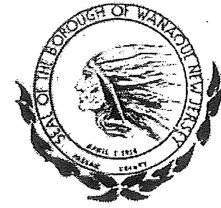




**BOROUGH OF WANAQUE  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY**



**ORDINANCE# 9-0-2023**

**ORDINANCE OF THE BOROUGH OF WANAQUE, COUNTY OF PASSAIC, NEW JERSEY, ADOPTING A REDEVELOPMENT PLAN AMENDMENT FOR THE PROPERTIES COMMONLY KNOWN AS BLOCK 200.20 LOTS 1 THROUGH 48 ON THE TAX MAP OF THE BOROUGH OF WANAQUE, AND AMENDING ORDINANCE #3-0-17 WHICH AMENDED #15-0-16 BY ADDING CERTAIN ADDITIONAL PROVISIONS TO THE PLAN**

---

**WHEREAS**, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.*, as amended (the "Redevelopment Law"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of rehabilitation or redevelopment; and

**WHEREAS**, in accordance with the Redevelopment Law, the Borough Council of ("Council") of the Borough of Wanaque (the "Borough") on July 11, 2016, adopted Ordinance #15-0-16 establishing a Redevelopment Plan for the properties commonly known as Block 200.20, Lots 1 through 48 on the tax map of the Borough (the "Property") to be an "area in need of redevelopment" pursuant to the Redevelopment Law, the Property being commonly referred to as Lakeside Manor; and

**WHEREAS**, in order to facilitate the proper development of the Property and effectuate the redevelopment of same, the Borough had determined in May 2016 to develop a redevelopment plan for the Property pursuant to the authority granted under the Redevelopment Law; and

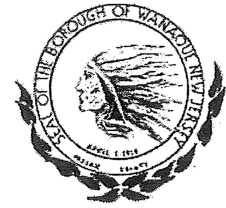
**WHEREAS**, due to the continued deterioration of the properties the Borough Council found it necessary to amend the 2016 Redevelopment Plan to require a new site plan application be completed and submitted to the Wanaque Planning Board for the Planning Board's approval, said site plan application shall be submitted by any potential redeveloper of the Property; and

**WHEREAS**, Ordinance #3-0-17, adopted on May 8, 2017, amended the 2016 Redevelopment Plan, which is on file with the Borough Clerk (the "Redevelopment Plan Amendment") attached to this Ordinance and provides the development standards for the Property; and

**WHEREAS**, pursuant to the Redevelopment Law, the planning board of the Borough (the "Planning Board") must review the Redevelopment Plan Amendment and transmit its comments relating to the Redevelopment Plan to the Borough Council in accordance with the provisions of *N.J.S.A. 40A:12A-7* of the Redevelopment Law; and



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



**ORDINANCE# 9-0-2023**

**ORDINANCE OF THE BOROUGH OF WANAUKE, COUNTY OF PASSAIC, NEW JERSEY, ADOPTING A REDEVELOPMENT PLAN AMENDMENT FOR THE PROPERTIES COMMONLY KNOWN AS BLOCK 200.20 LOTS 1 THROUGH 48 ON THE TAX MAP OF THE BOROUGH OF WANAUKE, AND AMENDING ORDINANCE #3-0-17 WHICH AMENDED #15-0-16 BY ADDING CERTAIN ADDITIONAL PROVISIONS TO THE PLAN**

WHEREAS, upon receipt of the Planning Board's comments relating to the Redevelopment Plan, the Borough Council believes that the adoption of the July 31, 2023 Redevelopment Plan Amendment is necessary to further the public health, safety and welfare and, therefore is in the best interest of the Borough.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Wanaque as follows:

**Section 1.** The foregoing recitals are incorporated herein as if set forth in full.

**Section 2.** The Redevelopment Plan Amendment, dated July 31, 2023 and attached hereto as Exhibit B and made a part hereof, is hereby adopted pursuant to the terms of N.J.S.A. 40A:12A-7 of the Redevelopment Law.

**Section 3.** The Borough Council hereby finds and determines that pursuant to Section 2 C 3) of the 2023 Redevelopment Plan Amendment that the prior site plan approvals, circa the year 1999 and 2000, have been terminated due to the inaction by the prior property owner and the revised site plan shall be in compliance with § 114-11 of the General Ordinances of the Borough of Wanaque (the "Code") as specified in the 2023 Redevelopment Plan Amendment. This section of the Code implements the R-40 zoning district and is applicable to this area in need of redevelopment and redevelopment project as indicated in the Wanaque Planning Board 1999 Resolution approving the original site plan. Therefore, the principle permitted use on the property shall be attached multifamily residences. The number of units shall not exceed 47 residential units.

**Section 4.** It is the specific objective of this Redevelopment Plan to implement the provisions of § 114-48 of the Wanaque Code. However, the provisions of § 114-48 B (5) (b) shall be flexible as to the requirements of filing ("tendering") deeds regarding final site plan approval. Further, to provide clarity, the Lakeside Manor subdivision map and site plan (development site) indicates ~20 acres shall be the minimum lot size and, therefore, shall be considered consistent with § 114-48 B (1). (Reference is made to the final subdivision map prepared by Arthur E. Hansen, dated July 1, 2001, as well as the aforesaid 1999 Planning Board Resolution.)



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



**ORDINANCE# 9-0-2023**

**ORDINANCE OF THE BOROUGH OF WANAQUE, COUNTY OF PASSAIC, NEW JERSEY, ADOPTING A REDEVELOPMENT PLAN AMENDMENT FOR THE PROPERTIES COMMONLY KNOWN AS BLOCK 200.20 LOTS 1 THROUGH 48 ON THE TAX MAP OF THE BOROUGH OF WANAQUE, AND AMENDING ORDINANCE #3-0-17 WHICH AMENDED #15-0-16 BY ADDING CERTAIN ADDITIONAL PROVISIONS TO THE PLAN**

**Section 5.** If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

**Section 6.** A copy of this Ordinance and the Redevelopment Plan shall be available for public inspection at the office of the Borough Clerk during regular business hours.

**Section 7.** This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Introduced: July 31, 2023  
Public Hearing:  
Adopted:

**RECORD OF COUNCIL VOTE**

<i>Councilman</i>	<i>Motion</i>	<i>Second</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Councilman</i>	<i>Motion</i>	<i>Second</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>
Balunis					Excused	Pasquariello					Excused
Cortellessa	✓		✓			Pettet			✓		
Leonard		✓	✓			Pasznik			✓		

ATTEST:

Katherine J. Falone RMC, CMC  
Municipal Clerk

Daniel Mahler  
Mayor

This resolution, when adopted, must remain in the possession of the Municipal Clerk. Certified copies are available.



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

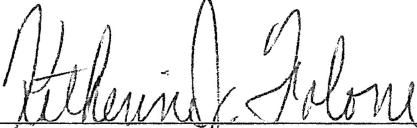


**ORDINANCE #9-0-2023**

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was Introduced at a Special Meeting of the Mayor and Council of the Borough of Wanaque, Passaic County, New Jersey, held on the 31<sup>st</sup> day of July 2023, 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 07465 on September 18, 2023, at 7:00 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  
WANAUKE.

DATED: 7/31/2023

  
KATHERINE J. FALONE, RMC, CMC  
Municipal Clerk



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



**ORDINANCE #9-0-2023**

BE IT RESOLVED that an Ordinance entitled:

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 33 OF THE CODE  
OF THE BOROUGH OF WANAQUE TITLED POLICE DEPARTMENT**


passed first reading, and that said Ordinance be further considered for final passage and adoption at a regular meeting of the Mayor and Council to be held on the 18th day of September 2023, at the Municipal Building, 579 Ringwood Avenue, Wanaque, New Jersey 07465 at 7:00 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: 7/31/2023

Filed: 7/31/2023

Approved: 7/31/2023

  
KATHERINE J. FALONE, RMC, CMC  
Municipal Clerk

BOROUGH OF WANAQUE  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY

ORDINANCE #9-0-2023

BE IT RESOLVED that an Ordinance entitled:

**ORDINANCE OF THE BOROUGH OF WANAQUE, COUNTY OF PASSAIC, NEW JERSEY, ADOPTING A REDEVELOPMENT PLAN AMENDMENT FOR THE PROPERTIES COMMONLY KNOWN AS BLOCK 200.20 LOTS 1 THROUGH 48 ON THE TAX MAP OF THE BOROUGH OF WANAQUE, AND AMENDING ORDINANCE #3-0-17 WHICH AMENDED #15-0-16 BY ADDING CERTAIN ADDITIONAL PROVISIONS TO THE PLAN**

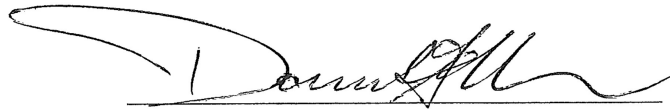
passed final reading and that said Ordinance be adopted as an Ordinance of the Borough of Wanaque; and

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: 9/18/2023

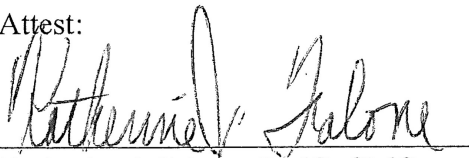
Final: 9/18/2023

Approved: 9/18/2023



Daniel Mahler  
Mayor

Attest:



Katherine J. Falone, RMC, CMC  
Municipal Clerk

**Exhibit A**

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

**ORDINANCE # 3-0-17**

**ORDINANCE OF THE BOROUGH OF WANAQUE,  
COUNTY OF PASSAIC, NEW JERSEY, ADOPTING A  
REDEVELOPMENT PLAN AMENDMENT FOR THE  
PROPERTIES COMMONLY KNOWN AS BLOCK 200.20  
LOTS 1 THROUGH 48 ON THE TAX MAP OF THE  
BOROUGH OF WANAQUE, AND AMENDING  
ORDINANCE #15-0-16 BY ADDING CERTAIN  
ADDITIONAL RESTRICTIONS TO THE PLAN AND  
INVOKING THE PROVISIONS OF N.J.S.A. 40:48-2 AND  
WANAQUE ORDINANCE NUMBER 21-0-16 PERTAINING  
TO ABANDONED PROPERTIES.**

**WHEREAS**, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.*, as amended (the “Redevelopment Law”), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of rehabilitation or redevelopment; and

**WHEREAS**, in accordance with the Redevelopment Law, the Borough Council of (“Council”) of the Borough of Wanaque (the “Borough”) on July 11, 2016, adopted Ordinance #15-0-16 establishing a Redevelopment Plan for the properties commonly known as Block 200.20, Lots 1 through 48 on the tax map of the Borough (the “Property”) to be an “area in need of redevelopment” pursuant to the Redevelopment Law, the Property being commonly referred to as Lakeside Manor; and

**WHEREAS**, in order to facilitate the proper development of the Property and effectuate the redevelopment of same, the Borough had determined in May 2016 to develop a redevelopment plan for the Property pursuant to the authority granted under the Redevelopment Law; and

**WHEREAS**, due to the continued deterioration of the properties the Borough Council finds it necessary to amend the 2016 Redevelopment Plan to require a new site plan application be completed and submitted to the Wanaque Planning Board for the Planning Board’s approval, said site plan application shall be submitted by any potential redeveloper of the Property; and

**WHEREAS**, the amendment to the Redevelopment Plan, dated March 13, 2017, is on file with the Borough Clerk (the “Redevelopment Plan Amendment”) and provides the development standards for the Property, including but not limited to the inclusion of the Property on the abandoned properties list pursuant to Section 88-12 F. of the Borough Code which said Section of the Code confirms and specifies that the Property is included on the abandoned properties list; and

**WHEREAS**, pursuant to the Redevelopment Law, the planning board of the Borough (the "Planning Board") must review the Redevelopment Plan Amendment and transmit its comments relating to the Redevelopment Plan to the Borough in accordance with the provisions of N.J.S.A. 40A:12A-7 of the Redevelopment Law; and

**WHEREAS**, upon receipt of the Planning Board's comments relating to the Redevelopment Plan, the Borough Council believes that the adoption of the March 13, 2017 Redevelopment Plan Amendment is in the best interest of the Borough.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Wanaque as follows:

**Section 1.** The foregoing recitals are incorporated herein as if set forth in full.

**Section 2.** The Redevelopment Plan Amendment, dated March 13, 2017 and attached hereto as Exhibit A and made a part hereof, is hereby adopted pursuant to the terms of N.J.S.A. 40A:12A-7 of the Redevelopment Law.

**Section 3.** The Borough Council hereby finds and determines that pursuant to Section 4 A.3. of the Redevelopment Plan Amendment that the prior site plan approvals, circa the year 2000, have been terminated due to the inaction by the Property owner. Accordingly, a new site plan must be filed by the designated redeveloper with the Wanaque Planning Board for the Redevelopment Plan to be effectuated.

**Section 4.** The Borough Council finds and determines that, pursuant to the provisions of N.J.S.A. 40:48-2 and as included in Ordinance #21-0-16 implementing the Abandoned Properties procedures in the Borough which specifies that the Property included in the pertinent Redevelopment Plan Amendment is abandoned, the Borough Administrator is hereby authorized as Compliance Officer to, upon thirty day notice to the property owner, enter upon the Property and remove the unsafe foundations, buildings and other improvements which clearly constitute a public health and safety hazard. Further, the Borough Attorney is hereby authorized to file a lien against the Property for the cost and expense of the removal of the unsafe structures. This shall be done on or before June 15, 2017.

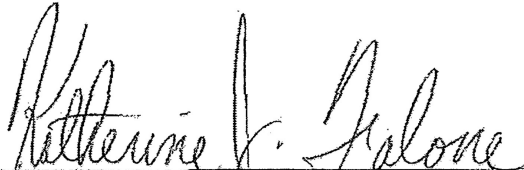
**Section 5.** If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

**Section 6.** A copy of this Ordinance and the Redevelopment Plan shall be available for public inspection at the office of the Borough Clerk during regular business hours.

