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BOROUGH OF WANAUKE
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ORDINANCE #10-0-05

AN ORDINANCE ESTABLISHING A REDEVELOPMENT PLAN AND DESIGNATING THE COUNCIL OF THE BOROUGH OF WANAUKE TO ACT AS THE REDEVELOPMENT ENTITY FOR THE ADULT HOUSING REDEVELOPMENT PROJECT WITHIN THE FOURTH AVENUE ADULT HOUSING RENEWAL AREA AND ESTABLISHING THE FOURTH AVENUE ADULT HOUSING ZONING DISTRICT (AAH-2) AS SECTION 114-7.1 OF THE CODE OF THE BOROUGH OF WANAUKE

WHEREAS, by resolution adopted on May 10, 2004, the Council of the Borough of Wanaque authorized and directed the Planning Board of the Borough of Wanaque to undertake a preliminary investigation to determine whether Lots 36 and 38 in Block 432 should be declared an area in need of redevelopment pursuant to the Local Redevelopment Housing Law (N.J.S.A. 40A:12A-1 et seq.); and

WHEREAS, following two consecutive publications of a notice of a hearing before the Planning Board and the filing in the office of the Borough Clerk of a map showing the boundaries of the proposed area in need of redevelopment and the location of the various properties included therein, together with the resolution setting forth the basis for such investigation, a public hearing thereon was held by the Planning Board; and

WHEREAS, at said hearing the Planning Board heard and considered the testimony and preliminary redevelopment investigation report of Kauker, Gregory & Kauker, P.P., planning consultants; and

WHEREAS, following such hearing, the Planning Board voted on October 21, 2004 to

recommend the designation of Lots 36 and 38 in Block 432 as shown on the Tax Map of the Borough of Wanaque as included within an area in need of redevelopment,

WHEREAS, following the aforesaid referral to and a public hearing before the Planning Board of the Borough of Wanaque and favorable recommendations thereon, the Borough Council of the Borough of Wanaque has declared the Fourth Avenue Adult Housing project, as an area in need of redevelopment in accordance with the New Jersey Local Redevelopment and Housing Law (*N.J.S.A. 40A-12A-1 et seq.*); and

WHEREAS, in furtherance of the continuing efforts to enhance and revitalize the Borough of Wanaque and to stimulate the proper growth of housing opportunities in general, the Borough of Wanaque finds that it would promote the public health, safety, morals and welfare to redevelop the premises located along Fourth Avenue, consisting of Lots 36 and 38 in Block 432 as shown on the tax map of the Borough of Wanaque which area has heretofore been declared to be an area in need of redevelopment for the purpose of providing additional adult housing in furtherance of the overall redevelopment efforts of the Borough of Wanaque;

NOW, THEREFORE BE IT ORDAINED by the Council of the Borough of Wanaque, Passaic County, New Jersey, in accordance with the provisions of *N.J.S.A. 40A:12A-1, et seq.* that the Adult Housing Redevelopment Plan is hereby established and adopted with the following provisions:

114-7.1. AAH-2 Zone.

Section 1. Designation of the Adult Housing Redevelopment Project. The Adult

Housing Redevelopment Project, encompassed within a portion of Fourth Avenue, more specifically described as Lots 36 and 38 in Block 432 as shown on the tax map of the Borough of Wanaque, is hereby 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*.

Section 2. Designation of Redevelopment Agency. Pursuant to the authority granted by *N.J.S.A. 40A:12A-4(c)*, the Borough Council of the Borough of Wanaque is hereby designated to act as the redevelopment entity and to exercise the powers thereof for the Fourth Avenue Adult Housing Redevelopment Project.

Section 3. Redevelopment Plan.

A. Purpose

- i. The purpose of the Fourth Avenue Adult Housing (AAH-2) District is to provide additional housing opportunities for Wanaque residents in the form of a high-quality adult community. The AAH-2 zoning district herein authorized shall have an open-space component for the enjoyment of residents of the proposed community and the greater Wanaque area.
- ii. A purpose of this ordinance is to establish rules, regulations, standards, and procedures designed to promote the integrated and logical development of the area designated as Lots 36 and 38 in Block 432 on the official tax map of the Borough of Wanaque.
- iii. This Redevelopment Plan Ordinance also authorizes the financial agreement(s) necessary to fulfill the redevelopment project including but not limited to

long term financing allowed under the New Jersey Long Term Tax Exemption Law, NJSA 40A:20-1 et seq.

