

LEGAL NOTICE
ORDINANCE NO. 59
2024
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 TO CREATE MOUNT LAUREL ROUND THREE DISTRICT 5 (MLR3D-5) AND ASSOCIATED ZONING STANDARDS AND PROCESSES

WHEREAS, the Township of Wayne (“Township”) has negotiated, in principal, a certain Settlement Agreement (“Point View Settlement Agreement”) with Point View Wayne Properties, LLC (“Point View” or “Developer”) with offices located at 1 Geoffrey Lane, Wayne, New Jersey 07470, the final execution of which is a precondition to the final adoption of the within ordinance, for a Planned Development of Mount Laurel Inclusionary Housing and Additional Non-Residential Development, to be located on Block 3703, Lots 1, 1.01, 2 and 3; and Block 4200, Lot 1 on the Tax Assessment Maps of the Township of Wayne, more commonly known as 1 Geoffrey Way (“Point View Property”), formerly known as the Toys ‘R Us corporate headquarters; and

WHEREAS, the Township, the Wayne Planning Board (“Planning Board”), and Fair Share Housing Center (“Fair Share”) entered into a certain Settlement Agreement (Fair Share Settlement Agreement), on notice to and without objection from Point View, in regard to the Township’s third-round affordable housing obligations; and

WHEREAS, pursuant to the terms contained in the Fair Share Settlement Agreement, the Township and the Wayne Planning Board agreed to amend the Zoning Ordinance to provide for the inclusion of the Point View Property as part of the Township’s Housing Element and Fair Share Plan; and

WHEREAS, N.J.S.A. 40:55D-62 and -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 establish the regulation of buildings and structures according to their type and the nature and extent of their use; and

WHEREAS, the Township Council formally refers this Ordinance to the Planning Board for examination, discussion, and recommendations in accordance with N.J.S.A. 40:55D-26; and

WHEREAS, the Planning Department recommends the following amendments to the Township’s Zoning Ordinance; and

WHEREAS, the Township Council has determined that the recommended changes would be beneficial to the public health, safety and welfare of the residents, employers, employees and visitors thereto of the Township and advances the municipality’s efforts to meet its constitutional obligation to provide for its fair share of very low-, low- and moderate-income housing; and

WHEREAS, Chapter 134 of the Code of the Township of Wayne is hereby amended to effectuate these public purposes.

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. §134-10.1, entitled, Application Fees and Escrow Fees, is hereby amended to add the following paragraph J for General Development Plans:

		Fee	Escrow
J.	General Development Plan (GDP)	\$2,000.00	\$5,000.00

SECTION 2. §134-27, Zone Districts, shall be amended to add to the list of zone districts the following additional district following in order from the Mount Laurel Round Three District 4 (MLR3D-4):

Mount Laurel Round Three District 5 (MLR3D-5)

SECTION 3. §134-27.1 B, Zoning Map Amendments, shall be revised to add subparagraph 11 to read as follows:

- (11) Ordinance No. 59 of 2024 amends the Zoning Map to create the Mount Laurel Round Three District 5 (MLR3D-5) from the Office, Research (“OR”) District on Block 3703, Lots 1, 1.01, 2 and 3.

SECTION 4. §134-54.9, entitled, Mount Laurel Round Three District-5 (“MLR3D-5”), is hereby added to Chapter 134, Land Development, of the Code of the Township of Wayne:

§134-54.9. Mount Laurel Round Three District-5 (MLR3D-5).

- A. Purpose. The MLR3D-5 is intended to be implemented as a form of planned unit development with its primary non-residential emphasis on office, research and development, retail sales, retail services and entertainment uses along with residential uses to include, but not limited to, townhouse and multi-family residences, including integrated affordable dwellings, to provide opportunities for placing jobs and housing together in accordance with sound planning practice and State land use policy that addresses a significant portion of Wayne’s third round affordable housing obligation. The MLR3D-5 zone was developed in conjunction with a settlement agreement between the Township of Wayne and Point View Wayne Properties, LLC. The overall intent of the settlement agreement is to: 1), provide for a range of commercial, retail, residential, and community uses to function as a mixed-use town center proximate to the Point View Reservoir which uses the water body as the main organizing focus for the center of development; 2), provide for residential uses surrounding the center of development and redevelopment that serves as a significant component of the Wayne’s Housing Element and Fair Share Plan by creating realistic affordable housing opportunities; and 3), provide for significant buffering and separation for existing residential neighborhoods to the north, west and south bordering the zoning district to mitigate the more intensive development permitted to further the goals and objectives of the Housing Element and Fair Share Plan. The purpose of the “Concept Plan w/ Subdistrict” Map, dated March 13, 2024, with Township revisions dated October 1, 2024, attached to the Settlement Agreement, is to show the geographic allocation of uses utilizing sub-districts of the MLR3D-5 zone while maintaining the flexibility to develop and redevelop the property over a number of years through the application for a general development plan pursuant to N.J.S.A. 40:55D-45.1; or, extended final site plan and/or subdivision application and approval pursuant to N.J.S.A. 40:55D-52e, as necessary for the development and redevelopment of lands subject to these regulations.
- B. Planned Unit Development Requirements. When planned development is proposed, it shall conform to the following requirements:
 - (1) The minimum area to be developed shall be equal to the MLR3D-5 zone and may be developed in one or more phases or sections in accordance with the applicable requirements of N.J.S.A. 40:55D-1 et seq. More specifically, at the discretion of an applicant, the tract may be developed or redeveloped as a planned unit development pursuant to N.J.S.A. 40:55D-39.b and –c.
 - (2) Planned unit development. When developing the tract as a planned unit development, an applicant may submit a general development plan (GDP) pursuant to N.J.S.A. 40:55D-45.1 that creates two or more sub-districts within the MLR3D-5 zone that establish different uses and intensities of development according to definite standards within the plan provided that the tract’s overall requirements and limitations are met that is consistent with the “Concept Plan w/ Subdistrict” Map, dated March 13, 2024 with Township revisions dated October 1, 2024, or its permitted modification. The application and submission requirements for a general development plan shall be as established in §134-108.
- C. Definitions. The following definitions shall apply to the MLR3D-5 District in lieu of any such definitions in Chapter 134 of the Code of the Township of Wayne:

Amenity space – An indoor or outdoor space for leisure time, recreation and social activities of a formal or informal nature associated with a residential building, cluster of buildings or neighborhood through tenure rights which may contain, but not be limited to, community center, meeting rooms for community events, fitness center/gymnasium, pool, lounge area, seating, tables, grilling stations, food preparation area, fitness stations, and court

sports/leisure facilities, including but not limited to, tennis, pickle ball, squash, shuffleboard and bocce.

Active Recreation – Sports and leisure time activities with a set of rules and usually performed with others requiring equipment or constructed facilities, and amenity space for residents and guests.