**Section 7.** This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Dated: March 13, 2017

Introduced:  
Public Hearing:  
Adopted:

  
Katherine J. Falone, RMC, CMC  
Municipal Clerk



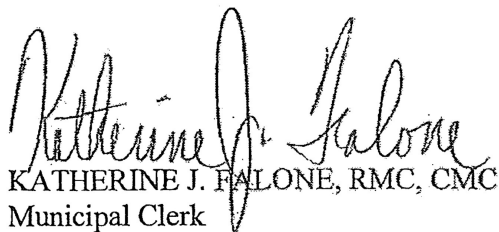
BOROUGH OF WANAQUE  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY

ORDINANCE #3-0-17

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 13th day of March 2017, 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 April 10, 2017 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 13, 2017

  
KATHERINE J. FALONE, RMC, CMC  
Municipal Clerk

FINAL

Wanaque-Lakeside Manor Redevelopment Plan\_  
Amendment

A redevelopment plan supplementing the prior development approvals at Block 200.20, Lots 1 through 47.

Borough of Wanaque, New Jersey

First Draft for Introduction-June 21, 2016  
Second Draft for the Planning Board-July 6, 2016  
Final for Adoption-July 11, 2016  
First Amendment-March 13, 2017

Prepared for: Borough of Wanaque

Prepared by:  
BENECKE ECONOMICS

55 Wanaque Avenue, Suite 135,  
Pompton Lakes, NJ 07442

## Table of Contents

<b>1</b>	<b>INTRODUCTION .....</b>	<b>1</b>
	A. BASIS FOR THE PLAN.....	1
	B. NOTE ON PLAN TERMINOLOGY .....	3
	C. DEFINITIONS .....	3
<b>2</b>	<b>PURPOSE/VISION.....</b>	<b>4</b>
	A. PURPOSE.....	4
	B. PUBLIC POLICY GOALS .....	5
	C. REDEVELOPMENT PLAN OBJECTIVES.....	5
<b>3</b>	<b>CONTEXT .....</b>	<b>6</b>
	A. SURROUNDING AREA CONTEXT.....	6
	B. RELATIONSHIP TO MASTER PLAN AND LOCAL GOALS AND OBJECTIVES.....	7
	C. RELATIONSHIP TO ZONING ORDINANCE .....	7
<b>4</b>	<b>USE AND BULK REGULATIONS .....</b>	<b>8</b>
	A. STANDARDS AND CONTROLS OF GENERAL APPLICABILITY.....	8
	B. PARCEL PLAN.....	9
	C. GENERAL REGULATIONS .....	9
<b>5</b>	<b>BUILDING AND SITE DESIGN.....</b>	<b>10</b>
<b>6</b>	<b>PLAN CONSISTENCY REVIEW .....</b>	<b>12</b>
<b>7</b>	<b>REDEVELOPMENT ACTIONS .....</b>	<b>13</b>
<b>8</b>	<b>GENERAL PROVISIONS .....</b>	<b>17</b>
<b>9</b>	<b>PROCEDURE FOR AMENDING THE APPROVED PLAN .....</b>	<b>17</b>

# 1 Introduction

## A BASIS FOR THE PLAN

---

This Redevelopment Plan has been prepared for an area located in the Highlands protection area of the Borough of Wanaque, Passaic County, New Jersey along Mountain Lakes Drive as described further below. Specifically, the area is in a designated Highlands preservation area which significantly restricts development.

On May 9, 2016, the Borough of Wanaque Council adopted a resolution stipulating a preliminary investigation be made to determine whether Block 200.20, Lot 1 through 47 and by extension Lot 48, the parcel surrounding the common areas of Mountain Lakes Estates, qualify as an "area in need of redevelopment" in accordance with the criteria specified in the New Jersey Local Redevelopment and Housing Law (LRHL), N.J.S.A. 40A:12A-5. The Borough of Wanaque Council ("Council") authorized a preliminary redevelopment investigation and a study was conducted to assist the planning board in their statutory deliberations to determine if the properties under study satisfy the statutory criteria of an area in need of redevelopment. A report entitled "Lakeside Manor-Townhouse Properties (Mountain Lakes Drive) Redevelopment Investigation Report" was prepared, dated June 3, 2016. After holding a public meeting on June 16, 2016 and conducting a public hearing thereon the Wanaque Planning Board determined Block 200.20, Lot 1 through 48 (the "Properties") satisfies the criteria for designation as an area in need of redevelopment.

On ~~June 21, 2016~~ June 21, 2016, the Borough Council adopted a Resolution indicating the Borough Council reviewed the planning board recommendations and determined that the Property qualifies as an area in need of redevelopment under the Redevelopment Law; and the Property was designated as a non-condemnation Redevelopment Area in accordance with the relevant provisions of the Redevelopment Law.

It is important to emphasize that at the June 16, 2016 planning board hearing the designated redeveloper as the then ("new") contract owner of the property was represented by counsel and enthusiastically endorsed the supplementing of the prior development approvals with this redevelopment plan ("Plan"). This Plan was intended to will afford the neighborhood a fresh start and begin the process of remediating the unsafe and deleterious conditions found at the area in need of redevelopment ("ANR") as indicated in the June 3, 2016 study. However, the designated redeveloper did not proceed with developing the property necessitating the adoption of this Plan Amendment of March 13, 2017.

## B. NOTE ON PLAN TERMINOLOGY

---

Throughout this Redevelopment Plan, a conscious distinction is made in the development regulations between "shall" and "should."

- "Shall" means that a redeveloper is required to comply with the specific regulation, without any deviations.
- "Should" means that a redeveloper is encouraged to comply but is not required to do so.

## C. DEFINITIONS

---

For the purposes of this Redevelopment Plan, and in addition to any terms defined within the body of this document, the following terms shall have the meaning as set forth below. Terms not defined herein shall have the meaning set forth in the Borough of Wanaque Zoning and Land Development Ordinances. If a term used in this Redevelopment Plan is not defined in the Borough of Wanaque Land Development Ordinance, the definition in the Municipal Land Use Law or the Local Redevelopment and Housing Law shall apply. Terms presented in singular or plural, masculine or feminine, shall be construed within the context in which they occur.

"Borough" shall mean the Borough of Wanaque, a body corporate and politic, and unless otherwise indicated, includes its Governing Body, elected officials, officers and staff. Within the context of the various sections of this document, the terms "Borough" and "Governing Body" shall mean the Governing Body of the Borough of Wanaque, acting in its capacity as "Redevelopment Entity." This Governing Body in Wanaque is the Council, a seven member Governing Body, including the Mayor.

"Development Ordinance" shall mean Borough of Wanaque Land Development Ordinance. Specifically, § 114-11 A (4) "R-40 District Permitted Primary Uses...Cluster single family residential dwellings", and related provisions.

"Governing Body" shall mean the Council, COUNCIL, of the Borough of Wanaque. Within the context of the various sections of this document, the terms "Borough" and "Governing Body" shall mean the Governing Body of the Borough of Wanaque, acting in its capacity as "Redevelopment Entity."

"Municipal Land Use Law" shall mean N.J.S.A. 40:55D-1 et seq.

"Planning Board" shall mean the Borough of Wanaque Planning Board.

"Redeveloper" shall mean the Corporation, partnership or other entity designated by the Redevelopment Entity as Redeveloper pursuant to N.J.S.A. 40A:12A-1 et seq., and having entered into a Redeveloper's Agreement with the Redevelopment Entity for the purposes of advancing this Redevelopment Plan. Similarly, nothing herein shall prohibit a team comprised of more than one affiliated entities from combining to form a Redeveloper for the purposes of effectuating this Redevelopment Plan.

"Redeveloper's Agreement" shall mean a contract made by and between a designated Redeveloper and the Redevelopment Entity which shall detail the specific rights, responsibilities and obligations of the Borough and said Redeveloper related to the construction and operation of a Redevelopment Project.

"Redevelopment Area" shall mean that area within the Borough of Wanaque described in Chapter 3 and having been determined to be An Area In Need of Redevelopment ("ANR") pursuant to a Borough of Wanaque Resolution.

"Redevelopment Entity" shall mean the Governing Body of the Borough of Wanaque, acting as the implementing agent for this Redevelopment Plan in accordance with and under the provisions of N.J.S.A. 40A:12A-1 et seq. Within the context of the various sections of this document, the terms "Borough" and "Governing Body" shall mean the Governing Body of the Borough of Wanaque, acting in its capacity as "Redevelopment Entity."

"Redevelopment Parcel" shall mean any of the specific development tracts created within the Redevelopment Area pursuant to the Parcel Plan in Chapter 4 of this Redevelopment Plan.

"Redevelopment Plan" shall mean this document entitled Wanaque Lakeside Manor Redevelopment Plan, and the implementing Borough Ordinance(s), as may be amended from time to time.

"Redevelopment Project" shall mean the construction, rehabilitation, renovation, if applicable and buildings and/or other improvements in the Redevelopment Area in accordance with this Redevelopment Plan. For the purposes of a Certificate of Completion and Compliance pursuant to Section 8F herein, an "Independent Component of a Redevelopment Project" shall mean any portion of a Redevelopment Project which can stand alone and be considered complete.

"State" shall mean the State of New Jersey and shall include all applicable agencies and instrumentalities thereof.

## 2 Purpose/Vision

### A. PURPOSE

The Redevelopment Plan sets standards for the improvements to be made in the redevelopment area. The purpose of this Redevelopment Plan is to supplement the May 21, 1998 Wanaque Planning Board Resolution approving the final major subdivision and granting site plan approval. This Resolution was then updated through the adoption of Wanaque Planning Board Resolution number 11-99; adopted October 21, 1999.

These resolutions granted approval for the construction of a 47 townhouse unit development in lieu of the previously approved 64 townhouse unit development. The previous Planning Board approval for 64 units occurred in October 1989.

The initial project as approved by the Planning Board stalled and was the subject of litigation as to Highlands Act compliance. The properties have deteriorated over the past seventeen years and the structures built by the prior owner/developer are posing a public safety and welfare concern. Moreover, a new contract owner was scheduled to ~~has taken~~ over the project, subject to this Plan moving forward. The new contract owner did not proceed with developing the property. The Property shall ~~will~~ be "repurposed" by removal of existing structures and, in the event new development should occur, the with new structures shall be built with attractive building and site design. Upon adoption of this Plan, the Borough will be statutorily empowered to enter into a Redeveloper's Agreement with a Redeveloper for the purposes of advancing the Public Policy Goals and Redevelopment Plan Objectives described herein.

### B. PUBLIC POLICY GOALS

- 1) Provide the mechanism for a public/private partnership designed to promote economic development in the Redevelopment Area.
- ~~2) Generate new tax ratables and create tax revenue by providing for the development of lands currently occupied by dilapidated and vacant structures.~~
- ~~3) 2) Prevent the spread of deteriorating conditions into the adjacent neighborhood (located in Wanaque) by the application of comprehensive Redevelopment Plan controls. This includes specific road, sanitary sewer, stormwater and other infrastructure upgrades in the immediate vicinity of Mountain Lakes Drive and Linda Road as well as related streets and roads.~~
- ~~4) 3) Reverse the conditions in the Redevelopment Area which represent a detriment to the safety, health and welfare of the community.~~
- ~~5) 4) Where appropriate, utilize redevelopment, financial and non- financial incentives and programs to attract appropriate development to the Redevelopment Area.~~

### C. REDEVELOPMENT PLAN OBJECTIVES

- ~~1) Re-affirm the aforementioned 1999 subdivision and site plan approvals.~~

2)1) Enact such elements and controls which will allow for the redevelopment of lands within the Redevelopment Area consistent with the Purpose and intent of this Redevelopment Plan while respecting the environmental constraints apparent in the neighborhood.

6

3)2) Enact such elements and controls as may be necessary and appropriate to allow lands which are "~~formerly~~" having deteriorated structures and foundations situated on them to be redeveloped; and to ensure that any such use will conform to the character of the Redevelopment Area envisioned by this Redevelopment Plan.

4)3) Reconfirm Plan and development compliance with § 114-11 of the General Ordinances of the Borough of Wanaque ("Code"). This section of the Code implements the R-40 zoning district. This zone permits cluster single-family residential dwellings. (§ 114-11. A (4).) This zoning is consistent with § 114-48 B. regarding the requirements of cluster single family residences. It is the specific objective of this Plan to implement the provisions of § 114-48. However, the provisions of § 114-48 B (5) (b) shall be flexible as to the requirements of filing ("tendering") deeds regarding final site plan approval.

5)4) To the extent reasonably practicable work with the designated Redeveloper(s) to minimize disruption of the community both within and adjacent to the Redevelopment Area during construction activities. However, extensive infrastructure improvements will be required necessitating some disruption in neighborhood activities.

6)5) Establish Redevelopment Plan elements and controls which allow for planned development in a mutually supportive environment consistent with Smart Growth principles and state mandated affordable housing requirements.

## 3 Context

### A. SURROUNDING AREA CONTEXT

The Redevelopment Area is located at Mountain Lakes Drive generally north of Linda Road consisting of approximately ten (10) acres, when Lot 48 (the "Master Lot") is included in the ANR. Additional parcels located along Mountain Lakes Drive may be designated in the future as an ANR along the Mountain Lakes Drive corridor. These additional parcels are not included in this Redevelopment Plan. To this extent, the ambiguous original development phasing plan is deemed in effect, although notwithstanding the foregoing it shall not supersede this Plan as to the parcels included herein.

The concerns expressed over the past several years by property owners having residences in the immediate neighborhood impacted by the deleterious and fallow conditions of the Properties must shall be reasonably addressed without further delay. Therefore, time is of the essence to correct the deleterious conditions found in this neighborhood and within the ANR. However, this Plan is limited to the Properties situated in the ANR.

The redevelopment area is located in an area of the Borough characterized now, post March 2004,



as being located in the Highlands protection area.