B. Definitions

ADULT COMMUNITY — A residential community provided for permanent residents in accordance with the occupancy restrictions listed in Section 3F in which the residential property and the residential-related open space, recreational facilities and property all are owned by a mutual non-profit corporation, or corporations, established pursuant to the laws of the State of New Jersey or by individuals, condominium associations or other entities, all of which shall have rules and regulations controlling the development in accordance with this chapter.

AGE-QUALIFIED PERSON — A person who is 55 years of age or older.

BUFFER — A continuous area of open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate one use or property from another.

FAIR HOUSING ACT — The Fair Housing Act Amendments Act of 1988, P.L. 100-430 (September 13, 1988) and amendments thereto including, but not limited to, the Housing for Older Persons Act of 1995, P.L. 104-76 (December 1995), and any judicial or administrative interpretations or decisions affecting said legislation.

FRONT OF BUILDING — For residential buildings where there is direct entrance from the exterior to each dwelling unit therein, the building front shall mean all the exterior walls that face a public or private road. Such buildings may have two fronts

and no rear. For residential buildings where there is a common entrance from the exterior to all dwelling units therein, the building front shall mean all exterior walls in which such common entrance is located.

INTERNAL ROADWAY — A driveway providing access from an exterior public street to parking areas and/or private driveways.

PATIO — An area adjacent to a dwelling unit improved by concrete, bricks or other construction material for outdoor dining or other purposes accessory to the residential use of a dwelling unit.

PRIVATE DRIVEWAY — A driveway providing access from an internal roadway to a private garage.

SCREENING — A method of visually shielding one abutting or nearby structure or use from another by fencing, walls, berms, or reasonably sized plantings.

ZONE - The Adult Housing zoning district authorized herein.

C. Permitted Uses

i. The permitted principal use permitted in the redevelopment area is an “Adult Community” comprised of multi-family dwellings, such as apartments and townhouses as regulated herein. These dwellings are to be occupied in accordance with Section 4 D, E, and F herein.

ii. A permitted secondary use is authorized which is limited to “Passive Open Space Recreation” to form a buffer between Route I-287 and the neighboring existing and proposed neighborhoods.

D. Accessory Uses

i. Signs

1. One sign is permitted identifying the development located at each entrance to the development. Signs shall have a maximum of two sign faces each not to exceed 25 square feet per side.

2. Other signs may be erected as otherwise provided in Borough of Wanaque ordinances.

ii. Recreational uses, such as but not limited to, common open spaces, walking paths, gazebos, swimming pools, putting greens, and tennis, shuffleboard and bocci courts.

iii. Clubhouse buildings, which may include athletic and recreational facilities, meetings rooms, club rooms and other facilities for social activities, homeowner association offices, mailboxes, maintenance and equipment storage and ancillary kitchen facilities.

iv. Private and shared garages and off-street parking for private vehicles.

v. Fences and walls.

vi. Administration, maintenance, storage, and utility buildings.

vii. Storage Facilities. Each dwelling unit shall provide a minimum of 32 sq. ft. of internal storage space, which space shall not be included in any garage.

E. Bulk Regulations. The following are the bulk (density and coverage) requirements of the AAH-2 zone herein established:

- i. Minimum lot area: 7.75 acres.
- ii. Maximum density: fifteen (14.20) dwelling units per acre.
- iii. Minimum lot frontage along a county or municipal road: 50 feet.
- iv. Minimum setbacks from public roadways: 25 feet.
- v. Minimum setbacks from other abutting property lines: 20 feet
- vi. Maximum building coverage: 35% of total site area
- vii. Maximum total impervious coverage: 60% of total site area
- viii. Residential building requirements:
 - 1. Minimum distance between buildings:

	3 stories or less	Over 3 stories
Front to front	50 feet	75 feet
Front to side	30 feet	50 feet
Front to rear	40 feet	50 feet
Side to side	25 feet	35 feet
Side to rear	20 feet	40 feet
Rear to rear	40 feet	60 feet
 - 2. Minimum distance from buildings to internal roadway: 10 feet
 - 3. Maximum building height: 4-stories or 45 feet
 - 4. Maximum building length: 250 feet
 - 5. Minimum horizontal breaks in building façade: one break that varies the setback by a minimum of four (4) feet for every 50 feet of building

length

6. Extensions into the required separations between buildings, and setbacks from buildings to streets, parking areas and external lines shall be permitted as follows:
 - a. By eaves with an overhang of not more than two feet.
 - b. By rainwater leaders, window sills, chimneys and other such fixtures.
 - c. By bay windows not more than twelve feet wide and for a depth not to exceed two feet.
 - d. By an open porch or steps leading into the building, which shall not have any sidewall or other enclosure and may have a fixed roof, canopy, or other covering, limited to the dimensions of said porch.
 - e. By a patio provided that the surface shall be not more than eighteen inches above the ground level and that the improved area shall be without walls and railings, and shall be without a roof, canopy, or other fixed covering.
- ix. Accessory use standards:
 1. Accessory buildings shall meet the street and property line setbacks of principal buildings (excluding clubhouses).
 2. Minimum accessory building setback to/from residential buildings: 25

feet (excluding clubhouses).