Common open space - An open space area within or related to a site designated as a development, and designed and intended for the use or enjoyment of residents and owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development.

Convenience Store - A retail store of less than 6,000 sf. of gross floor area which sells a limited variety of prepackaged sundries, dry goods, beverages and food that is open for extended hours.

Passive Recreation – Leisure time activities lacking a set of formal rules but that may include, but not be limited to, constructed facilities such as walking and bicycling paths, picnic areas, promenade, open field and play areas, and water access, which can also be used to observe nature and counterbalance urbanization. Public open space - An open space area conveyed or otherwise dedicated to a municipality, municipal agency, board of education, State or county agency, or other public body for recreation and conservation purposes.

Tract - A contiguous area of land and/or water composed of one or more lots to make one distinct property meeting the requirements of this Ordinance for the use(s) intended that constitutes the entire area of a development application.

- D. Site Planning and Development Principles. The development and redevelopment of the MLR3D-5 District shall be designed to create a cohesive overall built and natural environment that integrates the existing buildings, or selective demolition of such buildings if required, and new residential, mixed residential and non-residential buildings, and non-residential buildings to achieve a mixed-use center of population, employment and services to its residents and the surrounding community. Accordingly, the design shall be guided by the following objectives:
- (1) The site layout of the planned development should be designed with an interconnected three-level street hierarchy, the highest concentration of residential and non-residential development in the east central part of the site by the Point View Reservoir, decreasing as one moves to the periphery of the site. The site is intended to have a high-quality pedestrian environment, including the provision of significant landscape architectural elements. These should include street furnishings that evoke an urban center, including benches, street trees, pedestrian scale lighting and variable pavement finishes.
 - (2) Buildings should be sited to form a progression of blocks that are linked by streets, whether public or private, and a sidewalk system through the use of common architectural and landscape architectural elements.
 - (3) Off-tract neighborhoods should be accessible to the main commercial area of the redevelopment and publicly accessible open space via dual-use pedestrian/bicycle walkways to the extent practicable.
 - (4) To the degree feasible, views to the Point View Reservoir are to be maintained or enhanced.
 - (5) Visual screening and buffering of higher intensity uses from neighboring residential neighborhoods should be provided.
 - (6) Architectural massing using building heights and setbacks should create well defined streetwalls that shape the public realm.
 - (7) A development in which space is provided for communal public gatherings and celebrations is desirable.
 - (8) A development in which opportunities for recreation and relaxation are readily available and easily accessed is desirable.

- (9) A circulation design that balances the desire to create safe and efficient pedestrian and bicycle access with the need to provide access for vehicles and the movement of goods, necessary services and access for emergency responders is desirable.
 - (10) Where architectural character is developed through the compatible massing of buildings while the individuality of each building is developed through use of materials and architectural details.
- E. General Requirements and Limitations. The following general requirements shall pertain to the MLR3D-5 zone:
- (1) Concept plan land uses. The MLR3D-5 zone consists of different land use sub-districts, as depicted on the “Concept Plan w/ Subdistrict” Map dated March 13, 2024, with Township revisions dated October 1, 2024, that are generally described below. The geographic extent of the boundaries of the land use district may be varied as stated herein, provided no buffer setback requirement from the tract perimeter or height limitation is affected.
 - a) Residential 1 (R-1). A land use district for lower density residential uses that are in the closest proximity to adjacent residential neighborhoods to the north, west and south of the zoning district. The R-1 includes the R-1A and R-1B Sub-districts.
 - b) Residential 2 (R-2). A residential sub-district intermediates in density between the Residential 1 and Mixed-Use Sub-districts.
 - c) Mixed-Used (MU). A land use sub-district that combines residential and non-residential uses, including fully residential buildings, fully non-residential buildings and a combination of residential and non-residential uses in a single building that is intended as the core development and redevelopment area focused at the waterfront of the Point View Reservoir and from which the other land use sub-districts are organized in roughly concentric rings.
 - d) Gateway (G). A land use sub-district located at the Berdan Avenue frontage of the MR3D-5 zone intended for non-destination non-residential uses.
 - e) Open Space (OS). A land use district for essentially unimproved land or water to conserve the natural openness of the land; or, a land use sub-district not intended initially to be developed under a GDP or other extended development approval that may be granted by the Wayne Township Planning Board pursuant to N.J.S.A. 40:55D-45.1 or -52e pursuant to the “Concept Plan w/ Subdistrict” Map but that may be developed through a future development approval.
 - (2) It is the intention that the sub-districts be developed as an integrated community with connectivity. Connectivity of the sub-districts shall include and/or the subdistricts shall share at least 2 of the following solely at the election of the Developer:
 - a) Roadways which connect to another sub-district or to a main roadway connecting various sub-districts or the overall development.
 - b) Sidewalks.
 - c) Walking paths.
 - (3) Residential development. In the MLR3D-5 zone, a maximum of 1,360 dwellings shall be permitted. Each bed in an assisted living facility, residential health care facility, rehabilitation facility and skilled nursing facility shall count as one-half dwelling unit in the calculation of total dwelling units and density. Any eight-story building shall not exceed 240 total residential units.
 - (4) Non-residential development. In the MLR3D-5 zone, the non-residential floor area ratio shall not exceed 0.15 of the total area of the zoning district.
 - (5) Exemption from limitations on development. Development in the MLR3D-5 zone is exempt from the standards set forth in the following sections to facilitate implementation of the settlement agreement in the Third Round of affordable housing implementation and to reduce cost-generative measures in accordance with N.J.S.A. 5:93-10:
 - a) §134-62.1.A (Minimum garage requirement for residential units) shall not apply.
 - b) §134-62.1.C (Minimum number of off-street accessory parking spaces) shall not

apply.

- c) §134-66.A-1 (Fence and wall height limitations for residential districts) shall not apply. §134-71.3 (General design standards) shall not apply.
- d) §134-71.5 (Commercial design standards) shall not apply.
- e) §134-85.3 (Tree preservation) shall not be applicable within the area of disturbance.
- f) §134-91.2 (Calculation of number of building lots for subdivision and the number of units for site plans) shall not apply.
- g) §134-91.3 (Slope and Soil Disturbance Provisions) shall not apply.
- h) §134-91.4 (Tree Removal and Replacement) shall not apply.
- i) §134-95 (Soil Mining and Permitting) shall be inapplicable to the soil disturbance to be performed by the Developer.
- j) §134-96.4 (General Requirements to Regulations for Slope and Soil Disturbance) shall not apply, except that MAD/TADA calculations shall be provided.

