

LEGAL NOTICE
ORDINANCE NO. 10
2021
TOWNSHIP OF WAYNE
COUNTY OF PASSAIC
NEW JERSEY

**BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$170,500 FOR
THE ACQUISITION OF A GENERATOR FOR MOIYAS PUMP STATION
FOR THE WATER/SEWER UTILITY FOR AND BY THE TOWNSHIP OF
WAYNE, IN THE COUNTY OF PASSAIC, NEW JERSEY AND
AUTHORIZING THE ISSUANCE OF \$161,900 BONDS OR NOTES OF
THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION**

BE IT ORDAINED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WAYNE, IN THE COUNTY OF PASSAIC, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1. The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Township of Wayne, New Jersey (the "Township") as general improvements. For the said Improvements there is hereby appropriated the amount of \$170,500, such sum includes the sum of \$8,600 as the down payment as required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments for water/sewer capital purposes from the water/sewer capital improvement fund.

SECTION 2. In order to finance the cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$161,900 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Township are hereby authorized to be issued in the principal amount not exceeding \$161,900 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3. (a) The improvement hereby authorized and the purposes for the financing of which the bonds are to be issued is for the purchase/replacement of generator for the Moiyas Pump Station for the Water/Sewer Utility, and all other related costs, appurtenances, materials and expenditures necessary therefor and incidental thereto including engineering, design, inspection, permits and fees.

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$161,900.

(c) The estimated cost of the Improvements is \$170,500 which amount represents the initial appropriation made by the Township.

SECTION 4. All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Township Council of the Township at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5. The Township hereby certifies that it has adopted a water/sewer capital budget or a water/sewer temporary capital budget, as applicable. The water/sewer capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted water/sewer capital or water/sewer temporary capital budget, a revised water/sewer capital or water/sewer temporary capital budget has been filed with the Division of Local Government Services, Department of Community Affairs, State of New Jersey.

SECTION 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Township may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the Improvements, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Township, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$161,900 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$30,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7. Any funds received from time to time by the Township as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Township authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this Bond Ordinance.

SECTION 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9. The Chief Financial Officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 10. This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Improvements prior to the date that Township incurs debt obligations under this Bond Ordinance. The Township reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Township under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$161,900.

SECTION 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ATTEST:

PAUL V. MARGIOTTA,
TOWNSHIP CLERK

RICHARD JASTERZBSKI
PRESIDENT OF THE COUNCIL

NOTICE

I hereby certify that the aforementioned ordinance was published in the Herald News, a newspaper published in the County of Passaic and circulated in the Township of Wayne, in the issues of _____ and _____

PAUL V. MARGIOTTA
TOWNSHIP CLERK

This ordinance is hereby
approved this _____ day of
_____, 2021.

ADOPTED ON:

CHRISTOPHER P. VERGANO, MAYOR

**LEGAL NOTICE
ORDINANCE NO. 11
2021
TOWNSHIP OF WAYNE
COUNTY OF PASSAIC
STATE OF NEW JERSEY**

**AN ORDINANCE TO AMEND CHAPTER 134 (LAND DEVELOPMENT) OF
THE CODE OF THE TOWNSHIP OF WAYNE**

WHEREAS, on November 18, 2020, the Township Council of the Township of Wayne adopted Resolution No. 323 of 2020 Authorizing An Agreement with Wayne PSC, LLC for the Development of a Mount Laurel Inclusionary Housing Project to be located on a portion of Block 3205, Lot 7 on the Tax Assessment Map of the Township of Wayne, more commonly known as 1210 Hamburg Turnpike ("Preakness Shopping Center" or "PCS Property"); and

WHEREAS, on November 25, 2020, the Township of Wayne ("Township"), the Wayne Planning Board, and Wayne PSC, LLC, a New Jersey Limited Liability Company with offices located at 505 Main St., P.O. Box 667, Hackensack, NJ 07601, entered into a Settlement Agreement with respect to the PCS Property ("PSC Settlement Agreement"); and

WHEREAS, pursuant to the terms contained in the PSC Settlement Agreement, the Township and the Wayne Planning Board agreed to amend the Zoning Ordinance to provide for the PSC Property as part of the Township's Affordable Housing Plan; and

WHEREAS, N.J.S.A. 40:55D-62 and 40:55D-65 provide that the governing body may adopt or amend a zoning ordinance related to the nature and extent of the uses of land and structures thereon and a zoning ordinance may restrict buildings and structures according to their type and the nature and extent of their use; and

WHEREAS, the Planning Department recommends the following amendments to the Township's Zoning Ordinance in accordance with the Settlement Agreement authorized pursuant to Resolution No. 323 of 2020; and

WHEREAS, the Township Council has determined that the recommended changes would be beneficial to the Township; and

WHEREAS, Chapter 134 (Land Development) needs to be amended and supplemented to effectuate said changes.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Wayne in the County of Passaic, State of New Jersey as follows:

SECTION 1. Chapter 134 (Land Development), Article I (General Provisions) of the Code of the Township of Wayne is hereby supplemented to read as follows [additions by **bold**, deletions by ~~strikethrough~~]:

§ 134-27. Zone Districts.

