

**TOWNSHIP OF MAHWAH
ORDINANCE NO. 2009**

AN ORDINANCE OF THE TOWNSHIP OF MAHWAH, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING THE REDEVELOPMENT PLAN FOR BLOCK 82, LOTS 1 AND 3 THROUGH 30 (MONARCH) FOR THE SOLE PURPOSE OF LIMITING AFFORDABLE ASSISTING LIVING BEDS TO A MAXIMUM OF TWO BEDS PER ROOM

WHEREAS, on October 27, 2022, the Township of Mahwah adopted Ordinance 1985, adopting a redevelopment plan for the properties known as Block 82, Lots 1 and 3 through 30, more commonly known as Monarch; and

WHEREAS, it was subsequently determined that the law does not permit more than two individuals within an assisted-living component, and accordingly, it is necessary to amend the redevelopment plan to increase the number of permitted units from 157 to 160 units; and

WHEREAS, this increase will not change the buildout, the square footage, the height, or any other bulk requirements of the project and is solely being made to ensure consistency with the law and the Order of the Court.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Mahwah, County of Bergen, State of New Jersey, as follows:

SECTION 1. The Township Council hereby authorizes the amendment to the redevelopment plan attached hereto and incorporated herein, increasing the total number of permitted units from 157 to 160 units so that no more than two individuals may reside in the affordable apartments within the assisted living component.

SECTION 2. This amendment to the redevelopment plan does not change any other aspects of the buildout of the property, including the square footage, the height or any other bulk requirements of the project.

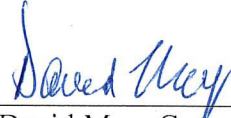
SECTION 3. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

SECTION 4. In case, for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

SECTION 5. This ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

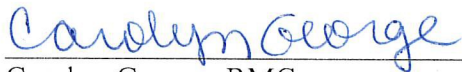
Introduced: May 15, 2023
Adopted: July 17, 2023
Effective Date: August 6, 2023

TOWNSHIP OF MAHWAH



David May, Council President

ATTEST:



Carolyn George, RMC
Municipal Clerk



Engineering
& Design

Redevelopment Plan for Block 82, Lots 1 and 3 through 30

Amendment #1

Township of Mahwah
Bergen County

May 9, 2023

Prepared for:

Township of Mahwah

Prepared by:

Darlene A. Green, PP, AICP
License No. 33LI00611400

Colliers Engineering & Design, Inc.
Shelbourne at Hunterdon
53 Frontage Road Suite 110
Hampton, New Jersey 08827

Main: 908 238 0900
Colliersengineering.com

Redevelopment Plan for Block 82, Lots 1 and 3 through 30

Amendment #1

Recommended by the Planning Board: September 12, 2022

Adopted by the Township Council: October 27, 2022 via Ordinance 1985

Amendment #1 Recommended by the Planning Board: Month Day, 2023

Amendment #1 Adopted by the Township Council: Month Day, 2023 via Ordinance XXXX

Project No. MWT-0022

Table of Contents

1. Introduction	1
1.1 Required Plan Components.....	2
2. Redevelopment Area	4
2.1 The Parcels	4
3. Plan Goals	11
4. Relationship to Local Objectives & Other Plans	12
4.1 Local Objectives & Plans.....	12
4.2 Plans of Adjacent Communities	16
4.3 Bergen County Plans.....	16
4.4 State Plans.....	16
5. Charging Infrastructure	19
6. Redevelopment Plan	20
6.1 General Provisions.....	20
6.2 Land Use & Development Requirements	21
7. Relationship to Zoning	31
7.1 Zoning Provisions.....	31
7.2 Zoning Map Revision	31
8. Amendments & Duration	32
8.1 Amendments to the Redevelopment Plan.....	32
8.2 Recommendations for Redevelopment Agreement Provisions	32
8.3 Certificates of Completion & Compliance	32
8.4 Designation of Redeveloper(s)	32
9. Appendix	33

1. Introduction

On January 23, 2020, the Mahwah Township Council authorized the Planning Board to conduct a preliminary investigation to determine if Lots 1, 3 through 17, 26, 29, and 30 in Block 82 qualify as an Area in Need of Redevelopment with Condemnation, pursuant to the New Jersey Local Redevelopment and Housing Law (hereinafter “LRHL”), N.J.S.A. 40A:12A-1, et. seq. Thereafter, the Planning Board authorized Maser Consulting¹ to undertake a study of the lots to determine if they meet the LRHL criteria via Resolution on February 24, 2020.

On April 1, 2021, the Township Council adopted Resolution #176-21, which authorized the Planning Board to conduct a preliminary investigation to determine if Lots 2, 18 through 25, 27, and 28 qualify as an Area in Need of Redevelopment without condemnation (referred to as the “Non-Condemnation Study Area”). Resolution #176-21 also directed the Planning Board to conduct a preliminary investigation to determine if Lots 1, 3 through 17, 26, 29, and 30 qualify as an Area in Need of Redevelopment with condemnation (referred to as the “Condemnation Study Area”). Subsequently, the Planning Board authorized Colliers Engineering & Design to undertake a study of the lots to determine if they meet the LRHL criteria via Resolution on May 10, 2021. This analysis produced a report entitled Redevelopment Area Determination of Need Study, dated April 1, 2022. According to the report, the properties included in the preliminary investigation qualify for designation as follows:

- Lot 1 – Criteria A, B, and D
- Lot 2 – Section 3
- Lot 4 (including Lots 3, 5, 6, and 7) – Criteria A, B, and D
- Lot 8 (including Lot 9) – Criteria A, B, and D
- Lot 10 (including Lot 11) – Criteria D
- Lot 12 (including Lots 13, 14, and 15) – Section 3
- Lot 16 (including Lot 17) – Criteria D
- Lot 19 (including Lot 18) – Section 3
- Lot 22 (including Lots 20 and 21) – Section 3
- Lot 25 (including Lots 23 and 24) – Section 3
- Lot 26 – Criteria A and D
- Lot 28 (including Lot 27) – Section 3
- Lot 29 – Section 3
- Lot 30 – Criteria D

Based on the findings presented in Colliers Engineering & Design's report, the Planning Board found that the 14 properties satisfied the statutory criteria to be designated as an Area in Need of Redevelopment at a public meeting held on April 25, 2022. The Planning Board memorialized their findings in a Resolution adopted on May 9, 2022. Subsequently, the Township Council adopted a Resolution #185-22 on May 19, 2022, which designated Lots 1 and 3 through 30 of Block 82 as a Non-condemnation Redevelopment Area.

On April 28, 2022, the Township Council adopted Resolution #159-22 authorizing the preparation of a Redevelopment Plan for the designated Redevelopment Area (see Appendix A). This Redevelopment Plan for Block 82, Lots 1 and 3 through 30 is essentially a master plan with “teeth” – a planning document that merges

¹ Maser Consulting is now known as Colliers Engineering & Design, Inc.

the vision of a master plan with the authority of a zoning ordinance. The required components of a redevelopment plan are described in the following section.

The Township adopted the Redevelopment Plan for Block 82, Lots 1 and 3 through 30 on October 22, 2022 via Ordinance 1985. Thereafter, a Fairness Hearing was held by the Superior Court regarding the Settlement Agreement between Mahwah and Monarch Company JV, LLC. The Court approved the Settlement Agreement with the condition that all affordable assisted living bedroom configurations must comply with N.J.A.C. 5:93-5.16(e), which limits assisted living units to not more than two people. This condition requires the modification of the Redevelopment Plan for Block 82, Lots 1 and 3 through 30 to address the increased number of units.

