



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



ORDINANCE #12-0-2023

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 #9-0-2023 WHICH AMENDED ORDINANCE #3-0-17 AND ORDINANCE #15-0-16 BY ADDING CERTAIN ADDITIONAL PROVISIONS TO THE PLAN INCLUDING AUTHORIZATION TO PROCEED WITH CONDEMNATION OF THE PROPERTY.

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, with the Property now being designated as a Condemnation Area in Need of Redevelopment pursuant to the Redevelopment Law, this Ordinance and the October 16, 2023 Lakeside Manor Third Amendment to the Redevelopment Plan; 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") and provides the initial development standards for the Property which said development standards were further defined and clarified in a Second Amended Redevelopment Plan through the adoption on July 10, 2023, of Ordinance #9-0-2023; and



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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

WHEREAS, upon receipt of the Planning Board's comments relating to the Redevelopment Plan, the Borough Council believes that the adoption of the October 16, 2023, Redevelopment Plan Amendment establishing the necessity and authorization for condemnation in the Redevelopment Area is necessary to further the public health, safety and welfare and, therefore, it is in the best interest of the Borough to proceed with property acquisition pursuant to N.J.S.A. 40A:12A-8 c and g.

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

Section 1. The foregoing recitals (Whereas paragraphs) are incorporated herein as if set forth in full.

Section 2. The Lakeside Manor Third Redevelopment Plan Amendment, dated October 16, 2023, 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. Therefore, condemnation of the property at Block 200.20, Lots 1 through 48 inclusive is authorized so as to ameliorate the blighting conditions found at the property and to promote the public health, safety and welfare.

Section 3. The Borough Council hereby finds and determines that pursuant to Section 2 C 3) of the July 2023 Redevelopment Plan Amendment that the prior site plan approvals, circa 1999 and 2000, have been terminated due to the inaction by the prior property owner and the revised site plan to be submitted to the Wanaque Planning Board by a designated redeveloper shall be in compliance with § 114-11 of the General Ordinances of the Borough of Wanaque (the "Code") as further specified or modified in the October 16, 2023 Redevelopment Plan Third Amendment. Therefore, the principle permitted use on the property shall be attached multifamily residences. The number of units shall not exceed 47 residential units.



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Section 4. It is a specific objective of this Redevelopment Plan to implement the provisions of § 114-48 of the Wanaque Code and/or the Zoning Table indicated on the Subdivision Map, dated July 10, 2001, as more particularly described in this Section. 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. The “bulk standards” of any proposed project to be undertaken in the Condemnation Area in Need of Redevelopment shall conform to the Final Subdivision Map, dated July 10, 2001, prepared by Arthur G. Hanson, Jr. and entitled “Lakeside Manor Townhouses.” Said Subdivision Map is attached to the Redevelopment Plan as Exhibit 1 and Map 1. Further, to provide clarity, the Lakeside Manor subdivision map and site plan (development site) indicates ~20 acres as the area of the properties in Block 200.20, Lots 1 through 48 and shall be the minimum lot size and, therefore, shall be considered consistent with § 114-48 B (1). This shall be the redevelopment project to be undertaken.

Section 5. On July 10, 2023, the Borough Council adopted Resolution Number 133-0-2023 which Designated the properties at Block 200.20, Lots 1 through 48 as a Condemnation Area in Need of Redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A: 12A-1. This designation was done following referral of the matter to the Wanaque Planning Board. The Planning Board conducted a hearing on the Condemnation Area in Need of Redevelopment after hearing and receiving substantial evidence that the specified redevelopment area satisfies the criteria that the property is subject to condemnation. (See the June 15, 2023, Planning Board meeting minutes and transcript.)

Section 6. 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 7. 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.



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Section 8. This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Dated: October 16, 2023

RECORD OF COUNCIL VOTE

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

ATTEST:

Katherine J. Falone
Katherine J. Falone RMC/CMC
Municipal Clerk

Daniel Mahler
Daniel Mahler
Mayor

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

Exhibit A

Borough of Wanaque
Lakeside Manor Redevelopment Plan
Third Amendment

The third amendment to the redevelopment plan supplementing the prior development approvals at Block 200.20, Lots 1 through 48. This Redevelopment Plan amendment provides for the implementation of a Condemnation Area in Need of Redevelopment.