Mount Laurel Round Three District 1 (MLR3D-1)
Mount Laurel Round Three District 2 (MLR3D-2)
Mount Laurel Round Three District 3 (MLR3D-3)
Mount Laurel Round Three District 4 (MLR3D-4)

§ 134-27.1. Zoning Map.

B. Zoning Map Amendments

(7) Ordinance No. 31 of 2020 amends the Zoning Map to create the Mount Laurel Round Three District 1 (MLR3D-1); including sub-districts A and B from the R-30 District; Block 3305, Lots 4 and 6. The zoning designations map dated July 15, 2020 is hereby approved and adopted as the official finding and record of the location and areas of MLR3D-1 Sub-Districts A and B.

(8) Ordinance No. 26 of 2020 amends the Zoning Map to create the Mount Laurel Round Three District 2 (MLR3D-2) from the Office Research (OR) District; Block 2329, Lots 1 and 1QFARM (previously known as Lot 17).

(9) Ordinance No. 9 of 2021 amends the Zoning Map to create the Mount Laurel Round Three District 4 (MLR3D-4) from the Office Research (OR) District (Block 3103, Lots 16 and 19) and the Office Building - Limited (OB-L) District (Block 3101, Lots 12 and 13).

(10) Ordinance No. 11 of 2021 amends the Zoning Map to create the Mount Laurel Round Three District 3 (MLR3D-3) from the Business ("B") District: Block 3205, Lot 7.

SECTION 2. Chapter 134 (Land Development), Article III (Zoning Regulations) of the Code of the Township of Wayne is hereby supplemented to create and establish Section 134-54.7 entitled Mount Laurel Round Three District-3 ("MLR3D-3") [additions by **bold**, deletions by ~~strikethrough~~].

§ 134-54.7 Mount Laurel Round Three District-3 (MLR3D-3).

A. Permitted Uses: A combination of the following uses are permitted:

- 1) All uses permitted in the B-Business District; multiple buildings, including multiple principal buildings, on the same lot shall be permitted;
- 2) Residential Dwelling, a single Multi-family building shall be permitted.
- 3) Said Business District Uses (#1, above) and said Residential Dwelling (#2, above) shall be permitted simultaneously on the same lot.

B. Permitted Accessory Uses

- 1) Uses and buildings customarily incidental to the above permitted uses and located on the same lot as the principal use to which they are accessory.
- 2) Playgrounds.
- 3) Parking.
- 4) Signs (subject to limitations appearing in the Township code and to be determined upon site plan review).
- 5) Fences and walls.
- 6) Temporary sales and construction trailers.
- 7) Sales signs and banners pursuant to §134-68.I(2), except that the main residential sales sign for the overall development shall not exceed a maximum of 40 square feet.
- 8) Street furnishings, planters, courtyards, and exterior, garden-type shade structures.
- 9) Indoor and outdoor recreational facilities, including but not limited clubhouses, swimming pools, tennis courts, jogging paths, dog runs, play lots, and similar recreation amenities.
- 10) Light fixtures.
- 11) Refuse collection areas.

C. Bulk Requirements

- 1) Lot Requirements
 - i. Minimum Lot Size: 38 Acres
 - ii. Maximum Impervious Coverage: 83%
- 2) Commercial Requirements
 - i. Shall conform to Sections 134-43.3, except where

otherwise specified under this section.

