

BOROUGH OF WANAQUE
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ORDINANCE #5-0-14

AN ORDINANCE AMENDING THE REDEVELOPMENT PLAN ESTABLISHED IN ORDINANCE NUMBER 5-0-09 (PROVIDING FOR AN INDUSTRIAL MIXED USE ZONE (IMU)) AND CREATING THE FOURTH AVENUE RESIDENTIAL OVERLAY ZONE (FAR) CONSISTENT WITH THE BOUNDARIES OF THE IMU ZONE AND CONSISTENT WITH THE FOURTH AVENUE RESIDENTIAL REDEVELOPMENT PLAN, SO AS TO INCLUDE THE PROPERTIES LOCATED AT BLOCK 435 (LOT 5) AND BLOCK 435 (LOT 5.01) WITHIN THE FAR AS AN OVERLAY ZONE TO THE EXISTING IMU ZONE HERETOFOR ESTABLISHED BY ORDINANCE NUMBER 5-0-09; AND, FURTHER AMENDING THE ZONING MAP OF THE BOROUGH OF WANAQUE TO INCLUDE THE FAR OVERLAY ZONE. CHAPTER 114-14.12 OF THE CODE OF THE BOROUGH OF WANAQUE ENTITLED 'MRA ZONE' IS HEREBY AMENDED TO INCLUDE THE FAR OVERLAY ZONE AND ZONING DISTRICT.

WHEREAS, on April 20, 2009 the Borough Council of the Borough of Wanaque adopted Ordinance Number 5-0-09 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... ESTABLISHING...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...IMU ZONE ZONING DISTRICT(s).”; AND

WHEREAS, on June 11, 2012 the Borough Council of the Borough of Wanaque adopted Ordinance Number 12-0-12 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 WANANQUE CODE. SPECIFICALLY, MODIFYING §114-7.1...TO CHANGE THE ZONE TITLE TO (the) FOURTH AVENUE RESIDENTIAL ZONING DISTRICT”; and

WHEREAS, N.J.S.A. 40A:12A-1 et seq., the Local Redevelopment and Housing Law (LRHL), as amended by Assembly Bill 3615--P.L. 2013, Chapter 159, signed into law on September 6, 2013, 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 properties included in the IMU zone and the newly created FAR overlay zone are located in a “Non-Condemnation Redevelopment Area” as defined in the LRHL and, therefore, no eminent domain condemnation will be used to effectuate this redevelopment plan; and

WHEREAS, the redeveloper of the Parkside at Wanaque project, Greentree Development Group, LLC, is the contract purchaser of the property located at Block 435, Lot 5 and has provided notice to the current property owner of their intent to redevelop this property together with the smaller companion property at Block 435, Lot 5.01 consistent with the recently redeveloped property (project) located at Block 432, Lot 36 and 38, which share a common boundary separated only by a public right of way, a public street--Fourth Avenue; and

WHEREAS, the aforesaid properties located in Block 435 have either environmental contamination (Lot 5) or a serious title defect (Lot 5.01) and as of the date of adoption of this ordinance continue to qualify as an area in need of redevelopment; and

WHEREAS, the Borough Council of the Borough of Wanaque desires to extend the Fourth Avenue Residential Redevelopment Zone and Fourth Avenue Residential zoning district (FAR) as stipulated in § 114-7.1 of the revised general ordinances to the properties included in the IMU zoning district for the purpose of creating a continuous unique residential housing experience for Wanaque residents and residents of the greater Wanaque area by incorporating the significant elements of the existing Parkside at Wanaque residential project into the properties at Block 435, Lot 5 and Block 435, Lot 5.01; and

WHEREAS, §114-14.12 A. of the Borough of Wanaque revised general ordinances stipulates that “the Wanaque Planning Board may grant deviations from the IMU zoning regulations...” and the Borough Council finds that it is good land use planning for the respective redevelopment areas at Block 432 and Block 435 be redeveloped in unison; and

WHEREAS, in addition to the purposes of the FAR zoning district stipulated in §114-7.1 C. (1) an additional purpose and objective of this redevelopment plan is to ensure the remediation of the environmental contamination at Lot 5 and correct the title and ownership issues apparent at Lot 5.01; and

WHEREAS, any development or redevelopment made upon the properties subject hereto shall be subject to site plan approval by the Wanaque Planning Board; and

WHEREAS, all of the properties mentioned and included in this ordinance are not subject to Highlands Council regulations inasmuch as the properties are located in the State of New Jersey designated town center of Wanaque.

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 2014 Wanaque Redevelopment Plan Amendment made to the Fourth Avenue Redevelopment Areas, is hereby established with the following provisions.

Section 1. Declaration of Redevelopment Area.

