television services, if available, shall be provided by the developer in concert with the appropriate public utility providing such service and shall be installed underground, except high-voltage, electric primaries over 30,000 volts. One cable television connection shall be provided for each building.

(5) Street improvements, monuments, street names and other traffic control devices, shade trees, streetlights, sidewalks, curbs, fire hydrants and all aspects of street construction, as well as other improvements, shall be subject to local and state regulations, Planning Board and Borough Engineer approval.

(6) Refuse pickup areas shall be provided and shall be located for the convenience of the residents. All such areas shall be screened with evergreens on at least three exposed sides and planted to a height of at least four feet with maximum growth of at least six feet in height, unless otherwise determined by the Wanaque Planning Board.

(7) The residents of the multiple-family development shall be required to provide for the upkeep, maintenance and expense of sanitary sewer collection system, roads, drives, parking facilities, drainage facilities, street lighting, refuse pickup, snow plowing and any other services as may be required by the Planning Board of the Borough of Wanaque. The Borough of Wanaque shall at no time be responsible for the cost of such items.

D. General design standards.

(1) Property Buffer.

(a) The developer shall provide and maintain a buffer area inclusive of the side yard, of not less than ten (10) feet from the external side yard lot lines of the development. The said buffer area shall be kept in a natural or heavily landscaped state, and where natural vegetation is sparse or nonexistent the area shall be planted to provide a year-round natural screen. The front and rear yards shall have a buffer of a minimum of five (5) feet, however, said buffer shall not be required adjacent to a point of access to the property, such as a driveway, nor if a parking area or other impervious surface is appropriately constructed, based upon the discretion of the Wanaque Planning Board, as determined during their site plan review.

(b) Only the following uses shall be permitted in a front, rear, or side yard setback area:

[1] Detention ditches/basins.

[2] *Underground utilities-or pre-existing utility poles/antennae.*

[3] Landscaped property, or vacant property that is landscaped.

(2) Where there are more than two structures located on a property, each building (structure) shall have a compatible architectural theme with appropriate variations in design to provide attractiveness to the development. Such landscaping and the location and orientation of buildings and structures to the natural features of the site.

(3) Landscaping.

(a) Landscaping shall be provided throughout the development site to provide a natural setting for building structures and recreational facilities. Shade trees shall be planted at the discretion of the Planning Board adjacent to public or private roadways. The trees shall be hard maple or ash or similar trees as approved by the Planning Board.

(b) All island or unpaved areas within a development shall be landscaped at a minimum with grass.

(c) Within any area of clearing not occupied by a building, structure, street, parking area or recreational facility, there shall be provided trees with a minimum diameter of four inches as measured three feet above ground; existing trees meeting the aforesaid criteria shall be included in determining compliance therewith.

(4) Concrete walkways shall be provided between residential buildings and common parking areas. Walkways shall have a minimum width of four feet.

(5) No natural vegetation shall be disturbed except as approved by the Planning Board. The site plan shall indicate the maximum area of clearing.

(6) Adequate lighting fixtures for walks, steps, parking areas, driveways, streets and other facilities shall be provided at locations to provide for the safe and convenient use of the same. Fixtures shall be situated and designated in keeping with the character of the development and shall be adequately shaded to screen windows of dwelling units, both off and on the development site, from direct and indirect light.

No flashing, intermittent, moving light shall be permitted. All lighting, including illumination levels, shall conform to the recommendation of the Borough Engineer.

(7) All exterior air-conditioning/heating units shall be screened and insulated for aesthetic and acoustical purposes.

(8) Adequate sound protection between residential dwelling units shall be provided and designed in accordance with sound engineering principles.

E. Permitted accessory uses shall be as follows: Uses and activities which are customarily associated with and necessary to the operation and maintenance of the uses which are permitted above.

F. Other provisions and requirements applicable to the MRA zone.

(1)

Parking, for non-residential development(s) shall be provided in off-street parking facilities shall be as regulated in Article V.