3) Dwelling, Multi-family Requirements

i. Minimum Setbacks

1. From Hamburg Turnpike public right-of-way: 750 Feet
2. From Alps Road public right-of-way: 20 feet
3. From cartway (as measured from face of curb): 15 feet
4. Exemption from setbacks: A maximum number of 132 balconies may be permitted to extend no more than 6 feet from the principal façade of the building, despite any applicable setbacks.

ii. Maximum Heights: (measured per definition in Section 134-2.2)

1. Roof structure: 50 feet
2. Top of parapet: 53.5 feet
3. Top of mechanical equipment: 60 feet
4. Top of elevator/stair structures: 65 feet
5. Top of parking garage (including elevator/stair structures): 84 feet

iii. Circulation Requirements:

1. Minimum cartway width: 24 feet
2. Pick-up/Drop-Off Aisle:
 - a. Minimum Width: 10 feet
 - b. Minimum Length: 80 feet

D. Residential Yield and Affordable Set-Aside

- 1) Maximum Number of Residential Units: 244
- 2) Maximum Number of Buildings: One
- 3) Minimum Affordable Housing Set-Aside: 15%

E. Parking: Parking shall be provided pursuant to RSIS requirements. Shared parking as between the said Business District use and the said Residential Dwelling shall be permitted so long as no parking required for the said Business District uses shall include the use of any parking spaces located within any parking garage that is associated with the Residential Dwelling; the parking requirements (i.e., calculations) established by the Institute of Traffic Engineers, or other acceptable traffic engineering handbook, may be used to establish the parking requirements for the lot.

F. Residential Design recommendations

- 1) Ground floor units shall have individual outdoor entrances.
- 2) Street trees: Planted at least every 50 feet on center along rights-of-way and internal streets.
- 3) Street lighting:
 - i. Installed at least every 50 feet on center
 - ii. Dark sky compliant
- 4) HVAC: PTAC units are not recommended
- 5) Benches and seating: encouraged along sidewalks and park/plaza areas.
- 6) Open Space: A park should be included along the eastern side of the residential building including pathways, landscaping, and seating. Playground area, splash pad, other recreational equipment and/or dog run may be included.

G. Site Design: The configuration of residential buildings, recreation facilities, roadways, and other improvements shall be substantially consistent with the concept plan adopted as part of the settlement agreement between the Township of Wayne, the Township of Wayne Planning Board, and Wayne PSC, LLC dated November 25, 2020.

H. Exemptions

- 1) The 20% affordable set-aside requirement for for-rent units established in 134-54.3 shall not apply within the MLR3D-3 and instead shall be 15%.
- 2) Parking, retaining walls and roadways shall be allowed within setback areas except as restricted under the buffer requirements. Placement of temporary construction and storage trailers shall be allowed within setback areas during construction of the project.

- 3) Section 134-91.2 (Calculation of number of building lots for subdivision and the number of units for site plans) shall not apply.
- 4) Section 134-91.3 (Slope and Soil Disturbance Provisions) shall not apply.
- 5) Section 134-96.4 (General Requirements to Regulations for Slope and Soil Disturbance) shall not apply, except that MAD/TADA calculations shall be provided.

SECTION 3. As required by N.J.S.A. 40:55D-64, prior to the hearing on adoption of this ordinance, on behalf of the Township Council, the Township Clerk shall refer this ordinance to the Wayne Planning Board for its review and comment pursuant to N.J.S.A. 40:55D-26. The Township Clerk shall also send a copy of this ordinance to the clerk of an adjoining municipality involving property situated within 200 feet of such adjoining municipality in accordance with N.J.S.A. 40:55D-15. In addition, the Township Clerk shall give notice of a hearing on an amendment to the zoning ordinance proposing a change to the classification or boundaries of a zoning district to the owners of all real property as shown on the current tax duplicates located within 200 feet in all directions pursuant to N.J.S.A. 40:55D-62.1.

Upon adoption, the Township Clerk shall send a copy of this ordinance to the Passaic County Planning Board pursuant to N.J.S.A. 40:55D-16.

SECTION 4. All other provisions of Chapter 134 of the Code of the Township of Wayne shall remain unchanged.

SECTION 5. Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause, phrase, or any other part of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the validity of the remaining sections, subsections, sentences, clauses, and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 6. Repeal of Inconsistent Provisions. All ordinances or parts thereof in conflict or inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 7. Codification. This Ordinance shall be a part of the Code of the Township of Wayne as though codified and fully set forth therein. The Township Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The Township Clerk and the Township Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the Township of Wayne in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

SECTION 8. This ordinance shall take effect twenty days after final passage, adoption, and publication in the manner prescribed by law.