1.1 Required Plan Components

The LRHL, specifically Section 40A:12A-7a, requires redevelopment plans to include an outline for the planning, development, redevelopment or rehabilitation of the designated parcels. Specifically, the following components are required:

- (1) The Redevelopment Plan's relationship to definite local objectives as to appropriate land uses, density of population and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements. (See Section 4.1.)
- (2) Proposed land uses and building requirements in the project area. (See Section 6.2.)
- (3) Adequate provisions for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market. (See Section 6.1.)
- (4) An identification of any property within the area, which is proposed to be acquired in accordance with the redevelopment plan. (See Section 6.1.)
- (5) Any significant relationship of the redevelopment plan to the master plans of contiguous municipalities; the master plan of the county in which the municipality is located; the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act", P.L. 1985, c.398 (C.52:18A-196 et al.). (See Sections 4.2, 4.3, and 4.4.)
- (6) As of the date of the adoption of the resolution finding the area to be in need of redevelopment, an inventory of all housing units affordable to low- and moderate-income households, as defined pursuant to section 4 of P.L.1985, c.222 (C.52:27D-304), that are to be removed as a result of implementation of the redevelopment plan, whether as a result of subsidies or market conditions, listed by affordability level, number of bedrooms, and tenure. (See Section 6.1.)
- (7) A plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan. Displaced residents of housing units provided under any State or federal housing subsidy program, or pursuant to the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), provided that they are deemed to be eligible, shall have first priority for those

replacement units provided under the plan; provided that any such replacement unit shall not be credited against a prospective municipal obligation under the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), of the housing unit which is removed had previously been credited toward satisfying the municipal fair share obligation. To the extent reasonably feasible, replacement housing shall be provided within, or in close proximity to, the redevelopment area. A municipality shall report annually to the Department of Community Affairs on its progress in implementing the plan for provision of comparable, affordable replacement housing required pursuant to this section. (See Section 6.1.)

- (8) Proposed locations for public electric vehicle charging infrastructure within the project area in a manner that appropriately connects with an essential public charging network. (See Chapter 5.)

2. Redevelopment Area

The Redevelopment Area encompasses 3.842 acres according to the Tax Cards² and is in the northeast quadrant of the Township along East Ramapo Avenue, Franklin Turnpike, King Street, and Siding Place. A total of 29 parcels are within the Redevelopment Area. However, according to tax records, there are only 13 properties due to some lots being assessed with a parent lot. The Redevelopment Area is surrounded by a variety of uses including the Mahwah Train Station, Veteran's Memorial Park, and commercial uses to the north, the Mahwah Police Station, Fire Department Company 1, and Mahwah Museum to the east, residential uses to the southeast, an industrial use to the southwest, and the NJTransit railroad right-of-way to the west (see the Aerial Map on page 5). The Redevelopment Area is also located within walking distance of the Mahwah Train Station, which provides access to the Main Line and Bergen County Lines operated by NJTransit. Bus service is also available along Franklin Turnpike. The entire Redevelopment Area is in the B10, Neighborhood Business, Zone and encompassed by the MUD-1, Mixed-Use Development 1, Overlay Zone (see the Zoning Map on page 6).

The properties in the Redevelopment area are developed with a variety of uses including commercial, industrial, and single-family residential uses. There are also vacant and undeveloped properties. See the Aerial Map on page 5 for the limits of the Redevelopment Area.

2.1 The Parcels

This section provides information on each parcel and its current zoning designation.³

Block 82, Lot 1

Lot 1 is the largest parcel in the Redevelopment Area and is located at 6 East Ramapo Avenue. The property is 1.22 acres and has approximately 200 feet of frontage on East Ramapo Avenue and roughly 254 linear feet of frontage along Siding Place. According to the Tax Card, the property is owned by Mahwah Town Center, LLC and is classified as a commercial property. The Tax Card also indicates the total building floor area for the structures is 13,545 square feet, which includes a post office, bank, restaurant, and retail uses.⁴

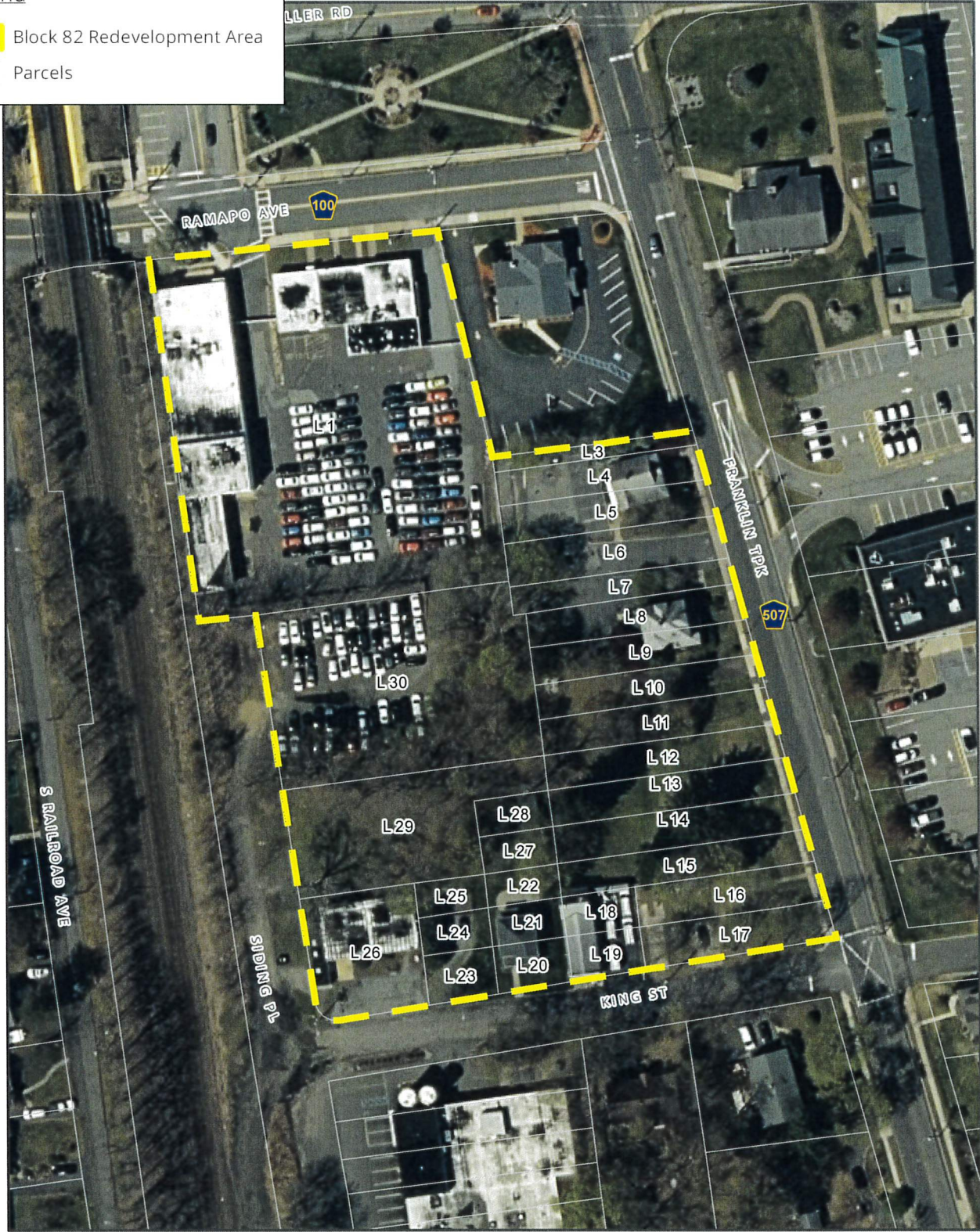
² Tax Cards, received by the Township Tax Assessor on April 17, 2020 and November 24, 2021. Note that according to GIS parcel data, the Redevelopment Area is 4.248 acres.

³ Chapter 24, Zoning, of the Township Code, <https://ecode360.com/34814044>

⁴ Tax Card, received by the Township Tax Assessor on April 17, 2020.

Legend

-  Block 82 Redevelopment Area
-  Parcels



R:\MID\Fices\RedBank\GIS\PROJECTS\Municipal\16-P\W\T\M\W\T-0022\LUPA\20602.apb Block_82_Aerial.mxd



0 50 100 Feet
1 inch = 100 feet

Aerial Map Block 82

Township of Mahwah
Bergen County, New Jersey



June 2022

Legend

 Block 82 Redevelopment Area

 Parcels

Zones


 R10 - One Family Residential

 R15 - One Family Residential

 MUD-1 - Mixed-Use Development 1 Overlay

 B10 - Neighborhood Business


 POS - Public Open Space

 GI80 - General Industry



R:\MID\Offices\RedBank\GIS\PROJECTS\Municipal\W-PA\WMT\WMT-0022\LU\PA\220607app - Block_82_Zoning.mxd



0 75 150

 Feet
 1 inch = 150 feet

Zoning Map
Block 82
 Township of Mahwah
 Bergen County, New Jersey



June 2022



Photo 1 - Commercial building on Lot 1

Lot 1 is developed with two one-story buildings, parking and loading areas, walkways, and signage. The western building was occupied by the Township's Post Office for over 50 years, until it was closed and vacated in early 2019.⁵ The eastern building contains three tenant spaces, which were occupied until 2016.⁶ On October 9, 2017, the Township Construction Department issued a Notice of Unsafe Structure for a building on the property citing evidence of mold and water leaks.⁷ The unsafe notices were observed on the commercial building during site visits in 2020 and 2022.