(2)

Signs shall be as regulated in § 114-17.

(3)

Non-residential area and bulk requirements shall be as regulated in the schedule entitled "Zoning Area and Bulk Schedule for Wanaque, New Jersey."

D. The following uses shall be prohibited in the MRA Zoning District:

(1)

Gas stations, service stations, auto repair establishments, junkyards or premises maintained for the storage of junked or inoperable vehicles, either privately or vehicles towed as a result of an accident or at the request of police or fire authorities of the Borough of Wanaque.

(2)

Premises wherein motor vehicles are stored for reprocessing, recycling, utilization of parts or dismantling for sale or reuse of parts.

(3)

The collection and/or storage of recyclable goods and materials on premises of such materials as tires, batteries, white goods, construction materials, paper, cardboard, rags, tree stumps, tree limbs, compost materials, grass, leaves, twigs, brush or any such other recyclable materials as may be from time to time designated as recyclable materials by the Borough of Wanaque.

II A) The US Aluminum factory (Block 435, Lot 5) shall continue to be zoned Industrial. However, the Wanaque Planning Board may grant deviations from the I zoning regulations as part of the new Redevelopment Industrial zone, if in the judgment and opinion of the Planning Board such deviations are necessary to achieve the objectives of this Plan.

B) The property adjacent to the US Aluminum factory (Block 435, Lot 5.01) shall continue to be zoned Industrial, however, Affordable Housing shall be a permitted conditional use. The use is conditioned upon the Borough satisfying a portion of its legally obligated affordable housing contribution. Accordingly, this zone, upon Block 435, Lot 5.01-shall be referred to as the Industrial Mixed Use zone (IMU) as part of the Industrial Mixed Use Redevelopment Area. The zoning shall be the same as the aforementioned MRA zoning district. However, the residential units, if any, shall be constructed to meet a legally enforceable affordable housing obligation of the Borough of Wanaque.

The minimum lot size requirement, in the IMU zone shall be one-half acre plus an additional 1,000 square feet of property. The maximum number of units shall be ten (10). Further, NJSA 40A:12A-7 b. stipulates that a "redevelopment plan may include the provision of affordable housing in accordance with the Fair Housing Act and the housing element of the municipal master plan". The recommended IMU zone is consistent with this statutory provision.

III. Those properties located in the Redevelopment Area and in the Haskell section of Wanaque not otherwise included in a new zoning district shall maintain their previous zoning. These properties are Block 435, Lots 13, 14.01, 15, 16, and 17. However, they are included in this Redevelopment Plan so that the properties may be improved via state assisted and enabled financing vehicles such as, but not limited to, State grants and provisions of the Long Term Tax Exemption Laws (LTTE).

Section 3. Relationship to Local Objectives (NJSA 40A:12A-7. a. (1)).

This Redevelopment Plan has as its objectives to promote appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements. This Plan provides for housing opportunities in the Midvale section of the Borough to be developed in concert with the pre-existing, and envisioned new, service businesses. This Plan also provides for the development of new community facilities, including public safety (police) facilities at the former, vacant Board of Education property (Block 231, Lot 11).

This Plan also has as an additional objective the clean-up and transformation of the former, vacant US Aluminum factory site (Block 435, Lot 5). This site has been vacant for several years and has been undergoing testing, monitoring, and clean-up of contaminants since 2007. It is the intent of this Plan for the municipality to assist in the conveyance of this site to a Redeveloper, so as to develop an adaptive re-use within the confines of existing zoning regulations. An adjoining property has been the subject of in rem foreclosure proceedings for failure to pay property taxes (Block 435, Lot 5.01). This property may be used for affordable housing purposes, so that the pressing public need

for this type of housing is met by the Borough of Wanaque.

This Plan includes land use patterns in the Redevelopment Area(s), and newly created Redevelopment zones, that generally follow the existing Borough zoning regulations applicable to the respective area with certain exceptions as described in this Plan.