ATTEST:

PAUL V. MARGIOTTA
TOWNSHIP CLERK

RICHARD JASTERZBSKI
PRESIDENT OF THE COUNCIL

NOTICE

I hereby certify that the aforementioned ordinance was published in the Herald News, a newspaper published in the County of Passaic and circulated in the Township of Wayne, in the issues of _____ and _____

PAUL V. MARGIOTTA
Township Clerk

This ordinance is hereby approved this _____ day of _____ 2021

ADOPTED ON:

CHRISTOPHER P. VERGANO
Mayor

**LEGAL NOTICE
ORDINANCE NO. 12
2021
TOWNSHIP OF WAYNE
COUNTY OF PASSAIC
STATE OF NEW JERSEY**

**AN ORDINANCE TO AMEND CHAPTER 134 (LAND DEVELOPMENT) OF
THE CODE OF THE TOWNSHIP OF WAYNE**

WHEREAS, on September 16, 2020, the Township Council of the Township of Wayne adopted Resolution No. 267 of 2020 Authorizing Settlement of Litigation in the Matter Entitled In the Matter of the Application of the Township of Wayne Bearing Docket No. PAS-L-2396-15 with Waynebridge Plaza, LLC, a New Jersey limited liability company with offices located at c/o Pagano Real Estate, Inc., 420 Boulevard, Suite 201, Mountain Lakes, NJ 07046 with respect to real property owned by Waynebridge Plaza, LLC ("Developer") identified as Block 3207, Lots 18 and 19 on the Tax Assessment Map of the Township of Wayne, more commonly known as 1528-1560 Hamburg Turnpike ("Waynebridge Property" or "Weinmann Tract"); and

WHEREAS, on December 14, 2020, the Township of Wayne ("Township"), the Wayne Planning Board, and Waynebridge Plaza, LLC entered into a Settlement Agreement with respect to the Waynebridge Property ("Waynebridge Plaza Settlement Agreement"); and

WHEREAS, pursuant to the terms contained in the Waynebridge Plaza Settlement Agreement, the Township and the Wayne Planning Board agreed to amend the Zoning Ordinance to provide for the Waynebridge Property as part of the Township's Affordable Housing Plan; and

WHEREAS, the Mount Laurel Incentive District-4 (MLID-4) was created to implement a Consent Order dated October 8, 1991 as approved by the Superior Court of New Jersey by the Honorable Howard H. Kestin, J.S.C., Docket No. W-036738-88 (Ronald R. Pagano v. Township of Wayne, et al. - Consent Order as to Weinmann Tract) to assist the Township in meeting its First and Second Round affordable housing obligations; and

WHEREAS, the Township of Wayne has identified properties and locations that will assist the Township in meeting its obligations for the affordable housing Third Round and Gap Period Obligations;

WHEREAS, the Township of Wayne has resolved to amend and supplement the Mount Laurel Incentive District-4 (MLID-4) in furtherance of the Waynebridge Plaza Settlement Agreement and in furtherance to the bench Order dated January 22, 2021 (written Order pending) of the Honorable Thomas F. Brogan, P.J.Cv. of the Superior Court of New Jersey in the matter entitled In the Matter of the Application of the Township of Wayne, bearing Docket No. PAS-L-2396-15, which remains subject to the Court conducting a 'Fairness Hearing', for purposes of assisting the Township in meeting its Third Round and Gap Period affordable housing obligations; and

WHEREAS, N.J.S.A. 40:55D-62 and 40:55D-65 provide that the governing body may adopt or amend a zoning ordinance related to the nature and extent of the uses of land and structures thereon and a zoning ordinance may restrict buildings and structures according to their type and the nature and extent of their use; and

WHEREAS, the Planning Department recommends the following amendments to the Township's Zoning Ordinance in accordance with the Settlement Agreement authorized pursuant to Resolution No. 267 of 2020; and

WHEREAS, the Township Council has determined that the recommended changes would be beneficial to the Township; and

WHEREAS, Chapter 134 (Land Development) needs to be amended and supplemented to effectuate said changes.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Wayne in the County of Passaic, State of New Jersey as follows:

SECTION 1. Chapter 134 (Land Development), Article III (Zoning Regulations), Section 134-51.6 (Mount Laurel Incentive District-4 (MLID-4) of the Code of the Township of Wayne is hereby **repealed** in its entirety and replaced with the following:

§ 134-51.6 Mount Laurel Incentive District-4 (MLID-4).