Block 82, Lot 4 (includes Lots 3, 5, 6, & 7)

This collection of parcels ("Lot 4") is located at 216 Franklin Turnpike and contains 0.356 acres. The property has approximately 110 feet of frontage along Franklin Turnpike. According to the Tax Card, the property is commercial and currently owned by Mahwah Town Center, LLC. Lot 4 is developed with a two-story colonial-style building containing 1,956 square feet of livable area that was constructed in 1930.⁸ Other site improvements include a parking area shared with adjacent Lot 8, walkways, and retaining walls. During site inspections in 2020 and 2022, the property appeared to be formally occupied by personal services evident by

⁵ Information obtained from <https://www.northjersey.com/story/news/bergen/mahwah/2019/03/21/water-damage-forces-temporary-closing-mahwah-nj-post-office/3232805002/>, accessed on April 1, 2020.

⁶ Letter from Michael R. Roe, Township Fire Official, received on April 17, 2020.

⁷ Received by the Township Construction Department on April 20, 2020.

⁸ Tax Card, received by the Township Tax Assessor on April 17, 2020.

signs for a salon business and nail business. Additionally, a Notice of Unsafe Structure was found on the rear door of the building, which was posted due to the observation of mold.⁹

Block 82, Lot 8 (includes Lot 9)

Lots 8 and 9 (“Lot 8”) comprise 0.165 acres, are located at 220 Franklin Turnpike, and have approximately 50 feet of frontage along the roadway. The Tax Card indicates the property is currently owned by Mahwah Town Center, LLC and is a residential property. Lot 8 is developed with a 2,290 square foot colonial-style single-family dwelling that was constructed in 1910.¹⁰ Other site improvements include a parking area shared with Lot 4, walkways, and retaining walls. During site inspections in 2020 and 2022, a sign was found indicating the building contained a law office. However, it is unclear if the building is still occupied by this use.



Photo 2 - Building on Lot 8

Block 82, Lot 10 (includes Lot 11)

Located at 222 Franklin Turnpike are Lots 10 and 11 (“Lot 10”). This property contains 0.174 acres and has approximately 50 feet of frontage along Franklin Turnpike. The Tax Card indicates the property is currently owned by Mahwah Town Center, LLC and is classified as vacant. Lot 10 was developed with a 960 square-foot two-story single-family dwelling that was demolished in November of 2009.¹¹ The only improvement on the property is the driveway of the former dwelling.



Photo 3 – Lot 10

Block 82, Lot 12 (includes Lots 13, 14, & 15)

Lots 12, 13, 14, and 15, commonly known as Lot 12, are located at 224 Franklin Turnpike and contain 0.372 acres. The property has approximately 100 feet of frontage along Franklin Turnpike. According to the Tax Card, this vacant property is owned by Mahwah Town Center, LLC. Lot 12 was developed with a 1,224 square foot two-story single-family dwelling that was demolished in November of 2009.¹² There are no improvements on the property.

⁹ Email correspondence with Daniel Mairella, Township Construction Code Official, on April 28, 2020.

¹⁰ Tax Card, received by the Township Tax Assessor on April 17, 2020.

¹¹ Ibid.

¹² Ibid.

Block 82, Lot 16 (includes Lot 17)

Lots 16 and 17, collectively known as Lot 16, are located at the corner of Franklin Turnpike and King Street with an address of 228 Franklin Turnpike. The property encompasses 0.17 acres and has approximately 50 feet of frontage along Franklin Turnpike and 135 feet of frontage along King Street. Lot 16 is owned by Mahwah Town Center, LLC and is vacant according to the Tax Card. Lot 16 was developed with a 1,586 square foot two-story single-family dwelling that was demolished in November of 2009.¹³ During site inspections in 2020 and 2022, the remnants of the dwelling's foundation, driveway, and walkway were observed on the property.



Photo 4 - Driveway on Lot 16

Block 82, Lot 19 (includes Lot 18)

These parcels, commonly known as Lot 19, are located at 9 King Street and contain 0.069 acres. The property has approximately 50 feet of frontage along King Street. According to the Tax Card, the property is owned by 9 King Street Realty, LLC and is classified as industrial. Lot 19 is developed with a 1,144 square foot one-story building and is noted to be used as a storage garage/warehouse.¹⁴ A detached shed is also located on the property.



Photo 5 - Industrial building on Lot 19

Block 82, Lot 22 (includes Lots 20 & 21)

These three parcels are collectively known as Lot 22 and are located at 7 King Street. The property has approximately 50 feet of frontage along King Street and contains 0.098 acres. According to the Tax Card, the property is owned by Maureen Postolowski and is classified as residential. Lot 22 is developed with a 1,102 square foot single-family dwelling constructed in 1914.¹⁵

Block 82, Lot 25 (includes Lots 23 & 24)

These three parcels are located immediately west of Lot 22 and contain 0.098 acres. Lot 25 has approximately 50 feet of frontage along King Street. According to the Tax Card, the property is also owned by Ms. Postolowski and is classified as vacant.¹⁶ During site inspections in 2020 and 2022, the property appeared to contain a gravel parking area for the adjacent dwelling and a garden at the rear.

¹³ Ibid.

¹⁴ Tax Card, received by the Township Tax Assessor on November 24, 2021.

¹⁵ Ibid.

¹⁶ Ibid.

Block 82, Lot 26

Lot 26 is located at 3 King Street on the corner of King Street and Siding Place. The property contains 0.193 acres and has approximately 65 feet of frontage on King Street and 75 feet of frontage on Siding Place. Lot 26 is owned by Mahwah Town Center, LLC and is classified as industrial according to the Tax Card. The property is developed with a 2,205 square foot light industrial building that was constructed in 1930. Additionally, an outdoor cooler was installed in 2008.¹⁷ A parking area off King Street is also present on the property.



Photo 6 - Building on Lot 26

Block 82, Lot 28 (includes Lot 27)

Lots 27 and 28, collectively known as Lot 28, are located to the rear of the dwelling on Lot 22 and are landlocked parcels. The property encompasses 0.57 acres and is vacant. As with Lots 22 and 25, this property is owned by Ms. Postolowski according to the Tax Card.¹⁸ The property acts as the rear yard of the dwelling located on Lot 22. During a site inspection in 2022, a shed and planting pots were viewed in the approximate area of this property.

Block 82, Lot 29

Lot 29 is located at 9 Siding Place and contains 0.29 acres. The property has approximately 75 feet of frontage along Siding Place. According to the Tax Card, the property is vacant and owned by Mahwah Town Center, LLC. The property was developed with a 1,216 square foot single-family dwelling, which was demolished in November of 2009.¹⁹ There are no improvements on the property.

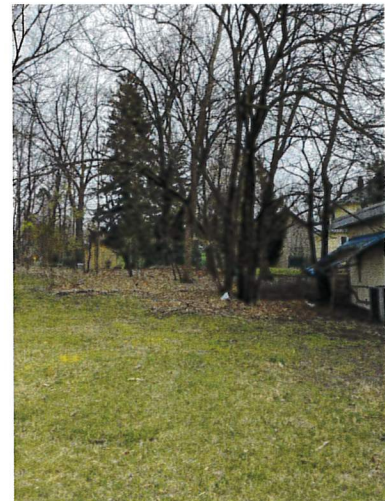


Photo 7 - Lot 29

Block 82, Lot 30

Finally, Lot 30 is located along Siding Place and encompasses 0.58 acres. The property has approximately 120 feet of frontage along Siding Place. Lot 30 is vacant and currently owned by Mahwah Town Center, LLC according to the Tax Card. The property is noted to be used as a parking lot for a car dealership, which appeared to be the case in 2020 during a site visit.²⁰ However, in 2022, no vehicles were parked on the property. The property is improved with gravel and paved areas.

