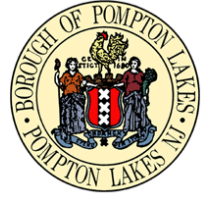


BOROUGH OF POMPTON LAKES PASSAIC COUNTY, NEW JERSEY



ORDINANCE NO. 25-11

AN ORDINANCE AMENDING THE DOWNTOWN POMPTON LAKES REDEVELOPMENT PLAN AS CODIFIED IN SECTION 190-84 OF THE CODE OF THE BOROUGH OF POMPTON LAKES

WHEREAS, on April 22, 2009, by Ordinance No. 09-1, the Borough Council adopted a redevelopment plan, which has been subsequently amended, entitled "Downtown Pompton Lakes Redevelopment Plan; and

WHEREAS, the "Downtown Pompton Lakes Redevelopment Plan" included the real property located at 60 Wanaque Avenue, Pompton Lakes, New Jersey and designated as Block 2400, Lot 1 on the Tax Map of the Borough; and

WHEREAS, the Redeveloper of 60 Wanaque Avenue has requested, and the Pompton Lakes Redevelopment Agency has recommended, certain amendments to the Redevelopment Plan to facilitate the development of the property; and

WHEREAS, pursuant to *N.J.S.A. 40A:12A-7*, prior to adoption of an ordinance adopting or amending a redevelopment plan, the governing body must refer the redevelopment plan to the Planning Board for comments and recommendations; and

WHEREAS, upon introduction of this Ordinance, the Amendment to the Redevelopment Plan shall be referred to the Planning Board for comments and recommendations; and

WHEREAS, the Mayor and Council shall not adopt this Ordinance until it has received the Planning Board resolution and comments and recommendations or until forty-five (45) days have lapsed since referring the Amendment to the Redevelopment Plan to the Planning Board, whichever occurs first; and

WHEREAS, the Mayor and Council have reviewed and considered the Amendment to the Redevelopment Plan and have considered the Planning Board's prior comments and recommendations; and

WHEREAS, the "Downtown Pompton Lakes Redevelopment Plan" was previously codified as Section 190-84 of the Revised General Ordinance of the Borough of Pompton Lakes and the Amendment to the Redevelopment Plan is being memorialized as an amendment to this Section; and

WHEREAS, the Mayor and Council wish to adopt the Amendment to the Redevelopment Plan.

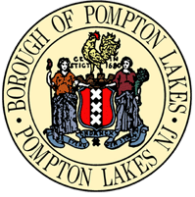
NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Pompton Lakes as follows:

SECTION 1. the "Downtown Pompton Lakes Redevelopment Plan" shall be amended by the following amendment to Chapter 190, Section 190-84, "Zoning Districts and Implementation of Borough Redevelopment Plans" of the Municipal Code of the Borough of Pompton Lakes, which shall be amended to read, in its entirety, as follows:

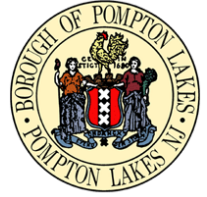
§190-84 Zoning districts and implementation of Borough redevelopment plans

So that there may be a provision in Downtown Pompton Lakes for capital investment in quality mixed use properties, including the provision of quality retail and residential opportunities, as well as quality community facilities developed in concert with the preexisting service businesses in Downtown Pompton Lakes, the Downtown Redevelopment Areas 1 and 2 (DRA-1 and DRA-2) and zones are hereby established. This Downtown Pompton Lakes Redevelopment Plan provides for the implementation of the following zoning districts and land use patterns as required to be identified by *N.J.S.A. 40A:12A-7a (2)*.

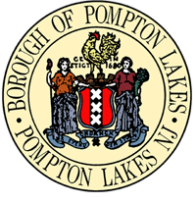
- (1) Planned commercial development(s) (PCD) shall include any permitted retail, service business, office, restaurant, entertainment, bank(s), tavern, and other acceptable for-profit use. A PCD may include residential use(s), provided that a commercial component is also included, hence, providing a mixed-use character to the redevelopment of Downtown Pompton Lakes. The Pompton Lakes Planning Board shall determine the applicability of and what constitutes a PCD within the confines of this section and § 190-17F(2) of the chapter.
- (2) Residences constructed in the DRA-1 Zone shall have a minimum of 750 square feet of living space.



