

**TOWNSHIP OF MAHWAH
ORDINANCE 2028**

AN ORDINANCE OF THE TOWNSHIP OF MAHWAH, COUNTY OF BERGEN, STATE OF NEW JERSEY, ADOPTING THE REDEVELOPMENT PLAN FOR BLOCK 70, LOT 37 (109 CEDAR HILL AVENUE), LOT 38 (111 CEDAR HILL AVENUE) & LOT 40 (93 FRANKLIN TURNPIKE) (LOTITO)

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (“LRHL”), provides a mechanism to empower and assist local governments in efforts to promote the advancement of community interests through redevelopment programs for the improvement and expansion of commercial, industrial, residential and civic facilities; and

WHEREAS, the LRHL sets forth the procedures for the Township of Mahwah to declare an area in need of rehabilitation if the area qualifies under one of the criteria enumerated in N.J.S.A. 40A:12A-14; and

WHEREAS, the Township Planner was directed to investigate whether an area encompassing Block 70, Lots 37, 38 & 40 (the “Study Area”) qualifies as an area in need of rehabilitation as defined under the LRHL; and

WHEREAS, the Planner prepared a report entitled “Block 70 Area in Need of Rehabilitation Study” dated March 4, 2024, which report is attached hereto (the “Study Report”); and

WHEREAS, the Study Report concluded that more than half of the housing stock in the Study Area is greater than 50 years old, which meets Criteria 2 of the LRHL, and therefore the Study Area qualifies as an area in need of rehabilitation under the LRHL; and

WHEREAS, pursuant to N.J.S.A. 40A:12-14, the Township Council adopted Resolution 126-24 on March 4, 2024, which resolution referred the Study Report and a resolution in draft form (“Draft Delineation Resolution”) to the Planning Board for review and comment; and

WHEREAS, on March 11, 2024, the Planning Board reviewed the Study Report and Draft Delineation resolution and returned same to the Township Council with a recommendation, by resolution of the Planning Board, for passage of the Draft Delineation Resolution; and

WHEREAS, on March 18, 2024 the Township Council adopted Resolution 131-24 finding it to be in the best interest of the property owners and business owners within the Study Area to delineate the Study Area as an area in need of rehabilitation, and that based upon the Study Report and the Planning Board’s recommendation, determined that the Study Area meets the criteria of N.J.S.A. 40A:12A-14 for an area in need of rehabilitation; and

WHEREAS, the Township Council thereafter directed and authorized the Township Planner to prepare a redevelopment plan for the properties designated by the resolution as an area in need of non-condemnation redevelopment; and

WHEREAS, the Township Planner prepared and submitted to the Township a redevelopment plan dated April 3, 2024 entitled, “Block 70 Redevelopment Plan” (“Redevelopment Plan”) outlining the planning, development and redevelopment of the rehabilitation area in accordance with N.J.S.A. 40A:12A-7; and

WHEREAS, the Township Council received and reviewed a copy of the Redevelopment Plan and desires to adopt same.

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 Redevelopment Plan, attached hereto as Exhibit A and made a part hereof, is hereby approved pursuant to N.J.S.A. 40A:12A-7.

SECTION 2. The Redevelopment Plan is hereby by incorporated into the Township's Zoning Ordinance, Chapter 24, as Attachment 11 entitled "Block 70 Redevelopment Zone."

SECTION 3. Section 24-2.1 of the Township's Zoning Ordinance is hereby amended to add the following zone district: Block 70 Redevelopment Zone.

SECTION 4. The Township Planner is hereby directed to prepare an amendment to the Zoning Map to reflect the adoption of the Block 70 Redevelopment Zone.

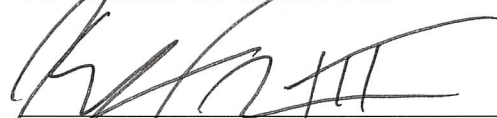
SECTION 5. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

SECTION 6. 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 6. This ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

Introduced: April 8, 2024
Adopted: April 22, 2024
Effective Date: May 13, 2024

TOWNSHIP OF MAHWAH

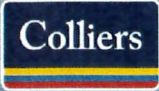
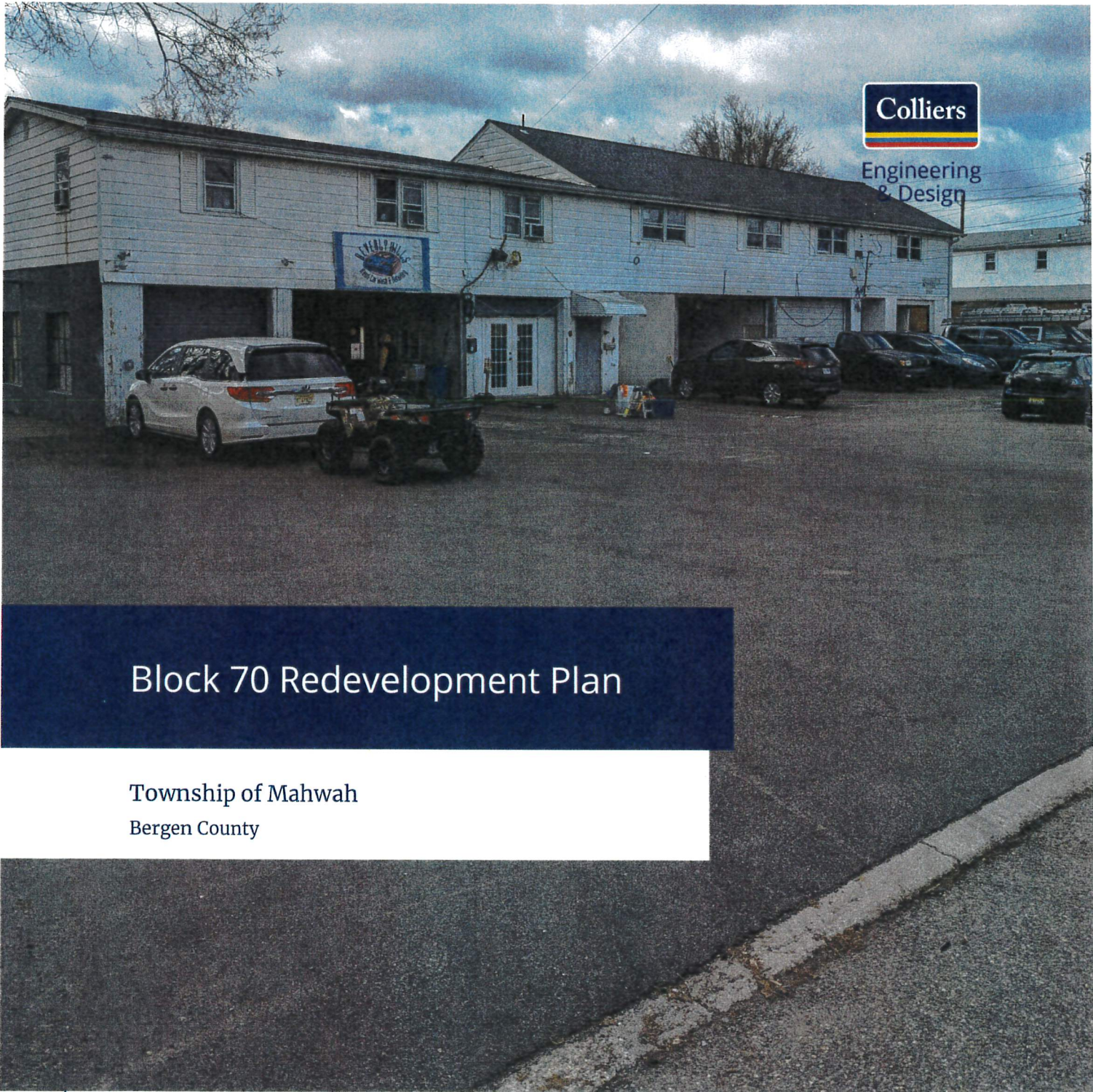


Robert M. Ferguson III, Council President

ATTEST:



Carolyn George, RMC
Township Clerk



Engineering & Design

Block 70 Redevelopment Plan

Township of Mahwah
Bergen County

April 3, 2024

Prepared for:

Prepared by:

Township of Mahwah

Darlene A. Green
Darlene A. Green, PP, AICP
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Colliersengineering.com

Block 70 Redevelopment Plan

Recommended by the Planning Board: April 15, 2024

Adopted by the Township Council: April 22, 2024 via Ordinance 2028

Project No. MWT-0029

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1. Introduction

On January 24, 2024, the Township Council requested Colliers Engineering & Design, Inc. to conduct a preliminary investigation to determine if Lots 37, 38, and 40 in Block 70 met any of the statutory criteria to qualify as an Area in Need of Rehabilitation as defined by the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et. seq. (hereinafter “LRHL”). This analysis produced a report entitled [Block 70 Area in Need of Rehabilitation Study](#), dated March 4, 2024. As detailed in the report, the three properties qualify for rehabilitation under Criteria 2 of Section 14 of the LRHL since more than half the housing stock is greater than 50 years old.

Based on the findings presented in the [Block 70 Area in Need of Rehabilitation Study](#), the Township Council adopted Resolution #126-24 on March 4, 2024, referring the report and a draft resolution to the Planning Board for review and comment. On March 11, 2024, the Planning Board reviewed the documents and determined the draft resolution “accurately and fully reflects the findings of the Study Report and is recommended for passage.” Additionally, the Planning Board did not have any comments in relation to the report or the draft resolution. The Planning Board’s findings were memorialized via resolution on the same date. Subsequently, the Township Council memorialized Resolution #131-24 on March 18, 2024 designating Lots 37, 38, and 40 in Block 70 as an Area in Need of Rehabilitation (hereinafter “Rehabilitation Area”). See Appendix A for a copy of the Resolution.

This [Block 70 Redevelopment Plan](#) is essentially a master plan with “teeth” – a planning document that merges 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.

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 Section 5.)

2. Rehabilitation Area

The Rehabilitation Area contains three parcels encompassing just over two acres according to the Tax Property Record Cards¹ (hereinafter “Tax Cards”) and is in the northeast quadrant of the Township along Cedar Hill Avenue. However, Lot 40 is a corner lot with additional frontage along Franklin Turnpike. The Rehabilitation Area is surrounded by a variety of uses including single-family residential uses to the north and east, multi-family residential uses to the south, and commercial uses to the northwest, south, and west. The Rehabilitation Area is located approximately six-tenths of a mile from the Mahwah Train Station, which is roughly a 15-minute walk. Sidewalks are located along the east side of Franklin Turnpike and portions of the west side of Franklin Turnpike. NJTransit does not operate any bus service in this area of Bergen County. However, Coach USA has bus stops along Franklin Turnpike. The Rehabilitation Area is in the B12 General Business District (hereinafter “B12 District”) and the eastern half of Lot 40 is in the ML1 Moderate and Low Residential District (hereinafter “ML1 District”). See the Zoning Map on page 5.

The properties in the Rehabilitation Area are developed with single- and two-family dwellings and a mixed-use building. Lot 40 is also used for outdoor storage in relation to a landscaping business. See the Aerial Map on page 4 for the limits of the Rehabilitation Area.