¹⁷ Tax Card, received by the Township Tax Assessor on April 17, 2020.

¹⁸ Tax Card, received by the Township Tax Assessor on November 24, 2021.

¹⁹ Tax Card, received by the Township Tax Assessor on April 14, 2020.

²⁰ Ibid.

3. Plan Goals

This chapter provides the goals of the Redevelopment Plan for Block 82, Lots 1 and 3 through 30, which are as follows:

1. To demolish the unsafe, dilapidated, and substandard structures and associated improvements within the Redevelopment Area.
2. To redevelop the underutilized properties within the Redevelopment Area with economically productive use(s) that would enhance the Township's "downtown".
3. To improve the aesthetics of the Redevelopment Area to create an inviting, pedestrian-friendly, neighborhood atmosphere in the Township's "downtown" area.
4. To diversify the Township's housing stock and provide affordable housing credits that can be applied towards Mahwah's affordable housing obligation.

4. Relationship to Local Objectives & Other Plans

This chapter analyzes the relationship of the plan to local objectives, specifically existing master plan goals, objectives, and recommendations. Additionally, this chapter describes the relationship to the master plans of adjacent communities, Bergen County, the State Development and Redevelopment Plan, and the Highlands Regional Master Plan.

4.1 Local Objectives & Plans

This section is divided into two parts. The first analyzes the relationship of the report to the Township's goals, objectives, and recommendations, while the second section reviews the plan against the Zoning Ordinance.

2013 Comprehensive Master Plan

On March 11, 2013, the Planning Board of the Township of Mahwah adopted a new Comprehensive Master Plan to replace the 1989 Master Plan.²¹ The Plan contained a Land Use Plan Element, a Sustainability Element, a Community Facilities Element, a Historic Preservation Element, and a Circulation Element. However, the properties within the Redevelopment Area are only mentioned in the Land Use Element.

Land Use Element

The Land Use Element contains 16 Goals and Objectives, which can be found on pages 12 through 14. The following goals would be advanced by the revitalization of the Redevelopment Area:

- Goal 1: To encourage proper distribution of land areas.
 - *This Redevelopment Plan will allow for a variety of land uses and has the ability to act as a transitional zone between the existing commercial development to the north of the Redevelopment Area and the residential uses to the south.*
- Goal 3: To concentrate development in the easterly portions of the Township.
 - *The Redevelopment Area is in the northeastern portion of the Township and would allow for concentrated redevelopment.*
- Goal 9: To encourage new development, and redevelopment, to take into account the aesthetic character of the community, in an effort to enhance the aesthetic appearance of the municipality.
 - *The revitalization of the Redevelopment Area would eliminate the old, dilapidated buildings in the area and upgrade the aesthetics of the Redevelopment Area. Furthermore, the bulk standards take into account the developed nature of the area and the proximity to the train station.*

²¹ This document can be found at <https://www.mahwahwp.org/ArchiveCenter/ViewFile/Item/74>

- Goal 10: To preserve and enhance the Township's commercial areas.
 - *The Redevelopment Area has the potential to revitalize the Township's downtown area by eliminating aged, vacant, and run-down commercial uses.*

In addition to the advancement of the four goals described above, the Land Use Plan Element provides recommendations for 15 residential and 15 non-residential land use categories. Page 20 contains a discussion of the Neighborhood Business category, which indicates a major concern of residents was the traffic congestion and circulation issues in this area of the Township are due to “restricted access points between certain areas of the Township east and west of Route 17 and awkward intersections at Miller Road and East Ramapo Avenue”. Therefore, the Land Use Plan Element recommended that development near the Mahwah Train Station and Franklin Turnpike should not include high-density residential or mixed-use development until improvements are made to the circulation and congestion issues in the area. Additionally, page 20 indicates commercial uses should be limited to two stories and consist of small business operations rather than large, big box stores and supermarkets. This Redevelopment Plan envisions the development of commercial space for small businesses and does not permit large, big box stores, which is consistent with the Comprehensive Master Plan. Additionally, commercial uses will only be permitted on the ground floor, which achieves the goal of “commercial uses should be limited to two stories”.

Furthermore, the Comprehensive Master Plan includes an evaluation of the “Franklin Turnpike Study Area” on page 26. The purpose of the evaluation is to determine the validity of establishing a “pedestrian-oriented neighborhood commercial center with a neo-traditional character with associated design controls”. The 80-acre study area was divided into a northern and southern section with a central portion in the northern section at the Acme shopping center. The Redevelopment Area is in the southern section. The recommendations for the southern section include modifications to the area and bulk requirements such as an increased front yard, decreased rear yard, decreased impervious coverage, an increase in building coverage, and the introduction of a shared parking concept. Finally, it was recommended that the area between East Ramapo Avenue and King Street be considered for mixed-use development. This Redevelopment Plan permits mixed-use development and allows for sharing of parking across uses, which directly addresses the recommendations provided in the Franklin Turnpike analysis.

2019 Housing Element and Fair Share Plan

On June 10, 2019, the Planning Board adopted the Township's 2019 Housing Element and Fair Share Plan (“HEFSP”). Subsequently, the Township Council endorsed the HEFSP on June 13, 2019. This Plan provides the existing and proposed mechanisms that will be utilized to address the Township's constitutional obligation to provide affordable housing. The entirety of the Redevelopment Area along with Lot 2 are identified as land appropriate for inclusionary mixed-use development. The HEFSP indicates that the entire Block will be rezoned to permit mixed-use development at a density of 14 units per acre. A 20% affordable housing set-aside is identified.

Since the adoption of the 2019 HEFSP, the Township Planning Board adopted Ordinance No. 1868 on June 27, 2019, which created the MUD-1 Mixed-Use Development 1 Overlay Zone. This Overlay Zone implements the recommendations of the HEFSP.

This redevelopment plan maintains the inclusionary zoning outlined in the 2019 HEFSP and adds another layer of affordable housing options by permitting multi-level senior housing as of right. Therefore, this plan

implements the recommendations of the 2019 HEFSP and provides two opportunities for the creation of affordable housing.

2020 Reexamination & Master Plan Amendment

The Comprehensive Master Plan of Township of Mahwah was reexamined and amended in 2017 in a report entitled 2017 Master Plan Reexamination & Master Plan Amendment and adopted by the Planning Board on May 8, 2017. However, this document was specifically prepared to protect the Township's drinking water supply by establishing wellhead protection areas. Most recently, the 2013 Comprehensive Master Plan was reexamined in 2020 in a report entitled 2020 Reexamination & Master Plan Amendment (hereinafter "2020 Reexamination") and adopted by the Planning Board on September 14, 2020.

The 2020 Reexamination provides recommendations for the Comprehensive Master Plan, which includes amending the Land Use Plan Element to incorporate the four zones adopted to address the Township's affordable housing obligation. One of those four zone includes the MUD-1 Overlay Zone, which encompasses the Redevelopment Area. The 2020 Reexamination includes a Master Plan Amendment section (Chapter VIII), which amends the Land Use Plan Element to identify and describe the MUD-1 Overlay Zone.

Land Use Ordinance

The 13 properties (29 parcels) in the Redevelopment Area are in the B10, Neighborhood Business, Zone. The permitted uses and bulk standards are outlined below:

Permitted principal uses in the B10 Zone include:

- Business, finance, insurance, professional, and real estate offices
- Funeral parlors
- Health-care facilities
- Licensed child-care centers
- Parks and public recreation facilities
- Planned commercial development
- Public facilities
- Restaurant, take-out
- Restaurants, including take-out restaurants
- Retail sales and services

The B10 Zone also permits essential services, fitness centers and health clubs, motor vehicle body repair shops, places of assembly, and service stations as conditional uses. Permitted accessory uses include off-street parking and loading facilities, enclosed accessory storage, leasing or renting of new or used cars, solar energy systems, and electric vehicle charging stations.

