

BOROUGH OF SADDLE RIVER

ORDINANCE NO. 2020-1000

AN ORDINANCE AMENDING CHAPTER 210 ZONING ORDINANCE OF THE CODE OF THE BOROUGH OF SADDLE RIVER, NEW JERSEY, ESTABLISHING A NEW ARTICLE XVI ENTITLED AFFORDABLE HOUSING DISTRICT 3, AND AMENDING THE BOROUGH ZONING MAP

SECTION 1: Chapter 210 of the General Ordinances of the Borough of Saddle River entitled "Zoning" is hereby amended to add a new Affordable Housing _ 3 (AH-3) zoning district at new Article XVI covering properties identified as Block 1601 Lots 10, 10.01 and 11 and Block 1605 Lot 1 on the Borough of Saddle River Tax Maps, which are to be developed as a single comprehensive integrated development for the purposes of establishing a one hundred percent affordable housing development, satisfying the provisions of the Uniform Housing Affordability Controls (NJAC 5:80-26.1 et seq.) as hereafter set forth.

210-90. Description

A new Article XVI Affordable Housing District III is hereby established in Chapter 210 of the Borough of Saddle River Zoning Ordinance. This zone shall encompass Block 1601 Lots 10, 10.01 and 11, and Block 1605 Lot 1 on the Borough of Saddle River Tax Maps.

210-91. Purpose and Definitions

A. The purpose of the Affordable Housing District III (AH-3) is to establish zone for a one hundred percent affordable housing development zone encompassing Block 1601 Lots 10, 10.01 and 11, and Block 1605 Lot 1 to accommodate very-low, low-and moderate-income housing units satisfying the Fair Housing act and Uniform Housing Affordability Controls, and in conformance with the applicable procedural and substantive rules for affordable housing, as determined by the courts or other applicable authority, by permitting such development subject to the following regulations. The purpose of this ordinance is to have the entire area zoned AH-3 to be developed as a single entity within the context of a comprehensive integrated design.

B. Definitions. The Definitions provided in Section 210-3, Chapter 210 Article I of the Borough of Saddle River Code shall apply in the AH-3 Affordable Housing-3 Zone, except as provided herein. The following definitions shall apply only within the AH-3 Zone, shall supplement any non-conflicting definitions within Chapter 210 of the Borough Code, and shall supersede any conflicting definitions in the Borough Code:

- a. "Tract" shall mean the area, parcel(s), site(s), piece of land, Lot(s), or property within the AH-3 Zone.

- b. "Tract Line" shall mean the boundary between the Tract and any Lot outside the AH-3 Zone or public road.

210-92. Permitted Principal Uses

The AH-3 District shall permit one hundred percent Affordable Housing Developments including special needs housing. The special needs housing shall be permitted to be located on Block 1605, Lot 1 and up to three special needs housing units shall be permitted on Block 1601, Lots 10, 10.01 and/or 11.

210-93. Permitted Accessory Uses

Accessory uses and structures may include the following:

- a. Public and private utilities servicing the units;
- b. Internal roadways, parking areas and sidewalks;
- c. Clubhouses and other recreation buildings;
- d. Garage structures that serve the development;
- e. Signs, subject to Chapter 175 Signs and 210-97o;
- f. Light fixtures, subject to Section 210-97h;
- g. Refuse collection area, subject to 210-97m;
- h. Fences and walls, which shall complement the architectural style, type, and design of the buildings and the overall project design;
- i. Stormwater management basins and structures and sanitary sewer systems and pumps and utilities, when properly screened and landscaped;
- j. Swimming pools and tennis courts;
- k. Mail boxes or a mail box station;
- l. Internal traffic control devices and traffic and directional signs;
- m. Maintenance shed;
- n. Passive and active recreation areas;
- o. Tot lots or playgrounds;
- p. Management office space;
- q. Snow removal equipment storage;
- r. Decks and patios;
- s. Any other accessory uses and structures approved as part of site plan review including detention /retention ponds and catch basins or piping to ensure adequate stormwater management controls;
- t. Other accessory uses and structures that are normally considered customarily incidental to the principal permitted uses, as determined appropriate by the approving authority.

210-94. Permitted Conditional Uses:

None

210-95. Prohibited Uses

Any use other than those uses specifically permitted above are prohibited, including but not limited to such uses as outdoor storage of materials by any resident or condominium association or management company, storage of materials on decks/patios, detached garages, sheds, and similar.