- A. Intent and purposes. It is the intent and purpose of this district to implement a) the said Consent Order dated October 8, 1991 as approved by the Superior Court of New Jersey, by the Honorable Howard H. Kestin, J.S.C., Docket No. W-036738-88 (Ronald R. Pagano v. Township of Wayne, et al. - Consent Order as to Weinmann Tract) as amended by a motion dated June 2, 2009 with respect to the Commercial Development, and b) the said bench Order of the Court dated January 22, 2021 of the Honorable Thomas F. Brogan, P.J.Cv., presiding with respect to the Residential Development, and (2) to assist the Township in meeting its Third Round and Gap Period affordable housing obligations.
- B. This district is hereby amended to provide the opportunity for affordable housing via inclusionary development. The Township recognizes it has a constitutional obligation to create a realistic opportunity for the construction of its fair share of affordable housing. The affordable units will assist the Township of Wayne in meeting its Third Round Prospective Need and Gap Period obligations in furtherance of the Township's application for Judgement of Repose as requested under said New Jersey Superior action entitled *In the Matter of the Application of the Twp of Wayne, etc.*, Docket No. PAS-L-002396-15. The MLID-4 zone, as amended, continues to permit the conduct of retail trade and general business as approved under Docket No. W-036738-88.
- C. District overview: Properties within this district may be developed either as a commercial development or a multi-family residential development, in accordance with the terms and conditions appearing herein, the terms and conditions contained in the Settlement Agreement and the terms and conditions appearing in the said Court Order dated January 22, 2021. Each development type contains its own unique bulk standards. No property may be developed with both commercial and residential uses.

D. Commercial Development

1. Permitted uses and structures. No structure shall be built for any purpose other than:
 - (a) Any use permitted in the R-30 district subject to R-30 bulk requirements; however, no mixed uses are permitted, i.e., no mixed residential and business use.
 - (b) Stores, shops, business offices, retail shopping centers.
 - (c) Home improvements, garden centers and all related uses.
 - (d) Theater, club, hotel, restaurant, cafeteria, cocktail lounge, amusement or assembly hall or other type structure or installation for recreational use; provided, however, that no permanent amusement park, carnival, circus or similar business operated for a profit shall be permitted in such a district. Business uses involving the sale of alcoholic beverages for off-premise consumption shall not be permitted.
 - (e) Bank, trust company or other financial establishment, business and professional offices or studios.
 - (f) Fire station, police station, post office, telegraph or telephone office, telephone exchange building, library, passenger bus station, taxicab stand, electric substation and other municipal or public buildings.
 - (g) Shop or store for the conduct of retail businesses, stamp redemption center, plumbing or other building or home improvement, newspaper office, printing shop or personal service establishment.
2. Prohibited uses. Prohibited uses shall be the same as those outlined in § 134-28 (Prohibited Uses).
3. Signage. Signs shall be allowed when in accordance with the following limitations:
 - (a) Except as noted below the development may have signs in accordance with the signage permitted in § 134-68.3B (Signs in the Highway Commercial district).
 - (b) All individual tenants shall be allowed signage not to exceed 10% of the building facade area and shall be approved by the Planning Board.
4. Commercial Bulk requirements:
 - (a) Area and width of lot: The minimum lot area requirement for any purpose shall be a minimum of 6.30 acres. The minimum lot width shall be 200 feet.
 - (b) Building height: The maximum allowed building height shall be 2 stories or 25 feet as measured from average finished grade directly adjacent to the building to the mean of any sloped roof. In the case of a flat roof structure the height shall be measured to the top of the roof parapet. All mechanical equipment and its related screening structures shall be allowed an additional 5 feet of height.
 - (c) Required yards and setbacks:
 - (i) Front - 100 feet. All principal buildings shall be set back a minimum of 100 feet from the Paterson-Hamburg Turnpike existing right-of-way and 75 feet from Geoffrey Way.
 - (ii) Side - 25 feet. A minimum set back of 25 feet shall be required from all side lot lines.
 - (iii) Rear - 50 feet. A minimum set back of 50 feet shall be required from all rear lot lines.

- (iv) Buffer area - a minimum of 50 feet wide of continuous planted landscaped area shall be provided along the easterly sideline opposite the residentially developed area.
- (d) Coverage:
- (i) The maximum allowed gross square footage of building shall not exceed 20% of the lot area provided that the ground floor shall not contain more than 45,000 square feet and the second floor shall not contain more than 10,000 square feet, and further provided that the plan complies with all other requirements of this chapter.
 - (ii) The maximum allowed total impervious coverage shall not exceed 60%.
 - (iii) Open space requirement. There then shall be a minimum of 15% landscaped open space provided.
 - (iv) The maximum allowed disturbance area shall not exceed 70% of the total lot area.
- (e) Parking: Parking shall be provided pursuant to § 134-31.2.

5. Except as noted above, all other codified development standards in effect as of the execution of the aforementioned Consent Order shall apply to development in this district.
6. To the extent of any inconsistency between the standards contained herein and those contained in the aforementioned Consent Order, the Consent Order shall govern.
7. Nothing herein shall limit the powers of the municipal agency to process and approve development applications for the subject district in accordance with law and the codified development standards in effect prior to passage of this ordinance.