7

**B. RELATIONSHIP TO MASTER PLAN AND LOCAL GOALS AND OBJECTIVES**

The R-40 zone is enabled by the original zoning ordinance(s) and thereby is consistent with the master plan of the Borough. The Project approvals granted by the Planning Board in 1999 as memorialized thereafter shall continue in effect provided that a NJDEP permit is in effect to allow construction activities upon the properties,

**C. RELATIONSHIP TO ZONING ORDINANCE**

This Redevelopment Plan shall NOT replace or supersede any provision of the Borough of Wanaque Land Development Ordinance regulating development in the Redevelopment Area, with the exception of the nuanced notations included in this Plan. In any situation where zoning issues are not specifically addressed herein, the Wanaque Land Development Ordinance shall be applicable. Final adoption of this Plan by the Council shall NOT be considered an amendment of the Borough of Wanaque Zoning Map inasmuch as the current zoning shall remain intact, specifically, § 114-11 regarding permitted uses and related provisions.

{Please see the next page.}

## 4 Use and Bulk Regulations

### A STANDARDS AND CONTROLS OF GENERAL APPLICABILITY

- 1) The controls and regulations governing land use and structural form specified herein are designed to promote the redevelopment of the Redevelopment Area in accordance with the purpose, goals and objectives of this Redevelopment Plan. As such, they are intended to provide a setting within which the Redeveloper and their designers are encouraged to generate detailed plans in order to produce a Redevelopment Project of outstanding design and superior quality.
- 2) Upon approval of the Redeveloper's Agreement, the Governing Body shall have found the Project concepts consistent with the Redevelopment Plan.
- 3) Except where otherwise required by any of the aforesaid Planning Board approvals this Redevelopment Plan and the Redevelopment Area shall be governed by Site Plan Submission Requirements and Subdivision Submission Requirements of the Wanaque Borough Land Development Ordinance. By reference herewith, said provisions are included in and adopted by this Redevelopment Plan and; further, the prior approvals including the 1999 Planning Board approval have ~~shall be determined to be terminated by the Borough Council due to inaction by the property owner in full force and effect. The effect of this inaction is that the Property has become a public health and safety hazard.~~
- 4) Project Plans for the pertinent Redevelopment Project(s) shall be reviewed and approved by the Planning Board AND ~~but~~ shall not be subject to additional site plan approval to the inasmuch as ~~extent~~ the prior site plan approvals are no longer ~~are~~ in full force and effect, unless the prior site plan has been substantially changed other than for a deviation request pursuant to Section 8 D hereof.
- 5) Applicability of Other Regulations
  - a. The provisions of this Redevelopment Plan are those of the Borough of Wanaque and do not substitute for any law, code, rule or regulation established by any State or Federal agency. All development within the Redevelopment Area shall comply with such laws, codes, rules and regulations as may be applicable.
  - b. The above notwithstanding, whenever a code or regulation contains comparable but less restrictive provisions or requirements than set forth in this Redevelopment Plan, the standards set forth herein shall govern.
  - c. The Borough recognizes that certain environmental issues may exist within Redevelopment Area lands, including, but not limited to, wetlands and wooded forest areas. The Redeveloper shall comply with all State and Federal regulations and shall be responsible for all actions related thereto, including Highlands Act compliance.

**B. PARCEL PLAN**

The Parcel Plan may divide the Redevelopment Area into different tracts of differing size and character should a specific Project Plan proposal be submitted incorporating different property owners provided the original site plan approvals are abided by.

**C. GENERAL REGULATIONS**

- 1) Building setbacks shall be clear, unoccupied and unobstructed space measured at right angles between a lot line or Redevelopment Parcel Boundary Line and the building envelope, and shall extend from grade to sky, except for the following permitted obstructions: awnings; canopies; ornamental architectural features including balconies; equipment room(s); mechanical room(s); street furniture; fences; signage; landscaping; lighting; and other similar features. All such obstructions and features shall be specifically depicted on any Project Plan and shall be approved by the Wanaque Planning Board.
- 2) Setback areas (including encroachments) may include pedestrian access to Mountain Lakes Drive.
- 3) Maximum Building Height shall be measured from finished grade immediately adjacent to a building to the highest point of the top story in the case of a flat roof, to the deck line of a mansard roof, and to the average height between the plate and ridge of a gable, hip or gambrel roof.

## 5 Building and Site Design

### A. BALCONIES

---

Balconies are permitted on all building rear facing facades. Balconies shall not project beyond the property line unless approved by the Planning Board as part of their Project Plan review process..

### B. BUILDING DESIGN AND MATERIALS

---

Exterior building architecture shall coordinate form, materials, color and detailing to achieve design harmony and continuity for all building elevations. Elevations and specific architectural details shall be on Project Plans.

Desirable features (as may be utilized by a design professional) that may be incorporated in the design may include: cast stone or brick at the base of the buildings with Hardieplank/Hardiepanel or fiber cement siding, or similar approved material/finishes above; washer/dryer in dwelling units; central trash and recycling in each building; and mechanical features inside each building. Any mechanical equipment above the roofline shall be painted or screened.

Buildings shall be broken up vertically into a base, a middle and a top, and horizontally using attractive architectural features such as bay windows, planters, cornices and the like.

### C. FENCES

---

Fences may be installed along the site perimeter or where may be deemed necessary by the developer. Maximum fence height shall be six feet, but may be increased where additional height is required for topography or security and/or safety reasons. Opaque fences shall not be permitted within the required front yard setback.

#### D. LANDSCAPING

---

Landscaping shall be utilized to complement and accent buildings, at points such as, but not limited to, site driveways and building entries. Landscaping shall be provided in common areas, and parking areas. All areas not covered by buildings, roadways, parking areas or pedestrian Mountain Lakes Drive shall be landscaped with natural materials. Landscape plantings shall incorporate indigenous vegetation and may introduce accent features such as beach grasses.

#### E. LIGHTING

---

Adequate lighting shall be provided for all parking areas and pedestrian Mountain Lakes Drive. Lighting shall be designed to provide for safe movement of pedestrians and vehicles and provide security lighting to illuminate all building entry points and other areas as may be required by the Borough Administrator to further public safety. All outdoor lighting shall be downcast and illuminate only the intended areas.

The maximum height of free standing lights shall not exceed 25 feet, except where greater height is required for safety or security reasons, in which case the maximum height shall not exceed 40 feet. Circulation shall be controlled with landscape islands at the end of parking bays. All landscaping shall be maintained to avoid obstruction of sight triangles. Curbs shall be installed around all parking areas and along driveways unless waived by recommendation of the Planning Board's Engineer.

#### F. RECYCLING AND REFUSE AREAS

---

Designated areas shall be provided for the storage of recyclables and refuse. Such areas shall be located within a building or within a screened enclosure. Individual residential unit refuse and recycling collection may be permitted upon approval of the Borough Administrator.

#### G. SUSTAINABLE DESIGN

---

The Borough of Wanaque encourages the use of sustainable design to improve community and environmental health and to enhance the environmental and economic performance of buildings. It is recognized that as the proposed redevelopment would remediate a former vacant and abandoned residential construction site in an existing neighborhood consistent with smart growth principles.

#### H. UTILITIES

---

All new utility distribution lines and utility service connections from such lines to buildings in the redevelopment area shall be located underground. To the extent possible, existing utility lines should also be relocated underground. All Redevelopment Projects shall be connected to the public sanitary sewer system.

## 6 Plan Consistency Review

### A. RELATIONSHIP TO MASTER PLANS OF ADJACENT MUNICIPALITIES

The Redevelopment Plan provides for the redevelopment of a previously developed site in an area already served by infrastructure and transit. The closest municipality to the redevelopment area, the Borough of Ringwood, has no inconsistent zones located near this Redevelopment area. This Redevelopment Plan will not impact the master plan of Ringwood or any municipality adjoining Wanaque.

### B. RELATIONSHIP TO THE PASSAIC COUNTY MASTER PLAN

This Redevelopment Plan does not conflict with the County Master Plan.

## 7 Redevelopment Actions

### A. OUTLINE OF PROPOSED ACTIONS

---

#### 1) Demolition

~~It is probable that t~~The site shall be completely cleared of existing structures, "parking lots" and other improvements, as well as overgrown trees and other plantings, to the extent these conditions exist. This shall take place on or before June 15, 2017 consistent with Wanague Ordinance #21-0-16 pertaining to "Abandoned Properties", adopted by the Borough Council on November 14, 2016. The Plan proposes a significant improvement in use and property conditions over ~~the current~~ property conditions, and ~~there is no reason exists~~ to retain any of the existing structures situated in the ANR inasmuch as these structures are a public hazard.

#### 2) New Construction and Environmental Remediation

Construction of any new structures and all other improvements will take place as proposed in Chapters 4 and 5 of this Redevelopment Plan.

### B. PROPERTIES TO BE ACQUIRED

---

No property will be acquired by the Borough to effectuate this Plan unless this Plan is amended. In the event there is a need for right-of-way vacation or conveyance of municipally owned land, the Borough may take any action necessary to accommodate the redevelopment of the site. This accommodation may also include any easements necessary to accommodate the anticipated development. In addition, the Borough may remove any structures situated upon the premises, located in the ANR, that pose a threat to the public health and safety.

### C. OTHER ACTIONS

---

In addition to the demolition and new construction described above, the Council may undertake other actions to further the goals of this plan.

These actions may include, but shall not be limited to: (1) provisions for public infrastructure necessary to service new development, (2) environmental preservation, (3) vacation of public utility easements and other easements and rights of way as may be necessary for redevelopment.

In order to stimulate private sector investment and maximize Redeveloper timing and quality, the Borough recognizes certain financial and planning realities related to the redevelopment of the Redevelopment Area. Accordingly, the Borough may make available such assistance as may be reasonably necessary to aid development, including participating, either alone or with a Redeveloper, in state and federal grant programs and granting of tax incentives. This is a non-condemnation redevelopment area and the Borough will not be exercising its powers of eminent domain unless this plan is amended. All such assistance shall be addressed within the context of the Redeveloper's Agreement.

## 8 General Provisions

### A. ADVERSE INFLUENCES

---

No use or reuse shall be permitted which, when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration, or other objectionable features so as to be detrimental to the public health, safety or general welfare. The current foundations and other improvements situated in the ANR shall be removed on or before June 15, 2017.

### B. APPROVALS BY OTHER AGENCIES

---

The redeveloper shall be required to provide the Borough with copies of all permits made to federal, state and county agencies upon filing such applications, as will be required by the redeveloper's agreement to be executed between the redeveloper and the Borough, this shall include a Highlands compliance letter.

### C. CONSTRUCTION STAGING

---

Staging for construction conducted within the Redevelopment Area, including parking and all other activities normally attendant thereto, shall be permitted on all Redevelopment Parcels.

### D. DEVIATION REQUESTS

---

The Wanaque Planning Board may grant deviations from the regulations contained within this Redevelopment Plan where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Redevelopment Plan, would result in peculiar practical difficulties to, or exceptional and undue hardship upon, the redeveloper of such property. An application for a deviation from the requirements of this Redevelopment Plan shall provide public notice of such application in accord with the requirements of public notice as set forth in N.J.S.A. 40:55D-12a and b.

Notwithstanding the above, any changes to the use permitted in the Redevelopment area shall be permitted only by means of an amendment to the Redevelopment Plan made by the Borough Governing Body.



## E. DURATION OF THE PLAN

---

This Redevelopment Plan shall terminate on December 31, 2018 unless a valid building permit is issued by the Borough of Wanaque Building Department prior to this date. In the event a valid building permit is issued this Plan shall be in effect for a period of 15 years from the date of initial adoption, or if amended, it shall be in effect for a period of 15 years from the amendment date.

Upon completion of construction of the Redevelopment Project and at the request of the Redeveloper the Borough shall issue the Redeveloper a Certificate of Completion and Compliance for said Redevelopment Project or said Independent Component there- of, certifying that the Redevelopment Project or the Independent Component thereof was completed in accordance with this Redevelopment Plan and the plans approved by the Planning Board as part of the Site Plan Review and Approval process and further certifying that the applicable provisions of the Redeveloper's Agreement, including provisions related to N.J.S.A. 40A:12A-9a, have been satisfied.

## F. EASEMENTS

---

No building shall be constructed over a public easement in the Redevelopment area without prior written approval of the Borough Administrator of the Borough of Wanaque.

## G. ESCROWS

---

The redeveloper may be responsible to post sufficient escrows to cover agreed upon costs of the professional consultants retained by the Borough to review the proposed redevelopment project and advise the Borough on certain aspects of the redevelopment process incurred subsequent to the adoption of the Redevelopment Plan.

## H. INFRASTRUCTURE

---

The Redeveloper, shall share the cost and expense of performing the engineering, sewer, water flow (storm water) and traffic studies to be performed in connection with this Plan. The Redeveloper shall pay the first \$47,000 (\$1,000 per unit) for such studies. All costs incurred over \$47,000 shall be split 50-50 with the Borough, up to a total cost of \$100,000. (This is a 50% split of \$26,500 per party.) All cost incurred above \$100,000 for such studies shall be borne by the Redeveloper. The Redeveloper shall also be responsible for providing, at the Redeveloper's cost and expense, all on-site sidewalks, curbs, street trees, street lighting and its pro rata share of on and off-site traffic controls and road improvements for the project or required as a result of the impacts of the project. The Borough shall cooperate with the Redeveloper to make all necessary water, sewer, stormwater, drainage, street lighting, road surface, and curbs where said infrastructure improvements will positively impact the existing neighborhood.

## I. INTERPRETATION

---

Any appeal for interpretation for of any section of this Redevelopment Area shall be made to the Governing Body, acting in its capacity as Redevelopment Entity for this Redevelopment Plan.

## J. NON-DISCRIMINATION PROVISIONS

---

No covenant, agreement, lease, conveyance or other instrument shall be effected or executed by the Redevelopment Entity or by the Redeveloper (or any successors in interest) whereby the land or improvements in the Redevelopment Area is restricted, either by the Redevelopment Entity or the Redeveloper (or any successors in interest) shall not discriminate in any manner or form whatsoever upon the basis of race, creed, color, ancestry, sex, national origin, family status, disability or sexual preference in the sale, lease, use or occupancy of any project premise.

The foregoing restrictions, as well as the provisions of N.J.S.A. 40A:12A-9, shall be implemented by appropriate covenants or other provisions in the Redeveloper's Agreement and/or disposition instruments as covenants running with the land.