The bulk standards in the B10 Zone are as follows:

- Minimum Lot Area – 10,000 square feet
- Minimum Lot Width – 50 feet
- Minimum Lot Depth – 100 feet
- Maximum Improved Lot Coverage – 80%
- Maximum Lot Coverage – 50%

- Maximum Building Height – 40 feet/3 stories
- Minimum Front Yard Setback – 10 feet
- Minimum Side Yard Setback (one side) – 10 feet
- Minimum Site Yard Setback (both sides) – 20 feet
- Minimum Rear Yard Setback – 40 feet

The Redevelopment Area is also encompassed by the MUD-1, Mixed-Use Development, Overlay Zone, which permits the following principal uses:

- Non-residential uses with frontage on Ramapo Avenue on the ground floor only.
- All permitted principal uses in the B10 Zone, excluding: places of assembly, social recreational buildings, offices, business and professional, public schools, parks, playgrounds, firehouses, and libraries, and undertakers and funeral parlors.
- Multi-family housing.
- A mixture or combination of the uses above.

The MUD-1 Overlay Zone does not permit any conditional uses but permits the following accessory uses:

- Off-street parking
- Parking decks or structures
- Loading facilities
- Community rooms and amenity spaces for residential uses such as fitness facilities, lobbies, leasing and management offices, mailrooms, etc.
- Fences and walls
- Outdoor dining

The bulk standards of the MUD-1 Overlay Zone are as follows:

- Minimum Lot Area – 3 acres
- Minimum Lot Width – 150 feet
- Maximum setback from Ramapo Avenue and Franklin Turnpike – 15 feet²²
- Minimum setback from Siding Place – 10 feet
- Minimum setback from King Street – 40 feet
- All other yard setbacks – 15 feet
- Maximum Improved Lot Coverage – 85%
- Maximum Lot Coverage – 80%
- Maximum Building Height – 3 stories and 38 feet
- Maximum Density – 14 units per acre
- Minimum Affordable Housing Units – 20% of the total number of units

This document has utilized the bulk standards found in the B10 Zone and MUD-1 Overlay Zone as a springboard in crafting the dimensional regulations for the Redevelopment Area.

²² However, up to 25% of the linear building width may be set back a maximum of 30 feet.

Plan Relationship to Zoning

This Redevelopment Plan for Block 82, Lots 1 and 3 through 30 supersedes the underlying zoning for the 29 parcels noted in this document.

The bulk standards proposed for these properties may not precisely conform to the standards prescribed within the current zone or overlay zone but have utilized the bulk standards from both designations as a basis in developing the Redevelopment Area's bulk standards. Furthermore, density is not calculated the same way for apartments/condominiums and a multi-level senior housing facility. While both types of land uses are residential, the way each function and operate is quite different.

4.2 Plans of Adjacent Communities

The Redevelopment Area is not adjacent to other municipalities. Therefore, a review of the planning documents of adjacent communities is not applicable.

4.3 Bergen County Plans

According to the Regional Planning & Transportation page of the Bergen County website,²³ the Planning & Engineering Department initiated the development of a new County Master Plan, which will provide "a guidance tool for future development, redevelopment, and preservation, throughout Bergen County." However, this Master Plan document does not appear to have been completed. The County's website does include a Central Bergen Bicycle & Pedestrian Plan, which was prepared in 2015. However, the Township of Mahwah is not included in the focus area of this Plan. The only applicable document is the 2011 Vision Bergen, which is discussed below.

2011 Vision Bergen

In 2010, a visioning process was conducted by the County Planning Board to develop a vision and framework to develop a new County Master Plan. The Vision Plan was published in June of 2011. The Vision Plan indicates Mahwah's downtown, like many other municipalities, has a variety of commercial uses in walking environments and is mixed with other uses such as housing. It indicated that these areas typically have less traffic concerns. However, no specific idea or vision was provided for the area.

4.4 State Plans

This section of the report discusses the State Development and Redevelopment Plan as well as the Highlands Regional Master Plan, as Mahwah is located entirely within the Highlands Region.

2001 State Development and Redevelopment Plan

The most recent State Plan was adopted in 2001. The 2001 Plan contains eight State-wide goals.²⁴ This redevelopment plan could advance four of these goals:

- Goal #1 – Revitalize the State's Cities and Towns

²³ <https://www.co.bergen.nj.us/planning-engineering-regional-planning-transportation>, accessed April 29, 2022.

²⁴ <https://nj.gov/state/planning/assets/docs/2001-state-plan/stateplan030101.pdf>, accessed April 29, 2022.

- Goal #3 – Promote Beneficial Economic Growth, Development and Renewal for all Residents of New Jersey
- Goal #6 – Provide adequate housing at a reasonable cost
- Goal #8 – Ensure Sound and Integrated Planning and Implementation Statewide

The 2001 Plan also included a State Plan Policy Map to guide future growth into compact areas and to protect the environs of the State. This Map identifies the Redevelopment Area as Planning Area 1 – Metropolitan Planning Area. (Note, since the Plan’s adoption, the Redevelopment Area was removed from Planning Area 1 due to the establishment of the Highlands Region, which contains its own Planning Areas.)

Highlands Regional Master Plan

The Highlands Region encompasses 88 municipalities, including Mahwah. The Regional Master Plan (“RMP”) seeks to evaluate how best to protect the natural and cultural resources of the Highlands Region while striving to accommodate a sustainable economy. Nothing within this document specifically addresses the Redevelopment Area. However, the Plan does encourage redevelopment. The Redevelopment Area is entirely located in the Highlands Planning Area in the Existing Community Zone (“ECZ”). Additionally, the Redevelopment Area is within a Highlands Designated Center.

The RMP provides many goals, policies, and objectives to guide the development in the Highlands Region. The following goals, policies, and objectives of the RMP could be advanced by the redevelopment plan.

- Goal 6F: Support of compact development, mixed-use development, and redevelopment and maximization of water, wastewater, and transit infrastructure investments for future use of land and development within the ECZ.
 - Policy 6F1: To promote compatible development and redevelopment within the ECZ.
 - Policy 6F3: To ensure that development activities within the ECZ are subject to standards and criteria which ensure that development and redevelopment incorporate smart growth principles and do not adversely affect natural resources.
 - Policy 6F4: To ensure that development and redevelopment within the ECZ are served by adequate public facilities including water supply, wastewater treatment, transportation, educational, and community facilities.
 - Policy 6F5: To ensure that development and redevelopment in the ECZ are compatible with existing community character.
 - Policy 6F6: To encourage new population growth, where desired by the municipality, and development in the ECZ is in the form of center based and mixed-use development.
 - Objective 6F6a: Center based development initiatives shall be planned within the ECZ at densities appropriate to the Zone, the community character, and the State Development and Redevelopment Plan. Densities of five dwelling units and above are encouraged and are required in areas designated as voluntary TDR Receiving Zones where TDR benefits are sought under the Highlands Act.
 - Policy 6F7: To encourage redevelopment in the ECZ as a means to relieve development pressure from more environmentally sensitive areas.
- Goal 6H: Guide development away from environmentally sensitive and agricultural lands and promote development and redevelopment in or adjacent to existing developed lands.

- Policy 6H4: To promote compatible growth opportunities that include infill development, adaptive reuse, redevelopment, and brownfields redevelopment in existing developed areas.
- Policy 6H5: To promote land uses which create a sense of place with attractive, walkable neighborhoods that support community connectivity of developed lands and community facilities.
 - Objective 6H5a: Communities of place with a mix of uses, which promote multi-purpose trips, through proximity of neighborhood retail, commercial, and entertainment uses to residential land uses that create communities that are largely self-sufficient regarding daily needs.
 - Objective 6H5b: Communities of place with a pattern of development which promotes the use of transit, walking, and biking.
- Goal 6J: Accommodation of regional growth and development needs through the reuse and redevelopment of previously developed areas, including brownfields, grayfields, and underutilized sites.
- Goal 6K: Concentrate residential, commercial, and industrial development, redevelopment, and economic growth in existing developed areas in locations with limited environmental constraints, access to existing utility, and transportation infrastructure.
 - Policy 6K1: To promote the redevelopment of brownfields, grayfields, and other previously developed areas in a manner consistent with the goals and requirements of the Plan.
- Goal 6O: Market-rate and affordable housing sufficient to meet the needs of the Highlands Region within the context of economic, social, and environmental considerations and constraints.
 - Policy 6O2: To promote, where appropriate and permitted by the Land Use Capability Zone, center-based development approaches that address a mix of housing types, support mixed uses, and implement compact development approaches.
 - Policy 6O3: To promote, where appropriate and permitted by the Land Use Capability Zone, affordable housing within new residential and mixed-use development, redevelopment, or adaptive reuse projects.
 - Policy 6O4: To encourage the targeting of new housing to areas with compatible existing densities and within walking distance of schools, employment, transit, and community facilities and services.