2.1 The Parcels

This section provides information on each parcel and its current zoning designation.²

Block 70, Lot 37

Lot 37 is located at 109 Cedar Hill Avenue, encompasses 10,000 square feet (0.23 acres), and has 100 feet of frontage. The property is owned by Josephine Lotito and is classified as a residential property. According to the Tax Card, the property is developed with a one-story, ranch-style, single-family dwelling constructed in 1969, which contains 2,028 square feet of living area plus a 1,332 square foot finished basement. There is also a 441 square foot attached garage and a 320 square foot stone patio on the property.³



Photo 1 – Lot 37

Block 70, Lot 38

Located at 111 Cedar Hill Avenue, Lot 38 contains 5,000 square feet (0.115 acres) and has 50 feet of frontage. The property is owned by Edward J. and Filomena Puzio and is classified as a residential property. The Tax Card indicates the property is developed with a one-and-a-half-story, cape cod-style, single-family dwelling

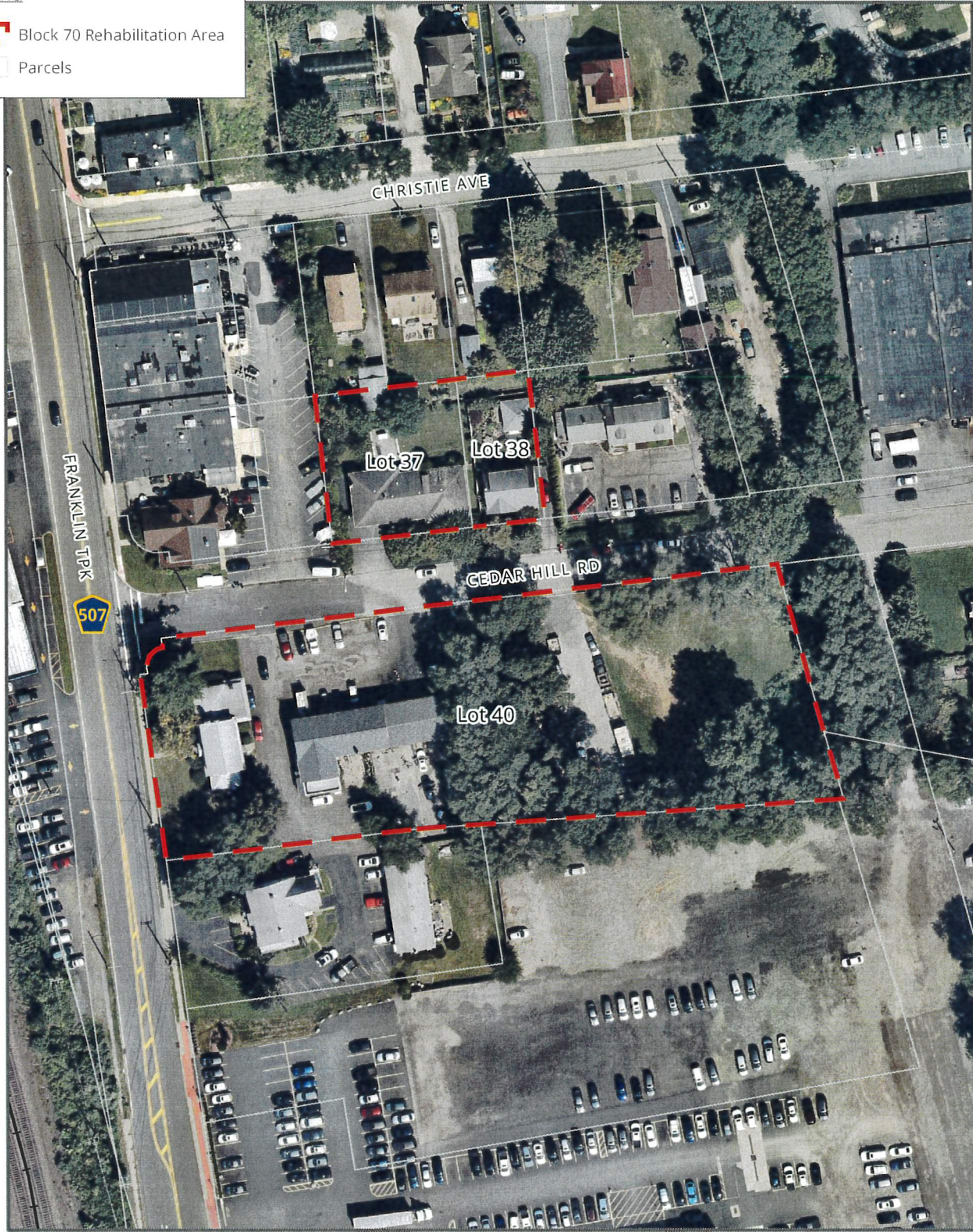
¹ Data sourced from Tax Cards, dated February 14, 2024, provided by Carolyn George, Municipal Clerk, on February 15, 2024.

² Chapter 24, Zoning, of the Township Code, <https://ecode360.com/34814044>

³ Data sourced from Tax Cards, dated February 14, 2024, provided by Carolyn George, Municipal Clerk, on February 15, 2024.

Legend

-  Block 70 Rehabilitation Area
-  Parcels



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0 50 100
Feet
1 inch = 100 feet

Aerial Map

Block 70 Rehabilitation Area

Township of Mahwah
Bergen County, New Jersey



March 2024

Legend

 Block 70 Rehabilitation Area


 Parcels

Zone Districts

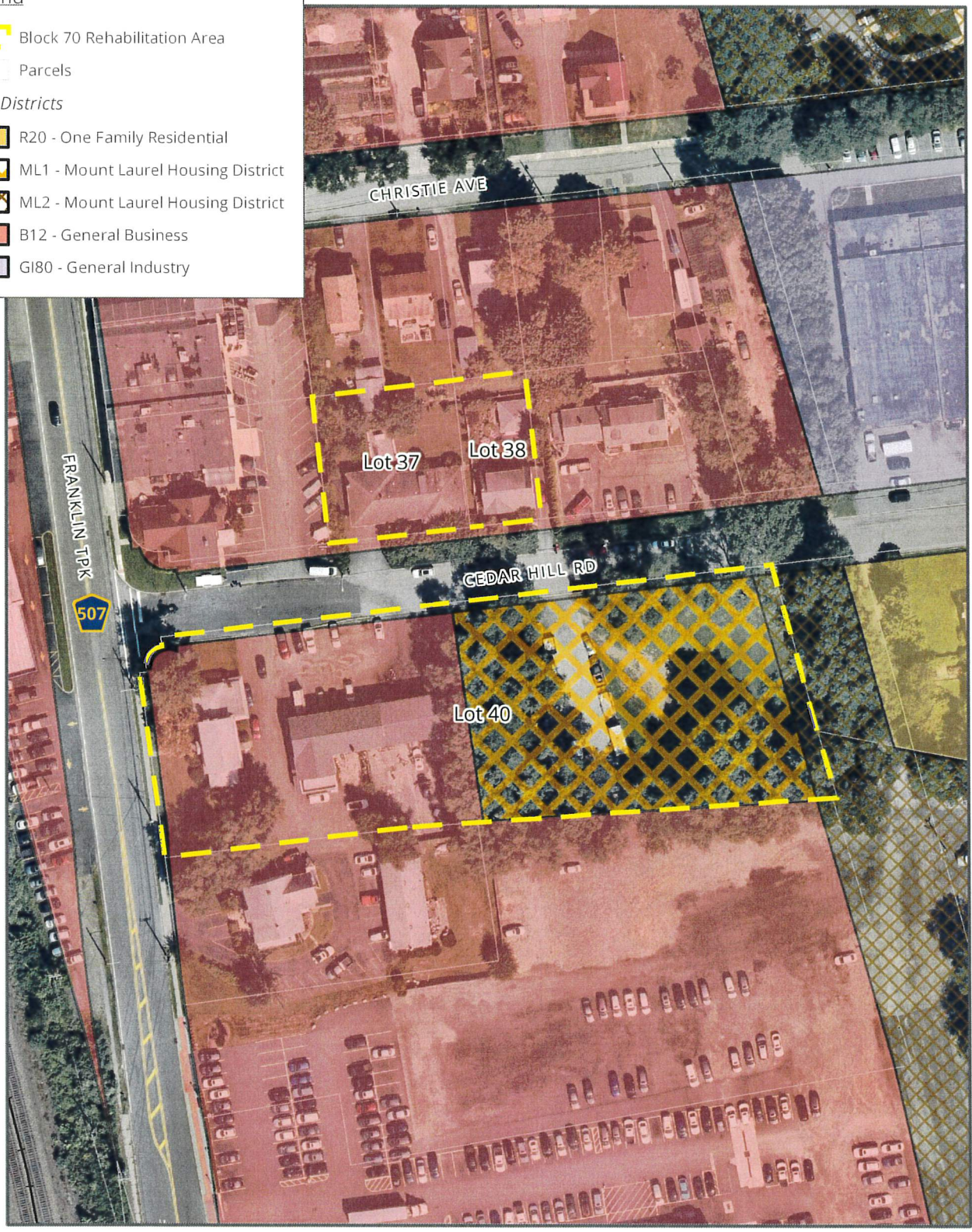
 R20 - One Family Residential

 ML1 - Mount Laurel Housing District

 ML2 - Mount Laurel Housing District


 B12 - General Business

 GI80 - General Industry



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0 50 100

 Feet
 1 inch = 100 feet

Zoning Map
Block 70 Rehabilitation Area
 Township of Mahwah
 Bergen County, New Jersey



March 2024

constructed in 1950, which contains 1,560 square feet of living area plus a 488 square foot finished basement. There is also a 360 square foot detached garage.⁴

Block 70, Lot 40

Lot 40 is the largest parcel in the Rehabilitation Area at 1.689 acres. The property is owned by Josephine Lotito and is located at 93 Franklin Turnpike with 434.37 feet of frontage along Cedar Hill Avenue and 121.18 feet of frontage along Franklin Turnpike (excluding the length of the corner radius). According to the Tax Card, the property is developed with a two-story, colonial-style, two-family dwelling that was constructed in 1910. The dwelling contains 1,922 square feet between the two floors and an 864 square foot unfinished basement. Based on the "Room Count" information on the Tax Card, there is one residential unit on each floor.

The property also contains a 6,806 square foot mixed-use building. However, no other information regarding the mixed-use building's characteristics or uses is noted on the Tax Card. During a site visit on February 29, 2024, the mixed-use building was found to have two-stories and at least one non-residential tenant, "Beverly Hills Hand Car Wash & Detailing", located on the first floor. The lack of signage on the building suggests that there are no other non-residential tenants. Additionally, it is unclear how many residential units exist on the second floor of the building as viewed from Cedar Hill Avenue. The area around the mixed-use building is primarily paved, including the area between the two-family dwelling and mixed-use building. Finally, the eastern portion of the site is primarily undeveloped, except for a gravel area. The gravel area and some of the adjacent lawn areas are used for the parking and/or storage of vehicles, equipment, trailers, and other items for Stephen J. Miller Enterprises, Landscape Contractors (name present on several vehicles).



Photo 2 - Lot 40

⁴ Ibid.

3. Plan Goals

This chapter provides the goals of the Block 70 Redevelopment Plan, which are as follows:

1. To improve the aesthetics of the Rehabilitation Area to create an inviting, pedestrian-friendly, neighborhood atmosphere.
2. To redevelop the underutilized portion of Lot 40 within the Rehabilitation Area with economically productive use(s).
3. To eliminate the split lot zoning that exists on Lot 40.
4. To transform a portion of the Rehabilitation Area into deed-restricted affordable housing to address the Township's constitutional obligation to provide affordable housing units.

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.⁵ 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 Rehabilitation Area is 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 Rehabilitation Area:

- Goal 1: To encourage proper distribution of land areas.
 - *This Redevelopment Plan will allow for a variety of land uses.*
- Goal 3: To concentrate development in the easterly portions of the Township.
 - *The Rehabilitation Area is in the northeastern portion of the Township and would allow for concentrated redevelopment.*
- Goal 5: To ensure that any prospective development is responsive to the Township's environmental features and can be accommodated while preserving these physical characteristics.
 - *The Rehabilitation Area is free of wetlands and Highlands Steep Slope Protection areas and is not within a FEMA Special Flood Hazard Area. However, the southeastern corner of Lot 40 is located within the Highlands Open Water Protection and Riparian Areas. Any prospective development will take these constrained areas into consideration and apply protection measures in accordance with the Highlands Council and NJDEP regulations.*
- 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 Rehabilitation Area would enhance the aesthetics of the area.*

⁵ This document can be found at <https://www.mahwahtwp.org/ArchiveCenter/ViewFile/Item/74>

- Goal 10: To preserve and enhance the Township's commercial areas.
 - *The Rehabilitation Area has the potential to revitalize a section of the Franklin Turnpike corridor by enhancing and redeveloping older buildings and underutilized properties.*

In addition to the advancement of the five goals described above, the Land Use Plan Element provides recommendations for 15 residential and 15 non-residential land use categories. Page 19 contains a discussion of the ML1 District (identified as "Mount Laurel Housing-1"), which encompasses a portion of Lot 40. The ML1 District is described as an area to meet the Township's affordable housing obligation by allowing affordable housing development at a maximum gross residential density of 14 units per acre. Additionally, Page 19 states, "This category also includes a small area along Cedar Hill Avenue, just east of Franklin Turnpike, which is currently developed with commercial uses; however, it is intended that this area will be redeveloped with affordable housing in the future." (It should be noted that the ML1 District was not included in the Township's 2018 or 2022 Settlement Agreement with Fair Share Housing Center.)