A. The preamble, or Wheareas clauses, hereinbefore recited are made a part of this ordinance as though they are part of the functional part of the ordinance and as though they are included in the Ordained portion of the redevelopment plan.

B. Based upon the prior original recommendation of the Wanaque Planning Board and recognizing the diligent work of the Board, the following properties, are hereby declared to continue to qualify as an area in need of redevelopment pursuant to the provisions of N.J.S.A. 40A:12A-1 et seq.: Block 435, Lots 5 and 5.01. {This is the US Aluminum factory site.}

C. It is further determined by the Borough Council that the use of eminent domain condemnation is not authorized in this Redevelopment Plan. However, notwithstanding the foregoing, the Borough may enter In Rem foreclosure proceedings regarding the property located at Block 435, Lot 5.01.

D. Any site plan application submitted in connection with this ordinance shall be accompanied by a traffic study. Said traffic study shall satisfy the Wanaque Planning Board in its consideration of the vehicular circulation to, from and upon the site and adjacent area. The traffic impact shall include an analysis of the potential traffic, including truck traffic, should the industrial

use be continued as though the property is an active industrial business enterprise. Notwithstanding the foregoing, the Wanaque Planning Board may not deny an application for development based on traffic or vehiclur circulation unless it finds the proposed traffic will cause a material public harm.

E. The Wanaque Planning Board may approve a site plan application for the properties located in the FAR overlay zone, provided that said approval is conditioned upon an executed redevelopment agreement.

Section 2. Fourth Avenue Residential Overlay Zoning District is hereby established.

A. § 114-14.12 A. of the revised general ordinances shall read as follows: “Block 435, Lot 5 shall continue to be zoned Industrial, however, there is hereby established the Fourth Avenue Residential (FAR) overlay zone and zoning district which shall encompass the entire land area of Block 435 Lot 5 and Block 435, Lot 5.01.”

B. § 114-14.12 B. of the revised general ordinances is revised to read in full as follows: “Bulk regulations applicable to any development or redevelopment to be undertaken in the FAR overlay zone, and proposed to be constructed upon Block 435, Lot 5 or 5.01, shall be as follows:

a-minimum lot area: four and one-tenth (4.1) acres. This area shall be developed or redeveloped in one integrated project.

b-maximum residential units per acre: eighteen (18).

c-maximum number of residential units eighty-four (84) {or, in the alternative the total land area multiplied by the maximum number of permitted residential units}.

d-all bulk regulations as stipulated in § 114-7.1 C. (5) –c through h, inclusive {including all sub-paragraphs included in paragraph h} of the revised general ordinances are included in the FAR overlay zone and shall be followed; however, the Wanaque Planning Board may grant deviations thereto.

e-all approved signs shall be attractive and are permitted to designate entrance/exit points to the development and in a size and style as shall be determined by the Wanaque Planning Board.

f-concrete walkways shall be provided between residential buildings and common parking areas. Walkways shall have a minimum width of four feet.

g-no natural vegetation along Boulevard Avenue or the properties located adjacent, to the south, of the subject location (Block 435, Lots 5 and 5.01) shall be disturbed except as approved by the Planning Board. The filed and completed site plan shall indicate the maximum area of cleared land. 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.

g-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 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.

h-exterior air-conditioning/heating units shall be screened and insulated for aesthetic and acoustical purposes.

i-adequate sound protection between dwelling units shall be provided and designed in accordance with sound engineering principles.

j-refuse disposal/ pickup areas shall be provided and shall be located for the convenience of the residents. All such areas shall be screened with evergreen trees or bushes 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 these specifications are modified by the Wanaque Planning Board.”

C. § 114-14.12 C. of the revised general ordinances is revised to read in full as follows:

“Parking regulations applicable to any development or redevelopment to be undertaken in the FAR overlay zone, and proposed to be constructed upon Block 435, Lot 5 and 5.01, shall be provided in accordance with § 114-7.1 C. (8) a, c, d, e, and f of the revised general ordinances.”

D. § 114-14.12 D. of the revised general ordinances is added thereto to read in full as follows: “In furtherance of the objectives of the Borough Council, the Board of Adjustment and/or Planning Board may NOT consider, grant or approve deviations (or variances) from the land use provisions (including permitted and conditional uses) of the Fourth Avenue Residential overlay zone (FAR), as specified and included in this ordinance, or the Borough Code. However, when considering a site plan application, the Wanaque Planning Board may grant extensive deviations and broadly implement deviations (variances) to bulk regulations and other zone standards, conditions and factors as it deems appropriate—with the only specific exception being use. Notwithstanding the foregoing, the Wanaque Planning Board may not establish stricter bulk standards than provided herein.”

