

BOROUGH OF WANAQUE

COUNTY OF PASSAIC

STATE OF NEW JERSEY

ORDINANCE #12-0-12

AN ORDINANCE AMENDING ORDINANCE NUMBER 10-0-05 ENTITLED “ESTABLISHING THE ADULT HOUSING REDEVELOPMENT PROJECT WITHIN THE FOURTH AVENUE RENEWAL AREA AND ESTABLISHING THE FOURTH AVENUE ADULT HOUSING ZONING DISTRICT” AND FURTHER AMENDING CHAPTER 114-“ZONING” OF THE BOROUGH OF WANAQUE CODE. SPECIFICALLY, MODIFYING §114-7.1, AAH-2 DISTRICT, SO AS TO CHANGE THE ZONE TITLE TO THE **FOURTH AVENUE RESIDENTIAL REDEVELOPMENT ZONE** AND FOURTH AVENUE RESIDENTIAL ZONING DISTRICT, THEREBY REPEALING THE AAH-2 ZONE. THIS ORDINANCE FURTHER AMENDS THE LAND USE MAP TO ADD THE FAR REDEVELOPMENT ZONE THERETO

WHEREAS, on May 16, 2005 the Borough of Council of the Borough of Wanaque adopted Ordinance number 10-0-05 designating the Adult Housing Redevelopment Project located at Block 432, Lots 36 and 38, as shown on the tax map of the Borough of Wanaque, and

WHEREAS, previously the AAH-2 Zone of the Borough of Wanaque limited the residential units to be built within the Adult Housing Redevelopment Project so that eighty per cent (80%) of the units were to be occupied by persons over the age of fifty-five (55), defined as one person who owns the unit to be age fifty five (55) or older, and

WHEREAS, over the past several years the real estate and financial markets have changed dramatically, necessitating that the Borough of Wanaque, working with the property owner and designated redeveloper, modify the age restrictions and zoning standards (the AAH-2 zone) at Section 114-7.1 of the Borough Code, to provide a greater degree of marketing flexibility so that this important project, located adjacent to the Haskell Town Center, is completed in a high quality manner and maintaining the integrity of the neighborhood.

NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WANQUE AS FOLLOWS:

The following amendments to Ordinance Number 10-0-05 and Section 114-7.1 of the Code of the Borough of Wanaque are hereby enacted:

Section 1-The title of the Redevelopment Plan is hereby amended to read, and shall be known as: “**The Fourth Avenue Residential Redevelopment Plan**”; with all of the recitals and sections of Ordinance Number 10-0-05, (§114-7.1 of the Borough of Wanaque Code) previously the “Fourth Avenue Adult Housing Redevelopment Plan” to remain in full force and effect, except as amended hereinafter. The provisions of the “Fourth Avenue Adult Housing Redevelopment Plan” are repeated herein as though recited and stated in full, and are only modified by this Ordinance and any future Ordinances.

Section 2- A. §114-7.1 C-1 (a) of the Borough of Wanaque Code (“purpose”) is hereby amended to read: “The purpose of the Fourth Avenue Residential (FAR) District is to provide additional housing opportunities for current and future Wanaque residents in the form of a high-quality residential community.”

B. The location of the FAR Redevelopment Zone shall be Lots 36 and 38 in Block 432 as shown on the Tax Map of the Borough of Wanaque. These parcels previously being 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.

C. §114-7.1 C-5, Bulk Regulations are hereby amended (modified), as follows:

(a) Maximum density: twelve (12) dwelling units per acre.

