

**TOWNSHIP OF SADDLE BROOK
ORDINANCE #1708-21**

AN ORDINANCE OF THE TOWNSHIP OF SADDLE BROOK AMENDING CHAPTER 206 OF THE CODE OF THE TOWNSHIP OF SADDLE BROOK BY AMENDING THE AH-6 AFFORDABLE HOUSING ZONING DISTRICT TO FACILITATE AN AFFORDABLE HOUSING DEVELOPMENT CALLED SADDLE BROOK FAMILY APARTMENTS (BLOCK 1401, LOT 18), AND AMENDING THE SADDLE BROOK TOWNSHIP ZONING MAP AND SCHEDULE OF ZONING REQUIREMENTS ACCORDINGLY

PURPOSE

The purpose of this ordinance is to amend **Chapter 206, Zoning**, of **Part II, General Legislation** of the “Code of the Township of Saddle Brook” to amend the zoning district **§206-9.43.2 AH-6 Affordable Housing Residential District**, in order to enable the development of a municipally-sponsored 100% affordable project in accordance with the Township’s court-approved Housing Element and Fair Share Plan on a 2.90 acre site identified as Block 1401, Lot 18 on the Township tax maps and located at 435 North Midland Avenue.

WHEREAS, in accordance with the New Jersey Supreme Court’s “Mount Laurel I” decision (South Burlington County NAACP v. Mount Laurel, 67 N.J. 151 (1975)), the Township has a constitutional obligation to provide for its “fair share” of affordable housing; and

WHEREAS, the Township entered into a settlement agreement with Fair Share Housing Center, Inc. (“Fair Share Housing Center” or “FSHC”) setting forth the Township’s third round affordable housing obligation covering the period 1999 to 2025, including the various plan mechanisms to satisfy its obligation in full; and

BE IT ORDAINED, by the Mayor and Council of the Township of Saddle Brook in Bergen County, New Jersey as follows:

Section 1. Part II “General Legislation” in Chapter 206, “Zoning” of the Code of the Township of Saddle Brook (“Township Code”) is hereby amended and supplemented Article V entitled “Affordable Housing Districts” as follows:

§ 206-9.43.2 AH-6 Affordable Housing Residential District.

- A. There shall be established an AH-6 Affordable Housing Residential District in the Township;
- B. The following tax lot is hereby rezoned from the I Industrial District to the AH-6 Affordable Housing Residential District:
 - (1) Block 1401, Lot 18

- C. Purpose. The purpose of the AH-6 District is to provide for enhanced opportunities for affordable housing by permitting the development of a municipally-sponsored 100% affordable project in accordance with the Township's Housing Element and Fair Share Plan.

- E. Permitted principal uses. Multifamily mid-rise residential dwelling units.

- F. Permitted accessory uses. Permitted accessory uses shall be as follows:
 - (1) Off-street parking areas.
 - (2) Recreation facilities, including but not limited to:
 - (b) Private recreation buildings and facilities, including ancillary indoor and outdoor private recreational amenities including playgrounds and tot lots, primarily intended for use by residents of the development.
 - (c) Club houses, community centers/rooms serving the residents of the development.
 - (d) Courtyards and patios.
 - (e) Gazebos, pergolas, fences, walls and similar outdoor landscape structures.
 - (3) Stormwater management facilities including green infrastructure, which shall be exempt from impervious coverage calculations. Drainage outfall shall be permitted through parcels adjacent to the AH-6 Zone, subject to the applicant obtaining any necessary easements.
 - (4) Storage, maintenance and mechanical outbuildings.
 - (5) Signs.
 - (6) Management office, employee-/superintendent-occupied dwelling unit (at Applicant's discretion).
 - (7) Other customary accessory uses and buildings which are clearly incidental to the principal use and buildings.

- G. Area and yard requirements. Area, bulk and yard requirements for the AH-6 Affordable Housing Residential Zone dwelling units and accessory uses shall be as follows:
 - (1) Density. The maximum allowable density shall not exceed a total of 22 units per acre.
 - (2) Maximum height. Height shall be measured from grade existing at the time of application to the top of the highest roof beams of a flat roof, or to the mean level

of the highest gable or slope of a hip roof. The maximum height of structures shall be 3 stories and 40 feet.