5. Charging Infrastructure

The LRHL was recently amended to require redevelopment plans to identify locations for public electric vehicle charging infrastructure within the Redevelopment Area in a manner that appropriately connects with an essential public charging network. This document requires compliance with Senate Bill 3223, which was signed by Governor Murphy on July 9, 2021. This law amended the Municipal Land Use Law to require applications involving five or more multi-family units to provide 15% of the required parking spaces as “make-ready” spaces and install electric vehicle supply equipment in at least one-third of those spaces. The remaining two-thirds of the 15% must have electric vehicle supply equipment installed within six years. The law also requires non-residential development to install make-ready spaces dependent on the number of parking spaces proposed. Therefore, the submission of a site plan with multi-family and/or non-residential development will trigger the requirement to include make-ready parking spaces.

6. Redevelopment Plan

This chapter of the Redevelopment Plan for Block 82, Lots 1 and 3 through 30 provides the general provisions, including the land use and design requirements, for the potential redevelopment of the Redevelopment Area.

6.1 General Provisions

This subsection addresses the requirements under the LRHL regarding relocation, acquisition, and affordable housing. Additionally, deviations from the plan are discussed.

Relocation

The LRHL requires adequate provision for the temporary and permanent relocation of residents in the project area, including an estimate of the extent to which decent, safe, and sanitary dwelling units affordable to displaced residents will be available in the existing local housing market.

Lot 8 contains a residential home, but it is unknown if it is utilized as a residence and if so, occupied. The only other residential unit is on Lot 22. The property owner(s) must make adequate provisions for the temporary and/or permanent relocation of these residents. This may be addressed in the Redevelopment Agreement.

According to www.apartments.com the following rental opportunities exist within the Township²⁵:

- Rolling Gardens Apartment Homes, which is located at 405 Franklin Turnpike, has one- and two-bedroom rentals available with a rent range between \$1,999 and \$2,499 a month.
- Lindvale Gardens is located at 101 Bellgrove Drive and has one- and two-bedroom rentals available with a rent range of \$1,625 to \$1,925 a month.
- Ramapo Gardens, which is located at 441 Franklin Turnpike, has one-bedroom rentals available for \$1,425 a month.
- There are also four condos, one townhome, and two apartments for rent.

There are 62 homes for sale within Mahwah. This includes single-family detached homes, condos, and townhomes. Prices range from \$259,000 for a one-bedroom, one-bathroom unit to \$7,995,000 for a six-bedroom, 8.5-bathroom estate.²⁶

This data demonstrates that there are several rental and sale options, with various accommodations and price ranges, within the Township for relocation of the existing tenants/homeowners.

Acquisition

This document does not anticipate the acquisition of any property through eminent domain. It is expected that all acquisitions will occur between an agreeable buyer and seller.

²⁵ <https://www.apartments.com/mahwah-nj>, accessed June 2, 2022.

²⁶ <https://www.realtor.com>, accessed June 2, 2022.

Affordable Housing

There are no deed-restricted affordable housing units within the Redevelopment Area. Therefore, this document does not need to provide for any replacement of affordable housing units or relocation of affordable households.

Deviations From Redevelopment Plan Requirements

The Planning Board of the Township of Mahwah may, after review of a site plan that is in one or more aspects inconsistent with the [Redevelopment Plan for Block 82](#), grant deviations from the strict application of the regulations contained in this Plan in accordance with the provisions for bulk variances in N.J.S.A. 40:55D-70c. Notwithstanding the above, no deviations shall be granted that would permit any of the following:

- a use or principal structure that is not otherwise permitted by this document;
- an increase in the maximum permitted floor area ratio;
- an increase in the maximum permitted density; or
- an increase in the maximum permitted height of a principal structure by more than 10 feet or 10%, whichever is less.

6.2 Land Use & Development Requirements

This subsection of the report provides the permitted land uses and building requirements for the Redevelopment Area. It should be noted that there are uses and structures as-of-right and an overlay zone option with different permitted uses and standards for a redeveloper to pursue. However, a redeveloper cannot “mix-and-match” uses and bulk standards between the two options.

A. Definitions

The following definitions are provided. Any term not defined herein shall rely upon the definitions within Chapter 24 Zoning, specifically §24-1.5b.

ASSISTED LIVING FACILITIES

Residential uses that are licensed by the Department of Health and which offer a special mix of housing, personalized support services, and health care designed to promote maximum independence and dignity for each resident. Staff is available 24 hours a day. These facilities promote “aging in place”. These facilities have apartment-style housing, rooms, and congregate dining. Assisted living services are available when needed. Apartment units offer, at a minimum, one unfurnished room, a private or shared bathroom, a kitchenette, and a lockable door on the unit entrance. These facilities may also provide up to three meals per day, personal assistance, 24-hour security, recreational activities. Some may provide supervision of medication and limited health services. Rooms and baths may be either private or shared. These facilities may be either private or Medicaid providers.

BUILDING HEIGHT

The vertical distance measured from the average finished grade to the highest point of the roof surface if the roof is flat, to the declivity of mansard roofs, and to the mid-point of gable, hip and gambrel roofs. “Average finished grade” shall be the average of eight equally spaced elevations as selected by the applicant along the average finished grade of the building. Building height excludes parapets, mechanical equipment, elevator overruns, and screening associated with such equipment.

CONGREGATE CARE APARTMENTS

Specially designed multi-unit housing for independent to semi-independent people and includes community social and dining facilities. Individual living units include, at a minimum, a living room/bedroom, bathroom, and kitchenette. Developments offer at least one hot meal per day and some housekeeping services. Transportation and personal assistance services may also be available. Service fees may be included in the rent or billed separately. Congregate apartment housing may be part of a multi-level facility or can stand on its own. Congregate Apartment Housing shall be considered identical in meaning with "Congregate Care".

MEMORY CARE

A subset of Assisted Living Facilities that, in addition to assisted living services, offers specialized care for persons living with Alzheimer's, dementia, and other conditions involving impaired memory.

MULTI-LEVEL SENIOR HOUSING

A facility, or building, that encompasses a number of types of residences that provide two or more levels of service. These levels range from independent living to facilities with different types of supportive services including, but not limited to independent living, assisted living, congregate care, and memory care for residents. Multi-level facilities need not contract agreements pertaining to moving from one level of care to another. Priority to move to another level of care may be given to residents already living in part of the development.

MULTI-LEVEL PARKING STRUCTURES

A building or structure which provides one or more levels which are used to store or park motor vehicles, inclusive of levels below grade or below levels of a building providing other uses.

B. Use and Bulk Requirements

1. Permitted Principal Uses
 - (a) Ground floor uses with frontage on East Ramapo Avenue shall be non-residential.
 - (b) Permitted principal B10 Zone uses, excluding the following:
 - (1) Places of assembly.
 - (2) Social recreational buildings.
 - (3) Offices, business, and professionals.
 - (4) Public schools, parks, playgrounds, firehouses, and libraries.
 - (5) Undertakers and funeral parlors.
 - (c) Retail sales and retail services open to the general public.

- (d) Multi-level senior housing.
- (e) A mixture or combination of the above uses.