(h) [1] Minimum distance between buildings shall read, in full, as follows:

Building Point

Front to front:	40 feet
Front to side:	30 feet
Front to rear:	40 feet
Side to side:	8 feet
Side to rear:	20 feet
Rear to rear:	40 feet
Any point to internal roadway:	8 feet

[3] Maximum Building Height is amended to read: “Three stories, not to exceed forty (40) feet. The number of stories shall exclude the required basement(s). The maximum building height shall be measured to the highest point of the building, exclusive of chimneys, decorative facia, and HVAC or other mechanical appurtances, and shall be calculated at the final average grade of the front of the building foundation measured at ground level (foundation grade), and calculated within five (5) feet of the front entry door, running parallel with the front of the building. (If there shall be more than two front entrance doors in a building, then the calculation shall be made from the middle unit entrance.) Any foundation, or portion thereof, protruding above the ground level (grade) shall be included in the height calculation. (The calculation of the building height shall be certified by the Township Engineer or Township Planner.) Further, no finished living space shall be included in any attic, loft or storage area above the third story.”

D. Section 3 of Ordinance number 10-05-08, the “Redevelopment Plan” is hereby amended at Subsection F “Occupancy Restrictions”, Paragraph i to read, in full, as follows:

“There shall be no occupancy restrictions regarding age of the occupants within the *AAH-2 Zone* of the Borough of Wanaque; therefore the new redevelopment zone shall be known as the *Fourth Avenue Residential Zone*, replacing the *Active Adult Housing-2 Zone*.”

E. Paragraph ii of Ordinance number 10-05-08, the “Redevelopment Plan”, is amended to read, in full, as follows:

“No housing (“Residential Unit(s)”, within the *FAR Zone* (replacing the former *AAH-2 Zone*), shall be subject to a housing restriction whereby a minimum number of units in the zone shall be occupied by a person at least 55 years of age or older.”

F. §114-7.1 C-6 is hereby repealed in its entirety, and is hereby replaced with the following provision:

“The designated redeveloper shall build the project (and the respective units) in a high quality manner. The construction of any project undertaken pursuant to this Redevelopment Plan shall conform to the “*Fourth Avenue Residential Zone (FAR Zone) Redevelopment Project Residential Building Specifications*”, attached hereto as Exhibit A, and made part of this Redevelopment Plan. The Planning Board shall review the building design, materials, and anticipated workmanship of any redevelopment project undertaken in the *FAR Zone*.”

G.. Paragraph iv of Ordinance number 10-05-08-the “Redevelopment Plan”, is amended to read, in part, as follows-by adding the following additional sentence:

“Notwithstanding any provision of this Ordinance or the Redevelopment Plan to the contrary, no age restriction shall apply within the FAR Redevelopment Zone.”

Section 3-Consistent with the Purpose of the Redevelopment Plan, as hereinbefore stated, any proposed Redevelopment Project shall comply with Ordinance Number 10-0-05, as amended by this Ordinance.

Section 4-Ordinance Number 10-0-05, Section 3 at Subsection E, Paragraph ii is hereby amended to read, in full:

“Maximum density in the FAR Zone within the Redevelopment Area, as set forth in this Redevelopment Plan and Zone (amending Ordinance Number 10-0-05), shall be no greater than 88 total residential units.”

Section 5-Chapter 114-Zoning of the Borough of Wanaque Code is hereby amended to reflect the amendments included in this Ordinance, and further that the AAH-2 Zone is hereby replaced by the Fourth Avenue Residential Zone, in title, definition and substance, which shall include the provisions of the former AAH-2 Zone as amended herein.

Section 6-A-No **Use** Variances Permitted. In furtherance of the objectives of the Borough Council, the Board of Adjustment and/or Planning Board may NOT consider, grant or approve deviations (variances) from the land **use** provisions (including permitted and conditional uses) of the FAR Zone, as specified and included in this Ordinance, or the Borough Code. However, when considering site plan applications, the Planning Board may grant extensive and broadly implement deviations (variances) to bulk standards and other zone standards, conditions and factors as it deems appropriate—with the only specific exception as to use.

B-Time is of the essence. In recognition of the zoning change(s) included in this Redevelopment Plan, it is anticipated that the designated redeveloper will proceed to swiftly and without undue delay, obtain all necessary building permits so as to commence construction prior to December 31, 2012. If construction has NOT commenced prior to December 31, 2012; and if the requirements of the Borough’s Mayor and Administrator have NOT been satisfied, then in this event, the Borough Council may amend this Redevelopment Plan and modify the Plan components including the land uses (zoning). In the event the project is not completed within twenty four months of the date of issuance of the first building permit, of any kind-including a demolition permit or a footings and foundation permit, then the Borough of Wanaque reserves the right to modify this Redevelopment Plan, including the use provisions. So as to avoid misinterpretation; it is anticipated that this project will be substantially completed and all residential units constructed prior to December 31, 2014.

