

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

ORDINANCE #15-0-14

AN ORDINANCE CLARIFYING THE REDEVELOPMENT PLAN ESTABLISHED IN ORDINANCE NUMBER 5-0-14 CREATING THE FOURTH AVENUE RESIDENTIAL OVERLAY ZONE (FAR) CONSISTENT WITH THE FOURTH AVENUE REDEVELOPMENT PLAN SO AS TO PROVIDE HEREIN CERTAIN PLAN CLARIFICATIONS

WHEREAS, on March 10, 2014 the Borough Council of the Borough of Wanaque adopted Ordinance Number 5-0-14 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;” 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, notwithstanding the foregoing, A-3615 modifies criterion e of the LRHL, commonly known as “*‘criterion ‘e’ under-utilization’*”—“a growing or lack of proper utilization caused by title, diverse ownership,...” problems, and now with the 2013 modification to the LRHL, requires that such under-utilized property must “impede land assemblage or discourage the undertaking of improvements”; in other words the property must have an absolute state of unproductiveness; a

WHEREAS, the designated 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 this project to move toward completion so as to achieve the objectives of the Redevelopment Plan and therefore finds it necessary to provide clarifications to two paragraphs of the Redevelopment Plan.

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 clarifications be made to the Fourth Avenue Redevelopment Plan Area, and said clarifications are hereby established with the following provisions.

Section 1. Clarification of Section 2 B. of Borough of Wanaque Ordinance Number 5-0-14 pertaining to deviations from bulk regulations shall include the following sentences; "Any deviation(s) to the building height not exceeding 10% of the height required in the underlying FAR zone shall be granted "as of right" by the Wanaque Planning Board provided there is testimony on the record by the Borough Planner that this deviation is appropriate. Further, the area of any detention or retention basin covered by grass or other appropriate vegetation, in a minimum of 50% of the basin's surface area, shall be included in any applicable boundary set back requirements."

Section 2. Clarification of Section 2 D. of Borough of Wanaque Ordinance Number 5-0-14 shall include the following sentences; "This Redevelopment Plan may only be effectuated upon approval of the NJDEP, or its agent LSRP, also known as site environmental officials, approving the building plan. As such, any environmental issues and the nature of the environmental remediation, being of great continued concern to the Borough of Wanaque Mayor and Council, shall be the continued province of the Borough Administrator to monitor, as has been the case for the past ten (10) years, and such diligence by the Borough has indeed resulted in this Redevelopment Plan and accordingly any environmental issues shall not be the subject of any preliminary or final site plan approval.

Section 3. Powers of Redevelopment Entity.

As stipulated in ordinance numbers 5-0-14 and 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) or pursuant to eminent domain proceedings, 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.

Section 5. 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 6. 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 7. Effective Date and Expiration Date.

This ordinance shall take effect immediately upon final passage and publication as required by law. 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.

Dated: September 8, 2014

Katherine J. Falone, RMC, CMC
Municipal Clerk

BOROUGH OF WANAQUE
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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 8th day of September 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 October 6, 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: September 8, 2014

KATHERINE J. FALONE, RMC, CMC
Municipal Clerk

BOROUGH OF WANAQUE
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ORDINANCE #15-0-14

BE IT RESOLVED that an Ordinance entitled:

AN ORDINANCE CLARIFYING THE REDEVELOPMENT PLAN ESTABLISHED IN ORDINANCE NUMBER 5-0-14 CREATING THE FOURTH AVENUE RESIDENTIAL OVERLAY ZONE (FAR) CONSISTENT WITH THE FOURTH AVENUE REDEVELOPMENT PLAN SO AS TO PROVIDE HEREIN CERTAIN PLAN CLARIFICATIONS

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 6th day of October 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: 9/8/14

Filed: 9/8/14

Approved: 9/8/14

KATHERINE J. FALONE, RMC, CMC
Municipal Clerk