Page 20 of the Land Use Plan Element contains a discussion of the General Business category (B12 District), which primarily encompasses the northern portion of Franklin Turnpike. The B12 District is described as allowing more intensive commercial uses than permitted in the B-10 District with a larger minimum lot size. One recommendation is provided, which states, "It is recommended that the existing land use requirements for the B-12 Zone be analyzed and possibly amended to encourage a more pedestrian-friendly development pattern and streetscape for the Franklin Turnpike corridor.

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 Rehabilitation Area is in the northern section. The recommendations for the northern section are provided on page 35 and include requiring an increased buffer along Franklin Turnpike, reduced parking requirements, and decreasing the permitted impervious coverage. The Plan also recognizes that larger properties in the northern section have the potential to be redeveloped into multi-story and mixed-use buildings and that the area has the potential to become a transit-oriented development with rail and bus services. Finally, to achieve this type of development, additional revisions to the area and bulk requirements of the B12 District was recommended.

This Redevelopment Plan permits a pedestrian-oriented, mixed-use development on Lot 40, which directly addresses the recommendations provided in the Franklin Turnpike Study Area analysis.

2017 Master Plan 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, 2017.⁶ This document was specifically prepared to protect the Township's drinking water supply by establishing wellhead protection areas.

2019 Housing Element & Fair Share Plan

On June 10, 2019, the Planning Board adopted the Township's 2019 Housing Element & Fair Share Plan ("2019 HEFSP").⁷ Subsequently, the Township Council endorsed the 2019 HEFSP on June 13, 2019. This Plan provides the existing and proposed mechanisms that will be utilized to address the Township's constitutional obligation

⁶ This document can be found at <https://www.mahwahtwp.org/ArchiveCenter/ViewFile/Item/75>

⁷ This document can be found at <https://www.mahwahtwp.org/ArchiveCenter/ViewFile/Item/73>

to provide affordable housing. The Rehabilitation Area is not discussed or identified as land appropriate for affordable housing development.

2020 Reexamination & Master Plan Amendment

The 2013 Comprehensive Master Plan was also reexamined in 2020 in a report entitled 2020 Reexamination & Master Plan Amendment (hereinafter “2020 Reexamination”) and adopted by the Planning Board on September 14, 2020.⁸ The 2020 Reexamination provides an overview of the Township’s efforts to comply with its constitutional mandate to provide affordable housing and identifies the compliance mechanisms in the Township’s 2019 HEFSP. The document also includes an amendment to the Land Use Plan Element to incorporate the four zones included in the HEFSP to address the Township’s affordable housing obligation. This document does not mention or discuss the Rehabilitation Area.

2022 Land Use Element Amendment

The Planning Board adopted a 2022 Land Use Element Amendment on September 12, 2022.⁹ The Amendment is limited in scope to the history, need to modify the Master Plan, planning justifications, and zoning recommendations related to a redevelopment plan for the designated Redevelopment Area comprising of Block 82, Lots 1 and 3 through 30. The Rehabilitation Area is not mentioned in this document.

2023 Land Use Element Amendment and Housing Element & Fair Share Plan Amendment

The Planning Board adopted this Master Plan document on February 13, 2023.¹⁰ Similar to the 2022 Land Use Element Amendment, this document is limited in scope to the history, need to modify the Land Use Element and HEFSP, planning justifications, and zoning recommendations related to the rezoning of a specific parcel, Block 139, Lot 41. The Rehabilitation Area is not mentioned in this document.

2023 Housing Element & Fair Share Plan

On December 11, 2023, the Planning Board adopted the Township’s 2023 Housing Element & Fair Share Plan (“2023 HEFSP”).¹¹ Subsequently, the Township Council endorsed the 2023 HEFSP on December 18, 2023. This Plan was prepared in response to two amended Settlement Agreements that changed the Township’s obligation and mechanisms as outlined in the 2019 HEFSP. The Rehabilitation Area is not discussed or identified as land appropriate for affordable housing development.

Land Use Ordinance

Lots 37, 38, and the western half of Lot 40 in the Rehabilitation Area are in the B12 General Business District. The permitted uses and bulk standards are outlined below:

Permitted principal uses in the B12 Zone include:

- Automobile sales
- Bus terminal, offices and garage and facilities for servicing, repairing, maintaining, and parking buses and other related equipment and vehicles
- Distribution terminals
- Business, finance, insurance, professional, and real estate offices

⁸ This document can be found at <https://www.mahwahtwp.org/ArchiveCenter/ViewFile/Item/135>

⁹ This document can be found at <https://www.mahwahtwp.org/ArchiveCenter/ViewFile/Item/144>

¹⁰ This document can be found at <https://www.mahwahtwp.org/ArchiveCenter/ViewFile/Item/145>

¹¹ This document can be found at <https://www.mahwahtwp.org/ArchiveCenter/ViewFile/Item/73>

- Funeral parlors
- Health care facilities
- Licensed child-care centers
- Parks and public recreation facilities
- Planned commercial development
- Public facilities
- Restaurants, including fast-food and take-out restaurants
- Retail sales and services
- Solar energy systems

The B12 District also permits animal hospitals, veterinary offices, and kennels, essential services, fitness and health clubs, mechanical automobile washing establishments, motor vehicle body repair shops, outdoor storage, places of assembly, and service stations as conditional uses. Permitted accessory uses include enclosed accessory storage, accessory uses customarily incidental to a permitted principal use, electric vehicle charging stations, leasing or renting of new or used cars, off-street parking, and solar energy systems.

Table 1, located below, provides the area, yard, and bulk requirements of the B12 District.

Table 1: Area, Yard, and Bulk Standards of the B12 District

Requirement	B12 District
Minimum Lot Size	12,000 sq ft
Minimum Lot Width	80 ft
Minimum Lot Depth	100 ft
Minimum Front Yard Setback	40 ft
Minimum Side Yard Setback	15 ft (single) / 30 ft (both)
Minimum Rear Yard Setback	40 ft
Maximum Building Coverage	40%
Maximum Impervious Coverage	80%
Maximum Building Height	40 ft or 3 stories

Additionally, the eastern half of Lot 40 is located in the ML1 Moderate and Low Residential District, which only permits residential dwelling units. The ML1 District does not have any permitted conditional uses but allows recreational facilities and off-street parking as accessory uses. The area, yard, and bulk requirements of the ML1 District are provided in Table 2 on the following page.

Table 2: Area, Yard, and Bulk Requirements of the ML1 District

Requirement	ML1 District
Maximum Gross Density	14 dwelling units per acre
Minimum Setback from a Collector Street	35 ft
Minimum Tract Setbacks	
Tracts less than 5 acres	20 ft
Tracts greater than 5 acres	Minimum buffer of 50 ft Maximum buffer of 100 ft
Maximum Building Height	35 ft or 3 stories
Minimum Distance Between Buildings	Average height of the highest opposing wall, but not less than 20 ft
Minimum Common Open Space	20%

This document has utilized the bulk standards found in the B12 District as a springboard in crafting the dimensional regulations for the Redevelopment Area.

Plan Relationship to Zoning

This Block 70 Redevelopment Plan supersedes the underlying zoning for the three parcels noted in this document.

The bulk standards proposed for these properties may not precisely conform to the standards prescribed within the current zones but have utilized the bulk standards from the B12 District as a basis in developing the Rehabilitation Area’s bulk standards.

4.2 Plans of Adjacent Communities

The Rehabilitation 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

Bergen County’s Regional Planning & Transportation website includes a Central Bergen Bicycle & Pedestrian Plan, which was prepared in 2015.¹² However, the Township of Mahwah is not included in the focus area of this Plan. The only applicable document is the recently adopted 2023 Master Plan, which is discussed below.

2023 Master Plan

On April 11, 2023, the Bergen County Planning Board adopted the County’s first master plan since 1962.¹³ In general, the new Master Plan provides a general discussion of existing conditions and the County’s vision for eight elements: Land Use & Housing, Economic Vitality, Arts, History & Historic Resources, Open Space, Agriculture, Parks & Recreation, Environmental & Natural Resources, Transportation & Mobility, Public Facilities & Services, and Sustainability. Within each topic (chapter), recommendations are made for municipalities to respond to future challenges and opportunities they may experience. The Master Plan divides the County into six geographical sectors. The Township of Mahwah is in Northwest Bergen.

¹² <https://www.co.bergen.nj.us/planning-engineering-regional-planning-transportation>, accessed March 14, 2024

¹³ <https://www.co.bergen.nj.us/county-master-plan-public-notice>, accessed March 14, 2024.

The Rehabilitation Area and Mahwah in general are not specifically discussed in the Plan. However, the most relevant element, Land Use & Housing, could be utilized to guide development in the Rehabilitation Area. The following goals of the Land Use & Housing element would be advanced by this [Block 70 Redevelopment Plan](#).

- Goal #1: Become the model for smart growth and sustainable development both in New Jersey and in the region.
 - *This goal aims to balance the goals for economic development, environmental protection, and social equity by implementing design techniques such as mixed-use development and transit-oriented development. These concepts would bring future land development back to the trends seen prior to the introduction of the automobile where daily needs like work, shopping, services, and housing were located within walking distance or within a short distance to public transit. This Redevelopment Plan allows for mixed-use development that is within walking distance to the Mahwah train station and Coach USA bus stops.*
- Goal #4: Encourage a wide variety of housing types, range of densities, and price points.
 - *This goal encourages implementing zoning regulations to provide a variety of housing types such as multi-family and mixed-use development to accommodate the needs, abilities, and lifestyles of a larger group of people. This Redevelopment Plan allows multi-family and/or mixed-use development that would increase the variety of housing in the Township. Additionally, a portion of units developed within the Rehabilitation Area would be reserved for affordable housing.*
- Goal #5: Mainstream the use of green building and sustainable design.
 - *This goal focuses on designing development to include ecologically sustainable practices throughout the building process, such as building materials, utilities, water, waste, landscaping, public transit connections, electric vehicle charging, and pedestrian-friendly infrastructure. This Redevelopment Plan includes design standards, such as electric vehicle charging, bicycle racks, and landscaping, that incorporate green building and sustainable design techniques.*

4.4 State Plans

This section of the report discusses the [State Development and Redevelopment Plan](#) as well as planning documents prepared by the Highlands Council, as Mahwah is located entirely within the Highlands Region.

New Jersey State Plan

The State Development and Redevelopment Plan was adopted in 2001. An update to the 2001 Plan entitled the [State Strategic Plan](#) was prepared in 2011 by the State Planning Commission. However, the Commission postponed its adoption to include disaster planning goals due to the impacts of Superstorm Sandy.¹⁴ The Commission is currently working on an update to the Plan, with a planned release of a preliminary plan in the spring of 2024 and adoption of the final plan in the winter of 2025.¹⁵ The 2001 Plan contains eight State-wide goals, the following of which would be advanced by this document:

- Goal #1 – Revitalize the State’s Cities and Towns
- Goal #3 – Promote Beneficial Economic Growth, Development and Renewal for all Residents of New Jersey
- Goal #6 – Provide adequate housing at a reasonable cost

¹⁴ [State Strategic Plan](#), draft final plan approved on November 14, 2011.

<https://dspace.njstatelib.org/xmlui/handle/10929/22096?show=full>, accessed March 14, 2024.

¹⁵ Information obtained from <https://www.publicinput.com/njstateplan#0>, accessed March 14, 2023.

- Goals #8 – Ensure Sound and Integrated Planning and Implementation Statewide¹⁶

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 identified the Project Area as Planning Area 5, Environmentally Sensitive Planning Area. Note that this designation appears incorrect, as the Highlands Council has identified the area as an Existing Community Zone within the Planning Area. Furthermore, the Highlands Council has approved a Highlands Center Designation, which includes the Rehabilitation Area.

Additionally, the State Strategic Plan, while not an adopted planning document, provided the following “Garden State Values”, which would be advanced by this Redevelopment Plan:

- **Prioritize Redevelopment and Existing Infrastructure** – provide opportunities for investment near housing, infrastructure and transportation.
- **Create High-Quality, Livable Places** – create places to live, work, and recreate; provide pedestrian-friendly streetscapes and enhance community design and character.
- **Provide Transportation Choice and Efficient Mobility of Goods** – maintain transportation options.
- **Diversify Housing Opportunities** – support the construction of housing that meets the needs of households of all sizes and income levels, located near transit and where services are available.