F. Affordable Inclusionary Housing Requirements.

- (1) At least twenty percent (20%) of the total number of dwelling units in the MLR3D-5 zone shall be affordable to very low, low and moderate income households, regardless of tenure.
- (2) All affordable housing units shall be provided as family units and shall not be reserved for any particular population, including, but not limited to persons aged 55 years or older or persons with special needs.
- (3) 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.), UHAC regulations (N.J.A.C. 5:80-26.1 et seq.), and as required under Chapter 213, Affordable Housing Regulations, of the Code of the Township of Wayne.
- (4) At least fifty percent (50%) of the total number of affordable inclusionary dwellings shall be low income affordable housing units, including very low income units.
- (5) At least thirteen percent (13%) of the total number of affordable inclusionary dwellings shall be very low income units.
- (6) Phasing of affordable dwellings shall be in accordance with N.J.A.C. 5:93-5.6(d).
- (7) The affordable housing units shall be integrated with the market rate units. Integration shall mean that the market rate and affordable housing units shall be the same, except for the following allowances:
 - a) Up to thirty-five percent (35%) of the dwellings in any building housing multiple dwellings may be affordable dwelling units.
 - b) The exterior building materials shall be the same in type and color but may be in different proportions than market rate units due to differences in width, number of doorways, number of windows and structure height.
 - c) The provision for the parking of passenger vehicles may differ between market rate and affordable housing units.
 - d) The interior designs and finishes of affordable units may differ from the market rate units.

G. Permitted Uses. The following uses shall be permitted in the MLR3DR-5 zone as indicated in the following three permitted uses tables, where an “X” marks the use that is allowed (row) in the particular sub-district (column) an indication of “C” means the use is conditionally permitted, an indication of “NP” means the use is prohibited and a hyphen “-” means it is not applicable. In the MU Sub-district, any use permitted in the R-1 and R-2 Sub-districts shall also be permitted and in the R-2 Sub-district, any use permitted in the R-1 Sub-district shall also be permitted. Any other principal, accessory and conditional uses not listed shall be prohibited.

PERMITTED USES TABLES

PERMITTED PRINCIPAL USES	R-1	R-2	MU	G	OS
Detached dwellings	X	X	NP	NP	NP
Attached dwellings	X	X	NP	NP	NP
Stacked, attached dwellings	X	X	NP	NP	NP
Multi-family dwellings	NP	X	X	NP	NP
Medical residential	NP	NP	X	X	NP
Adult uses	NP	NP	NP	NP	NP
Adult day care	NP	NP	X	X	NP
Automobile Service Station	NP	NP	NP	NP	NP
Bars and Nightclubs	NP	NP	X	NP	NP
Brewery and distillery	NP	NP	C	NP	NP
Bus and bus rapid transit station	NP	NP	X	NP	NP
Catering facilities and banquet halls	NP	NP	X	X	NP
Child care centers	NP	NP	X	X	NP
Co-working space	NP	NP	X	NP	NP
Data and information processing centers	NP	NP	X	NP	NP
Exercise centers, fitness centers	NP	NP	X	X	NP
Health care clinic	NP	NP	X	X	NP
Health clubs and wellness centers	NP	NP	X	X	NP
House of worship	NP	NP	NP	X	NP
Hotels	NP	NP	X	NP	NP
Incubator kitchen	NP	NP	X	NP	NP
Incubator space	NP	NP	X	NP	NP
Maker space	NP	NP	X	NP	NP
Market space, indoors and outdoors	NP	NP	X	NP	NP
Movie and performing arts theatres	NP	NP	X	NP	NP
Municipal use	X	X	X	X	X
Office	NP	NP	X	X	NP
Office, medical or dental	NP	NP	X	X	NP
Open space, public or common	X	X	X	X	X
Power building	NP	NP	X	NP	NP
Research facility, heavy	NP	NP	NP	NP	NP
Research facility, light	NP	NP	X	X	NP
Restaurants	NP	NP	X	X	NP
Retail sales	NP	NP	X	X	NP
Retail services	NP	NP	X	X	NP
Services, health	NP	NP	X	X	NP
Television and movie studio	NP	NP	X	X	NP
Trails, fitness trails and along the Point View Reservoir, a promenade	NP	NP	NP	NP	X
Urgent care center	NP	NP	X	X	NP

PERMITTED ACCESSORY USES					
Use	R-1	R-2	MU	G	OS
Utilities	X	X	X	X	C
Drive-thru (any use)	NP	NP	NP	NP	NP
Off-street surface parking	X	X	X	X	NP
Private garage and private driveway parking	X	X	X	NP	NP
Structured parking	NP	X	X	X	NP
Home occupation (§134.5-34.1.d)	X	X	X	NP	NP
Exercise and fitness centers, health clubs	NP	X	X	NP	NP
Maintenance buildings	X	X	X	X	NP
Photovoltaic solar panels, roof mounted	X	X	X	X	NP
Public restroom	NP	NP	X	NP	X
Refuse and recycling collection areas	X	X	X	X	X
Signs	X	X	X	X	X
Temporary sales, management and	X	X	X	X	NP

construction trailers					
Outdoor dining	NP	NP	X	X	X
Rooftop dining	NP	NP	X	NP	NP
Rooftop decks	X	X	X	X	NP
Community center/clubhouse and recreation area(s), including indoor recreational facilities	X	X	X	X	NP
Outdoor recreational facilities, fitness center, jogging paths, dog parks and runs, play lots and similar amenities as part of active and passive open space.	X	X	X	X	X

PERMITTED CONDITIONAL USES					
Use	R-1	R-2	MU	G	OS
Brewery, cidery and distillery	NP	NP	C	NP	NP
Child care center	NP	C	-	-	NP
Commercial recreation	NP	NP	C	X	NP
Conference center	NP	NP	C	NP	NP
Food truck program	NP	NP	C	NP	NP
Schools, training and business	NP	NP	C	C	NP
Off-street surface parking	-	-	-	-	C

(1) Criteria for conditional uses. The following uses shall be permitted as noted in the prior table when meeting the criteria established below:

- a) Brewery, cidery and distillery.
 - i. The location and number of tables and chairs shall be shown on the site plan at the time of site plan review.
 - ii. Shall not be located within one hundred (100) feet of the R-2 district.
- b) Child care center. A child care center shall be a permitted conditional use in the R-2 sub-district, subject to the following criteria:
 - i. The child care center shall have an outdoor play area.
 - ii. The child care center shall not have a swimming pool.
- c) Commercial recreation. Any commercial recreation use in the Mixed Use sub-district shall be located indoors.
- d) Conference center. Any conference center fronting on a principal street shall be limited to an entrance area of sixty (60) lineal feet.
- e) Food trucks provided that the following conditions are met:
 - i. The gathering location or locations for the trucks is shown on the site plan.
 - ii. Provision of publicly available restrooms sufficient for size of the facility shall be located within six hundred (600) feet by the line of travel.
 - iii. Appropriate trash and recycling facilities shall be provided.
- f) Off-street surface parking.
 - i. Off-street surface parking in the Open Space Sub-district shall be limited to trailhead parking for not more than ten (10) parking spaces in any one location or more than three such parking lots in total in the MLR3D-5 zoning district.
- g) Schools, training and business.
 - i. Activities outside a principal structure shall not be permitted.
 - ii. Services provided to the public as part of the training program shall conform to uses permitted within the district.

