

Union Ct  
Block 477  
Lots 1-4.03

BOROUGH OF WANAQUE  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY

ORDINANCE #23-0-09

AN ORDINANCE AMENDING § 114-14.14 OF THE BOROUGH OF WANAQUE CODE PERTAINING TO THE RD-1 ZONE AND AMENDING THE 1998 REDEVELOPMENT PLAN FOR THOSE PROPERTIES LOCATED IN BLOCK 477, AS DEPICTED ON THE BOROUGH TAX MAP, SAID PROPERTIES BEING INCLUDED IN SAID PLAN AND BEING LOCATED ALONG, OR IN THE IMMEDIATE VICINITY OF, UNION AVENUE IN THE BOROUGH OF WANAQUE. FURTHER, DESIGNATING THE BOROUGH COUNCIL OF THE BOROUGH OF WANAQUE AS THE REDEVELOPMENT ENTITY FOR THE SERVICE BUSINESS DISTRICT-2 (A REDEVELOPMENT AREA) AND CREATING THE SBD-2 ZONE. CHAPTER 114 OF THE CODE OF THE BOROUGH OF WANAQUE ENTITLED 'ZONING AND LAND USE' IS HEREBY AMENDED TO INCLUDE THE SBD-2 ZONE.

WHEREAS, at the direction of the Borough Council, by Resolution dated August 10, 1998, the Borough of Wanaque adopted a Redevelopment Plan in August 1998, pertaining to certain properties located in the Union Avenue Area of the Borough of Wanaque; and

WHEREAS, the Borough of Wanaque desires to re-establish those properties located in the Redevelopment-1 Zoning District (RD-1) as in need of redevelopment and, further, the Borough desires to amend or modify the zoning as included in §114.14 of the Borough of Wanaque Code so that greater flexibility exists as to the use of the property for both the property owner and potential developers benefit, and

WHEREAS, the area hereinafter identified is a redevelopment area in accordance with the criteria set forth in the New Jersey Local Redevelopment and Housing Law (NJSA 40A:12A-1 et seq.); and

WHEREAS, the Local Redevelopment and Housing Law (LRHL) 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 such redevelopment efforts would foster beneficial economic development; and

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 2009 Wanaque Redevelopment Plan for those properties located in the Union Avenue Area as herein identified, is hereby established with the following provisions.

Section 1. Declaration of Redevelopment Area.

A. Statement of Local Objectives.

Pursuant to the provisions of NJSA 40A:12A-7, the Redevelopment Plan previously referenced and heretofore adopted in August of 1998, meets the local land use objective of developing the potential for services businesses in an underutilized area of the Borough of Wanaque. The inclusion of such service businesses will also increase employment opportunities, enhance the municipal tax base and create the basis for the turnaround of an underutilized area of the Borough of Wanaque. It is the policy of the Mayor and Borough Council to diligently seek economic development opportunities to further the public health and welfare. Accordingly, the Borough Council finds that the creation of the SBD-2 Zone will help achieve these local objectives.