- (3) **Building Setbacks.** Principal buildings shall be setback a minimum of 15 feet from any property line. The minimum distance between principal structures on site shall be twenty-five (25) feet.
- (4) **Coverage.** Lot coverage by principal buildings shall not exceed 35%; lot coverage by accessory structures shall not exceed 35%; total impervious surface coverage shall not exceed 70%. Stormwater management structures, including but not limited to green infrastructure as defined by the New Jersey Department of Environmental Protection (but excluding pervious pavers), shall not be included in the computation of lot coverage by principal buildings or impervious surface coverage.
- (5) **Parking lots, driveways, utilities, fencing, stormwater management components, including green infrastructure, and landscaping shall be permitted in the setbacks, except that parking spaces shall be setback five (5) feet from any property line.**
- (6) **Passive and/or Active Recreation and/or Open Space shall be provided such that a minimum of 5% of the total site area shall be set aside for passive and/or active recreation and/or open space.**
- (7) **Privacy fencing, six (6) feet in height shall be provided along any property lines adjacent to existing residential developments.**

I. Unit Distribution

(1) In accordance with the rules and regulations of Section 42 of the Internal Revenue Code, 26 CFR § 1.42-1 et seq., and the New Jersey Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. (collectively, the "Affordability Laws"), development in the AH-6 District shall comply with the following bedroom and affordability distributions¹:

	mod	fam low	ddd low	fam VLI	ddd VLI	total
1br	4	1	5	0	1	11
2br	16	2	8	3	1	30
3br	9	5	0	3	0	17
total	29				29	58

J. Parking and Circulation

- (1) Notwithstanding New Jersey Residential Site Improvement Standards ("RSIS"), N.J.A.C. 5:21, roadway and driveway aisles shall be a minimum of twenty feet wide and sidewalks shall only be required on one side of roadways.

¹ "mod" = moderate income units; "low" = low income units; "VLI" = very low income units; "ddd" = developmentally disabled units; and "fam" = family units

(2) Off-street parking. Notwithstanding RSIS, parking shall be 1.5 spaces per unit. A maximum of 10 percent (10%) of parking spaces may be compact spaces measuring 8 feet by 16 feet.

K. Utilities. All utilities serving the structure shall be installed underground to the extent approved by the appropriate utility company.

Section 2. Section 206 Attachment 1 is hereby amending the following to the existing “Schedule I (Part 1) Schedule of District Use Regulations Township of Saddle Brook:

District	Permitted Principal Uses	Permitted Accessory Uses	Permitted Conditional Uses	Prohibited Uses
AH-6 Affordable Housing Residential District	Multifamily mid-rise residential dwelling units.	<p>Recreation facilities, as feasible, including but not limited to:</p> <ul style="list-style-type: none"> • Private recreation buildings and facilities, including ancillary indoor and outdoor private recreational amenities including playgrounds and tot lots, primarily intended for use by residents of the development. • Club houses, community centers/rooms serving the residents of the development. • Courtyards. • Gazebos, pergolas, fences, walls and similar outdoor landscape structures 		Any use not specifically permitted

District	Permitted Principal Uses	Permitted Accessory Uses	Permitted Conditional Uses	Prohibited Uses
		<p>Stormwater management facilities and green infrastructure.</p> <p>Storage, maintenance and mechanical outbuildings.</p> <p>Signs.</p> <p>Management office, employee- /superintendent-occupied dwelling unit (as needed at the Applicant's discretion).</p> <p>Other customary accessory uses and buildings which are clearly incidental to the principal use and buildings.</p>		

Section 3. Section 206 Attachment 2 is hereby amending the following to the existing “Schedule I (Part 1) Schedule of District Use Regulations Township of Saddle Brook:

District and Use	Minimum Lot Requirements		Minimum Yard Requirements					Maximum Lot Coverage (Percent)
	Lot Area (Square Feet)	Width at Street Line (Feet)						
			Front (Feet)	Both (Feet)	Side Yards (each)	Corner Lot Yard	Rear (Feet)	
AH-6			15		15		15	70
District and Use	Maximum Building Height		Maximum Floor Area Ratio	Maximum Dwelling Units				
	Stories	Feet						
AH-6	3	40		Max. 58 units				

Section 4. Application Requirements.