(2) Additional requirements for specific uses.

- a) Exercise and fitness centers, health clubs when located in the R-2 sub-district may offer memberships to residents not residing in the building in which the use is located who live in a building without such exercise center, fitness center, or

health club and in the same development. “Same development” shall mean the geographic extent of the application for development under which the final approval was gained for its construction.

- b) House of worship.
 - i. Shall conform to standards of §134-63.4.
- c) Incubator kitchen.
 - i. Wholesale sales, only, shall be permitted in an incubator kitchen.
- d) Maker space.
 - i. Loading areas for the exclusive use of maker space shall not be located on a principal street.
 - ii. All maker space activities shall occur within a building.
 - iii. Outdoor storage is prohibited.
- e) Market space, outdoor.
 - i. Provision of publicly available restrooms sufficient for size of facility within six hundred (600) feet by line of travel is required.
 - ii. Provision of electric and water services shall be required.
 - iii. Outdoor storage of goods and equipment shall not be permitted for three (3) or more consecutive days in which the market is not open to the public.
- f) Outdoor dining.
 - i. Outdoor dining shall be permitted in conjunction with any restaurant use, food truck plaza, or market space.
 - ii. Outdoor dining areas shall be delineated on a site plan at the time of application.
 - iii. No outdoor dining area shall impede the flow of pedestrian circulation on public sidewalks or pathways.
- g) Restaurant.
 - i. In the Gateway Sub-district, no drive-thru facility for a restaurant shall be permitted.
 - ii. In the Gateway Sub-district, all restaurants shall be located on the ground and lower floors of a building; and/or rooftop.
- h) Retail sales and services.
 - i. In the Gateway Sub-district, no drive-thru facility for any retail sales and/or services use shall be permitted.
- i) Rooftop deck.
 - i. Recreational and leisure activities, grilling stations, seating and tables shall be permitted on rooftop decks on multi-family and mixed-use buildings.
- j) Rooftop dining.
 - i. Rooftop dining shall be permitted in conjunction with a restaurant.
 - ii. No amplified singing or the playing of musical instruments shall be permitted.
- k) Utilities.
 - i. Location of proposed transformers and similar utility equipment shall be located near the loading areas of buildings or otherwise located away from any public or private spaces to the greatest ability reasonably possible.
 - ii. Proposed locations of utility equipment shall be designed to the greatest ability to conform to the siting requirements of the relevant utility. In the case that the relevant utility does not approve the proposed locations, revised locations shall be contemplated under §134-106.9.
 - iii. Buildings which contain utilities shall be limited to the height permitted in the Sub-district in which the utility is located.
 - iv. Transformers; electric, telephone and cable utility boxes shall be screened

consistent with §134-86.4; however, berms shall not be required.

H. Tract Requirements.

- (1) The minimum tract area shall be equal to the MLR3D-5 zone and may be developed in one or more phases or sections in accordance with the applicable requirements of N.J.S.A. 40:55D-1 et seq. More specifically, at the discretion of an applicant, the tract may be developed or redeveloped as a planned unit development pursuant to N.J.S.A. 40:55D-39.b and -c.
- (2) Planned unit development. When developing the tract as a planned unit development, an applicant may submit a general development plan pursuant to N.J.S.A. 40:55D-45.3 utilizing the provisions of N.J.S.A. 40:55D-45.1. Said general development plan submission shall include a separate plan that identifies the Sub-districts that is consistent with the settlement agreement “Concept Plan w/ Subdistrict” Map land uses as established in §134-54.C(1), but that may vary as follows:
 - a) Up to one hundred (100) feet in any direction between R-2 and MU Sub-districts upon showing of need for purposes of reaching development yield.
 - b) Up to an additional fifty (50) feet in any direction between R-2 and MU Sub-districts, if necessary due to the location of environmental constraints such as freshwater wetlands, steep slopes, and riparian or freshwater wetlands transition buffers.
 - c) There shall be no shifting of the R-1 boundaries, except as *de minimis* in nature.
 - d) Up to one hundred (100) feet in any direction from the R-2 or MU Sub-districts into the OS Sub-district upon showing of need due to the location of environmental constraints such as freshwater wetlands, steep slopes, and riparian or freshwater wetlands transition buffers. Any expansion into the OS Sub-district shall be offset by a correspondingly sized portion of the expanding Sub-district being converted into OS Sub-district.
- (3) Active and passive recreation requirements. In any planned development, the tract shall include a minimum of six (6) acres of passive recreation and three (3) acres of active recreation area. Rooftop areas located immediately above residential units shall not qualify as active or passive recreation, however amenities constructed above non-residential units including by way of example and not limitation amenities constructed above garages or on podiums shall count towards active and/or passive recreation. Such recreational areas shall be depicted on the general development plan and shall conform to the following requirements and/or limitations:
 - a) Active recreation. Active recreation shall consist of at least one multi-purpose field suitable for more than one sport or leisure time activity that shall be no less than 7,500 sf. in area. The total area of the multi-purpose field(s) or uses shall be no less than one (1) acre of the three total acres of land devoted to active recreation. Active recreation may be common open space associated with a singular property owner of a multi-tenanted residential building, homeowner’s association, condominium association, cooperative association, other horizontal property regime; or group of such owners under a master deed, or the entire planned development under a master deed; or public open space. At least one half (1/2) acre of the three acres of active recreation not used for a multi-purpose field(s) or uses shall be available to all occupants, residents and owners of a multi-tenanted residential building, homeowner’s association, cooperative association, of other horizontal property regime.
 - b) Passive recreation. Passive recreation may include hiking, biking and fitness trails through any required perimeter buffer or through land otherwise in the OS District. Each one lineal foot of trail shall count as 30 sf. feet in the calculation of land towards the minimum land area required for passive recreation.
 - c) Phasing of open space. The provision of open space shall be made in accordance with the following minimum standards and shall be generally depicted on any general development plan submitted under §134.-54.9.B and §134-108.2, Submission Requirements, for general development plans. The percentage of the nine (9) required acres of combined active and passive open space and any appurtenant facilities associated with such open space shall be completed upon the issuance of the certificates of occupancy for the stated number of total

dwelling units in the Point View development:

Number of Dwellings Issued Certificates of Occupancy	Minimum Percentage of Passive and Active Open Space Set-aside or Developed
340	0%
341	10%
680	50%
1,020	75%
1,224	100%
1,360	100%