State Plan Policy Map

A new State Plan Policy Map was approved by the New Jersey State Planning Commission on December 14, 2020. After the 2001 Plan was adopted, the Highlands Water Protection and Planning Act was adopted in 2004. This regional planning entity encompasses 88 municipalities, including the entirety of Mahwah. The Highlands Council adopted a Regional Master Plan and created Land Use Capability Zones, similar to the state-wide policy zones created in 2001. The 2020 mapping illustrates the Project Area in the Highlands Existing Community Zone, which are the yellow areas in Figure 1.¹⁷

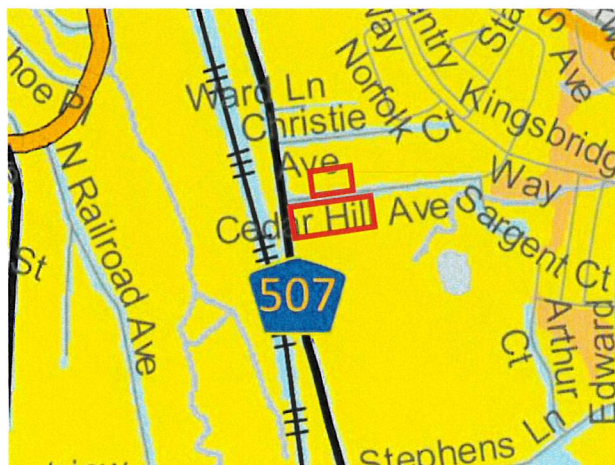


Figure 1 - 2020 State Plan Policy map, Quadrant 19, with approximate Rehabilitation Area boundary

The Existing Community Zone consists of areas of concentrated development representing existing communities. These areas tend to have limited environmental constraints due to previous development patterns and may have existing infrastructure that can support additional development or redevelopment.

¹⁶ State Development and Redevelopment Plan, <https://nj.gov/state/planning/state-plan.shtml>, accessed March 14, 2024.

¹⁷ <https://nj.gov/state/planning/assets/docs/quads/quad046map.pdf>, accessed March 14, 2024.

Where served by adequate supporting infrastructure, lands within the Existing Community Zone are suited to higher densities and intensities of development than other Highlands Land Use Capability Zones.

The intention of this Redevelopment Plan is to utilize the existing infrastructure within the Rehabilitation Area and revitalize and/or redevelop older, aging homes and other structures to a mixed-use, pedestrian-friendly development that supports existing businesses along the Franklin Turnpike corridor.

Highlands Regional Master Plan

The Highlands Regional Master Plan was adopted in 2008¹⁸ and evaluates how to best protect the natural and cultural resources of the 88 municipalities within the Highlands Region while striving to accommodate a sustainable economy. While the Plan does not specifically address the enhancement of the Rehabilitation Area, the following Goals, Policies, and Objectives would be advanced by this Redevelopment Plan:

- Goal 6F: Support of compact development, mixed-use development and redevelopment and maximization of water, wastewater, and transit infrastructure investments for future land 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.
 - 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 in-fill 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.
 - Policy 6H9: To incorporate smart growth principles and green building design and technology in development and redevelopment initiatives.

¹⁸ Highlands Regional Master Plan, adopted on July 17, 2008. <https://www.nj.gov/njhighlands/master/>, accessed March 14, 2024.

- Goal 6J: Accommodation of regional growth and development needs through the reuse and redevelopment of previously developed areas, including brownfields, grayfields, and underutilized sites.
 - Policy 6J2: To encourage redevelopment in the ECZ in the Planning Area of brownfields, grayfields, and other previously developed areas that have adequate water, wastewater, transportation capacity, and are appropriate for increased land use intensity or conversion to greenfields, as approved through Plan Conformance or the Highlands Redevelopment Area Designation process.
- 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 utilities, and transportation infrastructure.
 - Policy 6K1: To promote redevelopment of brownfields, grayfields, and other previously developed areas in a manner consistent with the goals and requirements of the Plan.
- Goal 6N: Use of smart growth principles, including low impact development, to guide development and redevelopment in the Highlands Region.
- 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.

Additionally, it should be noted that on November 4, 2020 the New Jersey State Planning Commission passed Resolution 2020-12 endorsing the Highlands Regional Master Plan. This means that any municipality deemed by the Highlands Council to be in conformance with the Regional Master Plan (whether previously or in the future) is equivalently deemed to have received Plan Endorsement from the State Planning Commission.

Highlands Economic Sustainability Plan

In March of 2022, the Highlands Council adopted their [Economic Sustainability Plan](#), which focuses on the economic future of the Highlands Region while continuing to protect and enhance the natural resources in the region.¹⁹ The Plan provides a sustainability definition, which states, “This plan connects sustainability to the concept of business longevity. This plan seeks to build *economic sustainability* so that a business will be able to:

- Expand employment for high quality, good paying jobs in locations with a diverse housing stock.
- Innovate to the latest in technology uptake.
- Adapt to climate change as needed for their sector.
- Attract appropriate workforce for its operations.
- Remain competitive in their sector.

¹⁹ Highlands Economic Sustainability Plan, adopted March 2022, https://www.nj.gov/njhighlands/master/economic-sustainability/final/esp_final_2022.pdf, accessed March 14, 2024.

- Localize or regionalize their supply chains”.²⁰

Pages 8 through 13 detail the Economic Sustainability Plan's Goals, Strategies, and Actions. Most of these statements relate to business and market demands and growth. However, the following goals, strategies, and/or actions, which relate to residential development could be advanced by this Redevelopment Plan:

- Goal 2: Communicate the value of quality of life in the Highlands Region and evaluate how current assets meet, miss, or exceed market demand.
 - Strategy B: Draw on existing or ongoing housing needs assessment to quantify changing housing demand based on post-pandemic lifestyle shifts.
 - Strategy G: Focus development and redevelopment in designated centers and aging real estate assets like strip malls where infrastructure already exists.

The Economic Sustainability Plan also provides an action plan to implement the goals, strategies, and actions. Strategy 2B is noted to be a high priority, short-term (within the first year) strategy, while Strategy 2G is listed as the highest priority with a mid-term (two to four year) timeframe. The first chapter of the document provides background information on the Highlands Region's demographics and socioeconomic information, business and consumer demand, the agricultural industry, recreation and tourism, an evaluation of the Region's workforce, and a discussion on real estate. The second chapter, entitled "Analysis of Growth Potential" utilizes the data provided in Chapter 1 to identify areas for economic growth with a focus on specialized manufacturing, biotechnology and life science, tourism and recreation, finance and insurance, food production, and corporate offices. These discussions are general for the Region and do not specify a municipality for the potential growth.

²⁰ Ibid, page 1.

5. Charging Infrastructure

The LRHL was recently amended to require redevelopment plans to identify locations for public electric vehicle charging infrastructure within the Rehabilitation 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.

In response to this new legislation, the Township Council adopted Ordinance No. 2005 on April 17, 2023, which established Section 24-3.10, “Electrical Vehicle Supply/Service Equipment”. This Ordinance generally follows the New Jersey Department of Community Affairs’s Model Statewide Municipal Electrical Vehicle Ordinance. Therefore, the submission of a site plan with multi-family and/or non-residential development will be required to comply with Section 24-3.10 of the Zoning Ordinance.

6. Redevelopment Plan

This chapter of the [Block 70 Redevelopment Plan](#) provides the general provisions, including the land use and design requirements, for the potential redevelopment of the Rehabilitation 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.

Lots 37 and 38 contain single-family dwellings and Lot 40 contains a two-family dwelling. The mixed-use building on Lot 40 also contains residential units, but it is unknown how many units exist in the building. 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 Township²¹:

- Ramapo Gardens Apartments, which is located at 441 Franklin Turnpike, has one- and two-bedroom rentals available with a rent range between \$1,995 and \$2,500 a month.
- Rolling Greens Apartments, which is located at 405 Franklin Turnpike, has one- and two-bedroom rentals available with a rent range between \$1,949 and \$2,499 a month.
- There are three condos available in the Darlington Ridge Development, including one- and two-bedroom units, ranging in rent from \$1,750 to \$3,000 a month.
- There are four condos available in the Paddington Square development, including two- and three-bedroom units, ranging in rent from \$2,600 to \$3,400 a month.
- There is a two-bedroom townhouse available in the Ridge Gardens development, which has a rent of \$3,250 a month.
- There is a two-bedroom condo available in the Society Hill development, which rents for \$2,650 a month.
- There is a one-bedroom apartment in the Walsh Hall building of the Rio Vista development, which rents for \$2,495 a month.
- There is also one apartment and two homes for rent.
- Additionally, there are many rental opportunities available in nearby Suffern and Airmont in New York.

As of March 21, 2024, there are 32 homes for sale within Mahwah. This includes 13 single-family detached homes, 12 condos, four townhomes, and three mobile homes. There are also eight lots available to purchase. Prices range from \$109,000 for a one-bedroom, one-bathroom mobile home to \$22,500,000 for a ten-bedroom, 10.5-bathroom 43-acre estate.²²

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.

²¹ <https://www.apartments.com/mahwah-nj>, accessed March 21, 2024.

²² <https://www.realtor.com>, accessed March 21, 2024.

Acquisition

This document does not anticipate the acquisition of any property through eminent domain. Furthermore, eminent domain is not a permitted power as the sites were designated under the rehabilitation criteria. It is expected that all acquisitions will occur between an agreeable buyer and seller.

Affordable Housing

There are no deed-restricted affordable housing units within the Rehabilitation 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 Block 70 Redevelopment Plan, 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 Rehabilitation Area.

A. Definitions

The Block 70 Redevelopment Plan shall rely on the definitions provided in Chapter 24, "Zoning", specifically §24-1.5b,

B. Use and Bulk Requirements

1. Permitted Principal Uses

(a) Lot 37

- (1) 100% Affordable Multi-family dwellings.

(b) Lot 38

- (1) Community residences.
- (2) Single-family detached dwellings.

(c) Lot 40

- (1) Retail sales, restaurants, take-out restaurants, professional and business offices, and residential lobbies/access on the ground floor.
- (2) Multi-family dwellings on the upper floors.

2. Permitted Accessory Uses

(a) Lot 37

- (1) Accessory uses customarily incidental to a permitted principal use.
- (2) Off-street parking subject to §22-6.2 and §24-3.7.
- (3) Fences and walls subject to §24-5.6b.
- (4) Trash and/or recycling enclosures subject to §22-6.8.
- (5) Roof-mounted solar energy systems subject to §24-3.8i.
- (6) Electric Vehicle Supply/Service Equipment subject to §24-3.10.
- (7) Generators subject to §24-3.6b.

(b) Lot 38

- (1) Accessory uses customarily incidental to a permitted principal use.
- (2) Off-street parking.
- (3) Private garages subject to §24-3.6a.
- (4) Roof-mounted solar energy systems subject to §24-3.8i.
- (5) Generators subject to §24-3.6b.

(c) Lot 40.

- (1) Off-street parking subject to §22-6.2 and §24-3.7.
- (2) Fences and walls subject to §24-5.6b.
- (3) Trash and/or recycling enclosures subject to §22-6.8.
- (4) Roof-mounted solar energy systems subject to §24-3.8i.
- (5) Electric Vehicle Supply/Service Equipment subject to §24-3.10.
- (6) Signs subject to §24-6.
- (7) Outdoor dining, associated with permitted restaurant uses, subject to the following conditions:
 - [a] Tables and chairs may be located on private property or on the public sidewalk, provided that at least five feet of sidewalk clearance is maintained.
 - [b] Fencing, bollards, and/or planters shall be used to define the outdoor dining area.
 - [c] No outdoor dining shall be permitted after 11:00pm.
 - [d] All lighting shall be downward-facing and shall be turned off no later than 11:30pm.

3. Area, Yard, and Bulk Requirements.

(a) Lot 37

- (1) Minimum lot area – 10,000 square feet
- (2) Minimum lot width – 100 feet
- (3) Minimum front yard setback – 40 feet, except that stairs and ramps may project up to five feet into the required setback.
- (4) Minimum side yard setback – 12 feet
- (5) Minimum rear yard setback – 20 feet, except that stairs and ramps may project up to five feet into the required setback.
- (6) Maximum lot coverage – 30%
- (7) Maximum improved lot coverage – 75%
- (8) Maximum building height – 2.5 stories and 38 feet
- (9) Maximum number of dwelling units – 6

(b) Lot 38

- (1) Minimum lot area – 5,000 square feet
- (2) Minimum lot width – 50 feet
- (3) Minimum front yard setback – 25 feet
- (4) Minimum side yard setback – 5 feet
- (5) Minimum rear yard setback – 20 feet
- (6) Maximum lot coverage – 40%
- (7) Maximum improved lot coverage – 75%
- (8) Maximum building height – 2.5 stories and 32 feet

(c) Lot 40

- (1) Minimum lot area – 1.5 acres
- (2) Minimum front yard setback from any street – 10 feet
- (3) Maximum front yard setback from any street – 30 feet
- (4) Minimum setback from property line opposite Franklin Turnpike – 50 feet
- (5) Minimum setback from property line opposite Cedar Hill Avenue – 10 feet
- (6) Maximum lot coverage – 50%
- (7) Maximum improved lot coverage – 75%

(8) 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.