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-Adopted by Ordinance Number 9-0-2023 on September 18, 2023.

Third Amendment-October 16, 2023

Prepared for: Borough of Wanaque

Prepared by:

BENECKE ECONOMICS 8410 Sanctuary Blvd.

Riverdale, NJ

07457

Reviewed by Lyndsay Knight, PP, AICP

Preface to the Third Amendment to the Lakeside Manor Redevelopment Plan.

In furtherance of the Lakeside Manor Redevelopment Plan and its stated objectives, the Borough may Condemn the properties at 200.20, Lots 1-48 for the specific public purpose of implementing this Redevelopment Plan, so as to reverse the conditions of blight found upon the property and thereby through effectuating such condemnation the Borough will promote the public health, safety and welfare. The specific provisions and statutory steps taken to properly implement this Plan are recited herein.

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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 September 18, 2023, the Borough Council of the Borough of Wanaque adopted Ordinance Number 9-0-23, which added certain provisions to the redevelopment plan applicable to the properties at Block 200.20, Lots 1 through 48 also known as Lakeside Manor (47 townhome units plus a master lot). This September 2023 Ordinance clarified that the subdivision plan dated On April 10, 2017, the Borough Council adopted Ordinance Number 3-0-17 establishing a Redevelopment Plan for the properties.

The Redevelopment Plan Area bulk standards and specific zoning dimensions shall conform to the duly filed and approved Subdivision Map, dated July 10, 2001, prepared by Arthur E. Hansen, PE, LS. A copy of the Subdivision Map is attached hereto as Exhibit A and shall be the final redevelopment project plan, with added nuances added herein.

On July 10, 2023, the Borough Council adopted Resolution Number 133-0-2023 which Designated the properties at Block 200.20, Lots 1 through 48 as a Condemnation Area in Need of Redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1. This designation was done following referral of the matter to the Wanaque Planning Board. The Planning Board conducted a hearing on the Condemnation of the area and determined after hearing substantial evidence that the specified redevelopment area satisfies that criteria that it is subject to condemnation. (See the June 15, 2023, Planning Board meeting transcript.)

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 previously 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. In summary, this is the reason for designating the area as a Condemnation Area in Redevelopment. Please refer to Council resolution 133-0-2023, adopted July 10, 2023. Also, please refer to the June 15, 2023, Planning Board meeting minutes and transcript.**

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.¹

“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.

¹ 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(s) and Ordinance(s). 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 AND Subdivision Map (with the accompanying yard setbacks) is the basis for the potential redevelopment project. The "bulk standards" of any proposed project to be undertaken in the ANR shall conform to the Final Subdivision Map, dated July 10, 2001, prepared by Arthur G. Hanson, Jr. and entitled "Lakeside Manor Townhouses." Said Subdivision Map is attached as Exhibit 1 and Map 1.

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 upon them 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. In furtherance of this objective the Borough may condemn the property for the specific public purpose of implementing this Redevelopment Plan so as to reverse the conditions of blight upon the neighborhood and property and thereby promote the public health, safety and welfare.
- 3) Reconfirm Site Plan and development compliance with § 114-11 of the General Ordinances of the Borough of Wanaque ("Code") and pursuant to the approved Subdivision (see Map 1). 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 and Subdivision. 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 and the approved Subdivision.
- 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 (Map 1 attached) and site plan (development site) indicates the area (Block 200.20, Lots 1 through 48), has ~20 acres which shall be the minimum lot size and shall be considered consistent with § 114-48 B (1). (Reference is made to Exhibit 1 aka Map 1, the final Subdivision map prepared by Arthur E. Hansen, dated July 10, 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 permitted separate den not exceeding 160 square feet of living space being permitted), although each unit MUST include a garage for vehicular storage. See Section 5 D hereof for Conditional Use requirements including the required provision for electric vehicle charging stations.

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 and as included on the approved and recorded Subdivision map (Exhibit 1/Map 1 attached hereto).
- 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 if applicable.

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 FOR CLARITY-ALL SETBACKS AND BUILDING SITE STANDARDS SHALL BE AS SET FORTH IN MAP 1, ATTACHED EXCEPT FOR DEMINIMIS DEVIATIONS AND SUBJECT TO THE FOLLOWING PROVISIONS.