- (4) The bulk standards applicable to the Sub-district shall be measured from any lot line, public or private street right-of-way on which the development has frontage. This shall not apply to nonresidential floor area ratio or impervious cover; these standards shall apply to the entirety of the MLR3D-5 District.
- (5) Each land use district shall have access to a public or private streets sufficient to address the anticipated level of pedestrian, bicycle, transit and private vehicle traffic generated by the allowed uses. Each land use district shall be integrated into the overall district’s street system and, where feasible and consistent with the standards herein, provide multiple points of street access.
- (6) Each land use district shall be constructed to ensure that the planned unit development occurs in an orderly fashion so that streets, whether public or private, utilities, lighting, and other infrastructure is installed and operational for use by the general public.
- (7) The maximum block length shall be six hundred (600) feet. This shall exclude the Gateway and Open Space land use districts, as well as blocks containing an existing building(s).
- (8) Tract perimeter setbacks.
 - a) There shall be a minimum fifty (50) foot buffer around the entire perimeter of the site, except the minimum buffer shall be 100 feet from all properties in Blocks 3601, 3603 and 3624, and from the Woodhaven Trail and Sycamore Trail rights-of-way.
 - b) The perimeter area shall be planted with a combination of deciduous trees, conifers, shrubs, and berms, except for necessary street and utility crossings and where views to the Point View Reservoir are desired. Existing vegetation may serve as screening material at the discretion of the reviewing authority. The perimeter buffer area along the edge of Point View Reservoir may be used for pedestrian and bicycle pathways and landscaping shall be used to frame views to and from the waterbody, rather than fully screening the public viewshed. Except as modified above, the perimeter area shall be planted in accordance with the performance standard in §134-86.4. Deviations from this standard shall be considered a design exception under N.J.S.A. 40:55D-51 by the approving authority.
- (9) Building height. Building height shall be measured in stories from the elevation containing the principal entrance to the building and in the event where more than one entrance may be considered a principal entrance, the principal entrance facing the highest order street, whether public or private, upon which the building fronts.
 - a) Heights by sub-district:
 - i. Building height limitation in the R-1A Sub-district (see “Concept Plan w/ Subdistrict” Map): 3 stories and 42 feet (however, the linear height limitation may be increased by ten percent (10%) if the structure is constructed with a sloped roof).
 - ii. Building height limitation in the R-1B Sub-district: 4 stories and 52 feet (however, the linear height limitation may be increased by ten percent (10%) if the structure is constructed with a sloped roof).

iii. Building height limitation in the R-2 Sub-district:

- [a] Podium building multi-family with flat roof: 5 stories and 57 feet.
- [b] Podium building multi-family with peaked roof: 5 stories and 66 feet (however, the linear height limitation may be increased by twelve percent (12%) if the structure is constructed with a sloped roof).
- [c] Mid-rise building with flat roof: 8 stories and 96 feet in the 8-story building overlay area.

iv. Building height limitation in the Gateway Sub-district: 4 stories and 55 feet.

v. Building height limitation in the Mixed-Use Sub-district: 5 stories and 72 feet.

vi. Building height limitation in the Open Space Sub-district: 1.5 stories and 28 feet.

b) Exceptions.

i. Exceptions to the story and linear height limitations shall include: non-habitable areas and enclosed spaces, including but not limited to, mechanical services, elevator penthouses, condensers, exhaust fans, air-conditioning and similar HVAC equipment; stair enclosures; skylights or atrium structures; roof-access stairwells and amenities on a roof top terrace (including, but not limited to decking, landscaping, railing, walls, outdoor furniture, lighting, pergolas and similar amenities); and architectural enhancements and appurtenances (including, but not limited to) parapets, chimneys, cupolas, steeples, spires, belfries, towers, corner towers, flagpoles and similar elements), provided that the total area of such roof top elements do not exceed twenty-fifty percent (25%) of the total floor area above the roof, nor extend more than fifteen (15) feet above the roof deck.

I. R-1 Sub-district Development Standards.

- (1) Development standards for detached dwellings in the R-1 sub-district shall be as required for the Residential Medium Density (R-15) zone, see §134-34.2, and in conformance with Article 4 Supplementary Zoning Regulations.
- (2) Development standards for attached dwellings in the R-1 sub-district.
 - a) Maximum impervious surface coverage.
 - i. Fee simple ownership lots: 70% of lot area.
 - ii. Condominium ownership: 70% of the tract area
 - b) Minimum unit width: 20 feet.
 - c) Maximum building length through the long axis of the residential structure: 270 feet.
 - d) Minimum distances between buildings:
 - i. Minimum distance from building front to building front: 50 feet
 - ii. Minimum distance from building front to building side: 25 feet
 - iii. Minimum distance from building front to building rear: 50 feet
 - iv. Minimum distance from building side to building rear: 25 feet
 - v. Minimum distance from building rear to building rear: 40 feet
 - vi. Minimum distance from building side to building side: 10 feet
 - e) Minimum rear yard depth for individual use of dwelling by resident(s): 20 feet.
 - f) A garage door shall be no farther in front of the building wall that makes up the majority of a façade than eight (8) feet.
 - g) The building wall containing the garage access shall be setback a minimum of

twenty (20) feet from the sidewalk or common access street or driveway, whichever is closest to the garage.

- h) The front façade, excluding the garage, shall be setback a minimum of five (5) feet from the common access street or driveway, sidewalk or surface parking, whichever is closest to the front façade. This setback shall not apply to an open porch, landings, steps, overhanging eaves, cornices, chimneys, bay windows.
- i) Rear and side facades shall be setback a minimum of fifteen (15) feet to the common access street or driveway, sidewalk or surface parking. This setback shall not apply to steps.
- j) For any building containing townhouse and/or stacked townhouse dwellings, the façades of the individual dwellings shall be compatible but need not be completely uniform in appearance. Facades shall differ at least in the following ways:

i. Minimum number of different facades.

- [a] For buildings less than one hundred (100) feet in length: two (2) different facades
- [b] For buildings between one hundred (100) feet in length and two hundred (200) feet in length: three (3) different facades
- [c] For buildings greater than two hundred (200) feet in length: four (4) different facades
- [d] Definition of façade. Facades that do not share two (2) or more of the following façade characteristics shall be considered to be different facades.
 - (i) Porch configuration.
 - (ii) Window configuration.
 - (iii) Roof style.
 - (iv) Soffit and fascia.
 - (v) Story demarcation.
 - (vi) Lintel.
 - (vii) Base of façade.
- [e] Distribution of facades. A maximum of three (3) townhomes or six (6) stacked townhomes with the same façade may be constructed adjacent and attached to one another.

ii. Additions. Additions to townhouses and stacked townhouses shall be similar color and material as the rest of the building.

k) Driveway design standards.

i. Not including the driveway apron or radius to the street or common access driveway, single car garage driveways should not exceed ten (10) feet in width and twenty (20) feet in width for double car garage driveways, unless needed to accommodate specific vehicle and building requirements.

ii. No direct vehicle access to residential attached dwellings of any type shall be permitted from the principal street.