(9) Maximum density – 14 dwelling units per acre

C. General Requirements

1. Affordable Housing.

- (a) Lot 37 and 38 shall be 100% affordable. Fifteen (15%) percent of the units on Lot 40 shall be reserved for and affordable to low- and moderate-income households. If the number of required affordable units results in a fraction, then the Applicant shall round up and provide the additional affordable unit.
- (b) Affordable housing units shall meet the bedroom distribution requirements contained in the Uniform Housing Affordability Controls (“UHAC”) unless otherwise exempted.
- (c) Affordable housing units shall meet the low/moderate income distribution requirements contained in the UHAC. At least 13% of the units shall be reserved for very-low-income households at 30% of median income.
- (d) All affordable units shall be deed restricted for a minimum of 30 years in accordance with UHAC. However, rental affordable units to be applied to the Fourth Round Obligation shall be a minimum of 40 years in accordance with P.L. 2024, c.2.
- (e) Affordable housing units shall comply with the Township’s accessibility requirements of §24-8.2i.2.
- (f) The developer shall be responsible for retaining a qualified administrative agent to administer the affordable units, as approved by the Township, at the developer’s sole cost and expense. However, community residences and special needs housing shall not be required to have an administrative agent.
- (g) All affordable housing units shall comply with applicable UHAC, applicable COAH affordable housing regulations, the Fair Housing Act, any applicable Order of the court, and other applicable laws.
- (h) All necessary steps shall be taken to make the affordable units provided creditworthy pursuant to applicable law.

2. Circulation, off-street parking, and loading requirements

(a) Lot 38

- (1) Off-street parking shall comply with §24-3.7 but is exempt from the requirements of §22-6.2 and §22-6.3.

(b) Lots 37 and 40

- (1) Off-street parking shall be in accordance with §22-6.3 and §24-3.7.
- (2) All parking spaces shall measure no less than nine feet in width by 18 feet in length.
- (3) Parking shall comply with the electric vehicle supply equipment and/or make-ready parking requirements of §24-3.10.

- (4) Parking lot lighting shall comply with §22-6.4.
 - (5) Within surface parking lots, at least one landscaped island shall be provided for every 20 parking spaces. Said landscaped island shall contain a minimum of 162 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 inches in caliper at installation.
 - (6) Sidewalks shall be provided along Franklin Turnpike and Cedar Hill Avenue.
 - (7) No loading spaces shall be required.
3. Building Design, Lots 37 and 40.
- (a) Building wall offsets, including both projections and recesses, shall be provided along any street-facing building wall measuring greater than 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 45 feet. The minimum projection or depth of any individual vertical offset shall not be less than six inches.
 - (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 non-residential 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) Building facades visible from any street shall consist of durable, long-lasting materials.
 - (h) 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.
 - (i) All rooftop mechanical equipment shall be screened from view from all vantage points at grade or below the roof. If the building has a flat roof, a parapet shall project vertically to hide any roof-mounted mechanical equipment.
 - (j) Placement of any packaged terminal air conditioner units within the facade is prohibited.
4. Landscaping.
- (a) All areas of a 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 to provide human scale to building facades and winter interest.
 - (d) Street trees, no less than 3 inches in caliper, shall be planted every 50 feet.
- 5. Lighting. Lighting shall comply with §22-6.4.
 - 6. Trash and recycling enclosures. All trash and/or recycling enclosures shall be screened and fully enclosed with a solid enclosure on three sides which is a minimum six (6') feet in height. The fourth side shall have a solid, durable, self-closing gate. Alternatively, refuse and recycling may be stored inside buildings.
 - 7. Signs shall be in accordance with §24-6, except that:
 - (a) Non-residential ground floor uses shall be permitted one wall sign per street frontage, per tenant, subject to the following requirements:
 - (1) A maximum sign area of 36 square feet.
 - (2) The horizontal dimensions of the sign shall not exceed 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 feet of the top of a parapet.
 - (4) Said signs may be illuminated.
 - (b) Multi-family residential uses shall be permitted one ground or wall sign per street frontage, which identifies the development, subject to the following requirements:
 - (1) A maximum sign area of 36 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 feet of the top of a parapet.
 - (3) A ground sign shall be no taller than 6 feet and setback back 10 feet from all property lines.
 - (4) Said signs may be illuminated.
 - 8. Other Regulations. Refer to Chapters 22, "Site Plan Review", and 24, "Zoning", for all other regulations regarding land use that are not covered by the above sections. This includes:
 - (a) Design standards pursuant to §22-6.6, §22-6.7, §22-6.9, §22-7, and §22-8.
 - (b) Accessory structures pursuant to §24-3.6c.

- (c) Performance standards and design criteria pursuant to §24-5.
- (d) Affordable housing regulations pursuant to §24-8.2.

7. Relationship to Zoning

7.1 Zoning Provisions

Effect of Plan

The Block 70 Redevelopment Plan supersedes the existing zoning for the three parcels within the Rehabilitation Area and the applicable provisions of the Township of Mahwah’s Zoning Ordinance.

Terms & Definitions

Any terms or definitions not addressed within this Block 70 Redevelopment Plan 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 Block 70 Redevelopment Plan 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 Block 70 Redevelopment Plan shall remain in full force and effect.

7.2 Zoning Map Revision

This Block 70 Redevelopment Plan supersedes the underlying zoning, which requires the Official Zoning Map to be amended for the three parcels. The Zoning Map is hereby amended to illustrate the following block and lots as the “Block 70 Rehabilitation District”:

- Block 70, Lot 37
- Block 70, Lot 38
- Block 70, Lot 40

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 Rehabilitation 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 rehabilitation.

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 #131-24
- B. Ordinance 2028

Appendix A | Township Council Resolution #131-24

RESOLUTION

TOWNSHIP OF MAHWAH
475 CORPORATE DRIVE
MAHWAH, NJ 07430

RESOLUTION #131-24
DATE: MARCH 18, 2024

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma				✓		
Bolan			✓			
Donigian				✓		
May	✓		✓			
Paz		✓	✓			
Wong			✓			
Ferguson			✓			

RESOLUTION OF THE TOWNSHIP OF MAHWAH, COUNTY OF BERGEN, STATE OF NEW JERSEY, DELINEATING BLOCK 70, LOT 37 (109 CEDAR HILL AVENUE), LOT 38 (111 CEDAR HILL AVENUE) & LOT 40 (93 FRANKLIN TURNPIKE) AS AN AREA IN NEED OF REHABILITATION (NONCONDEMNATION)

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (“LRHL”), provides a mechanism to empower and assist local governments in efforts to promote the advancement of community interests through redevelopment programs for the improvement and expansion of commercial, industrial, residential and civic facilities; and

WHEREAS, the LRHL sets forth the procedures for the Township of Mahwah to declare an area in need of rehabilitation if the area qualifies under one of the criteria enumerated in N.J.S.A. 40A:12A-14; and

WHEREAS, the Township Planner was directed to investigate whether an area encompassing Block 70, Lots 37, 38 & 40 (the “Study Area”) qualifies as an area in need of rehabilitation as defined under the LRHL; and

WHEREAS, the Planner prepared a report entitled “Block 70 Area in Need of Rehabilitation Study” dated March 4, 2024, which report is attached hereto (the “Study Report”); and

WHEREAS, the Study Report concludes that more than half of the housing stock in the Study Area is greater than 50 years old, which meets Criteria 2 of the LRHL, and therefore the Study Area qualifies as an area in need of rehabilitation; and

WHEREAS, pursuant to N.J.S.A. 40A:12-14, the Township Council adopted a resolution on March 4, 2024 referring the Study Report and a draft delineation resolution to the Planning Board for review and comment; and

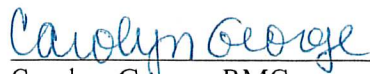
WHEREAS, on March 11, 2024, the Planning Board reviewed the Study Report and draft delineation resolution and returned same to the Township Council with a recommendation, by resolution of the Planning Board, for passage of the draft delineation resolution; and

WHEREAS, the Township Council finds it to be in the best interest of the property owners and business owners within the Study Area to delineate the Study Area as an area in need of rehabilitation, and that based upon the Study Report and the Planning Board’s recommendation, finds that the Study Area meets the criteria of N.J.S.A. 40A:12A-14 for an area in need of rehabilitation.

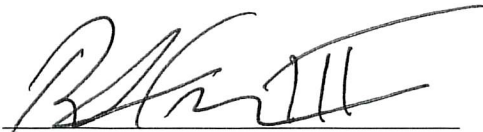
NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Mahwah, County of Bergen, State of New Jersey, as follows:

1. Based upon the facts reported in the Study Report and the recommendation of the Planning Board, the Township Council find that the Study Area, consisting of Block 70, Lots 37, 38 & 40, meets the eligibility criteria of N.J.S.A. 40A:12A-14 for designation as an area in need of rehabilitation in that more than half of the housing stock in the Study Area is greater than 50 years old, which meets Criteria 2 of the LRHL. The Council further finds that the designation of the Study Area as an area in need of rehabilitation is expected to prevent further deterioration and promote the overall development of the Township of Mahwah in accordance with the requirements of N.J.S.A. 40A:12A-14.
2. The Council hereby delineates the Study Area and all of the properties therein as an area in need of rehabilitation (noncondemnation) (hereinafter, the “Study Area” shall be the “Rehabilitation Area”), which delineation allows the Council to, among other things, adopt redevelopment plans for all or part of the Rehabilitation Area, enter into redevelopment agreements with redevelopers for the Rehabilitation Area, and adopt an ordinance pursuant to N.J.S.A. 40A:12A-21 et seq. authorizing short-term tax exemptions and/or abatements to properties located within the Rehabilitation Area.
3. The Council hereby directs the Township Clerk to transmit a copy of this Resolution to the Commissioner of the Department of Community Affairs in accordance with the LHRL.
4. All Township officials, employees and professionals are hereby authorized and directed to take all action necessary to effectuate the terms of this Resolution.
5. This Resolution shall take effect immediately.

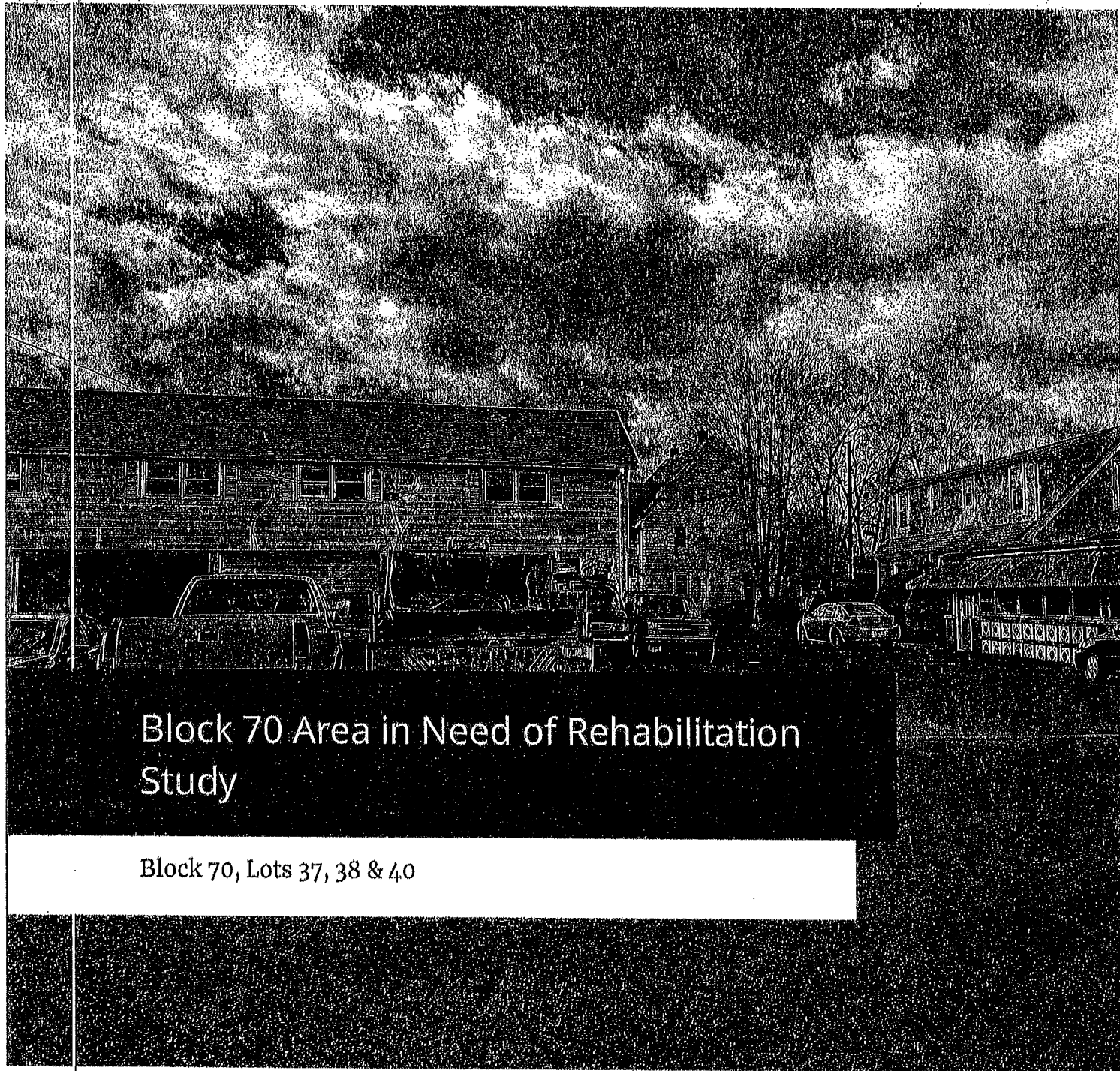
I hereby certify that this resolution consisting of two (2) page(s), was adopted at a meeting of the Township Council of the Township of Mahwah on the 18th day March, 2024.