## K. REDEVELOPER DESIGNATION AND AGREEMENT

---

- 1) The designated redeveloper of land located in the Redevelopment Area shall be required to submit documentation to demonstrate compliance with the objectives of the Redevelopment Plan as well as compliance with the Development Regulations. This shall be accomplished by and through the submission of a Project Plan for review and approval by the Wanaque Planning Board.
  
- 2) The Borough and the Redeveloper shall enter into a redeveloper's agreement as permitted by the LRHL at N.J.S.A. 40A:12A-9. The redeveloper's agreement shall contain the terms, conditions, specifications of any redevelopment action. The redeveloper's agreement ~~shall supplement but not~~ may include replace the general terms and conditions included in the August 10, 2000 developer's agreement, which is no longer in effect. The redeveloper's agreement shall include:
  - a) The Project Concept(s) and description of project elements for the undertakings proposed.
  - b) A schedule for the commencement and completion of improvements.
  - c) A statement regarding compliance with the Objectives of this Redevelopment Plan.
  - d) Provisions for termination of Redeveloper's status in the event of default by the Redeveloper.
  - e) Such provisions as may be required by law, including a compliance letter (or equivalent) from the New Jersey Highlands Council.

## L PROJECT PLAN AND SUBDIVISION REVIEW

Prior to execution of a redevelopment agreement covering the pertinent properties and thereby prior to commencement of construction, a site plan approved by the Wanaque Planning Board consistent with this Redevelopment Plan and all applicable zoning requirements shall first be approved. Said approved site plan shall be submitted and dated as complete on or after June 1, 2017. In addition, a Project Plan delineatingfor the construction of improvements within the redevelopment area, prepared in accordance with the general requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), and, further, shall be submitted by the Redeveloper for review and approval by the Wanaque Planning Board. The Project Plan shall be approved pursuant to provisions of the Plan.

## 9 Other Provisions

In accordance with N.J.S.A. 40A:12A-1 et seq., known as The Local Redevelopment and Housing Law, the following statements are made:

- The Redevelopment Plan herein has delineated a definite relationship to local objectives as to appropriate land use consistent with existing zoning and infrastructure improvements.
- The Redevelopment Plan, and the Ordinances of the Borough, lays out the proposed land uses and building requirements for the redevelopment area.
- As indicated in Chapter 6, this Redevelopment Plan is substantially consistent with the Master Plan for the Borough of Wanaque. The Plan also complies with the goals and objectives of the New Jersey State Development and Redevelopment Plan.
- This Redevelopment Plan shall supplement the provisions of the Borough of Wanaque zoning ordinance regulating development in the area addressed by this Redevelopment Plan.
- If any section, paragraph, division, subdivision, clause or provision of this Redevelopment Plan shall be adjudged by the courts to be invalid, such adjudication shall only apply to the section, paragraph, division, subdivision, clause or provision so judged, and the remainder of this Redevelopment Plan shall be deemed valid and effective.

## 10 Procedure for Amending the Approved Plan

This Redevelopment Plan may be amended from time to time upon compliance with all applicable laws and statutes and only upon approval of the Governing Body. In addition to any other requirements, including but not limited to those imposed by N.J.S.A. 40A:12A-13, mutual agreement between the Borough and a Redeveloper is required where a redeveloper's agreement is in place and where an amendment would change the controls governing the use of land under said Agreement.

This Plan being prepared by Fred Suljic, P.P.

Exhibit B

Borough of Wanaque  
Lakeside Manor Redevelopment Plan  
Second Amendment

The second amendment to the redevelopment plan supplementing the prior development approvals at Block 200.20, Lots 1 through 48.

Borough of Wanaque, New Jersey

First Draft for Introduction-June 21, 2016  
Second Draft for the Planning Board-July 6, 2016  
Final for Adoption-July 11, 2016  
First Amendment-March 13, 2017  
Second Amendment-July 31, 2023

Prepared for: Borough of Wanaque

Prepared by:  
BENECKE ECONOMICS

8410 Sanctuary Blvd.  
Riverdale, NJ  
07457

Table of Contents

- 1 INTRODUCTION ..... 2
  - A. BASIS FOR THE PLAN.....2
  - B. NOTE ON PLAN TERMINOLOGY .....3
  - C. DEFINITIONS .....3
- 2 PURPOSE/VISION ..... 5
  - A. PURPOSE.....5
  - B. PUBLIC POLICY GOALS .....5
  - C. REDEVELOPMENT PLAN OBJECTIVES.....5
- 3 CONTEXT ..... 6
  - A. SURROUNDING AREA CONTEXT.....6
  - B. RELATIONSHIP TO MASTER PLAN AND LOCAL GOALS AND OBJECTIVES.....7
  - C. RELATIONSHIP TO ZONING ORDINANCE .....7
- 4 USE AND BULK REGULATIONS ..... 8
  - A. STANDARDS AND CONTROLS OF GENERAL APPLICABILITY.....8
  - B. PARCEL PLAN.....9
  - C. GENERAL REGULATIONS.....9
- 5 BUILDING AND SITE DESIGN..... 10
- 6 PLAN CONSISTENCY REVIEW ..... 12
- 7 REDEVELOPMENT ACTIONS..... 13
- 8 GENERAL PROVISIONS..... 14
- 9 PROCEDURE FOR AMENDING THE APPROVED PLAN ..... 17

# 1 Introduction

## A. BASIS FOR THE PLAN

---

This Redevelopment Plan has been prepared for an area located in the Highlands protection area of the Borough of Wanaque, Passaic County, New Jersey along Mountain Lakes Drive as described further below. Specifically, the area is in a designated Highlands preservation area which significantly restricts development.

On May 9, 2016, the Borough of Wanaque Council adopted a resolution stipulating a preliminary investigation be made to determine whether Block 200.20, Lot 1 through 47 and by extension Lot 48, the parcel surrounding the common areas of Lakeside Manor, qualify as an "area in need of redevelopment" in accordance with the criteria specified in the New Jersey Local Redevelopment and Housing Law (LRHL), N.J.S.A. 40A:12A-5. The Borough of Wanaque Council ("Council") authorized a preliminary redevelopment investigation, and a study was conducted to assist the planning board in their statutory deliberations to determine if the properties under study satisfy the statutory criteria of an area in need of redevelopment. A report entitled "Lakeside Manor-Townhouse Properties (Mountain Lakes Drive) Redevelopment Investigation Report" was prepared, dated June 3, 2016. After holding a public meeting on June 16, 2016, and conducting a public hearing thereon the Wanaque Planning Board determined Block 200.20, Lot 1 through 48 (the "Properties") satisfies the criteria for designation as an area in need of redevelopment.

On June 21, 2016, the Borough Council adopted a Resolution indicating the Borough Council reviewed the planning board recommendations and determined that the Property qualifies as a non-condemnation area in need of redevelopment under the LRHL ; and the Property was designated as a non-condemnation Redevelopment Area in accordance with the relevant provisions of the Redevelopment Law.

It is important to emphasize that at the June 16, 2016, planning board hearing the designated redeveloper as the then ("new") contract owner of the property was represented by counsel and enthusiastically endorsed the supplementing of the prior development approvals with this redevelopment plan ("Plan", or "Redevelopment Plan"). This Plan was intended to afford the neighborhood a fresh start and begin the process of remediating the unsafe and deleterious conditions found in the area in need of redevelopment ("ANR") as indicated in the June 3, 2016, study. However, the designated redeveloper did not proceed with developing the property necessitating the adoption of the First Amendment to the Redevelopment Plan of March 13, 2017. Since that time the property owner failed to bring about a redevelopment project necessitating this Second Amendment to the 2016 Redevelopment Plan.

The property owner attempted to make improvements and indeed built several multi-family residences. However, the residential structures were abandoned and left in a hazardous condition and many foundations were partially built and left to rot. **These conditions create a deleterious impact on the surrounding residential neighborhood, thereby jeopardizing the public health, safety and welfare.**

## B. NOTE ON PLAN TERMINOLOGY

---

Throughout this Redevelopment Plan, a conscious distinction is made in the development regulations between “shall” and “should.”

- “Shall” means that a redeveloper is required to comply with the specific regulation, without any deviations.
- “Should” means that a redeveloper is encouraged to comply but is not required to do so.

## C. DEFINITIONS

---

For the purposes of this Redevelopment Plan, and in addition to any terms defined within the body of this document, the following terms shall have the meaning as set forth below. Terms not defined herein shall have the meaning set forth in the Borough of Wanaque Zoning and Land Development Ordinances. If a term used in this Redevelopment Plan is not defined in the Borough of Wanaque Land Development Ordinance, the definition in the Municipal Land Use Law or the Local Redevelopment and Housing Law shall apply. Terms presented in singular or plural, masculine or feminine, shall be construed within the context in which they occur.

“Borough” shall mean the Borough of Wanaque, a body corporate and politic, and unless otherwise indicated, includes its Governing Body, elected officials, officers and staff. Within the context of the various sections of this document, the terms “Borough” and “Governing Body” shall mean the Governing Body of the Borough of Wanaque, acting in its capacity as “Redevelopment Entity.” This Governing Body in Wanaque is the Council, a seven member Governing Body, including the Mayor.

“Development Ordinance” shall mean Borough of Wanaque Land Development Ordinance. Specifically, § 114-11 A (4) “R-40 District Permitted Primary Uses...Cluster single family residential dwellings”, and related provisions.<sup>1</sup>

“Governing Body” shall mean the Council and Mayor of the Borough of Wanaque. Within the context of the various sections of this document, the terms “Borough” and “Governing Body” shall mean the Governing Body of the Borough of Wanaque, acting in its capacity as “Redevelopment Entity.”

“Municipal Land Use Law” shall mean N.J.S.A. 40:55D-1 et seq.

“Planning Board” shall mean the Borough of Wanaque Planning Board.

---

<sup>1</sup> Cluster-a development design technique that concentrates buildings on a part of the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.



"Redeveloper" shall mean the Corporation, partnership or other entity designated by the Borough as Redeveloper pursuant to N.J.S.A. 40A:12A-1 et seq. and having entered into a Redeveloper's Agreement with the Redevelopment Entity for the purposes of advancing this Redevelopment Plan. Similarly, nothing herein shall prohibit a team comprised of more than one affiliated entity from combining to form a Redeveloper for the purposes of effectuating this Redevelopment Plan.

"Redeveloper's Agreement" shall mean a contract made by and between a designated Redeveloper and the Redevelopment Entity which shall detail the specific rights, responsibilities and obligations of the Borough and said Redeveloper related to the construction and operation of a Redevelopment Project.

"Redevelopment Area" shall mean that area within the Borough of Wanaque described in Chapter 3 and having been determined to be An Area In Need of Redevelopment ("ANR") pursuant to a Borough of Wanaque Resolution. Specifically, the area in need of redevelopment is situated at Block 200.20, Lots 1 through 48.

"Redevelopment Entity" shall mean the Governing Body of the Borough of Wanaque, acting as the implementing agent for this Redevelopment Plan in accordance with and under the provisions of N.J.S.A. 40A:12A-1 et seq. Within the context of the various sections of this document, the terms "Borough" and "Governing Body" shall mean the Governing Body of the Borough of Wanaque, acting in its capacity as "Redevelopment Entity."

"Redevelopment Parcel" shall mean any of the specific development tracts created within the Redevelopment Area pursuant to the Parcel Plan in Chapter 4 of this Redevelopment Plan.

"Redevelopment Plan" shall mean this document entitled Wanaque Lakeside Manor Redevelopment Plan, and the implementing Borough Ordinance(s), as may be amended from time to time.

"Redevelopment Project" shall mean the construction, rehabilitation, renovation, if applicable and buildings and/or other improvements in the Redevelopment Area in accordance with this Redevelopment Plan. For the purposes of a Certificate of Completion and Compliance pursuant to Section 8F herein, an "Independent Component of a Redevelopment Project" shall mean any portion of a Redevelopment Project which can stand alone and be considered complete.

"State" shall mean the State of New Jersey and shall include all applicable agencies and instrumentalities thereof.

## 2 Purpose/Vision

### A. PURPOSE

The Redevelopment Plan establishes standards for the improvements to be made in the redevelopment area. The purpose of this Redevelopment Plan is to supplement the May 21, 1998, Wanaque Planning Board Resolution approving the final major subdivision and granting site plan approval. This Resolution was then updated through the adoption of Wanaque Planning Board Resolution number 11-99; adopted October 21, 1999. The approved site plan (with the accompanying yard setbacks) is the basis for the potential redevelopment project.

These Planning Board Resolutions granted approval for the construction of a 47-townhouse unit residential development in lieu of the previously applied for 64 townhouse unit development. The previous Planning Board approval for 64 units first occurred in October 1989.

The initial project as approved by the Planning Board stalled and was the subject of litigation as to Highlands Act compliance. The properties were improved but never finished or occupied and have deteriorated over the past twenty-four years and the structures built by the (prior) owner/developer are posing a public health, safety and welfare threat. Moreover, a new contract owner was scheduled to take over the project, subject to this Plan moving forward. The new contract owner did not proceed with developing the property. The Property shall be "repurposed" by removal of existing structures and, in the event new development should occur, the new structures shall be built with attractive building and site design. Upon adoption of this 2023 Plan, the Borough will be statutorily empowered to enter into a Redeveloper's Agreement with a Redeveloper for the purposes of advancing the Public Policy Goals and Redevelopment Plan Objectives described herein.

### B. PUBLIC POLICY GOALS

- 1) Provide the mechanism for a public/private partnership designed to promote economic development in the Redevelopment Area and further the public health safety and welfare.
- 2) Prevent the spread of deteriorating conditions threatening the public health, safety, and welfare into the adjacent residential neighborhood (located in Wanaque) by the application of comprehensive Redevelopment Plan controls. This includes specific road, sanitary sewer, stormwater and other infrastructure upgrades in the immediate vicinity of Mountain Lakes Drive and Linda Road and potentially related streets and roads.
- 3) Reverse the conditions in the Redevelopment Area which represent a detriment to the public health, safety and welfare of the community.
- 4) Where appropriate, utilize redevelopment, financial and non-financial incentives, and programs to attract appropriate development to the Redevelopment Area.