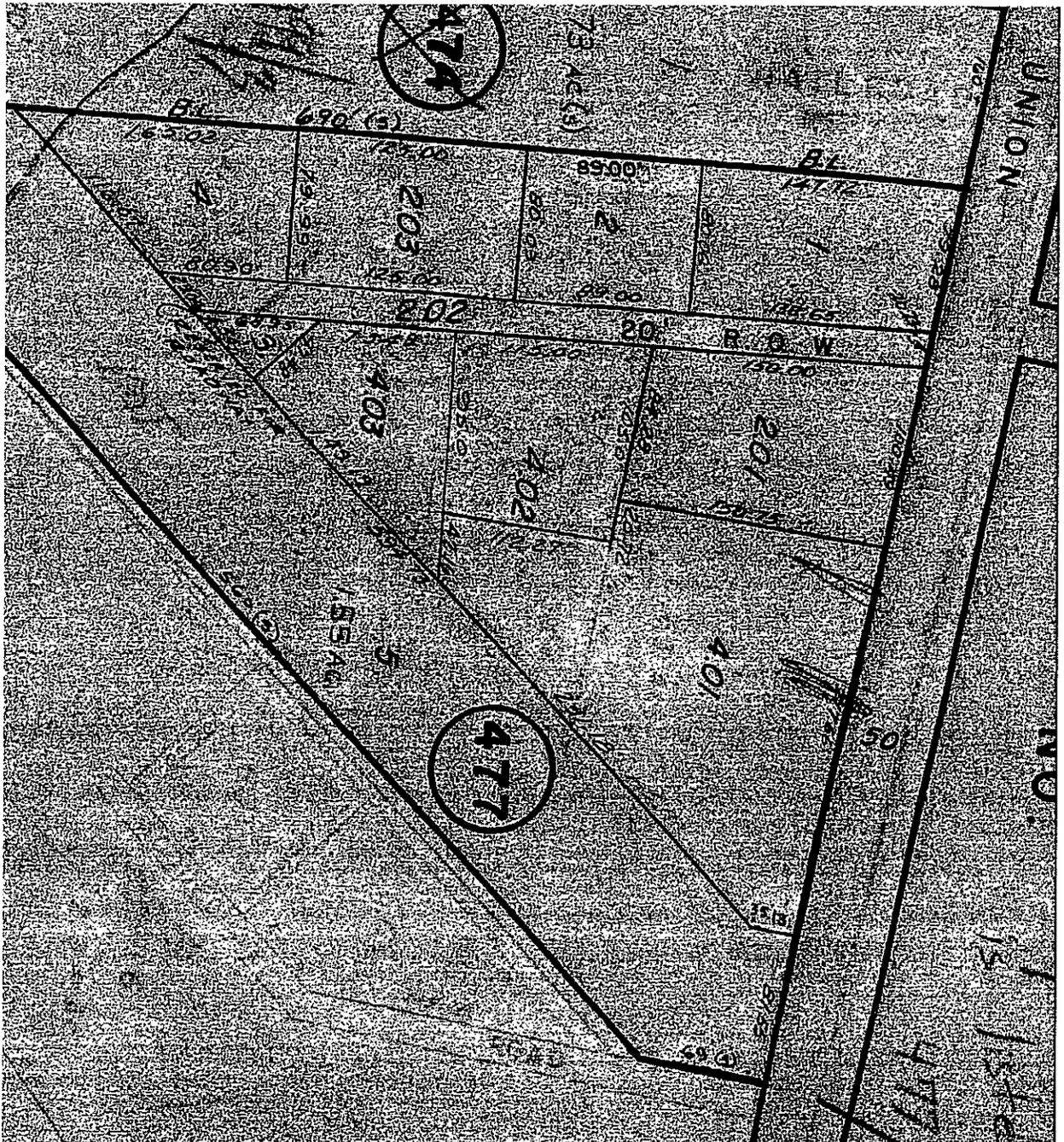
B. Inclusion and Identification of Properties in the SBD-2 Redevelopment Plan and Zone.

Based upon the prior recommendation of the Wanaque Planning Board, the following properties are confirmed to be included in an area in need of redevelopment pursuant to the provisions of NJSA 40A:12A-1 et seq.

Block/Lot
Block 477
Lot 1
Lot 2
Lot 2.01
Lot 2.02
Lot 2.03
Lot 3
Lot 4
Lot 4.01
Lot 4.03

(Lot 4.02 is Not in area)\*

The following is an abstract of the Borough of Wanaque tax map depicting the properties:



C. 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. No property is identified 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 2. Zoning Districts and Implementation of the 2009 Wanaque Redevelopment Plan Pursuant to NJSA 40A:12A-7a (2).

So that there may be a provision in an underutilized area of Wanaque for capital investment in quality service business properties, including the provision of quality retail opportunities, as well as quality community facilities developed in concert with the pre-existing service businesses in the Town Center of Wanaque, the Service Business District-2 is hereby established. The 2009 Wanaque Redevelopment Plan provides for the implementation of the following zoning districts and land use patterns as required to be identified by NJSA 40A:12A-7a (2). The SBD-2 zone shall encompass and include those parcels identified in Section 1B of this Plan. The reader of this Plan is also referred to the SBD-1, located in the Haskell Town Center, so as to provide additional background on the Borough's integrated use of service business designations and land uses.

Section 3. The following modifications to § 114.14.4, the RD-1 Zone, in the Borough of Wanaque Code are hereby made and Sections 114-14.4 A and D of the Borough Code are hereby amended to read as follows (modifications to the prior code are in italics):

*The RD-1 Zone is hereinafter to be referred to as the SBD-2 Zone.*

A. This zone is designed to provide for *service business* uses generally *situated in the vicinity of other business or retail/commercial uses* and providing convenient access to the community.