210-96. Area and Bulk Development Standards

The following development standards apply to the AH-3 District:

- a. Minimum Tract area: 4.0 acres, provided that property on the south side of E. Allendale Road shall be required to be a minimum 0.75 acre.
- b. Maximum No. Units: The area within the AH-3 District shall contain no more than eighty-eight dwellings on the north side of E. Allendale Road, and twenty-three units on the south side of E. Allendale Road.
- c. Maximum stories/height: 4 stories/55 feet
- d. Minimum setback to Tract Lines (principal structures) 20 feet
- e. Minimum distance between buildings: 20 feet between buildings
- f. Minimum landscape buffer along Tract Lines 10 feet
- g. Maximum building coverage 40 percent
- h. Maximum impervious coverage: 60 percent
- i. Parking See Section 210-97j below.

210-97 Design Standards.

An overall thematic design and architectural motif shall be utilized within the AH-3 District for the purpose of presenting an aesthetically pleasing design and an integrated unifying design expression for development within the zone.

The following design standards shall be utilized:

- a. Façade design
 1. For a minimum of every 50 feet of building length, there shall be one plane-break along the façade, comprised of at least 24 inches in depth. The offset shall extend from grade to the highest story.
 2. Buildings with expansive blank walls on any facade are discouraged. Side and rear elevations should receive architectural treatments comparable to front facades, specifically with respect to window treatments and some form of articulation relief, which may be in the form of a belt course, corner line or similar trim features.
 3. Decorative architectural features at entrances, cornices, and windows, and articulation between dwelling units are encouraged, and shall be architecturally compatible with the overall style, materials, colors and details of the building.
 4. Complementary building colors and materials shall be consistent with the general theme of the development.
- b. Materials: Building facades shall be finished in stone veneer, stucco, fiber cement, brick and/or cast stone. Exterior building materials shall be classified as either primary, secondary, or accent materials. The façade shall be designed in accordance with the following:
 1. The primary material shall cover at least 60 percent of the building façade.
 2. Secondary materials shall cover not more than 40 percent of the façade.
- c. Exterior-mounted mechanical and electrical equipment exposed to the public view shall be screened by either architectural structures or landscaping. Roof-mounted equipment and projections, if applicable, should be painted the same color as the building, and/or where possible, located in such a manner as to be away from public view.
- d. Varying architectural embellishments to roofs such as dormers, belvederes, masonry chimneys and similar elements are encouraged to be incorporated into the design, provided they are architecturally compatible with the style, materials, colors and details of the building style.
- e. Landscaping standards
 1. Landscaping shall be provided to promote a desirable visual environment, to accentuate building design, define entranceways, and screen parking areas. Foundation plantings shall be utilized to enhance the site's visual and aesthetic

amenity. Landscape features shall also be utilized to mitigate adverse visual impacts, provide windbreaks for winter winds and summer cooling for buildings, and enhance buffer areas. The impact of any proposed landscaping plan at various seasonal intervals shall be considered. Plants and other landscaping materials shall be selected in terms of aesthetic and functional considerations.

The landscape design shall create visual diversity and contrast through variation in size, shape, texture and color. The selection of plants in terms of susceptibility to disease and insect damage, wind and ice damage, habitat (wet-site, drought, sun and shade tolerance), soil conditions, growth rate, longevity; root pattern, maintenance requirements, etc., shall be considered. Consideration shall be given to accenting site entrances and unique areas with special landscaping treatment. Flowerbed displays are encouraged.

2. A landscape plan shall be prepared by a licensed Landscape Architect, licensed by the New Jersey State Board of Landscape Architects, or other qualified individual. Said plan shall be required at the time of final site plan application.
3. All portions of the property not utilized by buildings or paved surfaces shall be landscaped utilizing such components as shrubbery, lawn areas, ground cover, existing vegetation, planting of coniferous and/or deciduous trees native to the area, or fencing. Seating areas and sculpture(s) shall also be permitted provided they are incorporated into the design in a comprehensive integrated manner that is consistent with the overall landscape design.
4. Plants and other landscaping materials shall be selected in terms of its aesthetic and functional considerations, to create visual diversity and contrast through variation in size, shape, texture, and color.
5. Landscaping shall be designed to achieve the integration of the various elements of site design, and highlight building and parking placement and natural features. Consideration shall be given to accenting site entrances and perimeter site areas with special landscape treatment. Flowerbed displays are encouraged, as is the use of native tree species and the Borough tree (flowering dogwood tree).
6. Landscaping within sight triangles shall not exceed a mature height of 30 inches. Shade trees shall be pruned up to an eight-foot branching height above grade.