Section 4. Relationship with Master Plans (NJSA 40A:12A-7 a. (3) and (5)).

A) The Borough of Wanaque is required, as part of the Redevelopment Plan, to indicate any significant relationship to the master plans of contiguous municipalities, the county master plan, and the SDRP. We have reviewed the master plans of the County of Passaic and adjoining municipalities and find that these master plans and public entities are not affected by this Redevelopment Plan. This Plan is also consistent with the SDRP although it is recognized that certain properties in the Midvale section are included in the Highlands Planning area.

B) Inasmuch as the zoning used in this Redevelopment Plan is already in existence and the clean-up of environmentally challenged property is included in the Plan; the Council finds that this redevelopment plan is consistent with the Borough of Wanaque zoning and Master Plan.

Section 5. Designation of Redevelopment Entity.

Pursuant to the authority granted by NJSA 40A:12A-4(c) of the LRHL, the Wanaque Borough Council is hereby designated as the redevelopment entity for the 2009 Redevelopment Plan and Redevelopment Areas as herein described. The Borough Council, as Redevelopment Entity, will exercise its powers thereof in accordance with the LRHL.

Section 6. Powers of Redevelopment Entity.

Pursuant to LRHL, the Council may, pursuant to NJSA 40A:12A-8 of the LRHL, proceed with the clearance, replanning, development and redevelopment of the designated Redevelopment Area(s), in cooperation with the property owner(s) and, so as to carry out and effectuate said purposes, the Council may:

- A. Undertake redevelopment projects, and for this purpose issue bonds in accordance with the provisions of NJSA 40A:12A-29.
- B. Acquire or purchase property for public purposes and clear any area owned or

acquired by The Borough of Wanaque. Install, construct or reconstruct streets, facilities, utilities, and site improvements essential to the preparation of sites for use in accordance with the redevelopment plan.

This provision expressly authorizes the Council, as Redevelopment Entity, to enter into an Agreement to exchange municipally owned property at Block 232, Lots 6 and 8-located along Ringwood Avenue-with the property located at Block 547, Lot 11-also located along Ringwood Avenue, together with any adjacent or related properties that may be acquired separately or as part of the exchange of the pre-existing municipally owned property. This provision shall only be exercised upon designation of a Party to said Agreement as Redeveloper of Block 232, Lots 6 and 8. The exchange of property is being hereby authorized provided that said exchange of property (Block 232, Lots 6 and 8) is for reasonably equivalent value as may be determined by the Borough's Economic Development Consultant, provided that a reasonable appraisal or other appropriate valuation is made in connection with the exchange.

This provision further authorizes the Borough Council, as Redevelopment Entity to enter into an Agreement to acquire and/or assign an Agreement to acquire the US Aluminum factory site.

- C. Prepare or arrange by contract for the provision of professional services and the preparation of plans by registered architects, licensed professional engineers or planners, or other consultants for the carrying out of redevelopment projects.
- D. Arrange or contract with public agencies or redevelopers for the planning, replanning, construction, or undertaking of any project or redevelopment work, or any part thereof; negotiate and collect revenue from a redeveloper to defray the costs of the redevelopment entity, including where applicable the costs incurred in conjunction with bonds, notes or other obligations issued by the redevelopment entity, and to secure payment of such revenue; as part of any such arrangement or contract, provide for extension of credit, or making of loans, to redevelopers to finance any project or redevelopment work, or upon a finding that the project or redevelopment work would not be undertaken but for the provision of financial assistance, or would not be undertaken in its intended scope without the provision of

financial assistance, provide as part of an arrangement or contract for capital grants to redevelopers; and arrange or contract with public agencies or redevelopers 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.