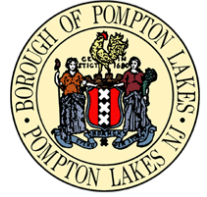
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- (3) Drive-in or drive-through uses are a permitted accessory use where the Planning Board has determined that adequate and safe means of traffic circulation exist to allow the drive-in or drive-through use. [This provision modifies § 190-17F(4)(a) of the Code.]
- (4) The Pompton Lakes Planning Board is hereby authorized to grant deviations (generically referred to as "variances") from this plan and the following applicable DBD-1 zoning regulations: § 190-17F(5), (6), (7), (8), and (9). This shall apply only to those properties located in the DRA-1 Zoning District.
- (5) With respect to Block 6200, Lot 1 only, the DBD-1 zoning regulations shall be further modified as follows:
[Added 9-13-17 by Ord. No. 2017-19]
 - (a) There shall be no requirement for a commercial component. Residential uses shall be permitted on any floor of the building(s).
 - (b) The maximum building height shall be four (4) stories and 60 feet.
 - (c) The maximum impervious coverage of the lot shall be 90%.
 - (d) One-bedroom residences shall have a minimum of 650 square feet of living space. Two-bedroom residences shall have a minimum of 950 square feet of living space.
 - (e) There shall be no less than 1.2 parking spaces per residential unit. For the purposes of calculating the number of parking spaces provided, the Redeveloper shall be permitted to include any on-street parking spaces, whether created by the Redeveloper or not, which are exclusively reserved for the residents of Block 6200, Lot 1, during the hours of 8:00 p.m. to 8:00 a.m. the next day.
- (6) With respect to Block 6300, Lot 34 and the portion of Block 6300, Lot 28 which is subject to an easement held by the owner of Lot 34, DBD-1 zoning regulations shall be further modified as follows:
 - (a) Residential uses shall be permitted on any story of the building(s).
 - (b) The minimum lot area shall be 8,000 square feet.
 - (c) The minimum lot width shall be 60 feet.
 - (d) Building height shall be calculated from the Wanaque Avenue frontage. Mechanical equipment situated on the rooftop shall not be used in calculating building height.
 - (e) There shall be no minimum rear yard or side yard setback.
 - (f) There shall be no maximum building coverage or maximum impervious coverage requirements.
 - (g) There shall be no requirement for a building setback above 35 feet.
 - (h) There shall be no minimum open space requirement.
 - (i) There shall be no less than 1.4 parking spaces per residential unit, which spaces may be obtained through the licensure of parking spaces from the Borough in the municipal lot located at Block 6300, Lot 28 (commonly known as the Pond Hole Lot). There is no requirement for minimum number of parking spaces for any non-residential use.
- (7) With respect to Block 7000, Lot 4, DBD-1 zoning regulations shall be further modified as follows:
 - (a) Used vehicle sales, leasing and servicing shall be a permitted use. The storage of vehicles in the inside of a building or on the side and rear of a building shall be a permitted accessory use, provided such vehicles are within a fenced or otherwise enclosed area. Storage of vehicles in the front yard is prohibited.
 - (b) SERVICING – Shall be defined to include all vehicle maintenance services with the exception of body work to the metal outer shell of a vehicle or the painting of a vehicle. The ingress/egress to service bays shall not be oriented toward the front yard facing Wanaque Avenue.
 - (c) Large pedestal signage, banners, flags, neon signs, and inflatable figures/signs on the outside of a building shall be prohibited.
- B. The DRA-2 Zone shall encompass and include those parcels identified in § 190-83A of this article that are located in the preexisting DBD-2 Zoning District. The DRA-2 Zoning District shall also include the following parcels: Block 100, Lots 10.02 and 10.03. The following modifications to the DBD-2 Zoning Regulations are hereby made and § 190-17 of this chapter is hereby amended to reflect these modifications.
 - (1) Planned commercial development(s) (PCD) shall include any permitted retail, service business, office, restaurant, entertainment, bank(s), tavern, and other acceptable for-profit use. A PCD may include residential use(s), provided that a commercial component is also included, hence, providing a mixed-use character to the redevelopment of Downtown Pompton Lakes. The Pompton Lakes Planning Board shall determine the applicability of and what constitutes a PCD within the confines of this section and § 190-17G(2) and (10) of the Borough Code.
 - (2) Residences constructed in the DRA-2 Zone shall have a minimum of 750 square feet of living space, except as otherwise modified herein.
 - (3) The Pompton Lakes Planning Board is hereby authorized to grant deviations (generically referred to as "variances") from this plan and the following applicable DBD-2 zoning regulations: § 190-



