

BOROUGH OF WANAQUE
COUNTY OF PASSAIC
STATE OF NEW JERSEY
ORDINANCE #18-0-12

AN ORDINANCE AMENDING ORDINANCE NUMBER 2-0-06 ENTITLED “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 ADDING NINE PROPERTIES LOCATED IN BLOCKS 436 AND 437 TO THE RINGWOOD AVENUE SERVICE BUSINESS ZONING DISTRICT (SBD) AMENDING CHAPTER 114-ZONING OF THE BOROUGH OF WANAQUE CODE TO INCLUDE SAID PARCELS IN THE SBD ZONE.

WHEREAS, on February 13, 2006 the Borough of Council of the Borough of Wanaque adopted Ordinance Number 2-0-06-a Redevelopment Plan-declaring an area at the intersection of Doty Road at Ringwood Avenue to be an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, which was amended by Ordinance Number 19-0-06, clarifying the properties to be included in said Redevelopment Plan; and

WHEREAS, on January 17, 2008 the Wanaque Planning Board designated thirty one properties as an area in need of redevelopment; and

WHEREAS, on August 9, 2010 the Council has designated the parcel at Block 437, Lot 1.02 as in need of redevelopment; and

WHEREAS, the Borough Council desires to expand the Ringwood Avenue Service Business District (SBD) to include the parcels included herein, subject to the Wanaque Planning Board determining that the properties included herein satisfy the criteria of NJSA 40A:12A-1.

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

The following amendments to Ordinance Number 2-0-06 and Section 114.11.1 of the Code of the Borough of Wanaque are hereby enacted:

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

The Redevelopment Plan is hereby amended to include the above nine (9) parcels, they being hereby added to the Ringwood Avenue Mixed Use Redevelopment Plan and the Service Business District (SBD) as modified herein.

Property ID (Block/Lot)	Address
Block 436, Lot 2	2 Brook Street
4	Brook Street
4.01	5 & 16 Brook Street
4.02	14 Brook Street
Block 437, Lot 1.01	1089 Ringwood Ave.
3	1095 Ringwood Ave.
5	1097 Ringwood Ave.
6	1101 Ringwood Ave.
9,10 (merged parcels)	1109 Ringwood Ave.

Section 2-All of the provisions, recitals and sections of Ordinance Number 2-0-06 as previously amended, and as codified in §114-11.1, the Service Business District, of the Borough of Wanaque Code, shall continue in full force and effect and, further are repeated herein as though they were written (or recited) verbatim, in full.

Section 3- § 114-11.1 C. (1)-Purpose is hereby amended to add thereto paragraph (d) to add the following purpose:

“A purpose of this Plan is to promote market housing in concert with retail and other non-residential uses.”

Section 4- § 114-11.1 C. (2)-Permitted uses is hereby amended to add thereto paragraph (d) making “residential uses a conditional use, provided that for every square foot of residential area (living space) there shall be an equivalent amount of non-residential space. {This is a 1:1 ratio of residential to non-residential use(s).}”

Section 5-§ 114-11.1 C. (9) is hereby added to “prohibit the use of any property as a storage facility, including but not limited to, vehicle, tool, equipment, or garden supply storage or warehousing whether in exterior or exterior space; except in garages built for storage purposes.”

Section 6-§ 114-11.1 C. (10) is hereby added to “require all new construction, whether by building a new project, renovating an existing structure, or property rehabilitation of any sort to have a fire sprinkler and suppression system built into the entire property as approved by the Borough of Wanaque Fire Official. This provision is necessary so as to avoid the spread of fire.”

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-Eminent Domain Condemnation Not Authorized. It is further determined by the Borough Council that the use of eminent domain

condemnation is NOT authorized in this Redevelopment Plan Amendment. As such, NO property is identified or authorized 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 9-Relationship to Local Objectives (NJSA 40A:12A-7. a. (1)).

This Redevelopment Plan has as its objectives to promote commerce, as well as appropriate land uses, density of population, improved traffic and public transportation circulation, public utility placement, recreation and community facility improvements as well as other public improvements. The original Redevelopment Plan (§114-11.1) provides for retail opportunities in the Towns Center of Wanaque to be redeveloped in concert with the pre-existing and envisioned new, service businesses. The objectives hereinbefore stated, and recited in §114-11.1, are hereby included as though they are recited in full here.

Section 10-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 SBD 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.

Section 11-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 12-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.

Dated: May 14, 2012

Katherine J. Falone, RMC, CMC

Municipal Clerk

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

ORDINANCE #18-0-12

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 #18-0-12

BE IT RESOLVED that an Ordinance entitled:

AN ORDINANCE AMENDING ORDINANCE NUMBER 2-0-06 ENTITLED “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 ADDING NINE PROPERTIES LOCATED IN BLOCKS 436 AND 437 TO THE RINGWOOD AVENUE SERVICE BUSINESS ZONING DISTRICT (SBD) AMENDING CHAPTER 114-ZONING OF THE BOROUGH OF WANAQUE CODE TO INCLUDE SAID PARCELS IN THE SBD ZONE.

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
Adopted: 5/14/12**

**Katherine J. Falone, RMC, CMC
Municipal Clerk**