### C. REDEVELOPMENT PLAN OBJECTIVES

- 1) Enact such elements and controls which will allow for the redevelopment of lands within the Redevelopment Area consistent with the Purpose and intent of this Redevelopment Plan while respecting the environmental constraints apparent in the neighborhood.
- 2) Enact such elements and controls as may be necessary and appropriate to allow lands having deteriorated structures and foundations situated on them to be redeveloped; and to ensure that any such use will conform to the character of the Redevelopment Area envisioned by this Redevelopment Plan.
- 3) Reconfirm Site Plan and development compliance with § 114-11 of the General Ordinances of the Borough of Wanaque ("Code"). This section of the Code implements the R-40 zoning district and is applicable to this ANR and redevelopment project as indicated in the Wanaque Planning Board 1999 Resolution approving the original site plan. Therefore, the principle permitted use on the property shall be attached multifamily residences. The number of units shall not exceed 47 residential units. This R-40 zone is confirmed in the 1999 Planning Board Resolution granting site plan approval (this resolution is attached as Exhibit A).
- 4) It is the specific objective of this Redevelopment Plan to implement the provisions of § 114-48 of the Wanaque Code. However, the provisions of § 114-48 B (5) (b) shall be flexible as to the requirements of filing ("tendering") deeds regarding final site plan approval. Further, to provide clarity, the Lakeside Manor subdivision map and site plan (development site) indicates ~20 acres which shall be the minimum lot size and shall be considered consistent with § 114-48 B (1). (Reference is made to the final subdivision map prepared by Arthur E. Hansen, dated July 1, 2001, as well as the aforesaid 1999 Planning Board Resolution.)
- 5) To the extent reasonably practicable work with the designated Redeveloper(s) to minimize disruption of the community both within and adjacent to the Redevelopment Area during construction activities. However, extensive infrastructure improvements will be required necessitating some disruption in neighborhood activities.
- 6) Establish Redevelopment Plan elements and controls which allow for planned development in a mutually supportive environment consistent with Smart Growth.

## 3 Context

### A SURROUNDING AREA CONTEXT

The Redevelopment Area is located at Mountain Lakes Drive generally north of Linda Road consisting of approximately twenty (20) acres, including Lot 48 (commonly referred to as the "Master Lot"). The ambiguous original handwritten development phasing plan is deemed in effect, although notwithstanding the foregoing it shall not supersede this Plan as to the parcels included herein.

The concerns expressed over the past several years by residential property owners in the immediate neighborhood impacted by the deleterious and fallow conditions of the Properties shall be addressed without further delay. Therefore, time is of the essence to correct the deleterious conditions found in this neighborhood and within the ANR so as to protect the public health, safety and welfare. However, this Plan is limited to the Properties situated in the ANR.

The redevelopment area is located in an area of the Borough characterized now, post March 2004, as being located in the Highlands protection area.

In 2002 the property owner/developer abandoned construction of the project. However, litigation ensued as the developer sought to protect his development rights from the disapproval of the project by the New Jersey Highlands Council. The Highlands Council and NJDEP were under the impression that because the project was dormant the project approvals were no longer valid. Again, after March 2004 the Highlands Act took zoning control from the Borough and placed project approvals in the hands of the State of New Jersey. On July 28, 2005, the property owner/developer filed a combined application for a Highlands Applicability Determination stipulating that these projects had site plan approval and NJDEP water and sewer permits approved before the March 29, 2004, cut-off date for applicability of the applied for Highlands Act exemption. The NJDEP denied the application partly because the sewer permit and water permit expired. Also, the NJDEP questioned the validity of the local site plan approvals. However, the Borough was not a party in the litigation. Further, NJDEP legal counsel stipulated as to the validity of the site plan approvals.

On August 1, 2011, the Appellate Division issued a final decision in a challenge to the Highlands Act (N.J.S.A. 13:20-1 to -35) by the developer. The Borough of Wanaque was not a party to this litigation nor was the Borough consulted by NJDEP. The court overturned the decision of Highlands Council and NJDEP thereby ruling in favor of the developer that the project may proceed. Therefore, by virtue of the Appellate Division and the court's affirmation of the building permits and rights, the conditions of the State Development and Redevelopment Plan ("SDRP") are satisfied that this ANR is in an area where redevelopment is encouraged. Since 1999 the property owner has failed to generate a viable project despite several attempts by the Borough to accommodate a project

#### **B. RELATIONSHIP TO MASTER PLAN AND LOCAL GOALS AND OBJECTIVES**

The R-40 zone is enabled by the existing zoning ordinance(s) of the Borough and thereby is consistent with the master plan of the Borough. The Project approvals granted by the Planning Board in 1999 as memorialized thereafter shall continue in effect provided that a NJDEP permit is in effect to allow construction activities upon the properties.

#### **C. RELATIONSHIP TO ZONING ORDINANCE**

This Redevelopment Plan shall NOT replace or supersede any use provision of the Borough of Wanaque Land Development Ordinance regulating development in the Redevelopment Area, with the exception of the nuanced notations included in this Plan. In any situation where zoning issues are not specifically addressed herein, the Wanaque Land Development Ordinance shall be applicable. Final adoption of this Plan by the Council shall NOT be considered an amendment of the Borough of Wanaque Zoning Map inasmuch as the current zoning shall remain intact, specifically,

§ 114-11 regarding permitted uses and related provisions. However, notwithstanding the foregoing, any redevelopment project undertaken pursuant to this Redevelopment Plan shall have any residence limited to a maximum of two bedrooms (with a separate den not exceeding 144 square feet of living space being permitted), although each unit MUST include a garage for vehicular storage.

## 4 General Standards and Regulations

### A STANDARDS AND CONTROLS OF GENERAL APPLICABILITY

- 1) The controls and regulations governing land use and structural form specified herein are designed to promote the redevelopment of the Redevelopment Area in accordance with the purpose, goals and objectives of this Redevelopment Plan. As such, they are intended to provide a setting within which the Redeveloper and their designers are encouraged to generate detailed plans in order to produce a Redevelopment Project of outstanding design and superior quality.
- 2) Upon approval of the Redeveloper's Agreement, the Governing Body shall have found the Project consistent with the Redevelopment Plan.
- 3) Except where otherwise required by any of the aforesaid Planning Board approvals this Redevelopment Plan and the Redevelopment Area shall be governed by Site Plan Submission Requirements and Subdivision Submission Requirements of the Wanaque Borough Land Development Ordinance. By reference herewith, said provisions are included in and adopted by this Redevelopment Plan and, further, the prior approvals including the 1999 Planning Board approval (Exhibit A) have been determined to be terminated by the Borough Council due to inaction by the property owner. The effect of this inaction is that the Property has become a public health and safety hazard. However, the yard setbacks and other property standards shall be as set forth in the 1999 Planning Board site plan approval.
- 4) Project Plans for the pertinent Redevelopment Project(s) shall be reviewed and approved by the Planning Board AND shall be subject to site plan approval inasmuch as the prior site plan approvals are no longer in effect.
- 5) Applicability of Other Regulations
  - a. The provisions of this Redevelopment Plan are those of the Borough of Wanaque and do not substitute for any law, code, rule or regulation established by any State or Federal agency. All development within the Redevelopment Area shall comply with such laws, codes, rules and regulations as may be applicable.
  - b. The above notwithstanding, whenever a code or regulation contains comparable but less restrictive provisions or requirements than set forth in this Redevelopment Plan, the standards set forth herein shall govern.

c. The Borough recognizes that certain environmental issues may exist within Redevelopment Area lands, including, but not limited to, wetlands and wooded forest areas. The Redeveloper shall comply with all State and Federal regulations and shall be responsible for all actions related thereto, including Highlands Act compliance.

**B. PARCEL PLAN**

The Parcel Plan may allow for the division of the Redevelopment Area into different tracts of differing size and character should a specific Project Plan proposal be submitted incorporating different property owners provided the original site plan approvals are abided by.

**C. GENERAL REGULATIONS**

- 1) Building setbacks shall be clear, unoccupied and unobstructed space measured at right angles between a lot line or Redevelopment Parcel Boundary Line and the building envelope, and shall extend from grade to sky, except for the following permitted obstructions: awnings; canopies; ornamental architectural features including balconies; equipment room(s); mechanical room(s); street furniture; fences; signage; landscaping; lighting; and other similar features. All such obstructions and features shall be specifically depicted on any Project Plan and shall be approved by the Wanaque Planning Board.
- 2) Setback areas (including encroachments) may include pedestrian access to Mountain Lakes Drive.
- 3) The Maximum Building Height of thirty-five (35) feet shall be measured from the final, finished grade immediately adjacent to a building to the highest point of the top story in the case of a flat roof, to the deck line of a mansard roof, and to the average height between the plate and ridge of a gable, hip or gambrel roof. Further, the Planning Board may permit a building height of up to thirty -nine feet to avoid cumbersome deviation (variance) approvals.
- 4) For clarity: The provisions of Ordinance § 114-41 pertaining to Planned Unit Development Multi Family Housing is not applicable to this ANR.

## 5 Building and Site Design

### A. BALCONIES

---

Balconies are permitted on all buildings' rear facing facades. Balconies shall not project beyond the property line unless approved by the Planning Board as part of their Project Plan review process.

### B. BUILDING DESIGN AND MATERIALS-UTILITIES

---

The Borough of Wanaque encourages the use of sustainable design to improve community and environmental health and to enhance the environmental and economic performance of buildings. It is recognized that the proposed redevelopment would remediate a former vacant and abandoned residential construction site in an existing neighborhood consistent with smart growth principles.

Exterior building architecture shall coordinate form, materials, color and detailing to achieve design harmony and continuity for all building elevations. Elevations and specific architectural details shall be included in the Project Plans. All new utility distribution lines and utility service connections from such lines to buildings in the re-development area shall be located underground. To the extent possible, existing utility lines should also be relocated underground. All Redevelopment Projects shall be connected to the public sanitary sewer system.

Desirable features (as may be utilized by a design professional) that may be incorporated in the design may include cast stone or brick at the base of the buildings with Hardieplank/Hardiepanel or fiber cement siding, or similar approved material/finishes above; washer/dryer in dwelling units; central trash and recycling in each building; and mechanical features inside each building. Any mechanical equipment above the roofline shall be painted or screened.

Building design shall be broken up vertically into a base, a middle and a top, and horizontally using attractive architectural features such as bay windows, planters, cornices and the like.

### C. FENCES

---

Fences may be installed along the site perimeter or where may be deemed necessary by the developer. The maximum fence height shall be six feet but may be increased where additional height is required for topography or security and/or resident or public safety reasons. Opaque fences shall not be permitted within the required front yard setback.

D. ACCESSORY USES-The following uses are permitted accessory uses.

---

Bicycle racks and bicycle storage areas.

Passive recreation amenities such as benches, picnic tables and trash receptacles

Electric vehicle ("EV") charging stations for use by residents only.

A minimum of six electric vehicle charging stations, of which all may be built into the interior of the garage space. The location of the EV charging stations shall be approved by the Planning Board.

Solar facilities-rooftop only which shall NOT cover more than 40% of the total roof area.

Retaining walls-subject to Wanaque Planning Board approval.

Temporary construction buildings or trailers for use during the construction process.

Site identification sign(s)-up to three being allowed having a maximum height, as measured from the ground under the sign to the top of the sign, of six (feet) of which up to 2.5 feet may be the sign's base. Each sign may not have greater than fourteen (14) square feet of surface area, although the sign may be two sided. No advertising or telephone number(s) (or email address) may be printed on any sign.

Utility cabinets-not having a capacity of greater than fifty cubic feet.

E. LANDSCAPING

---

Landscaping shall be utilized to complement and accent buildings, at points such as, but not limited to, site driveways and building entries. Landscaping shall be provided in common areas, and parking areas. All areas not covered by buildings, roadways, parking areas or pedestrian Mountain Lakes Drive shall be landscaped with natural materials. Landscape plantings shall incorporate indigenous vegetation and may introduce accent features such as beach grasses. A minimum of 70% of the building perimeter shall be landscaped with planting, trees or ground cover beds (containing such as mulch or decorative stone) as may be required by the Wanaque Planning Board.

F. LIGHTING

---

Adequate lighting shall be provided for all parking areas and pedestrian areas along Mountain Lakes Drive. The project lighting shall be designed to provide for safe movement of pedestrians and vehicles and provide security lighting to illuminate all building entry points and other areas as may be required by the Borough Administrator to further public safety. All outdoor lighting shall be downcast and illuminate only the intended areas.

The maximum height of free-standing lights shall not exceed 25 feet, except where greater height is required for safety or security reasons, in which case the maximum height shall not exceed 40 feet. Circulation shall be controlled with landscape islands at the end of parking bays. All landscaping shall be maintained to avoid obstruction of sight triangles. Curbs shall be installed around all parking areas and along driveways unless waived by recommendation of the Planning Board's Engineer.



#### G. RECYCLING AND REFUSE AREAS

Designated areas shall be provided for the storage of recyclables and refuse. Such areas shall be located within a building or within a screened enclosure. Individual residential unit refuse and recycling collection may be permitted upon approval of the Borough Administrator.

---

## 6 Plan Consistency Review

#### A. RELATIONSHIP TO MASTER PLANS OF ADJACENT MUNICIPALITIES

The Redevelopment Plan provides for the redevelopment of a previously developed site in an area already served by infrastructure and transit. The closest municipality to the redevelopment area, the Borough of Ringwood, has no inconsistent zones located near this Redevelopment area. This Redevelopment Plan will not impact the master plan of Ringwood or any municipality adjoining Wanaque.

#### B. RELATIONSHIP TO THE PASSAIC COUNTY MASTER PLAN

This Redevelopment Plan does not conflict with the County Master Plan-otherwise the aforesaid Appellate Decision would NOT have been issued.

## 7 Redevelopment Actions

### A. OUTLINE OF PROPOSED ACTIONS

#### 1) Demolition

The site shall be completely cleared of existing structures, "parking lots" and other improvements, as well as overgrown trees and other plantings, to the extent these deleterious conditions exist. This shall take place on or before December 31, 2024, consistent with Wanaque Ordinance #21-0-16 pertaining to "Abandoned Properties", adopted by the Borough Council on November 14, 2016. This Plan proposes a significant improvement in use and property conditions over current property conditions, and no reason exists to retain any of the existing structures situated in the ANR inasmuch as these structures are a public hazard.