(1) *Service establishments*

*The specific intent of the Service Business District-2 Zone is to allow for the mix of retail stores, including banks and restaurants, and professional, commercial and general office uses. As such, this is a mixed-use zone allowing for both retail*

*stores and professional offices.*

*The principal uses permitted in this redevelopment area are mixed-use service businesses comprised of retail and professional, general, commercial and general offices. These dwellings are to be built and occupied in accordance with Subsection C(3), (4), (5) and (6).*

- (2) Banks and savings institutions are permitted.
- (3) Restaurants with drive-through windows are permitted.
- (4) Hotels and motels *are permitted as a conditional use.*

Further, Section 114.14.4 D shall read as follows: “area, bulk and yard requirements are hereby set forth:

- (1) Retail stores, banks and saving institutions, restaurants and other service businesses as shall have the following bulk and area requirements and standards:
  - (a) Minimum lot area: one acre.
  - (b) *Maximum building coverage: 50%.*
  - (c) *Maximum impervious surface coverage: 85%.*
  - (d) *Minimum open space: 10%. (Landscaped areas may account for 5% of the non-impervious surface area.)*
  - (e) *Maximum building heights: two and one-half stories/44 feet.*
  - (f) *Minimum lot frontage: 100 feet.*
  - (g) Minimum yard setbacks:
    - Front yard: 50 feet.
    - Side yard: 25 feet.
    - Rear yard: 25 feet.”

Section 4. The Wanaque Planning Board is hereby authorized to grant deviations (generically referred to as “variances”) from this Plan and the applicable SBD-2 zoning regulations. To accomplish the objectives of this Plan the Planning Board is referred to Section 5 C of this Plan (Ordinance). Notwithstanding any provision of the Borough of Wanaque Code to the contrary, no “use change”, or “use variance”, may be considered by the Board of Adjustment, or any other Board, inasmuch as such a use change would constitute a change or modification to this Plan which may only be accomplished by the Borough Mayor and Council.

Section 5. Other Matters.

- A. Those properties located in the RD-1 zone in the Borough of Wanaque, not included in this Plan and not otherwise included in a new zoning district, shall maintain their previous zoning.
- B. The Wanaque Planning shall liberally apply subdivision standards and grant reasonable subdivisions, including the redrawing of lot (property/parcel) lines and granting easements, within the SBD-2 Zone.
- C. The property located at Block 477, Lot 2.02 is commonly referred to as "Union Court". This property is a public right of way and may be included in the bulk area calculations for any adjoining property: the area of Block 477, Lot 2.02 may be "counted" or considered in multiple site plans as may be specifically approved by the Wanaque Planning Board.

Section 6. Designation of Redevelopment Entity.

Pursuant to the authority granted by NJSA 40A:12A-4(c) of the LRHL, the Wanaque Borough Council is hereby designated as the Redevelopment Entity for the 2009 Redevelopment Plan and Redevelopment Areas as herein described. The Borough Council, as Redevelopment Entity, will exercise its powers thereof in accordance with the LRHL.

Section 7. Powers of Redevelopment Entity.

Pursuant to LRHL, the Council may, pursuant to NJSA 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, the Council may:

- A. Undertake redevelopment projects, and for this purpose issue bonds in accordance with the provisions of NJSA 40A:12A-29.
- B. Acquire or purchase property for public purposes and clear any area owned or acquired by the Borough of Wanaque. Install, construct or reconstruct streets, facilities, utilities, and site improvements essential to the preparation of sites for use in accordance with the Redevelopment Plan.

C. Prepare or arrange by contract for the provision of professional services and the preparation of plans by registered architects, licensed professional engineers or planners, or other consultants for the carrying out of redevelopment projects.

D. Arrange or contract with public agencies or redevelopers for the planning, replanning, construction, or undertaking of any project or redevelopment work, or any part thereof; negotiate and collect revenue from a redeveloper to defray the costs of the redevelopment entity, including where applicable the costs incurred in conjunction with bonds, notes or other obligations issued by the redevelopment entity, and to secure payment of such revenue; as part of any such arrangement or contract, provide for extension of credit, or making of loans, to redevelopers to finance any project or redevelopment work, or upon a finding that the project or redevelopment work would not be undertaken but for the provision of financial assistance, or would not be undertaken in its intended scope without the provision of financial assistance, provide as part of an arrangement or contract for capital grants to redevelopers; and arrange or contract with public agencies or redevelopers 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 any pertinent redevelopment area.

E. Acquire, lease 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 or conveyance is made in conjunction with this Redevelopment Plan, notwithstanding the provisions of any law, rule, or regulation to the contrary.

F. Make, consistent with this Redevelopment Plan: (1) plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements; and (2) plans for the enforcement of laws, codes, and regulations relating to the use and occupancy of buildings and improvements, and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements.