2. Permitted Accessory Uses

- (a) Off-street parking subject to §22-6.2 and §24-3.7.
- (b) Parking decks or structures, subject to the following limitations:
 - (1) Decks or structures shall not face East Ramapo Avenue or Franklin Turnpike.
 - (2) Access shall be from King Street or Siding Place.
 - (3) The height of the deck or structure shall be five (5') feet lower than the height of the principal building on the lot.
 - (4) The required setbacks shall be the same as that required for a principal building, except for retaining walls, which are required to be setback five (5') feet from any property line.
 - (5) The deck or structure shall be architecturally consistent or compatible with the principal building.
- (c) At least one loading area shall be provided, which is no less than fifteen (15') feet wide and fifty (50') feet long.
- (d) Community rooms and amenity spaces related to the residential use for the use of building owners and/or tenants, including, but not limited to recreational and fitness facilities, lobbies, leasing and management offices and mailrooms.
- (e) Fences and walls subject to §24-5.6b. However, no retaining wall shall exceed ten (10') feet in height, which excludes any fencing mounted on top of the wall for fall protection. Where a retaining wall, which has its vertical face exposed to public view from the right-of-way or adjacent lots, exceeds six (6') feet in height evergreen trees no less than five (5') feet in height shall be installed at its base to visually reduce the mass and scale of the retaining wall.
- (f) Outdoor dining, associated with permitted restaurant uses, subject to the following conditions:
 - (1) Tables may be located on private property or on the public sidewalk, so long as five (5') feet of sidewalk clearance is maintained.
 - (2) Fencing, bollards or planters shall be used to define the outdoor dining area.
 - (3) No outdoor dining shall be permitted after 12:00 a.m.
 - (4) All lighting shall be downward-facing and shall be turned off no later than 12:30 a.m.

3. Prohibited Uses.

- (a) Drive-through facilities.
- (b) Gas and service stations
- (c) Non-residential uses shall be prohibited on the second or third floor.

4. Area, Bulk, and Yard Requirements.

- (a) Minimum lot area – 3 acres.
- (b) Minimum lot width – 150 feet.
- (c) Maximum setback from East Ramapo Avenue – 40 feet.
- (d) Minimum setback from Franklin Turnpike – 15 feet; however up to 100 linear feet of the façade may be located a minimum of 4 feet from Franklin Turnpike.
- (e) Minimum setback from Siding Place – 10 feet.
- (f) Minimum setback from King Street – 15 feet.
- (g) All other yard setbacks – 15 feet.
- (h) Maximum improved lot coverage – 75%.
- (i) Maximum lot coverage – 50%.
- (j) Maximum building height – 4 stories and 40 feet. Parapets, mechanical equipment, and screening associated with such equipment shall extend no more than 6 feet above the maximum permitted building height.
- (k) Maximum number of units – 160 units.
- (l) Minimum/maximum commercial space – 4,000/7,000 square feet.

5. Affordable Housing.

- (a) Twenty (20%) percent of the units shall be reserved for, and affordable to, low- and moderate-income households. The units shall meet the low-moderate-income split required by the Uniform Housing Affordability Controls ("UHAC") except in lieu of ten (10%) percent of units at thirty-five (35%) of median income the developer shall provide at least thirteen (13%) percent of the units as very-low-income units at thirty (30%) percent of median income within each bedroom distribution if the affordable units are rental in tenure. There shall be no less than five very-low-income beds.

- (b) All affordable assisted living units' bedroom configuration shall comply with N.J.A.C. 5:93-5.16(e), which limits assisted living units to not more than two people.
- (c) The affordable units shall have a minimum thirty (30) year deed restriction. Any such affordable unit shall comply with UHAC, applicable COAH affordable housing regulations, the Fair Housing Act, any applicable order of the Court, and other applicable laws.
- (d) The developer shall be responsible for retaining a qualified Administrative Agent, as approved by the Township, at the developer's sole cost and expense.
- (e) All necessary steps shall be taken to make the affordable units provided creditworthy pursuant to applicable law.

C. Use and Bulk Requirements – Mixed-Use Development Overlay Option

In addition to the development options outlined under Subsection B. above, the following uses and structures are permitted. However, no redeveloper shall have the right to “mix-and-match” uses or bulk standards of Subsection B. with Subsection C.

1. Permitted Principal Uses

- (a) Ground floor uses with frontage on East Ramapo Avenue shall be non-residential.
- (b) Permitted principal B10 Zone uses, excluding the following:
 - (1) Places of assembly.
 - (2) Social recreational buildings.
 - (3) Offices, business and professional.
 - (4) Public schools, parks, playgrounds, firehouses, libraries.
 - (5) Undertakers and funeral parlors.
- (c) Multi-family housing.
- (d) A mixture or combination of the above uses.

2. Permitted Accessory Uses

- (a) Off-street parking subject to §22-6.2 and § 24-3.7.
- (b) Parking decks or structures, subject to the following limitations:
 - (1) Decks or structures shall not face East Ramapo Avenue or Franklin Turnpike.

- (2) Access shall be from King Street or Siding Place.
 - (3) The height of the deck or structure shall be five (5') feet lower than the height of the principle building on the lot.
 - (4) The required setbacks shall be the same as that required for a principal building.
 - (5) The deck or structure shall be architecturally consistent or compatible with the principal building.
- (c) Loading facilities subject to §22-6.3 and §24-3.7.
 - (d) Community rooms and amenity spaces related to the residential use for the use of building owners and/or tenants, including, but not limited to recreational and fitness facilities, lobbies, leasing and management offices and mailrooms.
 - (e) Fences and walls subject to §24-5.6b.
 - (f) Outdoor dining, associated with permitted restaurant uses, subject to the following conditions:
 - (1) Tables may be located on private property or on the public sidewalk, so long as five (5') feet of sidewalk clearance is maintained.
 - (2) Fencing, bollards or planters shall be used to define the outdoor dining area.
 - (3) No outdoor dining shall be permitted after 12:00 a.m.
 - (4) All lighting shall be downward-facing and shall be turned off no later than 12:30 a.m.
3. Prohibited Uses.
- (a) Drive-through facilities.
 - (b) Gas and service stations
 - (c) Non-residential uses shall be prohibited on the second or third floor.
4. Area, Bulk and Yard Requirements.
- (a) Minimum lot area — three acres.
 - (b) Minimum lot width — 150 feet.
 - (c) Minimum setback from East Ramapo Avenue – 15 feet

- (d) Minimum setback from Franklin Turnpike — 40 feet
- (e) Minimum setback from Siding Place — 10 feet.
- (f) Minimum setback from King Street — 40 feet.
- (g) All other yard setbacks — 15 feet.
- (h) Maximum improved lot coverage — 60%.
- (i) Maximum lot coverage — 30%.
- (j) Maximum building height — 3 stories and 38 feet. Parapets, mechanical equipment, and screening associated with such equipment shall extend no more than 6 feet above the maximum permitted building height.
- (k) Maximum density — 14 units per acre.

5. Affordable Housing.

- (a) Twenty (20%) percent of the units shall be reserved for, and affordable to, low- and moderate-income households. The units shall be family units available to the general public and not restricted to any specific segment of the population and meet the low-moderate-income split required by the Uniform Housing Affordability Controls ("UHAC") except in lieu of ten (10%) percent of units at thirty-five (35%) of median income the developer shall provide at least thirteen (13%) percent of the units as very-low-income units at thirty (30%) percent of median income within each bedroom distribution if the affordable units are rental in tenure.
- (b) The affordable units shall have a minimum thirty (30) year deed restriction. Any such affordable unit shall comply with UHAC, applicable COAH affordable housing regulations, the Fair Housing Act, any applicable order of the Court, and other applicable laws.
- (c) The units shall meet the bedroom distribution required by the UHAC.
- (d) The developer shall be responsible for retaining a qualified Administrative Agent, as approved by the Township, at the developer's sole cost and expense.
- (e) All necessary steps shall be taken to make the affordable units provided creditworthy pursuant to applicable law.

D. Additional Requirements

The below requirements apply to both the permitted uses and structures as well as the uses and structures permitted under the Mixed-Use Development Overlay option.

1. Off-Street Parking Requirements.

- (a) Off-street parking shall be in accordance with §24-3.7.
- (b) All parking spaces shall measure no less than nine (9') feet in width by eighteen (18') feet in length.
- (c) Off-street parking for multi-level senior housing shall provide parking in accordance with RSIS. Off-street parking for non-residential parking shall be provided in accordance with §22-6.2a, except for retail stores, which shall provide one (1) parking space for every two-hundred and fifty (250) square feet. All required parking shall be provided on site. Off-street parking for all other uses shall comply with §22-6.2a.
- (d) Parking lot lighting shall comply with §22-6.4.
- (e) Within surface parking lots one (1) landscape island shall be provided for every twenty-five (25) parking spaces. Said landscape island shall contain a minimum of one hundred sixty (160) square feet. At least half of the landscape islands shall contain a shade tree and other landscaping; the remainder shall contain shrubs. Said shade tree shall be three (3") inches in caliper at installation.
- (f) Sidewalks and landscaped beds along the East Ramapo Avenue street frontage adjacent to the building shall be a minimum of eight (8') feet wide.