#### 2) New Construction and Environmental Remediation

Construction of any new structure and all other improvements will take place as proposed in Chapters 4 and 5 of this Redevelopment Plan.

### B. PROPERTIES TO BE ACQUIRED

No property will be acquired by the Borough to effectuate this Plan unless this Plan is further amended. In the event there is a need for right-of-way vacation or conveyance of municipally owned land, the Borough may take any action necessary to accommodate the redevelopment of the site. This accommodation may also include any easements necessary to accommodate the anticipated development. In addition, the Borough may remove any structures situated upon the premises, located in the ANR, that pose a threat to public health and safety.

### C. OTHER ACTIONS

In addition to the demolition and new construction described above, the Council may undertake other actions to further the goals of this plan.

These actions may include but shall not be limited to: (1) provisions for public infrastructure necessary to service new development, (2) environmental preservation, (3) vacation of public utility easements and other easements and rights of way as may be necessary for redevelopment.

In order to stimulate private sector investment and maximize Redeveloper timing and quality, the Borough recognizes certain financial and planning realities related to the redevelopment of the Redevelopment Area. Accordingly, the Borough may make available such assistance as may be reasonably necessary to aid development, including participating, either alone or with a Redeveloper, in state and federal grant programs and granting of tax incentives. This is a non-condemnation redevelopment area and the Borough will not be exercising its powers of eminent domain unless this plan is amended. All such assistance shall be addressed within the context of the Redeveloper's Agreement.

## 8 General Provisions

### A. ADVERSE INFLUENCES

---

No use or reuse shall be permitted which, when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration, or other objectionable features so as to be detrimental to the public health, safety or general welfare. The current foundations and other improvements situated in the ANR shall be removed on or before December 31, 2024.

### B. APPROVALS BY OTHER AGENCIES

---

The redeveloper shall be required to provide the Borough with copies of all permits made to federal, state and county agencies upon filing such applications, as will be required by the redeveloper's agreement to be executed between the redeveloper and the Borough, this shall include a Highlands compliance letter, if required.

### C. CONSTRUCTION STAGING

---

Staging for construction conducted within the Redevelopment Area, including parking and all other activities normally attendant thereto, shall be permitted on all Redevelopment Parcels.

### D. DEVIATION REQUESTS

---

The Wanaque Planning Board may grant deviations from the regulations contained within this Redevelopment Plan where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Redevelopment Plan, would result in peculiar practical difficulties to, or exceptional and undue hardship upon, the redeveloper of such property. An application for a deviation from the requirements of this Redevelopment Plan shall provide public notice of such application in accord with the requirements of public notice as set forth in N.J.S.A. 40:55D-12a and b.

**Notwithstanding the above, any changes to the use permitted in the Redevelopment area shall be permitted only by means of an amendment to the Redevelopment Plan made by the Borough Governing Body.** The First Amendment to the Redevelopment Plan was adopted through Ordinance Number 3-0-17, on May 8, 2017. Section 8 E of this First Amendment to the Plan establishes a Plan termination date of December 31, 2018, unless a valid building permit is issued. A building permit was applied for and was not approved by the Wanaque Building Department, which was then appealed by the permit applicant. For purposes of this Second Amendment to the Redevelopment Plan it is assumed that the First Amendment to the Redevelopment Plan did NOT expire.

## E. DURATION OF THE PLAN

This Redevelopment Plan shall terminate on December 31, 2026 unless a valid building permit is issued by the Borough of Wanaque Building Department prior to this date. In the event a valid building permit is issued this Plan shall be in effect for a period of 15 years from the date of initial adoption of the ordinance implementing this Redevelopment Plan.

Upon completion of construction of the Redevelopment Project and at the request of the Redeveloper the Borough shall issue the Redeveloper a Certificate of Completion and Compliance for said Redevelopment Project or said Independent Component thereof, certifying that the Redevelopment Project or the Independent Component thereof was completed in accordance with this Redevelopment Plan and the plans approved by the Planning Board as part of the Site Plan Review and Approval process and further certifying that the applicable provisions of the Redeveloper's Agreement, including provisions related to N.J.S.A. 40A:12A-9a, have been satisfied.

## F. EASEMENTS

No building shall be constructed over a public easement in the Redevelopment area without prior written approval of the Borough Administrator of the Borough of Wanaque.

## G. ESCROWS

The redeveloper may be responsible to post sufficient escrow funds to cover agreed upon costs of the professional consultants retained by the Borough to review the proposed redevelopment project and advise the Borough on certain aspects of the redevelopment process incurred subsequent to the adoption of the Redevelopment Plan.

## H. INFRASTRUCTURE

The Redeveloper shall share the cost and expense of performing the engineering, sewer, water flow (storm water) and traffic studies to be performed in connection with this Plan. The Redeveloper shall pay the first \$47,000 (\$1,000 per unit) for such studies. All costs incurred over \$47,000 shall be split 50-50 with the Borough, up to a total cost of \$100,000. (This is a 50% split of \$26,500 per party.) The Redeveloper shall also be responsible for providing, at the Redeveloper's cost and expense, all on-site sidewalks, curbs, street trees, street lighting and its pro rata share of on and off-site traffic controls and road improvements for the project or required as a result of the impacts of the project. The Borough shall cooperate with the Redeveloper to make all necessary water, sewer, stormwater, drainage, street lighting, road surface, and curbs where said infrastructure improvements will positively impact the existing neighborhood.

## I. INTERPRETATION

Any appeal for interpretation for of any section of this Redevelopment Area shall be made to the Governing Body, acting in its capacity as Redevelopment Entity for this Redevelopment Plan.

## J. NON-DISCRIMINATION PROVISIONS

---

No covenant, agreement, lease, conveyance or other instrument shall be affected or executed by the Borough or by the Redeveloper (or any successors in interest) whereby the land or improvement in the Redevelopment Area is restricted, either by the Redevelopment Entity or the

The Redeveloper (or any successors in interest) shall not discriminate in any manner or form whatsoever upon the basis of race, creed, color, ancestry, sex, national origin, family status, disability or sexual preference in the sale, lease, use or occupancy of any project premise.

The foregoing restrictions, as well as the provisions of N.J.S.A. 40A:12A-9, shall be implemented by appropriate covenants or other provisions in the Redeveloper's Agreement and/or disposition instruments as covenants running with the land.

## K. REDEVELOPER DESIGNATION AND AGREEMENT

---

- 1) The designated Redeveloper of land located in the Redevelopment Area shall be required to submit documentation to demonstrate compliance with the objectives of the Redevelopment Plan as well as compliance with the Development Regulations. This shall be accomplished by and through the submission of a Site Plan for review and approval by the Wanaque Planning Board.
  
- 2) The Borough and the Redeveloper shall enter into a redeveloper's agreement as permitted by the LRHL at N.J.S.A. 40A:12A-9. The redeveloper's agreement shall contain the terms, conditions, specifications of any redevelopment action. The redeveloper's agreement may include the general terms and conditions included in the August 10, 2000, developer's agreement, which is no longer in effect. The redeveloper's agreement shall include:
  - a) The Project Concept(s) and description of project elements for the undertakings proposed.
  - b) A schedule for the commencement and completion of improvements.
  - c) A statement regarding compliance with the Objectives of this Redevelopment Plan.
  - d) Provisions for termination of Redeveloper's status in the event of default by the Redeveloper.
  - e) Such provisions as may be required by law, including a compliance letter (or equivalent) from the New Jersey Highlands Council.

## L SITE PLAN AND SUBDIVISION REVIEW

---

Prior to execution of a redevelopment agreement covering the pertinent properties and thereby prior to commencement of construction, a site plan approved by the Wanaque Planning Board consistent with this Redevelopment Plan and all applicable zoning requirements shall first be approved. Said approved site plan shall be submitted and dated as complete on or before June 30, 2025. In addition, a Project Plan delineating the construction of improvements within the redevelopment area, prepared in accordance with the general requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), and, further, shall be submitted by the Redeveloper for review and approval by the Wanaque Planning Board. The Project Plan shall be approved pursuant to the provisions of the Plan.

## 9 Other Provisions

In accordance with N.J.S.A. 40A:12A-1 et seq., known as The Local Redevelopment and Housing Law, the following statements are made:

- The Redevelopment Plan herein has delineated a definite relationship to local objectives as to appropriate land use consistent with existing zoning and infrastructure improvements.
- The Redevelopment Plan, and the ordinances of the Borough, lays out the proposed land uses and building requirements for the redevelopment area.
- As indicated in Chapter 6, this Redevelopment Plan is substantially consistent with the Master Plan for the Borough of Wanaque. The Plan also complies with the goals and objectives of the New Jersey State Development and Redevelopment Plan.
- This Redevelopment Plan shall supplement the provisions of the Borough of Wanaque zoning ordinance regulating development in the area addressed by this Redevelopment Plan.
- If any section, paragraph, division, subdivision, clause or provision of this Redevelopment Plan shall be adjudged by the courts to be invalid, such adjudication shall only apply to the section, paragraph, division, subdivision, clause or provision so judged, and the remainder of this Redevelopment Plan shall be deemed valid and effective.

## 10 Procedure for Amending the Approved Plan

This Redevelopment Plan may be amended from time to time upon compliance with all applicable laws and statutes and only upon approval of the Governing Body. In addition to any other requirements, including but not limited to those imposed by N.J.S.A. 40A:12A-13, mutual agreement between the Borough and a Redeveloper is required where a redeveloper's agreement is in place and where an amendment would change the controls governing the use of land under said Agreement.

This Plan originally being prepared by Fred Suljic, P.P.

RESOLUTION  
PLANNING BOARD  
BOROUGH OF WANAQUE  
Application #

WHEREAS, LAKESIDE MANOR, INC. as applicant for premises situate in the Borough of Wanaque, and known as Block 200 Lots 8 & 9 on the tax map of the Borough of Wanaque, has made application to the Planning Board of the Borough of Wanaque for an extension of a FINAL MAJOR SUBDIVISION in accordance with N.J.S.A. 40:55D-52; and

WHEREAS, the Planning Board of the Borough of Wanaque having considered the application for extension of a final major subdivision and accompanying papers and documents filed in support of same; and

WHEREAS, the Planning Board of the Borough of Wanaque having found that the final major subdivision expired on December 31, 1996, pursuant to N.J.S.A. 40:55D-33 and that the applicant requested an extension of said final major subdivision approval in accordance with N.J.S.A. 40:55D-52 in May 1998; and that the Planning Board granted a one year extension from January 1, 1997 to December 31, 1997;

WHEREAS, the Planning Board of the Borough of Wanaque heard the application of the applicant on May 21, 1998, and thereby relied on the representations and stipulations of the applicant and its agents;

---

NOW, THEREFORE, BE IT RESOLVED this 18th day of June, 1998, that the Planning Board of the Borough of Wanaque has conditionally approved the extension of the final major subdivision for a period of one (1) year from January 1, 1998 to December 31, 1998, in accordance with the following Motion and/or Resolution which was voted upon by the Planning Board of the Borough of Wanaque on May 21, 1998, by a roll call vote of 7 to 0:

The Board approved a motion to grant an extension of the final major subdivision application of applicant LAKESIDE MANOR INC. for a period of one (1) year retroactive from January 1, 1998, and extended through December 31, 1998, subject to and contingent upon the following conditions:

1. The final major subdivision approval shall be revised to conform with all municipal and zoning ordinances which have been adopted or modified since October 5, 1989, including but not limited to ordinance number 11-0-96.
  2. The final major subdivision approval shall be revised to conform with all revisions in design standards which have been adopted or modified in the Borough of Wanaque since October 5, 1989, including but not limited to ordinance number 11-0-96.
  3. Applicant shall comply with and satisfy all conditions of the final major subdivision approval as set forth in the Planning Board resolution dated October 5, 1989, prior to the expiration of this period of extension which shall terminate on December 31, 1998. In addition,
-



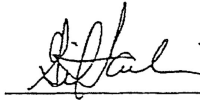
applicant shall comply with all conditions set forth a Developer's Agreement which shall be entered into with the Borough of Wanaque.

4. The Wanaque Planning Board has specifically relied upon the representations and stipulations which applicant and applicant's attorney made on the record during the planning board meeting of May 21, 1998. Applicant must comply with all representations and stipulations made during said meeting or this extension shall be subject to revocation, including but not limited to the applicants representations that all costs and contributions of applicant to the Borough will be re-calculated and paid based upon 1998 costs.

MOTION INTRODUCED BY: COMMISSIONER PITEA

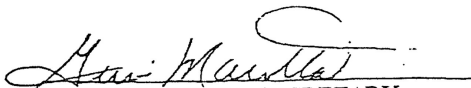
SECONDED BY: COMMIDDIONER ROBERTO

PLANNING BOARD BOROUGH OF WANAQUE



\_\_\_\_\_  
, CHAIRMAN

Attest:



\_\_\_\_\_  
GERRI MAROTTA, SECRETARY

RESOLUTION  
PLANNING BOARD  
BOROUGH OF WANAQUE  
#11-99

WHEREAS, LAKESIDE MANOR INC. also known as J & S GROUP, INC. as applicant for premises situate in the Borough of Wanaque, and known as Block 200 Lot 8.09 on the tax map of the Borough of Wanaque, has made application to the Planning Board of the Borough of Wanaque for an amended preliminary and final major site plan approval for the construction of a 47 townhouse unit development in lieu of the 64 townhouse unit development previously approved on the site; and

WHEREAS, the Planning Board of the Borough of Wanaque having considered the application and accompanying papers and documents filed in support of same and having heard the testimony of witnesses; and

WHEREAS, the Planning Board of the Borough of Wanaque after due deliberation having considered the application with due regard to all applicable Borough ordinances and all applicable State and Federal laws, statutes, regulations, constitutional requirements, and other relevant rules and regulations; and

WHEREAS, the Planning Board of the Borough of Wanaque having found that the approval of this proposal as set forth above is in accordance with sound planning and zoning

---

ordinances of the Borough of Wanaque and furthers the health, safety, and general welfare of the residents of the Borough of Wanaque.