Carolyn George, RMC
Municipal Clerk



Robert M. Ferguson III
Council President



Block 70 Area in Need of Rehabilitation Study

Block 70, Lots 37, 38 & 40

March 4, 2024

Prepared for:

Township of Mahwah

Prepared by:

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

Colliers Engineering & Design, Inc.
53 Frontage Road Suite 110
Hampton New Jersey 08827
Main: 908 238 0900
Colliersengineering.com



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& Design

Block 70 Area in Need of Rehabilitation Study

Block 70, Lots 37, 38 & 40

Approved by the Planning Board on _____, 2024

Adopted by the Township Council via Resolution _____ on _____, 2024

Project No. MWT-0027

Block 70 Area in Need of Rehabilitation Study



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
I. Introduction

On January 24, 2024, the Township Council requested Colliers Engineering & Design, Inc. Investigate Lots 37, 38, and 40 in Block 70 (hereinafter "Study Area") to determine if the properties met any of the statutory criteria to qualify as an Area in Need of Rehabilitation as defined by the Local Redevelopment and Housing Law (NJSA 40A:12A, et. seq., hereinafter "LRHL"). The Study Area includes three parcels in the northeastern portion of the Township along Cedar Hill Avenue, just east of Franklin Turnpike (County Road 507). See the aerial map on page 2 for an overview of the properties.

This analysis has been conducted pursuant Section 14 of the LRHL (NJSA 40A:12-14), which specifies the process and criteria required to designate an area in need of rehabilitation and reads as follows:

- 14a. *A delineated area may be determined to be in need of rehabilitation if the governing body of the municipality determines by resolution that a program of rehabilitation, as defined in section 3 of P.L. 1992, c.79 (C.40A:12-3), may be expected to prevent further deterioration and promote the overall development of the community; and that there exists in that area any of the following conditions such that:*
- (1) A significant portion of structures therein are in a deteriorated or substandard condition;*
 - (2) More than half of the housing stock in the delineated area is at least 50 years old;*
 - (3) There is a pattern of vacancy, abandonment, or underutilization of properties in the area;*
 - (4) There is a persistent arrearage of property tax payments on properties in the area;*
 - (5) Environmental contamination is discouraging improvements and investment in properties in the area; or*
 - (6) A majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance.*

Legend

-  Rehabilitation Study Area (Block 70, Lots 37, 38 & 40)
-  Parcels



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0 50 100
Feet
1 Inch = 100 feet

**Block 70 Rehabilitation
Study Area**
Township of Mahwah
Bergen County, New Jersey



February 2024

II. Description of Study Area

This chapter is divided into three sections. The first section provides a description of the properties within the Study Area. The second section reviews environmental contamination. The third section describes the existing zoning within the Study Area.

Parcel Descriptions

The Study Area is primarily located along Cedar Hill Avenue, with Lots 37 and 38 located on the north side and Lot 40 located on the south side. Lot 40 is also located along the east side of Franklin Turnpike and is a corner lot. The Tax Property Record Cards (hereinafter "Tax Cards") indicate the Study Area contains just over two acres according to the "Acreage" line item.¹ The Study Area is surrounded by a variety of uses including single-family residential uses to the north and east, multi-family residential uses to the south, and commercial uses to the northwest, south, and west.

The NJTransit Main Line is located west of the Study Area to the rear of commercial uses on the west side of Franklin Turnpike. However, the Mahwah Train Station is located approximately six-tenths of a mile to the south along East Ramapo Avenue, which is roughly a 15-minute walk. NJTransit does not operate any bus service in this area of Mahwah.

Block 70, Lot 37

Lot 37 is owned by Josephine Lotito and located at 109 Cedar Hill Avenue according to the Tax Card. The property has 100 feet of frontage along Cedar Hill Avenue and is 100 feet deep according to Sheet 35 of the Township's Tax Map (10,000 square feet).² Based on the information provided on the Tax Card, the property is developed with a one-story, ranch-style, single-family dwelling constructed in 1969. The dwelling contains 2,028 square feet of livable area on the first floor and a 1,776 square foot basement, 1,332 square feet of which is noted to be finished. The dwelling also has a 441 square foot attached garage and a 320

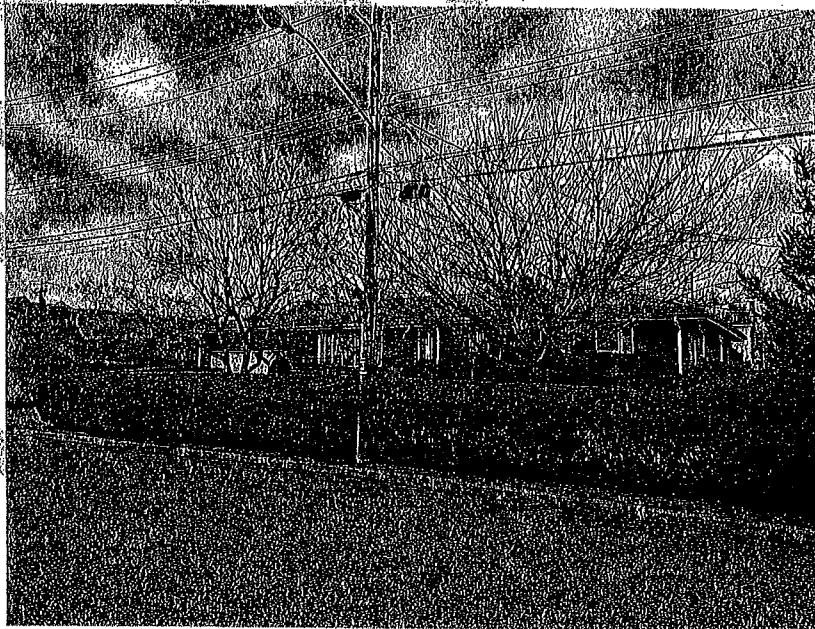


Figure 1 – Lot 37

¹ Data sourced from Tax Cards, dated February 14, 2024, provided by Carolyn Gorge, Municipal Clerk, on February 15, 2024.

² Tax Map sourced from <https://www.mahwahtp.org/524/Tax-Maps>, accessed February 29, 2024.

square foot stone patio. The "Room Count" information notes the dwelling has three bedrooms, two three-fixture (full) bathrooms, and one two-fixture (half) bathroom, a kitchen, dining room, living room, and family room.

The "Building Information" indicates the dwelling has a brick exterior finish and an asphalt shingle roof. The overall condition as well as the interior condition of the dwelling were noted to be "Typical". It should be noted that the Tax Card indicates the property was inspected on April 15, 2009, roughly 15 years ago.³



Figure 2 - Lot 38

Block 70, Lot 38

Lot 38 is located at 111 Cedar Hill Avenue and is owned by Edward J. and Filomena Puzio. The property has 50 feet of frontage along Cedar Hill Avenue and is 100 feet deep according to the Tax Map. The Tax Card reveals the property is developed with a one-and-a-half-story, cape cod-style, single-family dwelling constructed in 1950. The dwelling contains 1,560 square feet of livable area between the two floors and a 975 square foot basement, 488 square feet of which is noted to be finished. The property also contains a 360 square foot detached garage. The "Room Count" information reveals the dwelling has two bedrooms and one full bathroom on each floor and a kitchen, dining room, and living room on the first floor. The dwelling has vinyl siding and brick exterior finishes and an asphalt shingle roof according to the "Building Information". The overall and interior condition of the dwelling is noted to be "Typical". It should be noted that the Tax Card indicates the property was inspected on April 13, 2009, which is roughly 15 years ago.⁴

Block 70, Lot 40

Lot 40 is located at 93 Franklin Turnpike and is owned by Josphine Lotito according to the Tax Card. The property, which is a corner lot, has 434.37 feet of frontage along Cedar Hill Avenue and 121.18 feet of frontage along Franklin Turnpike (excluding the length of the corner) according to Sheet 35 of the Tax Map. The property is developed with a two-story, colonial-style, two-family dwelling that was constructed in 1910. The dwelling contains 1,922 square feet of livable space between the two floors and an 864 square foot unfinished basement. The "Room Count" information reveals the first floor contains two bedrooms, one full bathroom, a kitchen, dining room, and living room, while the second floor contains one bedroom, one full bathroom, a kitchen, living room, and a dining room. Based on this information, it appears one unit is located on each floor. The two-family dwelling has a stucco exterior finish and an asphalt shingle roof. The overall condition was

³ Data sourced from Lot 37 Tax Card, dated February 14, 2024.

⁴ Data sourced from Lot 38 Tax Card, dated February 14, 2024.

noted to be "typical", while the Interior condition was noted as "fair". It should be noted that the Tax Card indicates the property was inspected roughly 14 years ago on May 4, 2010.

Additionally, the Tax Card indicates that the property is also developed with a 6,806 square foot mixed-use structure. No other information regarding the mixed-use building's characteristics, including the year it was built, is provided on the Tax Card. However, historic aerial imagery clearly shows the mixed-use building existed in 1965 (see Figure 4).⁵ This office visited



Figure 3 - Lot 40

the site to review the existing conditions on February 29, 2024. The mixed-use structure appears to have at least one non-residential tenant, "Beverly Hills Hand Car Wash & Detailing", located on the first floor. The lack of signage on the building suggests there are no other non-residential tenants. As viewed from Cedar Hill Avenue, it is unclear how many residential units exist on the second floor of the building. There is lawn and landscaping to the north, south, and west of the two-family dwelling, while the site is primarily paved around the mixed-use building. The paved area between the two buildings connects to the paved area on adjacent Lot 4101 to the south.

Finally, the eastern portion of the site is primarily undeveloped, except for a gravel area to the east of the mixed-use building. The gravel area is used for the parking and/or storage of vehicles, equipment, trailers, and other items for Stephen J. Miller Enterprises, Landscape Contractors (name present on several vehicles). It should be noted that the storage of vehicles, equipment, and other items has expanded further east into the grass area along the southern property line.



Figure 4 - Aerial Image of Study Area from 1965

⁵ Historic aerials sourced from <https://www.historicaerials.com/viewer>, accessed February 29, 2024.



Environmental Contamination

A review of Mahwah's Municipal Report of all known contaminated sites revealed that no property in the Study Area currently or previously has had any environmental contamination.⁶ However, it should be noted that Lot 40 (Program Interest Number 017568) located at 93 Franklin Turnpike was included in the report but was not noted to be a contaminated site. According to NJDEP Data Miner, the site's Program Interest Number is associated with an underground storage tank registration profile, which is noted to have been terminated. The profile indicates the property has four terminated underground heating oil tanks of various sizes.