2. Building Design.

- (a) Building wall offsets, including both projections and recesses, shall be provided along any street-facing building wall measuring greater than fifty (50') feet in length in order to provide architectural interest and variety to the massing of a building and relieve the negative visual effect of a single, long wall.
- (b) The maximum spacing between such offsets shall be forty-five (45') feet. The minimum projection or depth of any individual vertical offset shall not be less than one (1') foot.
- (c) A "human scale" of development should be achieved at grade and along street frontages through the use of such elements as windows, doors, columns, awnings and canopies.
- (d) Multi-tenant buildings shall provide varied storefronts and such elements as noted above for all ground floor tenants.
- (e) Design emphasis should be placed on primary building entrances. They should be vertical in character, particularly when there is the need to provide contrast with a long linear building footprint and such details as piers, columns, and framing should be utilized to reinforce verticality.
- (f) The architectural treatment of a facade shall be completely continued around all street-facing facades of a building. All sides of a building shall be architecturally designed to be consistent regarding style, materials, colors and details.

- (g) If the building has a flat roof, a parapet shall project vertically to hide any roof-mounted mechanical equipment.
 - (h) Building facades visible from any street shall consist of durable, long-lasting materials.
 - (i) Heating, ventilating and air-conditioning systems, utility meters and regulators, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devices shall be screened or otherwise specially treated to be, as much as possible, inconspicuous as viewed from the public right-of-way and adjacent properties.
 - (j) All rooftop mechanical equipment shall be screened from view from all vantage points at grade or below the roof.
 - (k) Placement of any packaged terminal air conditioner units within the facade is prohibited.
3. Landscaping.
- (a) Areas of the property not used for buildings, parking or other impervious surfaces shall be landscaped.
 - (b) Landscaping shall be provided to promote a desirable visual environment, to accentuate building design, define entranceways, screen parking areas, mitigate adverse visual impacts, provide windbreaks for winter winds and summer cooling for buildings, and enhance buffer areas. Plants and other landscaping materials shall be selected in terms of aesthetic and functional considerations. The landscape design shall create visual diversity and contrast through variation in size, shape, texture and color. The selection of plants in terms of susceptibility to disease and insect damage, wind and ice damage, habitat, soil conditions, growth rate, longevity, root pattern, maintenance requirements, etc., shall be considered.
 - (c) Foundation plantings shall be provided around all buildings if the sidewalk is not directly adjacent to the structure. These plantings shall include species that provide seasonal interest at varying heights to complement and provide pedestrian scale to the proposed architectural design of the buildings. The foundation planting shall incorporate evergreen shrubs and groupings of small trees in order to provide human scale to building facades and winter interest.
 - (d) If an outdoor dumpster is utilized for the storage of trash and recycling, it shall be screened and fully enclosed with a solid enclosure a minimum six (6') feet in height. Alternatively, refuse and recycling may be stored inside the building(s).
4. Signs, subject to §24-6, except that:
- (a) Non-residential ground floor uses shall be permitted one (1) wall sign per street frontage, per tenant, subject to the following parameters:
 - (1) A maximum sign area of thirty-six (36) square feet.

- (2) The horizontal dimension of the sign shall not exceed eighty (80%) of the width of the building frontage occupied by the individual use.
 - (3) The top edge of a wall sign shall not be installed above the bottom of any second-floor windows or within three (3) feet of the top of a parapet.
 - (4) Said signs may be illuminated.
- (b) Residential uses shall be permitted one ground or wall sign per street frontage, which identifies the development, subject to the following parameters:
- (1) A maximum sign area of fifty (50) square feet.
 - (2) The top edge of a wall sign shall not be installed above the bottom of any second-floor windows or within three (3) feet of the top of a parapet.
 - (3) Said signs may be illuminated.
5. Other Regulations. Refer to Chapter 24 Zoning for all other regulations regarding land use that are not covered under the above sections. This includes but is not limited to – accessory structures (§24-3.6c.), performance standards and design criteria (§24-5), and affordable housing regulations (§24-8.2).

7. Relationship to Zoning

7.1 Zoning Provisions

Effect of Plan

The Redevelopment Plan for Block 82, Lots 1 and 3 through 30 supersedes the existing zoning for the 29 parcels (13 properties) within the Redevelopment Area and the applicable provisions of the Township of Mahwah's Zoning Ordinance.

This document shall only become effective upon approval by the Superior Court. The need for Court approval is reflected in paragraph 3.a. of the Amended Memorandum of Agreement.

Terms & Definitions

Any terms or definitions not addressed within this Redevelopment Plan for Block 82, Lots 1 and 3 through 30 shall rely on the applicable terms and conditions set forth in Chapter 24, Zoning.

Other Applicable Design & Performance Standards

Any design or performance standards not addressed within this Redevelopment Plan for Block 82, Lots 1 and 3 through 30 shall rely on the applicable design and performance standards set forth in Chapter 24, Zoning.

Conflict & Severability

If any word, phrase, clause, section or provision of this plan, is found by a court or other jurisdiction to be invalid, illegal or unconstitutional; such word, phrase, section or provision shall be deemed severable and the remainder of the Redevelopment Plan for Block 82, Lots 1 and 3 through 30 shall remain in full force and effect.

7.2 Zoning Map Revision

This Redevelopment Plan for Block 82, Lots 1 and 3 through 30 supersedes the underlying zoning, which requires the Official Zoning Map to be amended for the 29 parcels (13 properties). The Zoning Map is hereby amended to illustrate the following block and lots as the "Block 82 Redevelopment Zone":

- Block 82, Lot 1
- Block 82, Lot 4 (includes Lots 3, 5, 6, & 7)
- Block 82, Lot 8 (includes Lot 9)
- Block 82, Lot 10 (includes Lot 11)
- Block 82, Lot 12 (includes Lots 13, 14, & 15)
- Block 82 Lot 16 (includes Lot 17)
- Block 82, Lot 19 (includes Lot 18)
- Block 82, Lot 22 (includes Lots 20 & 21)
- Block 82, Lot 25 (includes Lots 23 & 24)
- Block 82, Lot 26
- Block 82, Lot 28 (includes Lot 27)
- Block 82, Lot 29
- Block 82, Lot 30

8. Amendments & Duration

8.1 Amendments to the Redevelopment Plan

This plan may be amended from time to time in accordance with the procedures of the LRHL. To the extent that any such amendment materially affects the terms and conditions of duly executed redevelopment agreements between one or more redevelopers and the Township of Mahwah, the provisions of the redevelopment plan amendment will be contingent upon the amendment of the redeveloper agreement to provide for the plan amendment.

8.2 Recommendations for Redevelopment Agreement Provisions

While this plan provides an outline for the redevelopment of the designated Redevelopment Area, the details of how the redevelopment will be implemented will need to be specified in a redevelopment agreement that is negotiated between the Township and the redeveloper(s). No development shall proceed to the Mahwah Planning Board for subdivision or site plan approval until after a redevelopment agreement is executed by the Township of Mahwah in accordance with Section 9 of the LRHL. The redevelopment agreement shall conform to the provisions of this Plan.

8.3 Certificates of Completion & Compliance

Upon the inspection and verification by the Township Council that the redevelopment of a parcel subject to a redeveloper agreement has been completed, a Certificate of Completion and Compliance will be issued to the redeveloper and such parcel will be deemed no longer in need of redevelopment.

This plan will remain in effect until Certificates of Completion have been issued for the designated parcels, or until the plan is deemed no longer necessary for the public interest and repealed by Ordinance of the Township Council.

8.4 Designation of Redeveloper(s)

In order to assure that the vision of the plan will be successfully implemented in an effective and timely way and in order to promptly achieve the goals of the plan, the Township Council, acting as the Redevelopment Entity, will designate the redeveloper(s) for any redevelopment project in the area governed by this plan. All redeveloper(s) will be required to execute a redevelopment agreement satisfactory to the Township Council as one of the requirements to be designated as the redeveloper(s).

9. Appendix

- A. Township Council Resolution #159-22
- B. Ordinance 1985