NOW, THEREFORE, BE IT RESOLVED this 21st day of October, 1999, that the Planning Board of the Borough of Wanaque has approved this application for an amended preliminary and final major site plan approval for the construction of a 47 townhouse unit development in lieu of the 64 townhouse unit development previously approved on the site; in accordance with the following Motion and/or Resolution which was voted upon by the Planning Board of the Borough of Wanaque on August 19, 1999, by a roll call vote of 6 to 0 in favor of approving this application:

The Board approved a motion to approve the amended preliminary and final major site plan application for Lakeside Manor Inc. to construct a 47 townhouse three bedroom unit development in lieu of 64 townhouse two bedroom unit development previously approved on this site . The Wanaque Planning Board previously <sup>approved</sup> the construction of sixty-four (64) multi-family attached residential dwellings (townhouses) on this property through its resolution dated October 5, 1989. The applicant has amended that approval to construct 47 three-bedroom townhouse units on site. The area of the site to be developed consists of approximately 10.801 acres and is located in the R-40 Residential Zone District. The maximum building height will be 35 feet and two stories. The maximum building length will be 169 feet. Building density is 4.3 per acre. Building coverage is 11.1%, and impervious coverage is 21.3%. This major subdivision approval was granted in accordance with the design and layout shown on site plan entitled "*LAKESIDE MANOR TOWNHOUSES*" drawn

---

*by John Zanetakos Associates, Inc., Arthur E. Hanson, Jr., P.E., L.S. dated March 31, 1998 and revised through September 15, 1999, consisting of eight (8) pages.*

The applicant did not apply to the Board for any variances or design waivers, and no variances or design waivers were granted to the applicant.

Objectors appeared at the public hearing and questions arose concerning snow plowing and water main hook-up. It appeared that unless the homeowners association objected, the municipality would provide snow plowing to the site. The applicant stipulated that each unit would have individual water meters.

This approval was granted subject to and contingent upon the following conditions:

1. All of applicant's/developer's representations and stipulations made to the Planning Board in this application and at the public hearing must be true and accurate. The Planning Board has specifically relied upon applicant's stipulations and representations in granting this approval. In the event that any of applicant's stipulations or representations are inaccurate, this approval shall be rendered null and void. Specifically, the applicant/developer and municipality shall comply with all of the terms and conditions of the settlement agreement previously entered into between the applicant, Borough of Wanaque, and the Borough of Wanaque Planning Board; and the applicant shall dismiss with prejudice all pending federal and state law suits against the Borough of Wanaque and the Borough of Wanaque Planning Board. Further, applicant/developer shall supply the Planning Board and the Borough of

---

Wanaque with proof of ownership and/or easements which enable the applicant/developer to run water lines, sewer lines, and any other utility lines over private areas.

2. Applicant must comply with all applicable comments, considerations, recommendations, and conditions of the Borough Engineer with regard to the subject application pursuant to this Resolution. Specifically, all applicable recommendations and conditions contained in Richard A. Alaimo Engineering reports dated August 25, 1999, and must be adhered to. The Borough Engineer shall review and have final approval over all infrastructure improvements on and off-site including but not limited to the storm water management plan, roadway improvements, water supply system, sewer system, and drainage system. This development shall be self sustained and all of its infrastructure and improvements shall be constructed independent to the development known as Mountain Lakes Estates.

3. Applicant/Developer must comply with and adhere to all conditions contained in the Wanaque Planning Board Resolution dated October 5, 1989, granting final major subdivision approval and final site plan approval to Lakeside Manor, Inc., unless said condition has been specifically contradicted or made null and void by this approval. A copy of said resolution is attached as Exhibit A.

4. Detail of depressed curbing for the driveways, detail of pavement section for the driveways, must be provided to the Wanaque Planning Board and reviewed and approved by the Borough Engineer as part of the Final Site Plan Approval.

---

5. That the applicant/developer shall enter into a Developer's Agreement with the Borough of Wanaque and post all necessary performance guarantees for the installation of all improvements and the completion of the project. The Developer's Agreement shall be prepared by the Borough Attorney and reviewed by the Planning Board Attorney as well as the Planning Board Engineer as to form and content prior to signature by the Developer and Borough Officials. The Developer's Agreement shall provide for the posting of all fees necessary for inspection and review of the project during the construction and completion of same. The Developer's Agreement shall contain all terms and conditions set forth in the Ordinances of the Borough of Wanaque, State Statutes and the within Resolution. The applicant shall post all appropriate bonds and guarantees in suitable form and in accordance with the recommendations of the Planning Board Engineer and the Borough. The Developer's Agreement shall have attached to it a true copy of this Resolution and shall be in recordable form.

6. That the applicant/developer shall submit a blasting schedule to be reviewed by the Borough Engineer in connection with the project prior to the applicant commencing any blasting on the project. Once approved, the applicant shall provide public notice to the Borough residents of its approved blasting schedule seven (7) days prior to the commencement of blasting.

---

7. That the applicant shall supply any additional cross sections in designated critical slope areas of the project if required. This submission shall be in conjunction with any subsequent submissions required of the applicant during construction. That the applicant/developer shall submit any revised grading plans for the project, to be reviewed and approved by the Borough Engineer.

8. Subject to and contingent upon any other necessary county, state, or local permits or approvals including Passaic County Planning Board approval, Hudson-Essex-Passaic Soil Conservation District Service approval for soil erosion and sediment control for the project, the approval of the New Jersey Department of Environmental Protection (NJDEP), the approval of the Bureau of Land Use Regulation and General Permit Nos. 6 and 11, and the approval of NJDEP Bureau of Construction and Connections for a Treatment Works. All construction shall be in accordance with RSIS standards.

9. During construction applicant shall comply with all recommendations, and conditions of the Borough Engineer to protect adjacent property owners from water, silt, dust, or noise flowing from the property.

10. The developer shall construct curbs on both sides of the interior and exterior roadways of the project. Sidewalks shall be constructed on one side of the road , specifically on the inside block of the units, as directed and approved by the Borough Engineer. A landscape plan shall be prepared and submitted by the applicant/developer for the review and

---

approval of the Borough Planner. The applicant/developer shall comply with all recommendations and conditions of the Borough Planner in her review of the landscape plan. The street lighting on the site shall be similar to that which has been erected on the adjacent developments known as Ramapo Estates. Each townhouse unit shall have three (3) off-street parking spaces consisting of one (1) in the garage and two (2) in the driveway. Stacking is permitted.

11. Based upon the applicant/developer's representation it shall contribute the sum of \$7,500.00 to the Borough of Wanaque for off-site recreational improvements. Based upon this contribution the applicant/developer will not be required to comply with the \$300 per home contribution for traffic control measures already constructed by the Borough as required in the prior resolution.

12. The applicant/developer shall comply with and pay all fees and costs associated the Borough of Wanaque's Development Fee Ordinance #9-0-99.

13. The applicant/developer shall contribute the sum of \$500.00 per dwelling unit to the Borough which sum shall be applied to the construction of an additional source of potable water for this project and the Borough water system at large. This fee shall be known as the water infrastructure fee. The applicant/developer shall contribute this sum upon notification by the Borough Engineer that an additional source of water has been identified, engineered and ready to be constructed. In addition, the applicant/developer shall pay for the cost of purchasing and installing individual water meters for each dwelling unit.

---



14. The Applicant/ developer shall construct an access road in accordance with the aforementioned site plan and in accordance with Borough standards. Applicant/developer shall construct a left-hand turning lane on Conklintown Road from Ramapo Mountain Estates to Mountain Lakes Estates provided that the Borough can acquire the property or easement. If this is not possible, other alternatives may be submitted for review to alleviate the concern for the limited site distance existing for vehicles turning left into the site.

15. The applicant/developer shall create and establish a Homeowner's Association for property owners of this development. These property owners may be provided with an opportunity to obtain recreational use of Stephen's Lake.

16. That the applicant/developer shall submit a schedule for review and approval by the Borough Engineer providing for the timely and orderly completion of improvements and the project, prior to the commencement of any construction on the project. All infrastructure improvements must be made prior to the issuance of Certificates of Occupancy. In addition, all payments for building permits, water infrastructure contributions, developer's fees, professional escrow's, and inspection fees shall be paid by the applicant/developer during a time frame approved by the Borough Engineer and the Borough Attorney to be set forth in the Developer's Agreement.

---

17. The applicant/developer shall at its sole cost and expense upgrade the Conklintown Road Booster Station to enable it to adequately service the additional dwellings in this project. All upgrading shall comply with present State standards. The applicant/developer agrees that the cost of the upgrade to the pumping station is approximately \$80,000.00.

18. All water mains and appurtenances shall be installed subject to the review and approval of the Wanaque Water Department.

19. In addition, prior to the construction of the retaining walls, the applicant shall submit detailed plans and specifications including height and material of the retaining walls which shall be signed and sealed by a professional engineer registered in the State of New Jersey. The plans for the retaining wall are subject to the review and approval of the Borough Engineer. The retaining walls shall be constructed out of natural materials such as stone or interlocking block, but shall not be constructed out of wood.

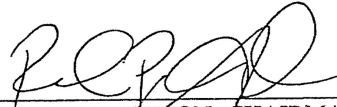
20. All sewer utilities are to be subject to the review and approval of the Wanaque Water Department and Sewer Authority.

---

MOTION INTRODUCED BY: COUNCILMAN SAUNDERS

SECONDED BY: COMMISSIONER DeMEGLIO

PLANNING BOARD BOROUGH OF WANAQUE



~~GILBERT FOYLON, CHAIRMAN~~

RICHARD P. SAUNDERS, ACTING

Attest:

  
GERRI MAROTTA, SECRETARY

---

Exhibit A

---

BOROUGH OF WANAUKE  
COUNTY OF PASSAIC  
PLANNING BOARD  
RESOLUTION NO.:

RESOLUTION GRANTING FINAL MAJOR SUBDIVISION APPROVAL AS TO IMPROVEMENTS AND FINAL SITE PLAN APPROVAL WITH CONDITIONS TO LAKESIDE MANOR, INC. APPLICANT AND OWNER FOR PROPERTY KNOWN AS BLOCK 200, LOT 8.9, LOCATED IN THE BOROUGH OF WANAUKE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY.

WHEREAS, an application has been submitted by Lakeside Manor, Inc. 154 Mount Vernon Street, Ridgefield Park, New Jersey, owner/applicant for Final Major Subdivision Approval as to improvements and Final Site Plan Approval for premises known as Block 200; Lot 8.9, as shown on the most recent Tax Assessment Maps of the Borough of Wanaque; and

WHEREAS, by written Resolution dated January, 1988, the Planning Board of the Borough of Wanaque granted conditional preliminary major subdivision approval as to improvements and conditional preliminary site plan approval for the project; and

WHEREAS, a subdivision sketch plat and site plan among other exhibits and documentation submitted with the application was reviewed and accompanied the preliminary major subdivision approval and preliminary site plan approval as granted by the Wanaque Planning Board, and the Wanaque Planning Board Engineer has further reviewed as a major emphasis the preliminary site plan to determine its conformity with this request for final site plan approval; and

WHEREAS, the applicant has complied with statutory and local ordinances required for advertising for any public hearings held and any proof of publication required for said final major subdivision and final site plan application; and

WHEREAS, the applicant has complied with any and all requirements

necessary regarding notice to property owners within 200 feet of the subdivision and site project as required by law; and

WHEREAS, the Planning Board of the Borough of Wanaque has considered the final major subdivision plat and final site plan application with reference to the objectives as set forth in the Land Use and Zoning Ordinance of the Borough of Wanaque; and

WHEREAS, the subdivision and site plan shall be compatible with the aforementioned objectives; and

WHEREAS, on September 12, 1989 the Wanaque Planning Board conducted a public hearing for the application and the applicant appeared and the Planning Board gave due consideration to all matters submitted with the application, and after deliberation did find and determine that:

1. The subject property is known as; Block 200, Lot 8.9 and is owned by Lakeside Manor, Inc. whose address is 154 Mount Vernon Street, Ridgely Park, New Jersey. Lakeside Manor, Inc. is not only the owner but the applicant for the project;

2. The subject property is located in the Town's R-40 (Residential) Zone District with a street address of Cannonball Road and the corner of Conklintown Road;

3. The applicant proposes to construct sixty-four (64) multi-family attached residential dwellings (Townhouses) on the property. The total area of Lot 8.9 is 10.87 acres and, after dedicating a portion of Lot 8.9 as required by the imposition of conditions by the Wanaque Planning Board in the preliminary site plan resolution, the net area remaining for use for the construction of townhouses totals 9.81 acres. The subdivision plat and site plan fully depicts the configuration of the development of the project with all easements noted, improvements delineated and all reservations of record shown;

4. The Wanaque Planning Board imposed conditions upon the preliminary major subdivision and preliminary site plan approval which the applicant, through applicant's representatives have testified at the public hearing have been or will be satisfied as hereinafter delineated. Among other considerations, the applicant proposes to provide public sewers for the townhouse units as hereinafter provided for in this Resolution as well as applicant proposing to upgrade and improve Linda Road from Conklintown Road to the project and Humbert Road. Applicant's acquisition of portions of both Linda Road and Humbert Road if necessary for the purposes of improving both rights-of-way to the Borough's standards have been agreed to by applicant and the applicant has further agreed that all costs associated with these road improvements are to be paid for by the applicant.

5. Applicant still proposes to improve or deposit with the Borough of Wanaque contribution to the solution of traffic congestion problems in the area for overall traffic improvements and a contribution to the Borough of Wanaque for an additional source of water supply which will serve in part the proposed development project. Applicant's responsibility for contributions for both traffic and water are hereinafter set forth and are more specifically delineated in Alaimo Engineering reports including the December 28, 1987 report.

6. As a result of the presentation made by applicant, the Planning Board determined and granted applicant major subdivision approval in relation to the public improvements to be constructed in and surrounding the project and the Board at this juncture is desirous of granting applicant the final major subdivision approval relating to those public improvements.