C-Off-site improvements. The FAR Zone is a redevelopment zone, therefore, the Borough may require, at its sole discretion, that a designated redeveloper contribute funds to the Borough for redevelopment purposes; to be used as the Borough deems appropriate

and in the interest of the public, so as to promote the general health and welfare of the public.

Section 7-Inconsistent Ordinances Repealed.

Should any provision of this Ordinance be inconsistent with the specific provisions of any prior Ordinance(s), the inconsistent provisions of such prior Ordinances are hereby repealed, but only to the extent of the inconsistencies.

Section 8-Severability.

In the event that any provision of this Ordinance or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this Ordinance which may be given effect, and, to realize this intent, the provisions and applications of this Ordinance are declared to be severable.

Section 9-Captions.

Captions contained in this Ordinance have been inserted only for the purpose of facilitating reference to the various sections, and are not intended and shall not be utilized to construe the intent and meaning of the text of any specific Section.

Exhibit A

Fourth Avenue Residential Zone (FAR Zone) Redevelopment Project

**DEVELOPMENT STANDARDS
RESIDENTIAL BUILDING SPECIFICATIONS**

ORDINANCE NUMBER 12-X-XX

Section 2. F of the above Ordinance authorizes the following:

I. INTRODUCTION AND PURPOSE OF DEVELOPMENT STANDARDS AND BUILDING SPECIFICATIONS:

A. Purpose. (1) The following are the Development Standards and Building Specifications for the Wanaque Fourth Avenue Residential Redevelopment Zone and project located at Lots 36 and 38 in Block 432 as shown on the Tax Map of the Borough of Wanaque, previously 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. These Standards and Specifications shall be considered in conjunction with other requirements of the FAR Redevelopment Zone, as contained within the FAR Redevelopment Plan.

(2) High quality construction, as well as the strong curbside appeal of the project (building), and the efficient layout and enhanced finish work (i.e. casework/moldings, quality windows, top grade appliances etc.) enhance the living experience and ensure an adequate investment in a residence with increased likelihood of an appreciation in value. The detail and quality of the landscape plan and interior finishing is intended to reassure the occupant that their living space is of high quality.

B. The residential units to be built, by the designated redeveloper, shall be of a high quality—significantly better than entry level “builder specs”. In addition, a landscaping plan must be submitted with the proposed site plan.

C. These specifications are NOT intended to be all inclusive, nor be a technical listing of building materials. Rather, these specifications are intended to be minimum Standards to ensure high quality construction regardless. (Options to prospective occupants may be available in some categories.)

D. The Borough of Wanaque Planner shall review each building’s proposed landscaping plan, as well as the overall landscaping plan of the entire site, and supply in writing, to the Planning Board and designated redeveloper, an opinion as to whether or not the landscaping plan and building specifications meets the intent of these Standards and Specifications.

E. It is recognized that the designated redeveloper, and/or related entity, believes in building a high quality product. The Specifications included herein demonstrate that the residential unit(s) will have many high quality components.

F. Some upgrades may be available at a modest cost to the initial occupant. This gives the individual an opportunity to customize their new home to meet their personal requirements (i.e. choose the color of the walls, type of kitchen, kitchen hardware choices, flooring choices, etc.).

II. GENERAL

A. The Borough of Wanaque Planning Board shall have the authority to review all building materials and building specifications as contained herein and relating to the Forth Avenue Residential Redevelopment Zone.