- A. Any application for development for any portion of the AH-6 Zone shall be submitted in accordance with the site plan submission requirements of Section 163-12 through 163-13 of the Township Code, except as hereinafter set forth.

- B. Notwithstanding other provisions of the Township Code regarding site plan submissions and submission requirements, applications for site plan approval in the AH-6 Zone shall be permitted to submit the following items as a condition of final site plan submission rather than as part of the preliminary site plan submission:
 - a. A proposed landscaping, screening, buffering and shade tree plan showing what will remain and what will be planted, indicating botanical and common names of plants and trees, dimensions, approximate time of planting and maintenance plans. If provided, all recreation areas shall be indicated;

 - b. Location of underground streams and single trees not in wooded areas with a diameter of six (6) inches or more as measured three (3) feet above the base of the trunk;

 - c. Such additional information as may be required by the Township or Planning Board Engineer;

- d. If applicable, review and approval by the Subdivision and Site Plan Committee of the Bergen County Planning Board in accordance with the Site Plan Review Resolution of the County of Bergen;
- e. Proof of submission to the Bergen County Planning Board in cases in which it has jurisdiction;
- f. Proof of submission to the Department of Environmental Protection in cases in which it has jurisdiction;
- g. Proof of submission to the Army Corps of Engineers in cases in which it has jurisdiction;
- h. Proof of submission to the Department of Transportation in cases in which it has jurisdiction;
- i. Proof of submission to any other Governmental Agency which may have jurisdiction;
- j. Location of all underground heating systems, pipelines, artesian wells and other man-made features;
- k. Cross sections showing location and width of sidewalks and interior walkways;
- l. Soil erosion and sedimentation plans;
- m. An onsite storm water management program prepared by a licensed professional engineer conforming to the requirements of N.J.A.C. 7:8 in connection with any proposed additional surface area (such program shall not be required to include design of onsite retention/detention facilities using a 25 year storm design criteria and conforming to the performance and design standards of the Bergen County Storm Water Management Program in effect February 1st 1990 and/or specified in Section VI of the Saddle Brook Planning Board Preliminary and Final Site Plan Application With or Without Variance(s) Checklist); and
- n. A sanitary sewer impact study prepared by a licensed professional engineer in connection with any proposed additional sanitary sewage output, including daily peak flow to be generated by the project, the daily unused capacity (percentage and volume) of surrounding sewer lines into which the project's lines will flow, either directly or indirectly, and the affect (percentage and volume) the additional flow will have on such unused capacity;

- o. A supply water impact study prepared by a licensed professional engineer in connection with any proposed additional domestic and/or fire water consumption, including the estimated daily peak consumption of the project, the estimated unused capacity (percentage and volume) of the Township supply mains utilized by the project and the affect (percentage, volume and pressure) the additional usage will have on the surrounding water system; and
 - p. A written description of the proposed business operation or activity including sufficient detail to indicate the effects of this operation in producing noise, glare, vibration, smoke, fumes, gas, dust, odor, fire hazards and explosion hazards.
- C. It is further acknowledged that Section 14(b) of the Fair Housing Act N.J.S.A. 52:27D-301 et seq. incorporates the need to eliminate unnecessary cost-generating features from municipal land use ordinances. Accordingly, the Township will eliminate development standards that are not essential in its reasonable opinion to protect the public welfare and to reasonably expedite or fast-track municipal approvals/denials on certain affordable housing developments. Notwithstanding any other provisions of the Township Code regarding site plan submissions and submission requirements, application for site plan approval in the AH-6 Zone shall be exempt from the following Preliminary and Final Site Plan Application checklist requirements:
- a. Geologic information, market information, environmental impact statements, data, economic or other information or data beyond the requirements of the Saddle Brook Planning Board Preliminary and Final Site Plan Application With or Without Variance(s) Checklist.

ATTEST:

APPROVED:
TOWNSHIP OF SADDLE BROOK

Peter LoDico, Township Clerk

Karen D'Arminio, Council President

Robert White, Mayor

Adopted: August 5, 2021