7. The Planning Board has taken into consideration the general purpose of municipal planning and the factors in considering such application for both major subdivision and site plan approval in accordance with the Land Use and Zoning Ordinances of the Borough of Wanaque and the development can be granted final approvals with conditions without imposing substantial detriment to the public good nor substantially impairing the intent and purpose of said Ordinances;

8. The Wanaque Planning Board has determined to impose conditions upon both the final major subdivision and final site plan approvals now being granted to Lakeside Manor, said conditions as hereinafter specifically delineated are for the purpose of insuring the health, safety and welfare of the citizenry of the Borough of Wanaque and the overall integrity of the construction of the project and surrounding properties.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Wanaque that Final Major Subdivision Approval as to Improvements and Final Site Plan Approval be granted to Lakeside Manor, Inc. for Block 200, Lot 8.9 in accordance with the plan submitted and subject to the following terms and conditions:

1. Subject to Passaic County Planning Board approval;
2. Subject to Passaic County Department of Soil Conservation approval, soil erosion and sediment control for the site;
3. That the applicant shall enter into a Developer's Agreement with the Borough of Wanaque and post all necessary performance guarantees for the installation of all improvements and the completion of the project. The Developer's agreement shall be prepared by the Borough Attorney and reviewed by the Planning Board Attorney as well as the Planning Board Engineer as to form and content prior to signature by the Developer and Borough



Officials. The developer's Agreement shall provide for the posting of all fees necessary for inspection and review of the project during construction and completion. The Developer's Agreement shall contain all terms and conditions set forth in the Ordinances of the Borough of Wanaque, State Statute and the within Resolution. The applicant shall post all appropriate bonds and guarantees in suitable form in accordance with the recommendations of the Planning Board Engineer and the Borough. Said Developer's agreement shall have attached a true copy of this Resolution as well as the Resolution granting applicant Preliminary Approvals and shall be recorded in the Passaic County Clerk's Office;

4. That the applicant will comply with all comments, considerations, recommendations and conditions rendered by the Planning Board Engineer and/or Borough Engineer with regard to the subject application and the completion of same, which applications have heretofore been submitted to the Board in written form and to be submitted to the Board pursuant to this Resolution. The applicant shall amend its plans, applications and supporting documents to reflect those items of improvement finally agreed upon by the Planning Board and imposed upon the applicant to complete;

5. That the applicant shall comply with the storm water management plans as submitted for this application and project and approved by the Planning Board Engineer. The applicant shall comply with the recommendations contained in the Planning Board Engineer's December 28th, 1987 report regarding the existing brook and any subsequent reports rendered by the Borough Engineer regarding the storm water management issues.

6. That the applicant shall complete all improvements to the Linda Road right-of-way and a right-of-way which is unnamed and runs between Linda Road and Humbert Road. Applicant will also construct a suitable bridge across High Mountain Brook to the satisfaction of the Borough of Wanaque. All road improvements

and utility improvements shall be built and paid for or otherwise be the responsibility of the applicant, and the applicant shall complete the road improvements utilizing a road configuration having a ten (10%) percent grade with supporting infrastructure, being further subject to all responsible agency review and approval.

7. That the applicant shall submit a plan for review and approval by the Planning Board Engineer and Borough providing for the timely and orderly phasing of the completion of all road improvements, bridge improvements and utility improvements for the project. The improvement construction phasing plan shall be submitted and approved by the Borough prior to the applicant commencing construction of any improvements for the project.

8. The applicant shall submit to the Borough of Wanaque in addition to the improvement phasing plan delineated above, a construction phasing plan for the project. This construction phasing plan, as well as the improvement phasing plan shall be reviewed and approved by the Planning Board Engineer and Borough prior to the applicant commencing any construction on the project.

9. That the applicant shall amend its site plan, drawings and other documents to reflect the revisions requested in the Planning Board Engineer's reports and any comments and considerations contained therein being the reports of December 28, 1987, June 1, 1989 and September 12, 1989. The applicant again, shall further amend its site plan to include the road improvement configuration agreed to by the Planning Board at the public hearing held September 12, 1989.

10. That the applicant shall post with the Borough of Wanaque an escrow account to be established to contribute to the cost of completing traffic improvements to be undertaken in the future

so as to relieve the traffic conditions now existing in the Conklintown Road/Ringwood Avenue and Skyline Drive area. The escrow account shall be established and used for traffic improvements only. The applicant will be required to deposit an assessment for the said traffic improvements at \$ 300.00 per dwelling unit approved by the Board. Applicant shall not be required to deposit said assessment until such time as it has received notification from the Board that the specific traffic improvements covered by the escrow amount are finally planned and in place for construction and implementation. Upon such notification, applicant shall immediately deposit the escrow amount. In the event that the applicant shall not deposit the escrow amount within sixty (60) days of applicant's receipt of notification for deposit, then in that event, Borough may exercise any appropriate measures of enforcement to insure immediate deposit of same, including, but not by way of limitation, the issuance of a stop work order for the project and for the cessation of reviewing and approving any subsequent portions of applicant's project. If necessary the Borough is afforded the right to collect the assessment as provided by law.

11. That the applicant shall complete all roadway realignments and improvements in accordance with its proposals and the minimum improvements as agreed to by the Wanaque Planning Board in furtherance of the reports of the Planning Board Engineer dated, December 28, 1987, June 1, 1989 and September 12, 1989 as well as the roadway grade configuration of ten (10) percent as agreed to by applicant at the September 12, 1989 public hearing. Applicant shall not be required to obtain easements or County approval to accomplish the improvements. Linda Road shall specifically be constructed in accordance with the plans submitted by Joseph Sullivan, P.E. of Tri-State Cad Service, Inc., Sheet No. 4 dated June 15, 1989 and reflecting the proposed 10% grade.

12. That the applicant shall provide public sewers for the project. Public sewers shall be provided under review and approval by the Planning board Engineer and the Borough of Wanaque. Specifically, this condition provides that approval of this application is specifically conditioned upon applicant's connection to an off-site sewage disposal facility sanctioned by both the Wanaque Borough Sewer Authority and the Wanaque Valley Regional Sewer Authority. In addition, applicant agrees that it will not apply for, nor will the Borough of Wanaque issue any building permits for any proposed buildings in the project until such time as the Planning Board Engineer and Borough of Wanaque have received and approved specific schedules as established for the completion of sewage disposal facilities which will accept sewage from the proposed development.

13. The applicant shall post with the Borough of Wanaque an assessment to assist the Borough in developing and completing a new source of water supply which will service the project. Applicant has agreed and the Planning board hereby imposes a condition that the water supply to the proposed development should be serviced from the Borough of Wanaque water system. The applicant shall contribute an assessment of \$ 500.00 per dwelling unit to the Borough of Wanaque to assist in the development and completion of said water supply system. Applicant shall not be required to deposit the assessment in the Borough escrow account established for the new water supply until such time as the applicant has received notice that the plans for the construction of a new water supply source have been finalized. Applicant shall deposit the assessment in the escrow account within sixty (60) days of applicant's receipt of notice. In the event that applicant has not deposited said assessment, then in that event, the Borough shall take whatever steps

necessary to collect the assessment, including, but not by way of limitation, the issuance of a stop-work order for the project and/or the cessation of reviewing and approving any subsequent portions of applicant's projects. If necessary the Borough is afforded the right to collect the assessment as provided by Law.

14. That the applicant shall submit and the Borough of Wanaque shall approve the names of all roadways established for the project.


15. That the applicant shall comply with any and all recommendations of the Borough of Wanaque Fire Prevention Bureau, Borough Police Department and Water Department.

16. The applicant shall, if necessary, and under separate application, submit to the Borough or other applicable Borough Agency for a soil moving permit for the project and to be issued in accordance with Borough Ordinances. All fees established for the soil moving for the project shall be deposited by the applicant to the Borough.

17. That the applicant shall comply with any and all Federal, State, County and Borough Government Laws, Ordinances, Rules and Regulations with regard to the subject project, including, but not by way of limitation, the N.J.D.E.P. and the Passaic County Engineer. The applicant shall comply with any and all recommendations established by the Planning Board Engineer, the Borough of Wanaque, its agencies and officials including the payment of all fees established by the Borough for this application. Applicant shall comply with those operative recommendations contained in the Planning Board Engineer's reports which are incorporated by reference to this Resolution and therefore made a part hereof.

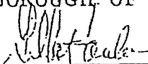
THEREFORE, BE IT FURTHER RESOLVED that the Chairman and Acting Secretary to the Planning Board are hereby authorized to affix their signatures to this Resolution which grants final Major Subdivision Approval as to improvements to be installed and Final Site Plan Approval with conditions to Lakeside Manor, Inc. for Block 200, Lot 8.9, Borough of Wanaque. The Board shall advertise the action taken by way of this Resolution in the local newspaper and thereafter send certified copies of this Resolution to the Borough Tax Assessor, Construction Code Enforcement Official, Building Sub-Code Official, Borough Water Department, Borough Zoning Official, Wanaque Borough Sewerage Authority, Wanaque Valley Regional Sewerage Authority, the applicant through applicant's attorney, Richard Kelly, Esq. and the Borough Attorney.

THEREFORE, BE IT FURTHER RESOLVED that this Resolution does not constitute an approval or recommendation for approval of any variance required by the applicant, nor any variance which may expressly or specifically be created by this Resolution, nor does this Resolution approve or recommend approval of any subdivision or site plan or part thereof offered by the applicant for the Board's information and concerning an area not specifically delineated herein.

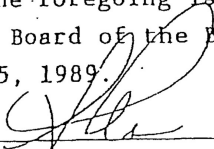
  
LEWIS BARNES  
Acting Secretary

APPROVED:

PLANNING BOARD OF THE  
BOROUGH OF WANAQUE

  
GILBERT FOULON, Chairman

I, \_\_\_\_\_, Acting Secretary of the Wanaque Planning board do hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Board of the Borough of Wanaque at its meeting held on October 5, 1989.

  
Acting Secretary

Oct. 20 99 11:09a

Boro Clerk's Office

973-839-4959

P. 1



## Richard A. Alaimo Engineering Associates

200 High Street, Mt. Holly, New Jersey 08060 Tel: 609-267-8310 Fax: 609-267-7452  
2 Market Street, Paterson, New Jersey 07501 Tel: 973-523-6200 Fax: 973-523-1765

August 25, 1999

Steven Veltri, Esq., Board Attorney  
Wanaque Planning Board  
579 Ringwood Avenue  
Wanaque, New Jersey 07465

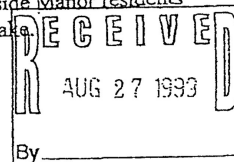
Re: Lakeside Manor  
Borough of Wanaque  
Our File No. P-495-129

Dear Steve:

As per the Planning Board meeting on Thursday, August 19, 1999 Lakeside Manor was approved for forty-seven (47) three-bedroom units in lieu of sixty-four (64) two-bedroom units and the following is a summary of my notes in reference to my checklist letter of the same date, used for Mountain Lakes Estates, and used at the meeting. Each number paragraph below corresponds to the same numbered paragraph in the above mentioned letter.

1. Not Applicable
2. Not Applicable
3. Curbs and sidewalks on one side of the interior block are to be provided.
4. Street lights consistent with the neighboring Ramapo Mountain Estates development will be provided and a detail (attached) was provided.
5. Each home is provided with three (3) off-street parking spaces; one (1) in the garage and two (2) in the driveway. Stacking is permitted.
6. The Applicant agreed to pay \$500 per unit Water Infrastructure Fee plus the cost of the water meter and its installation.
7. A landscape plan will be provided and is subject to the Planner for the Planning Board.
8. Not Applicable
9. It was left up to the Developer if he wanted to allow the Lakeside Manor residents to join the Stephens Lake Association for use of Stephens Lake.

- Consulting Engineers -



Steven Veltri, Esq., Board Attorney  
Wanaque Planning Board

-2-

August 24, 1999

- 10. No playground will be provided.
- 11. Not Applicable
- 12. The Planning Board and/or Borough Engineer will review the plans for compliance of all conditions.
- 13. Not Applicable
- 14. Not Applicable
- 15. The Applicant will comply with the Hudson-Essex-Passaic Soil Conservation requirements.
- 16. The Applicant must acquire approvals from the Passaic County Planning Board.
- 17. The Applicant will comply with all applicable divisions of the NJ Department of Environmental Protection.
- 18. If blasting is required the Applicant will provide a blasting schedule as stated in the original Developer's Agreement.
- 19. The Applicant will provide a sewer extension from his sewer line on Stephen's Lake Road up to the intersection of Humbert Place.
- 20. The Applicant will convey the necessary easements to the Borough for water, sewer and any other utility lines. Easements will also be shown to grant the Applicant permission for any access over private roads as represented by the Developer on his plans.
- 21. In lieu of Paragraph 18 of the Developer's Agreement and a \$300 per unit contribution for traffic control measures already constructed by the Borough, the Applicant has offered a pro rata contribution toward Borough parks and recreation. The pro rata share is by comparison to Mountain Lakes Estates:

$$\frac{47 \text{ units}}{128 \text{ units}} \times \$20,000 = \$7,343.75$$

- 22. The Applicant is not proposing any fences. All walls will be constructed in accordance with the Borough Ordinance.

*Richard A. Alaimo Engineering Associates*  
*- Consulting Engineers -*

improvements that are part of the Mountain Lakes Estates subdivision to control outflow or if this project can stand alone.

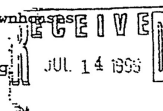
- 2) A copy of the filed map or deed dedicating Mountain Lakes Drive to Wanaque. How ever the dedication is made, it must be clear that the Borough will be responsible for maintaining the culvert under Mountain Lakes Drive.

Very truly yours,

*James D. Rogers*  
James D. Rogers,  
Director of Planning

JDR/EN:pc

cc: County Engineer  
Jacinto Rodrigues, Lakeside Manor Townhouse  
Frizell, Goldman and Jaffe  
Arthur Hanson, Zanetakos Associates  
Michael Cristaldi, Alaimo Engineering



*Fredholder's Planning & Public Facilities Committee*  
*Peter C. Esler, Chairperson*



Exhibit B