E. Residential Development

1. Permitted Principal Uses and Structures. No structure shall be built for any purpose other than:
 - (a) Dwelling, Multi-Family (commonly known as apartments or 'flats') with no age restrictions
 - (b) Uses listed in § 134-29 and § 134-30 of the Code of the Township of Wayne
2. Permitted Accessory Uses
 - (a) Customary and accessory uses including, but not limited to, recreational facilities, dog walks, fences, walls, signs, surface parking and sheds
 - (b) Temporary rental and construction trailers
 - (c) Signs and banners pursuant to § 134-68.I(2)
 - (d) Signage pursuant to § 134-68.2(G)
3. Development Yield/Buildings:
 - (a) Density Yield: a maximum of 98 residential units.
 - (b) Number principal buildings: One (1)

4. Affordable housing Regulations

All inclusionary housing developments built in accordance with this section shall contain a mandatory set-aside of Affordable housing and as an inclusionary development permitted by this ordinance, at least 15% of the total for-rent residential units and 20% of the total for-sale residential units developed pursuant to the Settlement Agreement for the property as noted herein, must be Affordable to low- and moderate-income households. In the event that the required total number of residential units does not result in a full integer, the developer shall round up to the nearest full integer. The percentage of units required to be set-aside will be specified within each Mt. Laurel/affordable housing Zone based on whether the development is proposed to be for-sale or for-rent.

The inclusionary affordable units shall be developed and administered in accordance with the Fair Housing Act (N.J.S.A. 52:27D-301 et. seq.), COAH's regulations and UHAC regulations (N.J.A.C. 5:80-26.1), and as required under Chapter 213, Affordable Housing Regulations, of the Code of the Township of Wayne. Such requirements include but are not limited to the following:

(a) Income Distribution:

- (i) 50% of the total number of affordable units (rounded up) provided as affordable to low income households
- (ii) 13% of the total number of affordable units (rounded up) provided as affordable to very-low income households. This percentage may be included in the calculation of the 50% low income set-aside.
- (iii) Each income level (very-low income, low income, moderate income) shall be proportionally allocated across each bedroom size, or in the alternative all very low income units shall be two-bedrooms and the low and moderate income units shall be proportionally allocated across each bedroom size.

(b) Bedroom Distribution of Units Not Age-Restricted

- (i) No more than 20% of all affordable units shall be composed of efficiency and one-bedroom units.
- (ii) At least 30 percent of all low- and moderate-income affordable units shall be composed of two-bedroom units.
- (iii) At least 20 percent of all low- and moderate-income affordable units shall be composed of three-bedroom units.

(c) Phasing of Affordable Units: Conformance with N.J.A.C. 5:93-5.6(d)

(d) Affirmative marketing requirements: Conformance with N.J.A.C. 5:80-26.14 to 26.17.

5. Residential Bulk requirements:

(a) Lot Size

- (i) Minimum Lot Size: 5 Acres

(b) Minimum Setbacks

- (i) Front: 80 feet from Paterson-Hamburg Turnpike
- (ii) Front: 40 feet from Geoffrey Way
- (iii) Rear: 50 feet

(c) Maximum Heights:

- (i) 3.5 Stories
- (ii) Building: 44 feet (using standard Township definition of building/structure "height")

- (iii) Mechanical: 49 feet (using standard Township definition of building/structure "height")
- (d) Maximum Impervious Coverage: 65%

6. Parking: Minimum Parking shall be provided pursuant to RSIS requirements.

7. Exemption from limitation on development

Development is exempt from the standards set forth in the following ordinances to the extent necessary to implement the Settlement Agreement and to reduce cost-generating measures:

- (a) § 134-91.2 (Calculation of number of building lots for subdivision and the number of units for site plans), which adjusts the number of units permitted in a site plan;
- (b) § 134-91.3(A) and (B) (Slope and Soil Disturbance regulations which adjust minimum lot areas and maximum allowable disturbance areas);
- (c) § 134-96.4 (General Requirements to Regulations for Slope and Soil Disturbance which adjust maximum allowable site disturbance);
- (d) § 134-85.3(B) (Tree Preservation) shall not be applicable within the area of disturbance;
- (e) Development is subject to the requirements of § 134-91.4 (Tree Removal) except that trees over 18" in caliper within the area of disturbance may be removed, an estimate of trees over 8" in caliper shall be required but a precise count shall not be required and no fee in lieu shall be assessed;
- (f) Development is exempt from the fees described in § 213-66.