J. R-2 and MU Sub-districts Development Standards:

- (1) Development standards for detached dwellings in the R-2 Sub-district shall be as required for the Residential Medium Density (R-15) zone, see §134-34.2, and in conformance with Article 4 Supplementary Zoning Regulations.
- (2) Development standards for attached dwellings in the R-2 Sub-district shall conform to the development standards in the R-1 Sub-district.
- (3) R-2 Overlay Area. Within the approximately 7.2 acre overlay area as depicted on the “Concept Plan w/ Subdistrict” Map located on the northwest shore of the Point View Reservoir, one (1) eight-story multi-family building may be constructed on top of structured parking.

(4) Development standards for multi-family, mixed use, and non-residential buildings.

a) Bulk standards.

- i. Build-to line. Buildings fronting on public or private street(s) shall be located no further than thirty (30) feet from the curb line of the public or private street(s) on which the building has frontage.
- ii. Minimum lot size: twenty thousand (20,000) sf.
- iii. Minimum lot frontage on a public or private street: eighty (80) ft.
- iv. Minimum lot depth: one hundred (100) ft.
- v. Minimum side yard: Zero (0) ft. common wall; otherwise minimum of ten (10) ft. and maximum of twenty (20) ft. No side yard setback shall be required where adjacent to the OS Sub-district (directly or across a public or private street) or adjacent to public or private open space.
- vi. Rear yard: Zero (0) ft. common wall; otherwise a minimum of twenty (20) ft. No rear yard setback shall be required where adjacent to the OS Sub-district (directly or across a public or private street) or adjacent to public or private open space.
- vii. Maximum impervious surface coverage for lots in the R-2 Sub-district: seventy-five percent (75%) of lot area.
- viii. Maximum impervious surface coverage for lots in the MU Sub-district: eighty-five percent (85%) of lot area.

b) Parking.

- i. Access to parking. No access to parking for multi-family, mixed-use and non-residential buildings shall be permitted from a principal street.
- ii. Location of surface parking.
 - [a] Parking shall not be located between a principal street and the principal building, except for existing parking in front of existing buildings.
 - [b] On streets which intersect with a principal street, parking shall not be located between the principal building and the secondary or tertiary street within the fifty (50) feet of the principal street.
 - [c] Parking between a secondary street and a principal building shall not occupy more than fifty percent (50%) of the block length of a secondary street. Parking shall otherwise be located behind the building.
 - [d] Parking between a tertiary public or private street and a principal building shall be screened with a visual buffer consisting of shrubbery, shade trees and/or walls, with the landscape material spaced as closely as is recommended by an authoritative source based upon the species.
- iii. Location of structured parking.
 - [a] Structured parking at the ground level shall be subject to the same standards as surface parking contained in -(b) above.
 - [b] Structured parking above the ground level and fronting on a principal street or fronting on the fifty (50) feet of block length of a secondary street intersecting a principal street shall be designed to screen the parking from view either through architectural design, artistic improvements, or other similar strategy to the degree feasible while maintaining adequate air flow according to the International Building Code, latest edition.
- iv. Parking requirements. Parking whether located on-street or in an off-street lot shall be provided as follows, however, the planning board may approve a lower amount upon presentation of a shared parking study

which supports a lesser amount:

- [a] Residential Uses shall be in conformance with the Residential Site Improvement Standards (RSIS) as found in N.J.A.C. 5:21-1 et seq.
- [b] Gateway Sub-district: 1 space per 250 sf of gross floor area.
- [c] MU Sub-district. Non-residential uses shall be 1 space per 250 sf of gross floor area.
- [d] Electric vehicle charging stations (EVC) shall be as required by statute.

K. The Gateway Sub-district shall conform to the Office Research area, yard and coverage standards pursuant to §134-47 except that the building height shall not exceed four stories and fifty-five (55) feet.

L. Open Space Sub-District Development Standards.

- (1) Maximum impervious surface coverage for lots in the Open Space Sub-district shall not exceed five percent (5%) of total area.

M. Street and Sidewalks.

- (1) Streets shall be designed as a right-of-way or internal “right-of-way” depending on whether the streets are public or private. The right-of-way shall include but shall not be limited to the cartway and any associated on-street parking; sidewalks and/or bike lanes and similar infrastructure; street furniture and lighting; street trees and/or planting strip.
- (2) A street grid shall be designed to create multiple paths of travel and cul-de-sacs shall be minimized.
- (3) A street hierarchy shall be created and shown on the GDP plan, identifying principal streets, secondary streets, and tertiary streets within the development. To the greatest extent feasible, streets intersecting any principal street shall be classified as a secondary street.
- (4) Access to off-street parking and loading shall be from streets other than the principal street in the Mixed-Use and R-2 sub-districts.
- (5) Streets, whether public or private that serve solely residential uses of the planned unit development shall comport with the Residential Site Improvement Standards (“RSIS”, N.J.A.C. 5:21-1 et seq.) except as specified herein.
- (6) Streets that serve as access to both residential and non-residential or non-residential uses, only, shall comply with §134-74 and §134-75, except as modified below.
 - a) Streets shall be designed for shared use by pedestrians, motorists, bicyclists, and scooter riders. The design should incorporate parking lanes and travel lanes, bump outs at intersections, and speed tables and other traffic calming measures if warranted by traffic analysis, to create a safe travel environment for the users of the street.
 - b) Streets shall use curb placement, traffic calming, striping, and other mechanisms necessary to result in a design speed no greater than 25 miles per hour. Curve radii shall be designed to conform to the minimum radii of 25 mph streets as specified in the low-speed urban street curve radius tables from AASHTO, unless a greater radius is required to meet sub-paragraph –(c) below.
 - c) Streets shall be designed to the minimum size necessary to functionally accommodate the vehicles in use by Fire Company No. 2 of the Township of Wayne.
 - d) Intersections shall be designed to minimize the length of time required for a pedestrian to cross the street in a perpendicular manner while meeting the turning radius requirements of the fire apparatus of Fire Company No. 2 of the Township of Wayne.
 - e) Streets shall have no more than one lane in each direction, unless the need for

additional lanes is established to the satisfaction of the Board at the time of General Development Plan or Site Plan review. However, approval of additional lanes shall be contingent upon providing additional safety mechanisms for pedestrians to cross the wider streets, such as but not limited to, all-way stops at affected intersections or pedestrian activated flashing crosswalk signs/embedded pavement flashing light systems.

- f) Any bike lanes provided on-street shall be designed in accordance with AASHTO Guide for the Development of Bicycle Facilities, latest edition.
- g) Any on street loading shall be included within the on-street parking lane.
- h) Sidewalks shall be provided on both sides of all public and private streets, with the exception that sidewalks may be reduced to one side of the street in the Open Space Sub-district, at the discretion of the Planning Board, where supported by provision of alternative paths on sidewalks and trails.
 - i. The minimum sidewalk width shall be four (4) feet, as per R.S.I.S. standards, with the exception of along the elevation of a nonresidential building serving as the front entrance to that nonresidential building shall be six (6) feet. An applicant may propose an alternative sidewalk plan than these standards based on the location of buildings to each other to better reflect the anticipated level of pedestrian activity as part of a GDP application, for review and approval.
- i) A planting strip with street trees shall be required between the cartway and sidewalk in all Sub-districts except the Gateway District and Open Space Sub-districts. Within the MU district, the planting strip may be replaced by the use of tree pits.