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17G(5), (6), (7), (8), (9) and (10). This provision shall apply only to those properties located in the DRA-2 Zoning District.

(4) With respect to Block 2400, Lot 1 only, the DBD-2 zoning regulations shall be further modified as follows:

(a) Use

[1] Any uses permitted in the DBD-2 district (§190-17.G(2)) shall be permitted.

[2] Ground floor residential uses shall be permitted.

(b) Bulk

[1] Bulk requirements shall comply with those established for the DBD-2 district (§190-17.G(5) and (6), except as follows:

[2] Maximum height: 4 stories and 50 feet

[3] Minimum rear yard setback: 4 feet

(c) Parking and Circulation

[1] Front yard parking shall be permitted.

[2] Minimum parking setback from any lot line: 0 feet

[3] Minimum driveway setback from any lot line: no minimum, provided sight triangles are unobstructed and engineering safety concerns are satisfied.

[4] Parking may be satisfied off-site.

[5] All state EV requirements shall be complied with.

[6] Minimum parking

[a] Spaces per studio, efficiency, or 1-bedroom unit: 1

[b] Spaces per 2-bedroom unit: 2

[c] In accordance with state law, EV and EV-ready spaces shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement. This shall result in a reduction of no more than 10 percent of the total required parking.

(d) Loading

[1] Short-term loading areas for deliveries and tenant move-in shall not interfere with any parking lot or right-of-way circulation. Such loading areas shall be located in permitted parking lots or at the rear of a site.

[2] Loading docks or bays are prohibited.

(e) Screening

[1] Refuse storage shall be inside buildings to the greatest extent practical.

[2] Any storage of refuse outside buildings shall occur within dumpsters located on concrete pads and enclosed by a fence or masonry wall a minimum of 6' in height. All refuse enclosures shall have access gates and/or doors. There shall be no lot line setback requirement for trash enclosures.

(f) Unit size

[1] Studio/efficiency residences shall have a minimum of 500 square feet of living space.

[2] One-bedroom residences shall have a minimum of 625 square feet of living space.

[3] Two-bedroom residences shall have a minimum of 940 square feet of living space.

C. Those properties located in the DBD-1 and DBD-2 Zones in Downtown Pompton Lakes not included in the Redevelopment Plan (either by inclusion in Ordinance No. 09-01 or Ordinance No. 11-08 and not otherwise included in the new zoning district (DRA-1 and DRA-2) shall maintain their previous zoning.

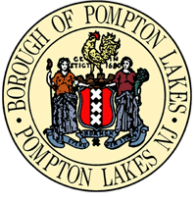
D. In furtherance of the aforesaid policies of the Borough Council, the Board of Adjustment and/or Planning Board may NOT consider, grant or approve variances from the land use provisions (including permitted and conditional uses) of the Downtown Pompton Lakes Redevelopment Plan, as specified and included in Ordinance No. 09-01 and Ordinance No. 11-08.

E. The Hamburg Redevelopment Area currently consists of one property, Block 2800, Lot 11 situated on 0.3144 acres or 13,694 square feet of land. The lot fronts on Paterson Hamburg Turnpike near the western border of the Borough. The existing building was constructed in the early 1900s and has fallen into severe disrepair, causing unsafe conditions. In addition to the residential structure, the site contains two sheds, a paved driveway and lawn areas. The subject property is surrounded by a residential property to the rear (north), a Masonic Temple to the right of lot (east) and a multitenanted commercial structure to the left of the lot (west) on Paterson Hamburg Turnpike. The Redevelopment Area is generally rectangular and flat in shape with a small extension in the northeast corner.