Environmental Constraints

The Study Area is generally not encumbered by any environmental constraints including the Highlands Open Water Protection Area ("OWPA"), Highlands Riparian Area, FEMA Special Flood Hazard Area Zone A (100-year flood zone), wetlands, and Highlands Steep Slope Protection Area according to the Highlands Council GIS data.⁷ However, it should be noted that the southeast corner of Lot 40 is within the Highlands OWPA and Riparian Area (0.31 acres). See page 8 for the environmental constraints mapping.

Zoning in the Study Area

Lot 37, 38 and the western half of Lot 40 are located within the B12 General Business District (hereinafter "B12 District"). The B12 District permits the following principal uses:

- Automobile sales
- Bus terminal, offices and garage and facilities for servicing, repairing, maintaining, and parking buses and other related equipment and vehicles
- Distribution terminals
- 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
- Restaurants, including fast food and take-out restaurants
- Retail sales and services
- Solar energy systems

Additionally, the B12 District permits the following conditional uses:

- Animal hospitals, veterinary offices, and kennels
- Essential services
- Fitness and health clubs
- Mechanical automobile washing establishments

⁶ Municipal Report (All Sites) for the Township of Mahwah, obtained from NJDEP Data Miner on February 29, 2024.

⁷ Data obtained from <https://highlands-data-njhighlands.opendata.arcgis.com/>, accessed February 29, 2024 and FEMA Flood Insurance Rate Map, Effective Panel 34003C0057H, dated August 28, 2019, obtained on FEMA's Flood Map Service Center, <https://msc.fema.gov/portal/advanceSearch>, accessed May 18, 2023.



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- Motor vehicle body repair shops
- Outdoor storage
- Places of assembly
- Service stations

Table 1, located below, provides the area, yard, and bulk requirements of the B12 District.

Table 1: Bulk Standards of the B12 District


Requirement	B12 District
Minimum Lot Size	12,000 sq ft
Minimum Lot Width	80 ft
Minimum Lot Depth	100 ft
Minimum Front Yard Setback	40 ft
Minimum Side Yard Setback	15 ft (single) / 30 feet (both)
Minimum Rear Yard Setback	40 ft
Maximum Building Coverage	40%
Maximum Impervious Coverage	80%
Maximum Building Height	40 ft or 3 stories


Additionally, the eastern half of Lot 40 is in the ML1 Moderate and Low Residential District (hereinafter "ML1 District"), which only permits residential dwelling units. Applicable area, yard, and bulk requirements of the ML1 District are provided in Section 22-11.6, which includes the following:

Table 2: Bulk Standards of the ML1 District


Requirement	ML1 District
Maximum Gross Density	14 dwelling units per acre
Minimum Setback from a Collector Street	35 ft
Minimum Tract Setbacks	
Tracts less than 5 acres	20 ft
Tracts greater than 5 acres	Minimum buffer of 50 ft Maximum buffer of 100 ft
Maximum Building Height	35 ft or 3 stories
Minimum Distance Between Buildings	Average height of the highest opposing wall, but not less than 20 ft
Minimum Common Open Space	20%


Legend


 Rehabilitation Study Area (Block 70, Lots 37, 38 & 40)


 Parcels


Environmental Constraints


 Water Bodies


 Streams

 Highlands Open Water Protection Area

 Highlands Riparian Area

 Highlands Steep Slope Protection Area

 Wetlands

 FEMA Special Flood Hazard Area



0 50 100
Feet

1 Inch = 100 feet

**Block 70 Rehabilitation
Environmental Constraints**

Township of Mahwah
Bergen County, New Jersey

Colliers Engineering
& Design

February 2024



III. Requested Documents

An inspection of the Study Area's existing exterior physical characteristics, current developed uses, and structures was conducted on February 29, 2024. Additionally, this office requested the following information from the Township. Text in Italics reflects what information was received.

- Copies of tax cards for all lots.
 - *One tax card for each lot was received on February 15, 2024.*
- Information on all tax lien information for the past five years:
 - *An email from Carolyn George, RMC, Municipal Clerk, on February 15, 2024 indicates there were no tax liens or delinquent utilities on any property in the past five years.*
- Code (property, building, etc.) violations for the past five years.
 - *A Notice of Violation and Order to Correct, dated August 10, 2023, was received to complete a Tenant Application for Steve Miller Landscaping on Lot 37.*
 - *A Notice of Violation and Order to Correct, dated January 10, 2023, was received for rubbish/garbage and lack of storage facilities on Lot 40.*
 - *Ms. George's February 15, 2024 email indicated that no health, building, or fire code violations were issued for any property in the past five years.*
- Information on any unpaid taxes for the past five years.
 - *Ms. George's February 15, 2024 email indicated there were no unpaid taxes in the past five years.*
- Information on any environmental contamination.
 - *Ms. George's February 15, 2024 email indicated no history of contamination was found in the Study Area.*
- Copies of any notices of unsafe structure issued within the past five years.
 - *Ms. George's February 15, 2024 email indicated no notices of unsafe structure were issued within the past five years.*
- A letter from the Township Engineer and/or utility provided on the water and sewer infrastructure age within the Study Area and whether or not said infrastructure is in need of repair/maintenance.
 - *No letter was received. However, Ms. George's February 15, 2024 email indicates the Department of Public Works is unaware of the age of infrastructure in the Study Area.*
 - *Additionally, an email from Ms. George on February 21, 2024 indicates the Superintendent of Water/Sewer indicated the sewer cleanouts were installed in "the late 70's, early 80's" and that he does not have any information on the infrastructure on the properties.*
- Additionally, the following information was received:
 - *Planning Board Resolution for Docket No. TA92-2035 permitting Beverly Hills Hand Car Wash & Detailing, Inc. to occupy 1,200 square feet of the building on Lot 40, memorialized on July 13, 1992.*



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- *Planning Board Resolution for Docket No. TA95-2053 permitting East Coast Carpetcare, Inc. to occupy 1,000 square feet of the building on Lot 40, memorialized on November 13, 1995.*
- *A Building Permit for Lot 37 for a water connection, Issued on October 13, 2005.*
- *Tenant Application, dated August 28, 2023, for Stephen J. Miller, Enterprises, Inc. to occupy a portion of Lot 40 for the storage of construction trailers and other tool storage.*
- *Tenant Routing Sheet from the Construction Office, dated September 6, 2023, denying Stephen J. Miller Enterprises, Inc. for a use not permitted (trailer storage).*
- *Tenant Routing Sheet from Planning, dated September 8, 2023, denying Stephen J. Miller Enterprises, Inc. from using the property for trailer storage until Board approval is granted.*

DRAFT

IV. Study Findings

The following sections describe how the Study Area meets, or does not meet, the rehabilitation criteria pursuant to the LRHL.

Criteria 1 | "Deterioration"

Our observations of the exterior of the buildings from the street on February 29, 2024 did not reveal any substandard conditions for the structures on Lot 37, 38, and 40. Additionally, Ms. George's February 15, 2024 email noted that none of the properties have received notices of unsafe structure or any building, health, or fire code violations in the past five years. Based on this information, the Study Area's three properties do not qualify under Criteria 1 of the LRHL.

Criteria 2 | "Age of Housing"

The Study Area contains three tax lots, Lots 37, 38, and 40. According to data on the Tax Cards, two lots contain single-family dwellings, and one lot contains a two-family dwelling. Table 3 below details each property in the Study Area, the use of the property, the number of residential units on each property, and the age of the unit based on the Tax Cards.

Table 3: Study Area Properties

Block	Lot	Address	Number of Units	Age of Structure	Use
70	37	109 Cedar Hill Avenue	1	1969 (55 years)	One-Family
70	38	111 Cedar Hill Avenue	1	1950 (74 years)	One-Family
70	40	93 Franklin Turnpike	2	1910 (114 years)	Two-Family
Total Qualifying One- and Two-Family Units			4		
Total Units			4		

The Tax Card for Lot 40 also indicates the property contains a 6,806 square foot mixed-use building. However, the number of residential units within the building as well as the age of the building are not noted. This office reviewed historic aerials, which revealed the building existed in 1965 (59 years ago). However, the aerial does not confirm the existence of the residential units.

As shown in Table 3, all of the four confirmed residential units in the Study Area are at least 50 years old. Therefore, more than half of the housing stock in the Study Area is greater than 50 years old, which meets Criteria 2 of the LRHL.

Criteria 3 | "Vacant and Underutilized Properties"

The Township did not provide any documentation indicating any of the properties are vacant or underutilized. Lots 37 and 38 have single-family dwellings that appear to be occupied and maintained. The mix of uses on Lot 40 appear to be active as the site had several vehicles parked in paved areas around the buildings and the car wash business was open during our inspection on February 29, 2024. Therefore, the three lots in the Study Area do not qualify under Criteria 3 of the LRHL.



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Criteria 4 | "Unpaid Taxes"

As discussed in Chapter III, Ms. George's February 15, 2024 email indicated that none of the lots had a record of unpaid taxes in the past five years. Therefore, no property in the Study Area would qualify under Criteria 4 of the LRHL.

Criteria 5 | "Environmental Contamination"

As noted in Chapter II, data from NJDEP's Data Miner did not reveal any history of site contamination, other than the registration of terminated underground storage tanks on Lot 40. Additionally, Ms. George's February 15, 2024 email indicated the Township does not have a record of contamination in the Study Area. Therefore, the three parcels do not qualify under Criteria 5 of the LRHL.

Criteria 6 | "Aging Infrastructure"

Limited information has been provided regarding the age of existing water and sewer infrastructure within the Study Area. Therefore, we are unable to opine on if the Study Area would qualify under Criteria 6 of the LRHL.

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V. Recommendations

This report was prepared using information received from the Township, a site inspection, and historic aerial imagery. Based on this office's findings in Chapter IV, we have determined that more than half of the housing stock in the Study Area is greater than 50 years old, which meets Criteria 2 of the LRHL. Therefore, the Study Area can qualify as an Area in Need of Rehabilitation under Criteria 2 of Section 14 of the LRHL.

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Appendix B | Ordinance 2028

**TOWNSHIP OF MAHWAH
ORDINANCE 2028**

AN ORDINANCE OF THE TOWNSHIP OF MAHWAH, COUNTY OF BERGEN, STATE OF NEW JERSEY, ADOPTING THE REDEVELOPMENT PLAN FOR BLOCK 70, LOT 37 (109 CEDAR HILL AVENUE), LOT 38 (111 CEDAR HILL AVENUE) & LOT 40 (93 FRANKLIN TURNPIKE) (LOTITO)

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (“LRHL”), provides a mechanism to empower and assist local governments in efforts to promote the advancement of community interests through redevelopment programs for the improvement and expansion of commercial, industrial, residential and civic facilities; and

WHEREAS, the LRHL sets forth the procedures for the Township of Mahwah to declare an area in need of rehabilitation if the area qualifies under one of the criteria enumerated in N.J.S.A. 40A:12A-14; and

WHEREAS, the Township Planner was directed to investigate whether an area encompassing Block 70, Lots 37, 38 & 40 (the “Study Area”) qualifies as an area in need of rehabilitation as defined under the LRHL; and

WHEREAS, the Planner prepared a report entitled “Block 70 Area in Need of Rehabilitation Study” dated March 4, 2024, which report is attached hereto (the “Study Report”); and

WHEREAS, the Study Report concluded that more than half of the housing stock in the Study Area is greater than 50 years old, which meets Criteria 2 of the LRHL, and therefore the Study Area qualifies as an area in need of rehabilitation under the LRHL; and

WHEREAS, pursuant to N.J.S.A. 40A:12-14, the Township Council adopted Resolution 126-24 on March 4, 2024, which resolution referred the Study Report and a resolution in draft form (“Draft Delineation Resolution”) to the Planning Board for review and comment; and

WHEREAS, on March 11, 2024, the Planning Board reviewed the Study Report and Draft Delineation resolution and returned same to the Township Council with a recommendation, by resolution of the Planning Board, for passage of the Draft Delineation Resolution; and

WHEREAS, on March 18, 2024 the Township Council adopted Resolution 131-24 finding it to be in the best interest of the property owners and business owners within the Study Area to delineate the Study Area as an area in need of rehabilitation, and that based upon the Study Report and the Planning Board’s recommendation, determined that the Study Area meets the criteria of N.J.S.A. 40A:12A-14 for an area in need of rehabilitation; and

WHEREAS, the Township Council thereafter directed and authorized the Township Planner to prepare a redevelopment plan for the properties designated by the resolution as an area in need of non-condemnation redevelopment; and

WHEREAS, the Township Planner prepared and submitted to the Township a redevelopment plan dated April 3, 2024 entitled, “Block 70 Redevelopment Plan” (“Redevelopment Plan”) outlining the planning, development and redevelopment of the rehabilitation area in accordance with N.J.S.A. 40A:12A-7; and

WHEREAS, the Township Council received and reviewed a copy of the Redevelopment Plan and desires to adopt same.