7. The use of indigenous/native plant material is to be encouraged to establish sustainable landscapes that blend with the natural environment and reduce irrigation.
 8. Where an application proposes development on six and one-half (6.5) or more acres, the use of non-structural systems such as raingardens to offset stormwater discharge shall be utilized to the extent feasible.
 9. Water conservation measures such as drip irrigation, soil moisture-sensing irrigation or well-water irrigation systems shall be used where practicable.
 10. Shade trees shall be a minimum of 3 inch caliper with a canopy height of at least the minimum American Nursery and Landscape Association standards for this caliper.
 11. Street trees are required along internal roadways, and shall be provided at no more than fifty feet on-center, to the extent feasible.
 12. Ornamental trees shall be installed at a minimum size of four feet in height.
 13. Shrubs shall be planted at a minimum size of 18 to 24 inches.
 14. All plant material shall meet the minimum latest American Nursery and Landscape Association standards.
- f. Buffer Requirements

Buffer areas. Buffers shall comply with the following standards:

1. Required buffers may be entirely or partially satisfied with existing growth of evergreen and deciduous trees and shrubbery. Buffers which do not provide a suitable screen as required above shall be supplemented by additional evergreen plantings to provide the appropriate visual screen in order to minimize adverse impacts from a site on an adjacent property or from adjacent areas, recognizing the intent here is not to completely screen from view on-site development. Buffer plantings may consist of evergreen or deciduous trees or shrubs, berms, boulders, mounds, or combinations thereof, as approved by the Planning Board. While fencing may be installed to delineate the property line, the use of fencing or walls shall not be relied upon as a primary source of screening.
2. Where required, buffers shall be measured from the Tract Line and street rights-of-way. Buffer areas may overlap required setbacks.

3. Planting shall be installed at a variety of sizes which conform to the following minimum sizes:
 - a) Shade trees: 3 inch caliper and six feet in height.
 - b) Evergreen trees: six to eight feet in height.
 - c) Shrubs: 18 to 24 inches in height.
 4. No buildings, structures, accessory structures, parking, or storage of materials shall be permitted within the required buffer, except that fencing, driveways, retaining walls, lighting, stormwater management facilities and utilities are permitted in the buffer.
 5. Existing vegetation within the required buffer shall be preserved to the extent feasible. It shall be supplemented with shade-tolerant naturalistic massed plantings where necessary to provide screening of adjoining land uses.
 6. Irrigation shall be provided for all buffer plantings and sodded lawn areas in a manner appropriate for the specific plant species. A growth guarantee of one year shall be provided and all dead or dying plants shall be replaced by the applicant, as required, to maintain the integrity of the site plan.
 7. Landscape plantings. A minimum of 30% of the plantings proposed shall be indigenous to the region.
- g. Landscape plan content. A landscape plan, which shall be required at the time of final site plan application, shall include and identify the following information:
1. Existing and proposed underground and aboveground utilities such as site lighting, transformers, hydrants, manholes, valve boxes, etc., existing wooded areas, rock outcroppings and existing and proposed water bodies.
 2. Location of existing tree areas noted for preservation within the area of development. All existing tree areas to be saved or removed shall be identified as such.
 3. Existing and proposed topography and location of any proposed landscaped berms.
 4. Location, species and sizes of all proposed shade trees, ornamental trees, evergreen trees and shrubs and areas for lawns or any other ground cover. Different graphic symbols shall be used to show the location and spacing of shade trees, ornamental trees, evergreen trees, shrubs and ground cover.