8. Site Design: The configuration of residential buildings, recreation facilities, roadways, and other improvements shall be substantially consistent with the concept plan adopted as part of the settlement agreement between the Township of Wayne, the Township of Wayne Planning Board, and Waynebridge Plaza, LLC dated December 14, 2020.

SECTION 2. As required by N.J.S.A. 40:55D-64, prior to the hearing on adoption of this ordinance, on behalf of the Township Council, the Township Clerk shall refer this ordinance to the Wayne Planning Board for its review and comment pursuant to N.J.S.A. 40:55D-26. The Township Clerk shall also send a copy of this ordinance to the clerk of an adjoining municipality involving property situated within 200 feet of such adjoining municipality in accordance with N.J.S.A. 40:55D-15. In addition, the Township Clerk shall give notice of a hearing on an amendment to the zoning ordinance proposing a change to the classification or boundaries of a zoning district to the owners of all real property as shown on the current tax duplicates located within 200 feet in all directions pursuant to N.J.S.A. 40:55D-62.1.

Upon adoption, the Township Clerk shall send a copy of this ordinance to the Passaic County Planning Board pursuant to N.J.S.A. 40:55D-16.

SECTION 3. All other provisions of Chapter 134 of the Code of the Township of Wayne shall remain unchanged.

SECTION 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sub-section, sentence, clause, phrase, or any other part of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the validity of the remaining sections, subsections, sentences, clauses, and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

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

SECTION 6. Codification. This Ordinance shall be a part of the Code of the Township of Wayne as though codified and fully set forth therein. The Township Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The Township Clerk and the Township Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the Township of Wayne in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

SECTION 7. This ordinance shall take effect twenty days after final passage, adoption, and publication in the manner prescribed by law.

ATTEST:

PAUL V. MARGIOTTA
TOWNSHIP CLERK

RICHARD JASTERZBSKI
PRESIDENT OF THE COUNCIL

NOTICE

I hereby certify that the aforementioned ordinance was published in the Herald News, a newspaper published in the County of Passaic and circulated in the Township of Wayne, in the issues of _____ and _____

PAUL V. MARGIOTTA
Township Clerk

This ordinance is hereby approved this _____ day of _____ 2021

ADOPTED ON:

CHRISTOPHER P. VERGANO
Mayor

LEGAL NOTICE
ORDINANCE NO. 13
2021
TOWNSHIP OF WAYNE
COUNTY OF PASSAIC
STATE OF NEW JERSEY

AN ORDINANCE TO AMEND AND SUPPLEMENT
CHAPTER 200 (VEHICLES AND TRAFFIC) OF
THE CODE OF THE TOWNSHIP OF WAYNE.

WHEREAS, in addition to the powers conferred to a municipality under section 39:4-197 of the Revised Statutes, the governing body of every municipality may make, amend, repeal and enforce ordinances to regulate vehicular and pedestrian traffic and the parking of vehicles in parking yards and parking places, which are open to the public or to which the public is invited, whether maintained or operated separately or in conjunction with any business or enterprise pursuant to N.J.S.A. 40:48-2.46; and

WHEREAS, N.J.S.A. 39:4-197(1) and (3) further provide, *inter alia*, that a municipality may pass, without the approval of the Commissioner of Transportation, and consistent with the current standards prescribed by the Manual on Uniform Traffic Control Devices for Streets and Highways, ordinances altering speed limitations as provided in R.S.39:4-98, ordinances regulating the entrances to and exits from parking yards and parking places which are open to the public or to which the public is invited, and ordinances designating restricted parking spaces for use by handicapped persons who have been issued special vehicle identification cards by the New Jersey Motor Vehicle Commission pursuant to the provisions of P.L.1949, c.280 and section 1 of P.L.1977, c.202; and

WHEREAS, 910 Hamburg Turnpike, LLC has submitted an application to the Engineering Division requesting that the provisions of Title 39, Subtitle 1 of the Revised Statutes be made applicable to the semi-public roadways, driveways, parking areas and other areas used for vehicular traffic on the property identified as Block 3103, Lot 2 on the Tax Assessment Map of the Township of Wayne, more commonly known as 910 Hamburg Turnpike ("The Parke at Hamburg"), in accordance with Wayne Planning Board Resolution No. PB-2020-006 entitled Amended Preliminary and Final Site Plan, Variance & Design Standard Exception adopted on February 10, 2020 for said property; and

WHEREAS, the Township Engineer has reviewed the application and has recommended that Subtitle 1 of Title 39 be made applicable as provided herein; and

WHEREAS, Chapter 200 (Vehicles and Traffic) of the Code of the Township of Wayne ("Code") needs to be amended and supplemented accordingly.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Wayne in the County of Passaic, State of New Jersey as follows [additions by **bold**, deletions by ~~strikethrough~~]:

SECTION 1. Chapter 200 (Vehicles and Traffic), Article XI (Schedules) of the Code of the Township of Wayne is hereby amended and supplemented as follows:

§ 200-35.54. Schedule VIIBBB: 910 Hamburg Turnpike - The Parke at Hamburg.