E. § 114-14.12 E. of the revised general ordinances is added thereto to read in full as follows: “Drainage and storm water management: Any residential development will be required to provide a comprehensive drainage system for the entire property including a mandate that there will be zero water runoff from the property. Moreover, the applicant will be required by the

Wanaque Planning Board to ensure that there will be no significant impact from this development to the adjoining properties.”

E. § 114-14.12 F. of the revised general ordinances is added thereto to read in full as follows: “The residents of the multiple-family development constructed in the FAR overlay zone shall be required to provide for the upkeep, maintenance and expense of sanitary sewer collection system, roads, drives, parking facilities, and drainage facilities. The Borough of Wanaque shall at no time be responsible for the cost of such items. Street lighting (illumination), garbage/refuse pickup and snow plowing may be covered under the Municipal Services Act, N.J.S.A. 40:67-23.2 et seq. Under the Act, the Borough must provide a “qualified private community” with the following categories of services on its roads and streets, where such services are provided on a regular basis by the Borough, or reimburse the community association for its costs to obtain the services elsewhere: (1) removal of snow, ice and other obstructions, but not including street sweeping or cleaning; (2) the cost of electricity for street lighting, but not including installation or maintenance of lamps and other equipment; and (3) collection of leaves, recyclable materials and garbage. All in a similar manner as the Borough of Wanaque in general. If the Borough chooses to perform the designated services, it must do so “in the same fashion” as it does on public streets. The Act does not require the Borough to provide additional services such as street cleaning or maintenance of fire hydrants.” Note: all such service issues shall be determined by the Wanaque Planning Board, at site plan review and approval, as it deems appropriate.

Section 3. Powers of Redevelopment Entity.

As stipulated in ordinance number 5-0-09 the Borough Council may, pursuant to N.J.S.A. 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.

BE IT FURTHER ORDAINED as follows:

Section 4. Execution of Documents.

The Mayor or Administrator of the Borough of Wanaque are hereby authorized and designated to execute, and the Borough Clerk of the Borough of Wanaque is hereby designated to attest to, any and all documents necessary to carry out any of the purposes set forth in this ordinance. This includes the specific authorization to sign and execute a redevelopment

agreement.

Section 5. 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 N.J.S.A. 40:55D-15 and N.J.S.A. 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 N.J.S.A. 40:55D-16.

Section 6. 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 7. Illegal Provisions-Severability.

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 8. Effective Date and Expiration 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. This ordinance, and the amendment to the redevelopment plan, shall expire on December 31, 2015 unless the Wanaque Planning Board has granted preliminary site plan approval.

Upon granting such site plan approval, the expiration date of the FAR overlay zone shall be fifty (50) years from the date of adoption of this ordinance. However, notwithstanding the foregoing, the IMU zone and FAR overlay zoning district applicable to Block 435 shall continue to be effective after such date until modified by the Borough Council.

Dated: February 10, 2014

Katherine J. Falone, RMC, CMC

Municipal Clerk

BOROUGH OF WANAQUE
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ORDINANCE #5-0-14

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 10th day of February 2014, 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 March 10, 2014 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: February 10, 2014

KATHERINE J. FALONE, RMC, CMC
Municipal Clerk

BOROUGH OF WANAQUE
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ORDINANCE #5-0-14

BE IT RESOLVED that an Ordinance entitled:

AN ORDINANCE AMENDING THE REDEVELOPMENT PLAN ESTABLISHED IN ORDINANCE NUMBER 5-0-09 (PROVIDING FOR AN INDUSTRIAL MIXED USE ZONE (IMU)) AND CREATING THE FOURTH AVENUE RESIDENTIAL OVERLAY ZONE (FAR) CONSISTENT WITH THE BOUNDARIES OF THE IMU ZONE AND CONSISTENT WITH THE FOURTH AVENUE RESIDENTIAL REDEVELOPMENT PLAN, SO AS TO INCLUDE THE PROPERTIES LOCATED AT BLOCK 435 (LOT 5) AND BLOCK 435 (LOT 5.01) WITHIN THE FAR AS AN OVERLAY ZONE TO THE EXISTING IMU ZONE HERETOFOR ESTABLISHED BY ORDINANCE NUMBER 5-0-09; AND, FURTHER AMENDING THE ZONING MAP OF THE BOROUGH OF WANAQUE TO INCLUDE THE FAR OVERLAY ZONE. CHAPTER 114-14.12 OF THE CODE OF THE BOROUGH OF WANAQUE ENTITLED 'MRA ZONE' IS HEREBY AMENDED TO INCLUDE THE FAR OVERLAY ZONE AND ZONING DISTRICT

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 10th day of March 2014, 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: 2/10/14

Filed: 2/10/14

Approved: 2/10/14

KATHERINE J. FALONE, RMC, CMC

Municipal Clerk