- 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 Condemnation Area in Need of Redevelopment.

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 one hundred fifty (150) cubic feet

With a maximum height of five (5) feet may be installed.

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

The property may be acquired by the Borough through private sale (also referred to as a negotiated sale) or condemnation to effectuate this Plan. 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 Condemnation ANR, that pose a threat to public health and safety. The following is the statutory authorization for the acquisition of the properties (through condemnation if necessary):

40A:12A-8 Effectuation of development plan.

8. Upon the adoption of a redevelopment plan pursuant to section 7 of P.L.1992, c.79 (C.40A:12A-7), the municipality or redevelopment entity designated by the governing body may proceed with the clearance, replanning, development and redevelopment of the area designated in that plan. In order to carry out and effectuate the purposes of this act and the terms of the redevelopment plan, the municipality or designated redevelopment entity may:

- a. Undertake redevelopment projects, and for this purpose issue bonds in accordance with the provisions of section 29 of P.L.1992, c.79 (C.40A:12A-29).
- b. Acquire property pursuant to subsection i. of section 22 of P.L.1992, c.79 (C.40A:12A-22).
- c. Acquire, by condemnation, any land or building which is necessary for the redevelopment project,

pursuant to the provisions of the "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.), provided that the land or building is located within (1) an area that was determined to be in need of redevelopment prior to the effective date of P.L.2013, c.159, or (2) a Condemnation Redevelopment Area.

d. Clear any area owned or acquired and install, construct or reconstruct streets, facilities, utilities, and site improvements essential to the preparation of sites for use in accordance with the redevelopment plan.

C. OTHER ACTIONS

In addition to the property acquisition demolition and new construction previously described, 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 designated Redeveloper, in state and federal grant programs and granting of tax incentives. This is a Condemnation Redevelopment Area and the Borough may be exercising its powers of eminent domain. 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 the Second Amendment and Third 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, if applicable

L SITE PLAN AND SUBDIVISION REVIEW

Upon 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, Subdivision Map, and the ordinances of the Borough, stipulate 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.

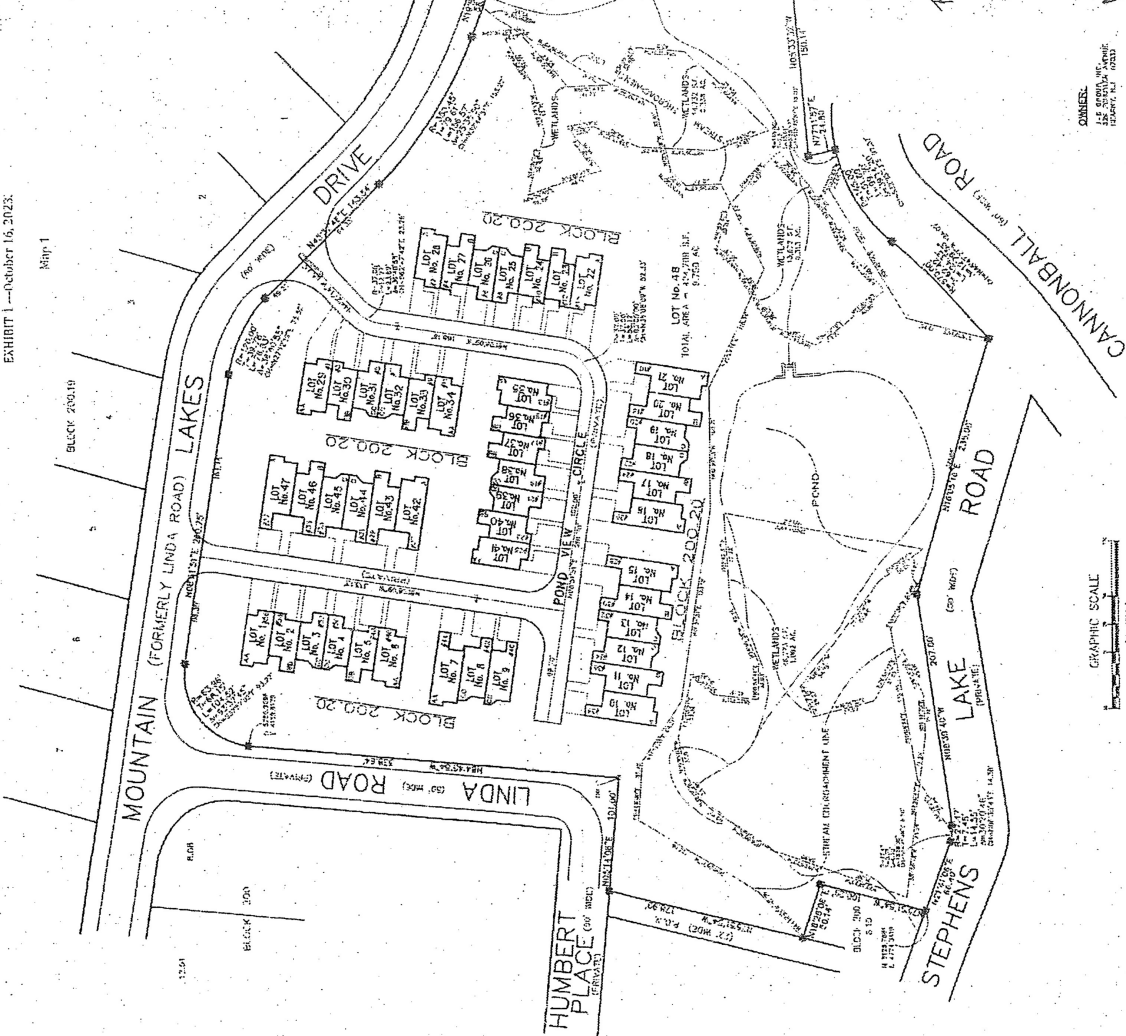
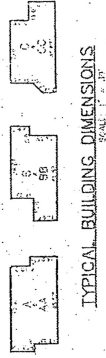
10 Procedure for Amending the Approved Plan