E. Acquire, lease 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 or conveyance is made in conjunction with a redevelopment plan, notwithstanding the provisions of any law, rule, or regulation to the contrary. *This provision expressly authorizes the Council, as Redevelopment Entity, to enter into an Agreement to exchange municipally owned property at Block 232, Lots 6 and 8-located along Ringwood Avenue-with the property located at Block 547, Lot 11 also located along Ringwood Avenue, together with any adjacent or related properties that may be acquired separately or as part of the exchange of the pre-existing municipally owned property.*

This provision shall only be exercised by the Borough upon designation of a Party to said Agreement as Redeveloper of Block 232, Lots 6 and 8. The exchange of property is being hereby authorized provided that said exchange of property (Block 232, Lots 6 and 8) is for reasonably equivalent value (or to the favor of the Borough) as may be determined by the Borough's Economic Development Consultant, provided that a reasonable appraisal or other appropriate valuation is made in connection with the exchange. Further, the Borough Council may, upon receipt of an acceptable proposal obtained through a public Request for Proposals (RFP) process, designate a Redeveloper to construct municipal facilities upon municipally owned property.

This provision further authorizes the Borough Council, as Redevelopment Entity, to enter into an Agreement to acquire and/or assign an Agreement to acquire the US Aluminum factory site.

F. Make, consistent with the redevelopment plan: (1) plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements; and (2) plans for the enforcement of laws, codes, and regulations relating to the use and

occupancy of buildings and improvements, and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements.

G. Request that the Planning Board recommend and Council designate particular areas as being in need of redevelopment or rehabilitation in accordance with the provisions of this act and make recommendations for the redevelopment or rehabilitation of such areas.

H. Study the recommendations of the Planning Board or Borough Administration for redevelopment of the area.

I. Publish and disseminate information concerning any redevelopment area, plan or project.

J. Do all things necessary or convenient to carry out its powers.

Section 7. Financial Agreement.

The Borough of Wanaque, may take advantage of financial incentives provided by the Long Term Tax Exemption Law, NJSA 40A:20-1 et seq., the Redevelopment Area Bond Financing Act, NJSA 40A:12A-64 et seq., and/or any other applicable incentive program.

BE IT FURTHER ORDAINED as follows:

Section 8. Execution of Documents.

The Mayor of The Borough of Wanaque is hereby designated to execute, and the Borough Clerk of The Borough of Wanaque (“Borough Clerk”) is hereby designated to attest to, any and all documents necessary to carry out any of the purposes set forth in this Ordinance.

Section 9. Notice.

The Borough Clerk is hereby directed to give notice at least ten (10) days prior to the adoption of this Ordinance to the Passaic County Planning Board and to all other persons, including the property owners of record, entitled thereto pursuant to NJSA 40:55D-15 and NJSA 40:55D-63, if required. Upon the adoption of this Ordinance after public hearing thereon, the Borough Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Passaic County Planning Board, as required by NJSA 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor, as

required by NJSA 40:49-2.1.

Section 10. Conflict.

All Ordinances or resolutions, or parts of Ordinances or resolutions that are in conflict with the provisions of this Ordinance are hereby repealed to the extent necessary.

Section 11. Illegal Provisions.

If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.

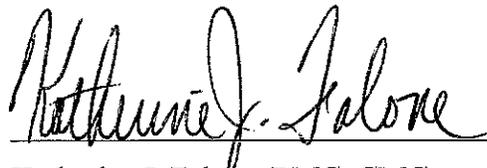
Section 11. Judgment

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 12. Effective Date.

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: March 9, 2009

A handwritten signature in cursive script, reading "Katherine J. Falone", written over a horizontal line.