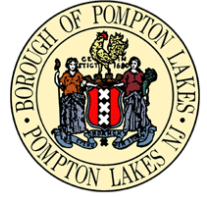
(1) Land use and development requirements.

(a) Permitted principal uses.

[1] Multifamily residential dwellings.



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(b) Permitted accessory uses.

- [1]** Parking garages for automobiles.
- [2]** Off-street parking.
- [3]** Fences, retaining walls.
- [4]** Sheds.
- [5]** Trash enclosures.
- [6]** Signs.
- [7]** Other accessory uses which are customary and incidental to the permitted principal uses.

(c) Bulk requirements.

Minimum lot area	0.3 acres
Minimum lot frontage	100 feet
Minimum building setbacks	
Front yard setback	10 feet
Rear yard setback	25 feet
Side yard setback (combined)	25 feet
Minimum open space	15%
Maximum building coverage	35%
Maximum building height	3 stories/45 feet (whichever is less)

(d) Parking/access.

- [1]** Number of spaces: Multifamily residential units parking shall be provided in accordance with the New Jersey Residential Site Improvement Standards (RSIS).
- [2]** Parking space size nine feet by 18 feet.
- [3]** The combined side yard shall be a minimum of 25 feet with one side wide enough to accommodate a full-access driveway and vegetative buffering.

(e) Affordable housing obligation. A contribution to affordable housing may be assessed by the Borough of Pompton Lakes based upon the number of units proposed in accordance with the required COAH contribution of the Borough.

F. All redevelopment area parcels subject to this Article §190-84 shall be subject to the following Design standards.

(1) Parking areas.

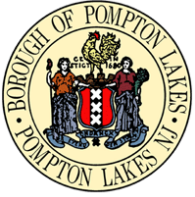
- (a) All parking and loading areas shall be paved.
- (b) All parking and loading areas shall be curbed with concrete.
- (c) All parking and loading areas shall have a convenient means of ingress and egress.
- (d) All portions of the property not used for buildings, structures, off-street parking, loading or access shall be attractively landscaped with lawns, trees and shrubs as approved by the Board. Parking areas visible from a street shall be screened from view by a continuous dense row of evergreen shrubs of sufficient height to obscure the headlights of parked vehicles.
- (e) Striping and directional and traffic safety signs shall be provided designating parking, loading and circulation areas in accordance with the Manual of Uniform Traffic Control Devices.

(2) Lighting.

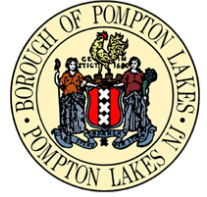
- (a) Use of metal halide and/or LED is encouraged. Low-pressure sodium and mercury vapor lighting are prohibited.
- (b) Lighting fixtures shall be mounted at a height not exceeding 16 feet.
- (c) An average of one footcandle shall be maintained within parking areas and along all sidewalks.
- (d) Parking area fixtures shall be full cut off or have shields to prevent light spillage on adjacent properties.
- (e) Lighting of facades. Light fixtures attached to the exterior of a building shall be architecturally compatible with the style, materials, colors and details of the building. The type of light source used on the exterior of buildings, signs, parking areas, pedestrian walkways and other areas of a site, and the light quality produced, shall be the same or compatible. Facades shall be lit from the exterior and, as a general rule, lights should be concealed through shielding or recessed behind architectural features. The use of low-pressure sodium, fluorescent or mercury vapor lighting either attached to buildings or to light the exterior of buildings shall be prohibited. Mounting brackets and associated hardware should be inconspicuous.

(3) Signage.

- (a) Wall signs.