5. A plant schedule indicating botanical name, common name, size at time of planting (caliper, height and spread), quantity, root condition and any special remarks (spacing, substitutions, etc.) for all plant material proposed. Plants within the plant schedule shall be keyed to the landscape plan utilizing the first letter of the botanical plant name.
 6. Planting and construction details and specifications.
- h. Lighting.
1. At the time of final site plan application, all lighting fixtures and foot-candle standards shall be provided for all areas of the site, to property lines, including around buildings, circulation aisles, parking and recreation areas and open space areas, and shall be consistent with the standards outlined by the Illuminating Engineering Society of North America (IESNA) and regulations of the Borough of Saddle River, and integrated with the overall design theme of the development.
 2. The Borough light fixture (Hadco Baltimore V651 BPS 70 watt), with a maximum 12 foot height, shall be utilized as the streetlight fixture.
 3. A lighting plan prepared by a qualified individual, such as a Professional Engineer, shall be provided at the time of final site plan application.
 4. All freestanding outdoor lighting fixtures shall be appropriately shielded and 'dark sky' compliant, and no taller than 12 feet in height.
 5. The intensity, shielding, direction and reflecting of lighting shall be subject to site plan approval by the approving authority.
 6. All parking areas, walkways, building entrances, and driveways shall be adequately illuminated during the hours of operation that occur after sunset. Any adjacent residential zone or use shall be shielded from the glare of illumination from site lighting and automobile headlights.
- i. Internal Circulation: All two-way vehicular circulation aisles shall be 24 feet in width. One way aisles may be 12 feet in width.
- j. Parking. Parking shall be provided at the following ratios: One bedroom units: 1.0 parking spaces per unit; Two bedroom units: 1.2 parking spaces per unit; Three bedroom units: 1.5 parking spaces per unit. The Borough is accepting this alternative parking standard pursuant to N.J.A.C. 5:21-4.14(c).

- k. Sidewalks.
 - 1. In public rights-of-way: Sidewalks may be required along adjoining public rights-of-way, as deemed appropriate by the Board.
 - 2. Within the development: notwithstanding the Residential Site Improvement Standards, sidewalks shall be required on one side of the private streets servicing the development. To the extent any waiver, exemption or exception is required from the Residential Site Improvement Standards due to an inconsistency with this zoning, the Board may liberally grant such waiver, exemption, or exception to refrain from imposing cost-generative requirements upon the application and/or development.
- l. Curbing. Curbing for interior roadways shall be Belgian block.
- m. Refuse collection. The manner in which refuse material shall be stored and collected shall be depicted on the site plan. If common refuse collection areas are to be provided, their location shall be identified, along with the manner in which the facility(s) shall be screened and landscaped, how garbage truck circulation and pick up shall be accommodated, and the manner in which recyclable material will be stored within the refuse collection area.
- n. Fencing. Decorative fencing may be installed along public roads and along the perimeter of the development, subject to the height limitations of the Borough code.
- o. Signs. A single identification sign shall be permitted on the portion of the AH-3 Zone north of E. Allendale Road and a single identification sign shall be permitted on the portion of the AH-3 Zone south of E. Allendale Road, for a total of two identification signs within the AH-3 Zone. Each individual identification sign not to exceed 3 x 4 feet in dimension, placed upon a decorative stone wall, or provided as a monument sign. The top of each sign shall not be more than 4.5 feet from the grade as measured around the sign. Each sign shall be placed within a landscaped setting.
- p. Multiple buildings on a lot. Irrespective of 210-28 which limits the number of principal buildings on a lot, in the AH-3 District multiple principal buildings shall be permitted.
- q. Relief from any required site design standard under this section shall be considered a design standard exception pursuant to N.J.S.A. 40:550-51(b) and not a variance.

210-98. Affordable Housing Standards Applicable to AH-3 Zone

- a. Pursuant to the Settlement Agreement with Fair Share Housing Center, dated February 4, 2020, as amended, the number of family affordable housing units on-site shall be eighty-eight in number for that portion of the AH-3 District that is located to the north of E. Allendale Road. There shall be a maximum 23 units on that portion of the district that is located to the south of E. Allendale Road. The bedroom distribution count for the entire design of this integrated development encompassing the entirety of the AH-3 District shall be as set forth in section (c) herein. This distribution assumes all units shall be family units.
- b. All Affordable Housing Development units shall be in conformance with the requirements of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. ("FHA"); applicable regulations of the New Jersey Council on Affordable Housing ("COAH"); applicable requirements of the Courts of the State of New Jersey; and all applicable regulations on affordability controls and other regulations of the New Jersey Housing and Mortgage Finance Agency ("NJHMFA") including, without limitation, the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. ("UHAC"). In the event of a conflict between UHAC and the regulations of the NJHMFA, the NJHMFA regulations control.
- c. The bedroom distribution of very-low, low- and moderate-income units for affordable units constructed on the Tract, which is to be developed as a single integrated development, shall be as follows:
 1. No more than twenty percent (20%) of the very-low, low- and moderate-income units shall be one-bedroom units.
 2. At least twenty percent (20%) of the very-low, low- and moderate-income units shall be three-bedroom units.
 3. At least thirty percent (30%) of the very-low, low- and moderate-income units shall be two-bedroom units.
- d. Very-low, Low- and moderate-income unit split: At least fifty percent (50%) of the affordable units will be available to very low income and low income households and the remainder of which will be available to moderate income households as defined in the FHA and UHAC and other applicable statutes and regulations. A minimum of thirteen percent (13%) of the affordable units will be made available to very low income households, defined as households earning thirty percent (30%) or less of the regional median income by household size.
- e. Procedures regarding affirmative marketing of very-low, low- and moderate-income units and other requirements of inclusionary development units are subject to and determined by UHAC and COAH rules or other rules determined appropriate by the