B. All structures within the FAR Redevelopment Zone shall be situated with proper consideration of their relationship to other buildings, both existing and proposed in terms of light, air and usable open space, access to public rights of way and off-street parking, height and bulk. Buildings shall be designed to be attractive from all vantage points, with each façade being of equal importance. Buildings shall have a clear base, middle and top. Each façade shall present a composition that is well laid out and thought provoking. Corner buildings shall have windows on both street frontages Architectural devices, such as providing stringcourses, cornices and sub-cornices, and/or horizontally differentiating surface treatments, can be used to achieve the necessary transitions.

C. The building foundation-including concrete, lumber, siding, roofing, floor system, joists, windows, insulation, exterior trim, and gutter systems shall be built the exact same and installed and constructed in a consistent manner for high quality residential units regardless of the intended method of ownership.

D. All mechanical equipment, generators, HVAC equipment and similar equipment shall be acoustically buffered such that any noise generated by the equipment shall be within the applicable residential sound standards as defined by the State of New Jersey.

III. BUILDING SEPARATION ISSUES.

A. Building unit partition separation shall be constructed as prescribed by the Residential Units Act and the New Jersey Builder's Code.

B. A planting buffer, similar to a traditional front yard, must be provided at grade between the building line and the curb/sidewalk line.

IV. DRYWALL/PAINTING

A smooth interior wall finish throughout is a basic requirement of each unit upon occupancy. Standard wall finish is one coat of primer plus a second coat of quality paint (Glidden, Benjamin Moore, etc). All interior trim, doors and window frames are pre-primed and painted with semi-gloss, egg shell or similar paint.

V. PLUMBING

All bathroom and kitchen fixtures shall be American Standard, Kohler, or equivalent, this includes sink faucet, tub and shower faucet. Quality kitchen sink and taps to match quality of fixtures.

Hot water heater sizings shall be certified as adequate by the redeveloper's engineer. It is recognized by the parties that in some instances units may not have a hot water heater; but a more preferable and energy efficient instant hot water maker.

VI. DOORS & TRIM

A quality entrance door shall be installed. Either a front panel steel door or a solid core wood entrance door. There shall be quality interior doors - 6 panel colonial series; white semi-gloss painted. {Quality casing-colonial wide trim, MDF product, or equivalent.} Optional crown molding in living room and related areas-depending on floor plan.

VII. ELECTRIC

Electrical outlets and switches are provided as per building code requirements and per electrical plan. Electrical service and wiring is also provided for the range hood or

microwave, doorbell, adequate phone and TV jacks. Also, all units are wired for computer cable.

VIII. HARDWARE

All doorknobs and locks are provided—standard deadbolts for exterior doors. All closets shall have white vinyl coated wire shelving (or better) with a hanger rod attached. Linen closets have vinyl coated wire, painted wood or melamine shelving. Also all cabinets in kitchen and baths shall (obviously) have handles and/or knobs included, or integrated into the door.

IX. FLOOR COVERINGS

All floors, except the kitchen and bathroom, shall be covered in medium pile carpet with underlay (padding) installed. The carpeting shall not be interior/exterior or a builder's entry grade carpet. One color will be installed throughout a unit. Hardwood may be installed as appropriate. The kitchen and bathroom shall be covered in ceramic tile. Foyer/entry areas shall be covered in ceramic tile or hardwood. Laundry area(s) shall be covered in ceramic tile (with vinyl flooring optional).

X. CABINETS/COUNTERTOPS

NOTE: The Borough of Wanaque believes a kitchen is an important room in a new home and therefore will work closely to give the ultimate consumer a quality product comparable to the high end residential unit market. The kitchen standards shall be part of the Planning Board review process.

The bathrooms shall have a pre-constructed vanity with drawers. Cabinets are to be available in at least two wood finishes such as Maple, Pine, Birch or Oak. White may also be available for bathroom cabinetry.

Kitchen cabinets shall be made of wood or wood composite (Oak, Birch, Maple, Cherry, etc), the door type shall include a variety throughout the development (raised panel, shaker, colonial, etc). Bathroom vanities shall have cultured surface tops with drawers for storage.

Kitchen countertops shall NOT be made of "Formica" or type products but shall be quartz, stone, custom concrete, granite, or equivalent.