G. Request that the Planning Board recommend and Council designate particular properties or areas as being in need of redevelopment in accordance with the

provisions of this Plan and make recommendations for the redevelopment of such areas.

H. Study the recommendations of the Planning Board or Borough Administration for redevelopment of the area, including potential redevelopment projects.

I. Publish and disseminate information concerning any redevelopment area, plan or project.

J. Do all things necessary or convenient to carry out its powers.

BE IT FURTHER ORDAINED as follows:

Section 8 Execution of Documents.

The Mayor of the Borough of Wanaque is hereby designated to execute, and the Borough Clerk of the Borough of Wanaque (“Borough Clerk”) is hereby designated to attest to, any and all documents necessary to carry out any of the purposes set forth in this Ordinance.

Section 9. 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 NJSA 40:55D-15 and NJSA 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 NJSA 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor, as required by NJSA 40:49-2.1.

Section 10. 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 11. Illegal Provisions.

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 full force and effect.

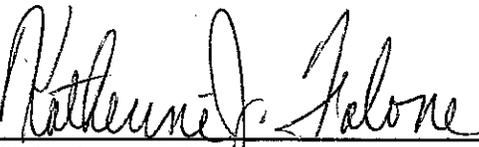
Section 12. Judgment(s).

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 13. Effective 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.

Dated: November 9, 2009

  
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Katherine J. Falone, RMC, CMC  
Municipal Clerk

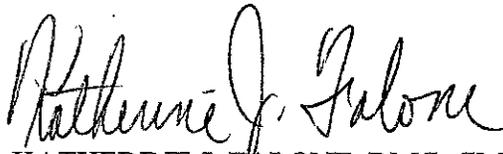
BOROUGH OF WANAQUE  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY

ORDINANCE #23-0-09

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 9th day of November 2009, 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: November 9, 2009

  
KATHERINE J. FALONE, RMC, CMC  
Municipal Clerk

BOROUGH OF WANAQUE  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY

ORDINANCE #23-0-09

BE IT RESOLVED that an Ordinance entitled:

AN ORDINANCE AMENDING § 114-14.14 OF THE BOROUGH OF WANAQUE CODE PERTAINING TO THE RD-1 ZONE AND AMENDING THE 1998 REDEVELOPMENT PLAN FOR THOSE PROPERTIES LOCATED IN BLOCK 477, AS DEPICTED ON THE BOROUGH TAX MAP, SAID PROPERTIES BEING INCLUDED IN SAID PLAN AND BEING LOCATED ALONG, OR IN THE IMMEDIATE VICINITY OF, UNION AVENUE IN THE BOROUGH OF WANAQUE. FURTHER, DESIGNATING THE BOROUGH COUNCIL OF THE BOROUGH OF WANAQUE AS THE REDEVELOPMENT ENTITY FOR THE SERVICE BUSINESS DISTRICT-2 (A REDEVELOPMENT AREA) AND CREATING THE SBD-2 ZONE. CHAPTER 114 OF THE CODE OF THE BOROUGH OF WANAQUE ENTITLED 'ZONING AND LAND USE' IS HEREBY AMENDED TO INCLUDE THE SBD-2 ZONE.

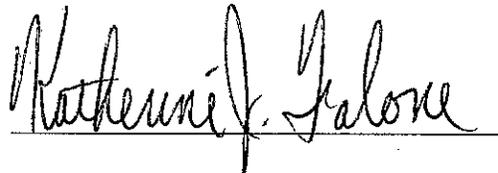
pass first reading, and that said Ordinance be further considered for final passage and adoption at a regular meeting of the Borough Council to be held on the 14th day of December 2009, at the Municipal Building in the Borough of Wanaque, at 8:00 P.M., and that at such time and place all persons interested 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: 11/9/09

Filed: 11/9/09

Approved: 11/9/09



Katherine J. Falone, RMC, CMC

Municipal Clerk

BOROUGH OF WANAQUE  
COUNTY OF PASSAIC  
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pass final reading and that said Ordinance be adopted as an Ordinance of the Borough of Wanaque; and

BE IT FURTHER RESOLVED that the Borough Clerk be and she is hereby directed to cause said Ordinance to be published in the manner prescribed by law.

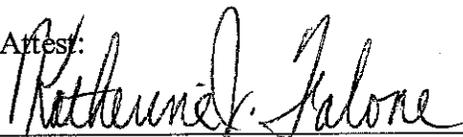
Passed: 12/14/09

Final: 12/14/09

Approved: 12/14/09

  
Daniel Mahler  
Mayor

Attest:

  
Katherine J. Falone, RMC, CMC  
Municipal Clerk