3. Minimum accessory building setback to/from another accessory building: 15 feet
4. Minimum setback of swimming pools, tennis courts, and other surfaced recreation facilities to external property lines: 20 feet
5. Clubhouse buildings
 - a. Minimum setback to external property lines: 20 feet
 - b. Minimum setback to internal roadway: 10 feet
 - c. Maximum building height: 2.5 stories or 35 feet
 - d. Maximum building floor area: 5,000 square feet
6. Accessory buildings (other than clubhouses)
 - a. Maximum building height: 20 feet
 - b. Maximum building floor area: 2,500 square feet

F. Occupancy restrictions

The following occupancy restrictions are intended to qualify all housing within the

AAH-2 zone of the Borough of Wanaque as “55 or Over Housing” pursuant to the “Housing for Older Persons Act” exemption of the Fair Housing Act.

- i. All housing within the AAH-2 zone is subject to an age restriction whereby at least 80 percent of occupied units in the zone shall be occupied by at least one person 55 years of age or older.
- ii. The individual or individuals over the age of 48, or residing with a spouse

over the age of 48, providing that 80% of the units within the adult community project are occupied by persons age 55 years or over.

- iii. In accordance with the exemption under the Fair Housing Act, no permanent resident shall be under the age of 19.
- iv. This restriction shall not apply to resident employees such as a property manager or superintendent.
- v. The foregoing occupancy restriction shall be set forth in a Master Deed and redevelopment agreement and other recorded instrument applicable to all of the dwellings in the development. The Master Deed or other recorded instrument shall contain procedures governing the sale, transfer, and rental of units within the redevelopment area so that the redeveloper and homeowners' association can enforce the occupancy restrictions set forth herein. The Master Deed or other recorded instrument may be recorded on a phased basis provided that as the above occupancy restrictions apply to every dwelling within the phase. The above occupancy restrictions shall be set forth or referred to in every deed conveyance to an individual dwelling unit in the development and redevelopment area.

G. Common open space implementation requirements.

- i. A minimum of 0.1 acre of active or passive recreation space shall be provided for each 1.0 acre of bulk (gross) site area.
- ii. Buffer areas, wetlands, and conservation easements shall be considered as

open space as required by this section.

- iii. Active recreation space shall be improved with facilities, buildings, and structures for indoor and outdoor recreational activities consistent with the residential character of the development and the lifestyle needs of the residents therein.
- iv. All active open space shall be connected to residential areas with walkways or other reasonable means of access.

H. Circulation and parking standards

- i. All public streets, internal roadways, and private driveways shall be in accordance with the requirements of the New Jersey Residential Site Improvement Standards.
- ii. A gatehouse may be located at the entrance to a development in the AAH-2 zone.
- iii. All developments in this district shall provide two points of ingress and egress. One of these access points may be for emergency use only.
- iv. Off-street parking shall be provided at a ratio of 2.32 parking spaces for each dwelling unit.
- v. Required off-street parking may be provided in private driveways and garages, common garages under residential buildings and exterior on-site parking lots.
- vi. Said parking shall be landscaped, screened, lighted and conveniently located within 150 feet of the housing to be served with the exception of guest

parking.

- I. Ownership and maintenance. The ownership and maintenance requirements of the AAH-2 zone shall be the same as those generally required in the Borough of Wanaque Zoning Ordinance.
- J. With respect to the proposed land uses and building requirements, this Adult Housing Redevelopment Plan is in conformity with the Master Plan of the Borough of Wanaque, which has as one of its primary goals the continued provision of housing opportunities to its residents. Furthermore, the Master Plan of the Borough of Wanaque is consistent with the Master Plans of adjoining municipalities.