Katherine J. Falone, RMC, CMC

Municipal Clerk

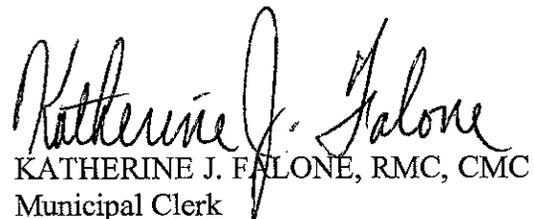
BOROUGH OF WANAQUE
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ORDINANCE #5-0-09

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 March 2009, 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: March 9, 2009


KATHERINE J. FALONE, RMC, CMC
Municipal Clerk

BOROUGH OF WANAQUE
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ORDINANCE #5-0-09

BE IT RESOLVED that an Ordinance entitled "AN ORDINANCE ESTABLISHING A REDEVELOPMENT PLAN FOR CERTAIN PROPERTIES LOCATED ON OR NEAR RINGWOOD AVENUE, FURNACE AVENUE, RHINESMITH AVENUE, AND FOURTH AVENUE IN THE BOROUGH OF WANAQUE, DESIGNATING THE BOROUGH COUNCIL OF THE BOROUGH OF WANAQUE AS THE REDEVELOPMENT ENTITY FOR THE MIDVALE AND US ALUMINUM REDEVELOPMENT AREAS AND ESTABLISHING THE MIDVALE REDEVELOPMENT AREA ZONING DISTRICT (MRA) AND THE INDUSTRIAL-MIXED USE REDEVELOPMENT AREA (IMU) ZONING DISTRICT. CHAPTER 114 OF THE CODE OF THE BOROUGH OF WANAQUE ENTITLED 'ZONING' IS HEREBY AMENDED TO INCLUDE THE MRA ZONE AND IMU ZONE AND ZONING DISTRICTS.

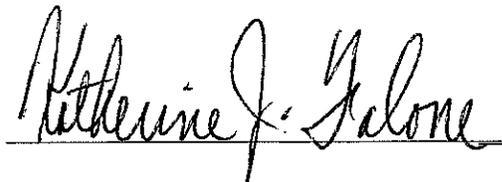
pass first reading, and that said Ordinance be further considered for final passage and adoption at a regular meeting of the Borough Council to be held on the 20th day of April 2009, at the Municipal Building in the Borough of Wanaque, at 8:00 P.M., and that at such time and place all persons interested 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: 3/9/09

Filed: 3/9/09

Approved: 3/9/09

A handwritten signature in cursive script that reads "Katherine J. Falone". The signature is written in black ink and is positioned above a horizontal line.

Katherine J. Falone, RMC, CMC
Municipal Clerk

BOROUGH OF WANAQUE
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ORDINANCE #5-0-09

BE IT RESOLVED that an Ordinance entitled:

AN ORDINANCE ESTABLISHING A REDEVELOPMENT PLAN FOR CERTAIN PROPERTIES LOCATED ON OR NEAR RINGWOOD AVENUE, FURNACE AVENUE, RHINESMITH AVENUE, AND FOURTH AVENUE IN THE BOROUGH OF WANAQUE, DESIGNATING THE BOROUGH COUNCIL OF THE BOROUGH OF WANAQUE AS THE REDEVELOPMENT ENTITY FOR THE MIDVALE AND US ALUMINUM REDEVELOPMENT AREAS AND ESTABLISHING THE MIDVALE REDEVELOPMENT AREA ZONING DISTRICT (MRA) AND THE INDUSTRIAL-MIXED USE REDEVELOPMENT AREA (IMU) ZONING DISTRICT. CHAPTER 114 OF THE CODE OF THE BOROUGH OF WANAQUE ENTITLED 'ZONING' IS HEREBY AMENDED TO INCLUDE THE MRA ZONE AND IMU ZONE AND ZONING DISTRICTS

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

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: 4/20/09

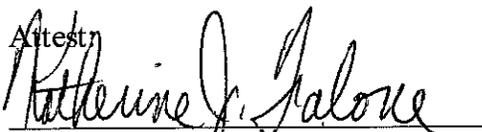
Final: 4/20/09

Approved: 4/20/09



Daniel Mahler
Mayor

Attest



Katherine J. Falone, RMC, CMC
Municipal Clerk