N. Building Design Guidelines.

- (1) Building design guidelines are applicable to all development on the site, except for single-family dwellings, utilities, and development in the Open Space and Gateway Sub-districts.
- (2) Deviations from the building design guidelines shall be considered design exceptions in accordance with N.J.S.A. 40:55D-51.
- (3) The front edge of a building should encourage the establishment of a street wall to the development. The first three stories within each Sub-district shall have substantially similar setbacks from the sidewalk. The fourth story and above may be setback from the primary façade.
- (4) Buildings should have architectural features and patterns that provide visual interest from the perspective of pedestrians and motorists. Buildings should include variation in mass through the use of the three main elements of base, middle and top in the façade and providing relatively consistent proportions across the width of the building. Building facades which face a public or private street or public or private open space shall be enhanced by the use of vertical and horizontal elements, such as but not limited to pilasters, arches, and cornices while maintaining a consistent street wall. The middle of such building facades shall be differentiated from the base by a horizontal transition line. The first story of such building facades should generally constitute the base of the design for any building three stories or higher. The design of the base, as well as the quality and durability of its materials, should be emphasized in the architectural design. In the hierarchy of building materials to be used for the façade, the most durable materials should be concentrated at ground level. The use of awnings in the MU Sub-district are encouraged to demarcate one store from the other and also provides a location for signage.
- (5) Doorways, windows and other openings in the façade of buildings which face a public or private street or public or private open space should be proportioned to reflect pedestrian scale and movement and encourage interest at the street level. Multiple front entrances or architectural features should be incorporated into the building design in order to produce human scale elements in the mass of large structures. Doorways shall be designed so that the door does not extend into any sidewalk or plaza area and windows should be inset into the building façade by not less than 3 inches.

- (6) Front entrances should face the principal street or the intersection of the principal street and a secondary street. Secondary entrances should face either side streets or driveways, or may face rear oriented parking lots or parking structures. Buildings not on the principal street are not required to meet this standard, but may do so, if desired. All entrances intended for the public shall be architecturally prominent and clearly visible. Particular attention shall be paid to building entrances and facades for corner buildings and terminating buildings due to their function as focal points of the development.
- (7) Loading areas, other than on street loading, shall be oriented to the rear of the building, unless the applicant can demonstrate the infeasibility of rear loading.
- (8) Parking structures shall not face the principal street on the first floor. Parking structures facing the principal street on upper stories shall utilize architectural and/or artistic treatments to screen the parking structure.

O. Signs.

- (1) Signs in the Gateway Sub-district shall be subject to the applicable standards in the OR district (134-68.3.G).
- (2) Signage for the tract, with the exclusion of the Gateway Sub-district shall conform to the applicable standards in the B District (134-68.3.A), except that freestanding signs shall only be permitted at the two entrances to the tract. Any free standing sign located at the southern entrance shall conform to size requirements of 134-68.3.A(2)(a).
- (3) As part of a GDP application, an applicant may propose a coordinated sign package that deviates from the applicable standards of the sign regulations of the B district and the Board of Jurisdiction may approve such sign package, if, in the opinion of the approving body, the alternative standards better reflect the goals and objectives of the planned development under N.J.S.A. 40:55D-65.c.

SECTION 4. §134-108, entitled, RESERVED, is hereby renamed General Development Plan Approval and the following requirements added to Chapter 134:

§134-108. Submission of a General Development Plan for Approval. An applicant may elect to submit an application for an approval of a general development plan for any planned unit development, planned unit residential development, residential cluster, planned commercial development or planned industrial development on any tract of land 100 acres or larger.

A. Application.

- 1) The applicant shall submit to the Administrative Officer two collated copies each of all exhibits for the application. The Administrative Officer shall process the application for a determination by the Planner that said application is complete.
- 2) Subsequent to the Administrative Officer certifying that the application is complete, the applicant shall submit to the Administrative Officer 23 additional collated application packages. The Administrative Officer shall then place the item on the agenda of the Board with jurisdiction.
- 3) The Board shall act upon the application as set forth in Article II of this chapter.

B. Submission Requirements.

- 1) The general development plan shall set forth the permitted number of dwelling units and the amount of nonresidential floor space for the planned development. The planned development shall be developed in accordance with the general development plan approved by the Planning Board, or an ordinance or regulation adopted pursuant thereto after the effective date of the approval.
- 2) A general development plan shall be submitted to the Planning Board and approved prior to the granting of preliminary approval for a major site plan or major subdivision.
- 3) Pre-Application Conference.

- a) The applicant may request an informal pre-application conference with the staff of the Planning Board prior to the filing of a formal application for the purpose of clarifying standards and regulations that will be applicable to their proposal. Requests for a pre-application conference shall be made in writing to the Secretary of the Planning Board. Requests shall include the name and address of the applicant, location of the property proposed for development, and a brief description of the nature of the proposed development.
 - b) Within ten (10) working days following receipt of a request for a pre-application conference, the planning staff shall schedule a pre-application conference and notify the applicant of the time, date and location of the conference.
 - c) Neither the developer nor the Planning Board shall be bound by any informal or concept plan approval of the general development plan in accordance with N.J.S.A. 40:55D-10.1.
 - d) At the pre-application conference, the applicant may present a conceptual, or schematic plan, or any other materials that are descriptive of the proposed development. No representation made by the planning staff or Planning Board during the course of the pre-application conference shall be binding on the staff or the Planning Board with respect to any application subsequently submitted.
 - e) The Township may charge application and escrow review fees for review of informal plans. The amount of any fees for such an informal review shall be in accordance with §134-10.1 for informal site plans.
- 4) General Development Plan Contents. The general development plan shall set forth the permitted number of dwelling units, the amount of nonresidential floor space, the residential density, and the nonresidential floor area ratio for the planned development, in its entirety, according to a schedule which sets forth the timing of the various sections of the development. The planned development shall be developed in accordance with the general development plan approved by the Planning Board, notwithstanding any provision of NJSA 40:55D-1 et. seq., or an ordinance or regulation adopted pursuant thereto after the effective date of the approval.
- 5) A General Development Plan shall include the following submission items:
- a) A general land use plan, at a scale consistent with an engineering scale (i.e., 1" = 100') and able to fit on a 24" x 36" sheet or (i.e., 1" = 200') and able to fit on a 40" x 60" sheet, indicating the tract area and general locations of the land uses to be included in the planned development. The total number of dwelling units and amount of nonresidential floor area to be provided and proposed land area to be devoted to residential and nonresidential use shall be set forth. In addition, the proposed types of nonresidential uses to be included in the planned development shall be set forth, and the land area to be occupied by each proposed use shall be estimated. The density and intensity of use of the entire planned development shall be set forth, and a residential density and a nonresidential floor area ratio shall be provided;
 - b) A circulation plan showing the general location and types of transportation facilities, including facilities for pedestrian access, within the planned development and any proposed improvements to the existing transportation system outside the planned development;
 - c) An open space plan showing the proposed land area and general location of parks and any other land area to be set aside for conservation and recreational purposes and a general description of improvements proposed to be made thereon, including a plan for the operation and maintenance of parks and recreational lands;
 - d) A utility plan indicating the need for and showing the proposed location of sewage and water lines, any drainage facilities necessitated by the physical characteristics of the site, proposed methods for handling solid waste disposal, and a plan for the operation and maintenance of proposed utilities;
 - e) A storm water management plan setting forth the proposed method of controlling and managing storm water on the site;