Section 4. Powers of Redevelopment Agency: Subject to the approval of the Borough Council, the Borough of Wanaque may proceed with the rehabilitation, planning, renewal, and redevelopment of the Adult Housing Redevelopment Project, located in the Fourth Avenue Adult Housing Renewal Area so as to carry out and effectuate said purposes, the Borough of Wanaque may:

- A. lease, exchange, 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, exchange, or conveyance is made in conjunction with this redevelopment plan, notwithstanding the provisions of any law, rule, or regulation to the contrary.
- B. request the Planning Board to recommend pursuant to existing law the

designation of additional areas in need of redevelopment or rehabilitation and to make recommendations for such redevelopment; or rehabilitation of such areas;

C. publish and disseminate information;

D. prepare or arrange by contract for the provision of professional services and the preparation of plans by registered architects or licensed professional engineers, planners, financial analysts, or other consultants for the carrying out of redevelopment projects;

E. contract with public agencies, including an urban renewal entity (URE), or redevelopers, including private companies, for the planning, replanning, construction, or undertaking of any project or redevelopment work, or any part thereof, to provide as part of any such arrangement or contract for extension of credit or making of loans to redevelopers to finance any project or redevelopment work, and to arrange or contract with public agencies 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;

F. arrange or contract with a public agency, to the extent that it is within the scope of that agency's functions, to cause the services customarily provided by such other agency to be rendered for the benefit of the occupants of any development area, and to have such other agency provide and maintain parks,

recreation centers, schools, sewerage, transportation, water and other municipal facilities adjacent to or in connection with redevelopment areas;

G. conduct examinations and investigations, hear testimony and make proof, under oath at public or private hearings of any material matter, require the attendance of witnesses and the production of books and papers and issue commissions for the examination of witnesses who are out of State, unable to attend, or excused from attendance;

H. authorize a committee designated by it consisting of one or more members, or counsel, or any officer or employee to conduct any such investigation or examination, in which case such committee, counsel, officer or employee shall have power to administer oaths, take affidavits and issue subpoenas;

I. do all things necessary or convenient to carry out its powers;

J. negotiate with a duly organized urban renewal entity (URE) or potential redevelopers for the provisions of a financial agreement pursuant to both the New Jersey Redevelopment and Housing Law and the New Jersey Long Term Tax Exemption Law so as to provide the Borough of Wanaque with the appropriate financial return as solely determined by the Borough Council;

K. enter into a financial agreement with a redeveloper or URE which may include the provision of a service charge paid by the redeveloper in the form of Payment in Lieu of Taxes upon the private sale of improved real property within the renewal area hereinbefore set forth in this Redevelopment Plan Ordinance

pursuant to the New Jersey Long Term Tax Exemption Law; and

L. perform all powers authorized by law to carry out the foregoing purposes not otherwise specifically listed herein.

Section 5. The designated developer shall be required to comply with the affordable housing regulations as promulgated by the Council on Affordable Housing.

Section 6. The Mayor of the Borough of Wanaque or the Borough Administrator is hereby designated to execute and the Borough Clerk to attest, any and all documents necessary to carry out any of the purposes set forth in this ordinance including the aforesaid financial agreement.

Section 7. The Zoning Ordinance of the Borough of Wanaque is hereby amended to add hereto the Adult Housing zoning district hereinbefore created as part of this Redevelopment Plan Ordinance.

Section 8. 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 9. All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 10. This ordinance shall take effect immediately upon final passage and publication as required by law and upon filing with the Passaic County Planning Board.

BOROUGH OF WANAQUE
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ORDINANCE #10-0-05

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 March 2005, 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 14, 2005


KATHERINE J. FALONE, RMC, CMC
Municipal Clerk

BOROUGH OF WANAQUE
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ORDINANCE #10-0-05

BE IT RESOLVED that an Ordinance entitled

AN ORDINANCE ESTABLISHING A REDEVELOPMENT PLAN AND DESIGNATING THE COUNCIL OF THE BOROUGH OF WANAQUE TO ACT AS THE REDEVELOPMENT ENTITY FOR THE ADULT HOUSING REDEVELOPMENT PROJECT WITHIN THE FOURTH AVENUE ADULT HOUSING RENEWAL AREA AND ESTABLISHING THE FOURTH AVENUE ADULT HOUSING ZONING DISTRICT (AAH-2) AS SECTION 114-7.1 OF THE CODE OF THE BOROUGH OF WANAQUE

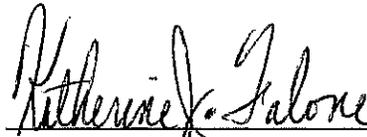
pass first reading, and that said Ordinance be further considered for final passage and adoption at a regular meeting of the Borough Council to be held on the 18th day of April 2005, at the Municipal Building in the Borough of Wanaque, at 8:00 o'clock p.m., and that at such time and place all persons 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: 3/14/05

Filed: 3/14/05

Approved: 3/14/05



Katherine J. Falone, RMC, CMC
Municipal Clerk