court, and are as set forth in the Borough of Saddle River affordable housing ordinances.

210-98. Relationship to Other Saddle River Borough Land Development Ordinance.

Development within the AH-3 Zone shall be governed by the Saddle River Code, except where the provisions of the Residential Site Improvement Standards supersede or as specified in Sections 210-90 through 210-99. Where the standards set forth herein conflict with those set forth in Chapters 37, 179 and 210 those standards set forth in Sections 210-90 through 210-98 shall govern. With the exception of Section 210-90 through 210-99, the provisions of Chapter 210 shall apply to development in the AH-3 Zone only where specifically indicated as applicable.

210-99 Application Requirements

1. Any application for development for any portion or the entirety of the Tract shall be submitted in accordance with the requirements of Articles I, II and IV of Chapter 37 and Chapter 179 of the Borough of Saddle River Code, except as provided herein. Consistent with N.J.A.C. § 5:93-10.1(b), no unnecessary cost generative requirements shall apply to any development of permitted uses within the AH-3 Zone. The Environmental site analysis required as part of the stormwater plan pursuant to Section 181-9.C(2), shall not be required for a preliminary site plan application, but shall be required at the time of final site plan application. The following checklist items shall not be required at the time of preliminary site plan application:

- a. An original tracing of the map;
- b. A scale of not less than 50 feet to the inch;
- c. Structures to be removed identified with a dashed line and structures to remain indicated by solid lines;
- d. Structures within 25 feet of the property;
- e. Location of all existing and proposed storm drainage structures and utility lines whether publicly or privately owned, with pipe sizes, grades and direction of flow. If any existing utility lines are underground, the estimated location of said utility lines shall be shown;
- f. Existing and proposed contours, referred to US Coast and Geodetic datum, with a contour interval of two (2) feet; and interval of five (5) feet may be used for slopes of fifteen (15) percent or more. Existing contours are to be indicated by dashed lines and proposed contours are to be indicated by solid lines
- g. Plan sketch showing all existing drainage within 500' of any boundary, and all areas such as paved areas, wooded areas, grassed areas, wooded areas and any other surface area contributing to the calculations, and showing the methods used in the drainage calculations;
- h. Point by point lighting / foot candles;

- i. Detailed landscape plan showing proposed screening, landscaping and planting plan; and
- j. Signature block for the Board of Health to approve the plans.

2. For the avoidance of doubt, development of principal permitted uses in the AH-3 Zone shall constitute an Affordable Housing Development and be exempt from payment of Development Fees.

3. Notwithstanding the Borough Code, Application for development to the Planning Board shall be deemed to also serve as an application for a Zoning Permit, including Zoning Permits required for retaining walls, soil movement minor or major permit, sign permit and tree removal permit (Section 210-58). Application to and review by the Board of Architectural Review, Construction Official, Borough Engineer, or Borough Engineering and Zoning Departments shall not be required.

SECTION 2. The Zoning Map of the Borough of Saddle River, as provided for and referenced in Section 210-4 of the Code of the Borough of Saddle River, is hereby amended to add thereto the Affordable Housing -3 District (AH-3) Zone, and further said AH-3 Zone is hereby added to the Zone designations as Section 210-6.

SECTION 3. Inconsistency. All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 4. Severability. If any sentence, section, clause, or other portion of this ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or repeal the remainder of this ordinance.

SECTION 5. Effective Date. This ordinance shall take effect twenty days following passage and publication, or as otherwise required by law, and upon filing with the Planning Board of the County of Bergen.

Introduced: August 31, 2020

Adopted: September 10, 2020

ATTEST:



Vanessa Nienhouse, RMC
Municipal Clerk

APPROVED:



Mayor Albert J. Kurpis
Borough of Saddle River, New Jersey