- f) An environmental inventory including a general description of the vegetation, soils, topography, geology, surface hydrology, climate and cultural resources of the site, existing man-made structures or features and the probable impact of the development on the environmental attributes of the site;
- g) A community facility plan indicating the scope and type of supporting community facilities which may include, but not be limited to, educational or cultural facilities, historic sites, libraries, hospitals, firehouses, and police stations;
- h) A housing plan outlining the number of housing units to be provided and the extent to which any housing obligation assigned to the municipality pursuant to P.L. 1985, c. 222 (C. 52:27D-301 et al.) will be fulfilled by the development;
- i) A local service plan indicating those public services which the applicant proposes to provide and which may include, but not be limited to, water, sewer, cable and solid waste disposal;
- j) A fiscal report describing the anticipated demand on municipal services to be generated by the planned development and any other financial impacts to be faced by municipalities or school districts as a result of the completion of the planned development. The fiscal report shall also include a detailed projection of property tax revenues which will accrue to the county, municipality and school district according to the timing schedule provided under subsection k. of this section, and following the completion of the planned development in its entirety;
- k) A proposed timing schedule in the case of a planned development whose construction is contemplated over a period of years, including any terms or conditions which are intended to protect the interests of the public and of the residents who occupy any section of the planned development prior to the completion of the development in its entirety; and
- l) A municipal development agreement, which shall mean a written agreement between a municipality and a developer relating to the planned development.

C. Review

- 1) The Administrative Officer shall forward to the following copies of the preliminary plan, once deemed complete, for review and comment, where appropriate:
 - (a) Planning Board or Board of Adjustment.
 - (b) Township Planner.
 - (c) Township Engineer.
 - (d) Health Officer.
 - (e) Environmental Commission.
 - (f) Police Department.
 - (g) Fire Official
 - (h) First Aid Squad
 - (i) ADA Subcode Official
 - (j) Fire Bureau
 - (k) Commissioner of First Aid and Safety
 - (l) Hudson-Essex-Passaic Soil Conservation district.
 - (m) Township Historic Preservation Advisory Committee, if site is designated as an historic site.
 - (n) Superintendent of Water and Sewer.

- (o) Supervisor of Landscape and Park Design.
 - 2) The Board shall also have the authority to refer any plat to other agencies or individuals for comment or recommendations.
 - 3) The officials and agencies shall forward to the Administrative Officer their comments and recommendations in writing within the requested time frame set forth by the Administrative Officer.
- D. Notice of Public Hearing. At the time when the Administrative Officer considers the application and determines that the application is complete and ready for public hearing, if required, the Administrative Officer shall set a date for the public hearing and notify the applicant of said date. After such notification by the Administrative Officer, the applicant shall provide for public notice in accordance with the procedures of N.J.S.A. 40:55D-12 and this chapter.
- E. Other Required Approvals. If the Board approves a general development plan conditioned upon County Planning Board approval, or that of any other governmental agency, officer or public body, and in meeting any conditions of County Planning Board or other governmental agency approval there is a substantial change in the design, access, circulation, drainage or improvement, the revised plan shall be resubmitted to the Township for approval. In the event that development proposed by an application for development requires an approval by a governmental agency other than the municipal Planning Board, the Planning Board shall, in appropriate instances, condition its approval upon the subsequent approval of such governmental agency pursuant to N.J.S.A. 40:55D-22b.
- F. Action. The Planning Board shall grant or deny general development plan approval within ninety-five (95) days after submission of a complete application to the Board, or within such time as may be consented to by the applicant. Failure of the Planning Board to act within the prescribed period shall constitute general plan approval of the planned development.
- G. Effect of General Development Plan Approval.
- H. If the Planning Board approves the general development plan, it shall make a notation to that effect, and a resolution shall be adopted memorializing the approval and any conditions of approval.
- I. The term of the effect of the general development plan approval shall be determined by the Planning Board, which shall take into consideration the following factors in making its determination:
- 1) The number of dwelling units and size of the land area;
 - 2) The prevailing economic conditions and market;
 - 3) The proposed phasing schedule for the project and likelihood of its fulfillment;
 - 4) The developer's capability of completing the proposed development;
 - 5) The specific contents of the general development plan; and
 - 6) Any conditions which the Planning Board attached to its approval.
- J. The term of the effect of the general development plan approval shall not exceed twenty (20) years from the date of final approval of the first section of the planned development.
- K. Should a developer, having general development plan approval, fail to apply for any preliminary approval for the planned development which is the subject of that general development plan approval within five (5) years of the date upon which the general development plan has been approved by the Planning Board, the municipality may cause the general development plan approval to lapse.
- L. Signature Required. If the Board favorably acts on a general development plan, the Chairperson and the Secretary of the Board shall affix their signatures to the plan with a notation that it has received approval and shall return same to the applicant. Where conditional approval is granted, the Chairperson and the Secretary of the Board shall not affix their signatures to the general

development plan until all conditions required for approval have been complied with.

M. Distribution of Approved General Develop Plans. The applicant shall provide the Administrative Officer of the Board with eight copies of the approved preliminary plat, which shall be distributed as follows and where appropriate:

- 1) Township Engineer.
- 2) Construction Official.
- 3) Health Officer.
- 4) Tax Assessor.
- 5) Applicant.
- 6) Police Department.
- 7) Fire Official.
- 8) First Aid Squad.

SECTION 5. 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 6. All other provisions of Chapter 134 of the Code of the Township of Wayne shall remain unchanged.

SECTION 7. 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 8. 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, only.

SECTION 9. 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 repeal of existing provisions not intended to be repealed.

SECTION 10. This ordinance shall take effect in the manner prescribed by law at N.J.S.A. 40:69A-181.

ATTEST:

PAUL V. MARGIOTTA
TOWNSHIP CLERK

JASON DESTEFANO
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 _____ 2024.

ADOPTED ON: _____

CHRISTOPHER P. VERGANO
Mayor