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 Redevelopment Plan, attached hereto as Exhibit A and made a part hereof, is hereby approved pursuant to N.J.S.A. 40A:12A-7.

SECTION 2. The Redevelopment Plan is hereby by incorporated into the Township's Zoning Ordinance, Chapter 24, as Attachment 11 entitled "Block 70 Redevelopment Zone."

SECTION 3. Section 24-2.1 of the Township's Zoning Ordinance is hereby amended to add the following zone district: Block 70 Redevelopment Zone.

SECTION 4. The Township Planner is hereby directed to prepare an amendment to the Zoning Map to reflect the adoption of the Block 70 Redevelopment Zone.

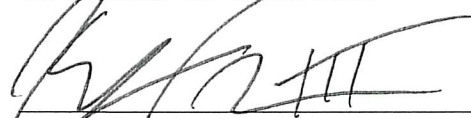
SECTION 5. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

SECTION 6. 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 6. This ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

Introduced: April 8, 2024
Adopted: April 22, 2024
Effective Date: May 13, 2024

TOWNSHIP OF MAHWAH



Robert M. Ferguson III, Council President

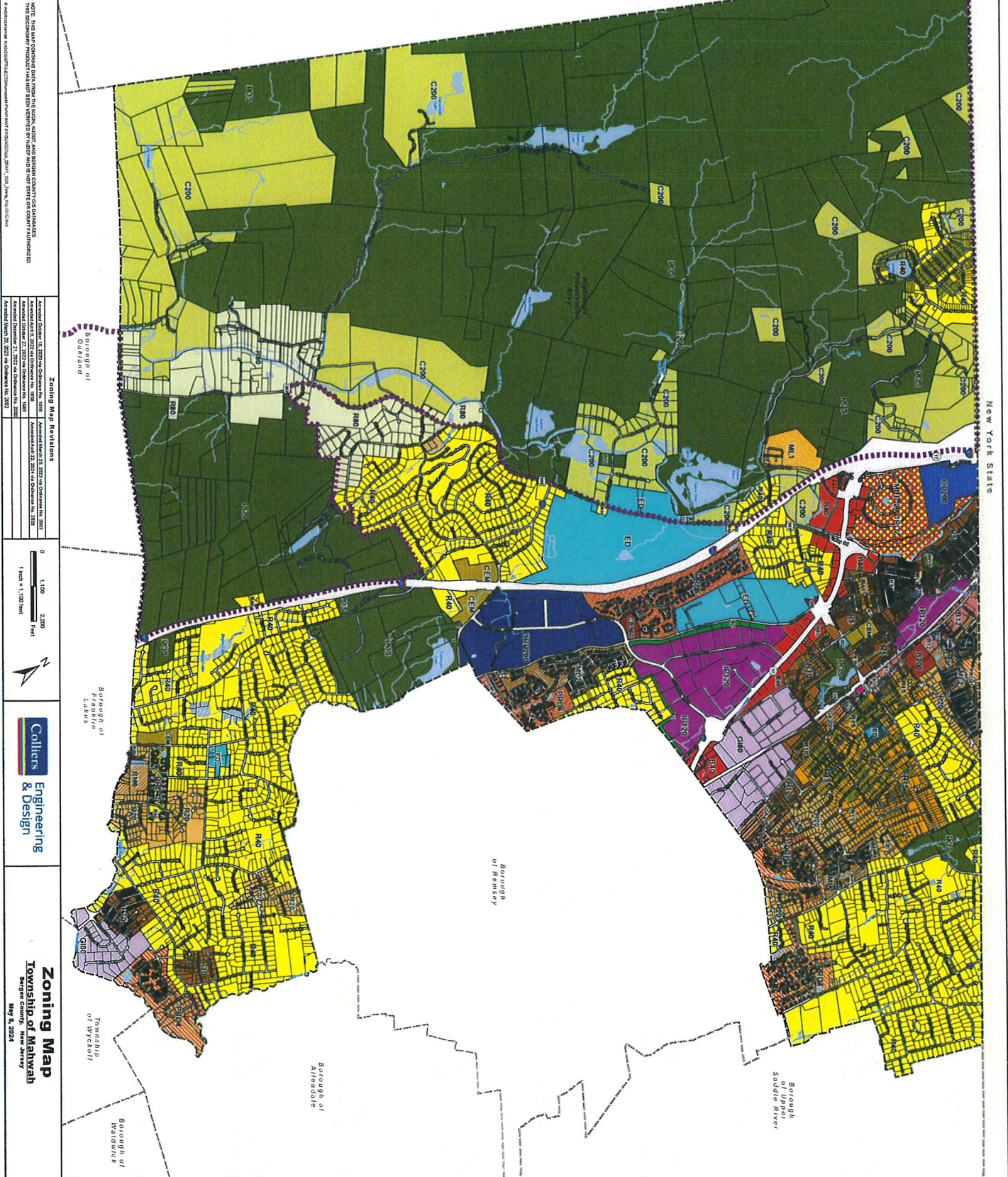
ATTEST:


Carolyn George, RMC
Township Clerk

Borough of
Rensselaer

Legend

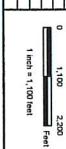
- Municipal Boundaries
- Highlands Preservation Area Boundary
- Parcel
- Water Bodies
- Streams
- Zone Districts**
- R5 - One Family Residential
- R10 - One Family Residential
- R11 - Two Family Residential
- R15 - One Family Residential
- R20 - One Family Residential
- R40 - One Family Residential
- R80 - One Family Residential
- ML1 - Mount Laurel Housing District
- ML2 - Mount Laurel Housing District
- MF-1 - Multi-Family-1
- MF-2 - Multi-Family-2
- MF-3 - Multi-Family-3 Overlay
- MUD-1 - Mixed-Use Development 1 Overlay
- MUD-2 - Mixed-Use Development 2
- RA6 - Manufactured Home Park
- GA200 - Garden Apartment
- B10 - Neighborhood Business
- B12 - General Business
- B40 - Highway Business
- BD00 - Shopping Center
- CB980 - Community Business
- BZ - Buffer Zone
- C200 - Conservation
- POS - Public Open Space
- CEM - Cemetery
- GI80 - General Industry
- IP-120 - Industrial Park
- LO0 - Limited Office District
- OP200 - Office Park
- OPR200 - Office Research Park
- ED - Education
- PRQD4 - Planned Residential Development
- PRQD5 - Planned Residential Development
- PRQD6 - Planned Residential Development
- BRZ - Block 82 Redevelopment Zone
- CRQZ - Crossroads Redevelopment Overlay Zone
- BR08 - Block 70 Redevelopment Zone



NOTE: This map contains data from the 2007 and 2008 County GIS Database. THIS DOCUMENT PRODUCT HAS NOT BEEN VERIFIED BY THE COUNTY AND IS NOT GUARANTEED FOR ACCURACY.

Zoning Map Revisions

Revised Edition	Revised Edition	Revised Edition	Revised Edition
Revised Edition 11, 2022 via Ordinance No. 188	Revised Edition 28, 2023 via Ordinance No. 202	Revised Edition 21, 2022 via Ordinance No. 185	Revised Edition 20, 2023 via Ordinance No. 202



Colliers
Engineering
& Design

Zoning Map
Township of Mahwah
Original Order: 2022-0001
May 9, 2024

Borough of
Orangetown

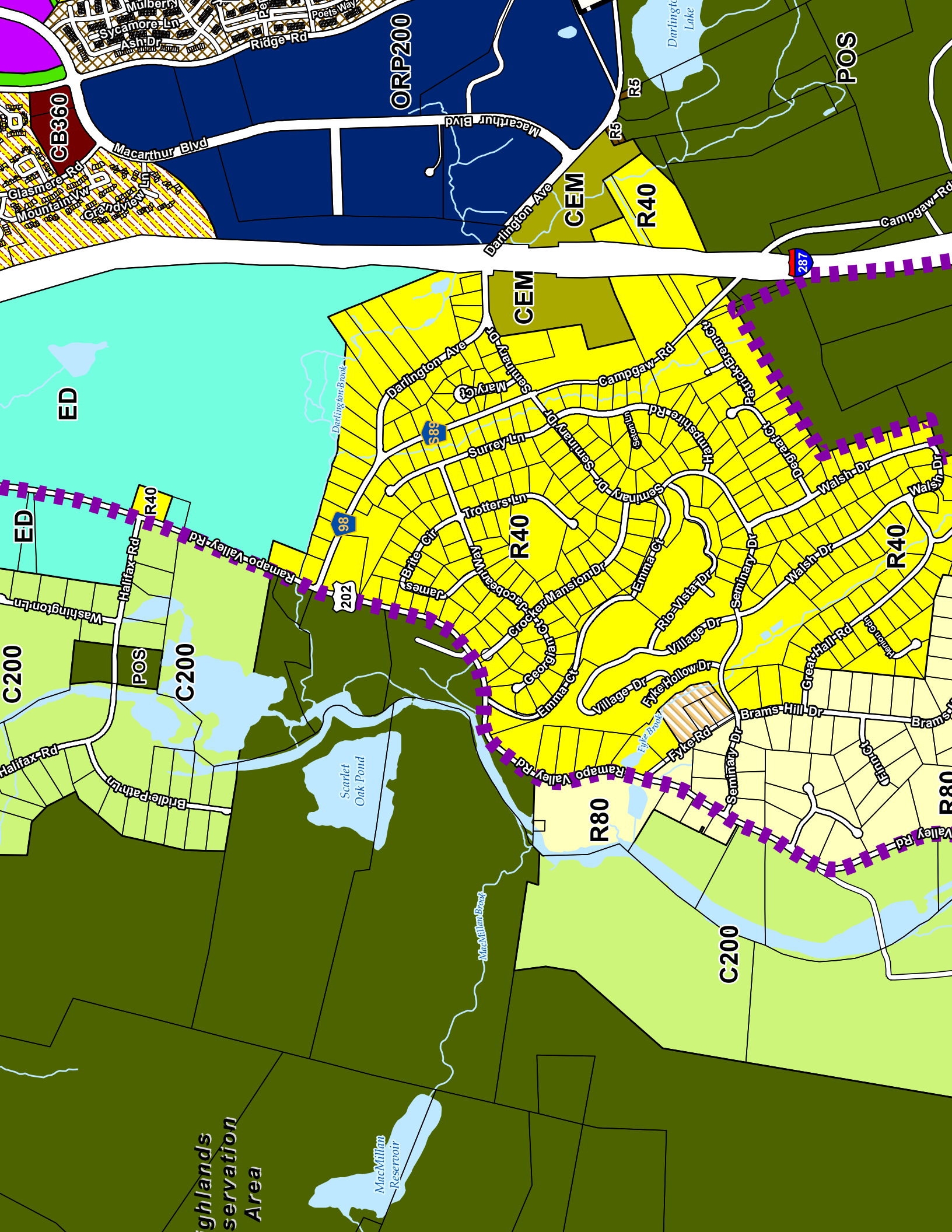
Borough of
Franklin Lakes

Borough of
Rensselaer

Borough of
Attitash

Borough of
Mahwah

Borough
Sandie River



ORP200

CEM

R40

POS

ED

CEM

R40

R40

ED

C200

POS

C200

R40

202

R40

R80

C200

R80

Highlands
Observation
Area

MacMillan
Reservoir

Dartington
Lake

Scarlet
Oak Pond

CB360

287

MacArthur Blvd

Darlington Ave

Campgaw Rd

Campgaw Rd

MacArthur Blvd

Darlington Ave

Seminary Dr

Campgaw Rd

Hamshire Rd

Debraford

Walsh Dr

Washington Ln

Halifax Rd

Ramapo Valley Rd

Surrey Ln

Trotters Ln

James St

George Mansion Dr

Enma Ct

Ric Vista Dr

Seminary Dr

Halifax Rd

Bride Path Ln

Ramapo Valley Rd

James St

George Mansion Dr

Enma Ct

Village Dr

Fyke Hollow Dr

Seminary Dr

Walsh Dr

Washington Ln

Halifax Rd

Bride Path Ln

Ramapo Valley Rd

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