Mirrors and medicine cabinets shall be provided as appropriate.

XI. APPLIANCES

In addition to standard kitchen appliances a space saver microwave (unvented) and a dishwasher shall be installed in all units. A clothes washer and dryer shall be installed in each unit. All appliances shall be GE, or equivalent name brand.

XII. ADDITIONAL LANDSCAPE STANDARDS. In addition to Borough of Wanaque landscape requirements, the following landscape requirements shall apply to the FAR Redevelopment Zone.

A. Sidewalk areas shall be attractively landscaped and durably paved in conformance with municipal standards and shall be provided with adequate lighting. Decorative concrete paving materials shall be incorporated into the design and pedestrian scale lighting is required. At a minimum decorative elements shall be introduced at building entrances at street corners and along the curb line to accent and channel pedestrian flow.

B. All plant material used must be able to withstand the urban environment and shall be planted, balled and burlapped as established by the American Association of Nurserymen. A planting schedule shall be provided by the developer and approved by the Borough Planner. All landscaping shall be guaranteed for a period of two (2) years. Any landscaping which is not resistant to the local (suburban/urban) environment or that dies shall be replaced by the developer or property owner.

C. Street trees shall be planted along all curb lines of streets within the Redevelopment Area at a maximum of 35 feet on center. The spacing of the street trees may be adjusted to accommodate the location of utilities, street lighting, pedestrian and vehicular entrances and other similar features. Each tree pit shall contain a decorative metal grate and/or decorative paving treatment. Tree species shall be selected which will achieve a mature height of 30 feet or above and a medium spread. Fast growing trees tend to be weak wooded and inappropriate for street planting. Therefore, trees shall be selected that have a medium growth rate. The crown shape of the tree should be selected to compliment the architecture and setting of the buildings. Evergreen trees and fruit trees may not be used as street trees.

XII. REDEVELOPER'S BEST EFFORTS AND UNFORESEEN EVENTS .

The designated redeveloper shall endeavor to the best of its ability to ensure the building is constructed as described above. Unforeseen events or circumstances may result in required changes to the specifications, which will not necessarily be consistent with the above specifications. However, any changes must be disclosed to the Planning Board and noted on any pertinent site plan or building plan.

The Borough of Wanaque Planning Board shall review and work with the designated redeveloper to ensure that high quality materials are used in the construction of this project.

Dated: May 14, 2012

Katherine J. Falone, RMC, CMC

Municipal Clerk

BOROUGH OF WANAQUE
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ORDINANCE #12-0-12

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 14th day of May 2012, 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, on June 11, 2012 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: May 14, 2012

KATHERINE J. FALONE, RMC, CMC
Municipal Clerk

BOROUGH OF WANAQUE
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ORDINANCE #12-0-12

BE IT RESOLVED that an Ordinance entitled:

AN ORDINANCE AMENDING ORDINANCE NUMBER 10-0-05 ENTITLED “ESTABLISHING THE ADULT HOUSING REDEVELOPMENT PROJECT WITHIN THE FOURTH AVENUE RENEWAL AREA AND ESTABLISHING THE FOURTH AVENUE ADULT HOUSING ZONING DISTRICT” AND FURTHER AMENDING CHAPTER 114-“ZONING” OF THE BOROUGH OF WANAQUE CODE. SPECIFICALLY, MODIFYING §114-7.1, AAH-2 DISTRICT, SO AS TO CHANGE THE ZONE TITLE TO THE **FOURTH AVENUE RESIDENTIAL REDEVELOPMENT ZONE** AND FOURTH AVENUE RESIDENTIAL ZONING DISTRICT, THEREBY REPEALING THE AAH-2 ZONE. THIS ORDINANCE FURTHER AMENDS THE LAND USE MAP TO ADD THE FAR REDEVELOPMENT ZONE THERETO

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 11th day of June 2012, 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: 5/14/12

Filed: 5/14/12

Approved: 5/14/12

Katherine J. Falone, RMC, CMC
Municipal Clerk