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.
Reviewed by Lyndsay Knight, PP, AICP
October 16, 2023

EXHIBIT 1 — October 16, 2023.

Map 1



ZONING DATA

COMMERCE DIST.	INDUSTRIAL
MIN. LOT AREA	MIN. LOT AREA
MIN. LOT FRONT	MIN. LOT FRONT
MIN. LOT DEPTH	MIN. LOT DEPTH
MIN. LOT WIDTH	MIN. LOT WIDTH
MIN. LOT HEIGHT	MIN. LOT HEIGHT
MIN. LOT AREA PER AC.	MIN. LOT AREA PER AC.
MIN. LOT FRONT PER AC.	MIN. LOT FRONT PER AC.
MIN. LOT DEPTH PER AC.	MIN. LOT DEPTH PER AC.
MIN. LOT WIDTH PER AC.	MIN. LOT WIDTH PER AC.
MIN. LOT HEIGHT PER AC.	MIN. LOT HEIGHT PER AC.
MIN. LOT AREA PER AC.	MIN. LOT AREA PER AC.
MIN. LOT FRONT PER AC.	MIN. LOT FRONT PER AC.
MIN. LOT DEPTH PER AC.	MIN. LOT DEPTH PER AC.
MIN. LOT WIDTH PER AC.	MIN. LOT WIDTH PER AC.
MIN. LOT HEIGHT PER AC.	MIN. LOT HEIGHT PER AC.

FINAL SUBDIVISION MAP OF
LAKESIDE MANOR TOWNHOUSES

IN THE
TOWNSHIP OF WASHINGTON, PASADENA COUNTY, NEW JERSEY

Prepared by
John Zametatos Associates, Inc.
ENGINEERS - PLANNERS - SURVEYORS
7 DONG ROAD, BRIDGE PLAZA, NEW JERSEY
07003 - 1200

ARTHUR E. HANSON, JR.
REGISTERED PROFESSIONAL ENGINEER
P.L.L.C. 100 WEST ST. 2ND FL.
NEW JERSEY 07002

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LEGEND:

- COULDS ARGUMENT TO BE SET
- RETAINERS LINE
- STREAM ENCROACHMENT LINE
- MATTS
- LOT TYPE
- LOT NUMBER
- HOUSE NUMBER