In accordance with §200-10, all parking restrictions and traffic controls as shown and depicted on the plan entitled "Striping and Signage Plan for The Parke at Hamburg", one (1) sheet, prepared by Menlo Engineering Associates dated April 29, 2020, last revised on August 18, 2020, a copy of which is on file in the Township Clerk's Office, is hereby made a part of this chapter.

A. General Parking.

- (1) All vehicles shall park in designated areas and between the lines provided.
- (2) No person shall stop or stand a vehicle upon any of the streets or parts of streets described below except in areas covered by other parking regulations.

Name of Street	Side	Hours	Location
Ingress/egress driveways, all roads and aisles	Both	All	As indicated on plan

- (3) Handicapped Parking. All stalls shall be 8 feet and 11 feet wide, as shown on the attached plan and signed with the R7-8 and R7-8P (reserved Parking Sign, Penalty Plate and Van Accessible Plate) in the designated parking areas for persons who have been issued the handicapped permit by the Motor Vehicle Commission.

B. Stop Intersections.

- (1) Stop Intersections. All intersections where an R1-1 sign has been erected and/or a Stop bar has been painted as shown on the attached plan.

C. Two-Way Streets. The following described streets or parts of streets are hereby designated as two-way in the direction indicated.

Name of Street	Direction	Limits
Ingress/egress driveways and Aisles	All	Entire length

D. One-Way Streets. The following described streets or parts of streets are hereby designated as one-way in the direction indicated.

Name of Street	DIRECTION	Limits
Most northerly ingress driveway off Hamburg Turnpike (Road A)	North	210 feet

E. Speed limits.

- (1) The speed limit for all directions of travel on the following roadways/aisles is:

Name of Street	MPH	Limits
Ingress/egress driveways and aisles	15	Entire length

- (2) Regulatory signs shall be erected and maintained to effect the above designated Speed Limit as shown on the attached plan.

F. Tow-Away Zones: Any vehicle parked or standing as to obstruct or impede the normal flow of traffic, block the entrance or exit driveway, loading zone, fueling zone, any grass areas, pedestrian walkway, or present in any way a safety or traffic hazard may be removed by towing the vehicle at the owner's or operator's expense.

G. All signs, posts, or other necessary materials are to be installed and paid for by the applicant. All signing and striping shall conform to the current Manual on Uniform Traffic Control Devices (MUTCD) pursuant to N.J.S.A. 39:4-198 and N.J.S.A. 39:4-183.27.

H. Unless another penalty is expressly provided by the New Jersey Statutes, every person convicted of a violation of this section or any supplement thereto, shall be liable to a penalty of not more than \$1,250 or imprisonment for a term not exceeding 15 days or both.

SECTION 2. All other provisions of Chapter 200 of the Code of the Township of Wayne shall remain unchanged.

SECTION 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sub-section, sentence, clause, phrase, or any other part of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the validity of the remaining sections, subsections, sentences, clauses, and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 4. Repeal of Inconsistent Provisions. All ordinances or parts thereof in conflict or inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 5. Codification. This Ordinance shall be a part of the Code of the Township of Wayne as though codified and fully set forth therein. The Township Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The Township Clerk and the Township Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the Township of Wayne in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

SECTION 6. This ordinance shall take effect twenty days after final passage, adoption, and publication in the manner prescribed by law.

ATTEST:

PAUL V. MARGIOTTA
TOWNSHIP CLERK

RICHARD JASTERZBSKI
PRESIDENT OF THE COUNCIL

NOTICE

I hereby certify that the aforementioned ordinance was published in the Herald and News, a newspaper published in the County of Passaic and circulated in the Township of Wayne, in the issues of _____ and _____

PAUL V. MARGIOTTA
TOWNSHIP CLERK

This ordinance is hereby
approved this _____ day
of _____ 2021

ADOPTED ON _____

CHRISTOPHER P. VERGANO,
MAYOR