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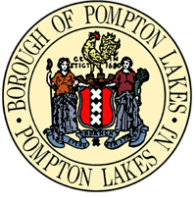


- [1] Signs shall be attached and parallel to the face of the building. One facade sign may be placed upon a wall of the building facing a public street. The sign shall be a maximum of 15 square feet.
- [2] Design parameters for signs not specifically noted in this Redevelopment Plan shall be in accordance with the Pompton Lakes Zoning Ordinance.
- (4) Awnings and canopies.
- (a) Lettering and logos shall be permitted on all awnings and canopies, provided that:
- [1] The combined letter and logo height are located on the vertical flap and do not exceed eight inches.
- [2] The lettering may contain only the name and/or street address of the multifamily residential dwelling complex.
- [3] The signage shall only be on first-floor awnings and canopies.
- (b) Awnings and canopies shall be aesthetically compatible with the building and consistent with each other.
- (c) Canvas is the preferred material, although other waterproofed fabrics may be considered. Metal or aluminum awnings are prohibited. Only solid or striped patterns are permitted.
- (5) Landscape buffers.
- (a) Landscaped buffers shall be provided around the perimeter of the Redevelopment Area.
- (b) Buffer plantings shall consist of a combination of shade trees, evergreen trees, ornamental trees and shrubs to provide a natural looking buffer.
- (c) Buffer plants shall be the following size at the time of planting:
- [1] Shade trees shall be planted at a minimum 2.5-inch caliper and shall be a minimum of 10 feet in height, balled and burlapped.
- [2] Evergreen trees shall be planted at a minimum height of six feet, balled and burlapped.
- [3] Ornamental trees shall be planted at a minimum two-inch caliper and shall be a minimum of six feet in height, balled and burlapped.
- [4] Shrubs shall be of a variety that matures at a minimum height of six feet and shall be planted at a minimum of 30 inches in height. At least 50% of shrubs shall be evergreen.
- (d) Proposed buffer plantings shall be arranged in a naturally staggered pattern and shall not be lined up in straight, single rows.
- (6) Building design standards.
- (a) All building facades shall consist of brick, stone, cast stone, stucco, simulated stucco, cedar shakes or other high-quality materials such as Hardiplank, cementitious boards, cultured stone, etc.
- (b) Buildings shall avoid long, monotonous, uninterrupted walls or roof planes. Building wall offsets, including projections such as balconies, canopies and recesses shall be used to add architectural interest and variety and to relieve the visual effect of a simple, long wall.
- (c) All sides of a building shall be architecturally designed to be consistent regarding style, materials, colors and details.
- (d) Fenestration shall be architecturally compatible with the style, materials, colors and details of the building. Windows shall be vertically proportioned.
- (e) All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, etc.
- (f) Heating, ventilating and air-conditioning systems, utility meters and regulators, 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.
- (g) Trash enclosures and dumpsters shall be screened and set back from any public right-of-way.
- G. The HRA-1 zone is an overlay zone. Properties included in any designated redevelopment zone not included in the redevelopment plan and not otherwise included in the HRA-1 zoning district shall maintain their previous zoning.
- H. In furtherance of the aforesaid policies of the Borough, the Planning Board and Zoning Board of Adjustment, unless otherwise set forth in Chapter 190, may not consider, grant or approve variances from land use provisions (including permitted and conditional uses) in any designated Redevelopment Plan.

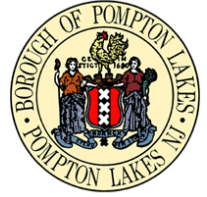
Section 2. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.

Section 3. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.

Section 4. This Ordinance shall take effect upon final passage and publication according to law



BOROUGH OF POMPTON LAKES PASSAIC COUNTY, NEW JERSEY



Elizabeth Brandsness, Municipal Clerk

Michael Serra, Mayor

NOTICE OF PENDING ORDINANCE:

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the Regular Meeting of the Mayor and Borough Council of the Borough of Pompton Lakes, in the County of Passaic, and State of New Jersey, held in the Municipal Building on the 12th day of February, 2025, and same came up for final passage at the regular meeting of the Mayor and Borough Council held on the 26th day of February, 2025, at which time, after persons interested were given the opportunity to be heard concerning said Ordinance, the same was passed and will be in full force and effect in the Borough of Pompton Lakes after adopted by the Mayor or in accordance with the law.

Elizabeth Brandsness, R.M.C.
Municipal Clerk