

Township of Saddle Brook
County of Bergen, State of New Jersey
Ordinance #1796-26

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 206
“ZONING”, ARTICLE VH “AFFORDABLE HOUSING OVERLAY DISTRICTS”
TO ESTABLISH THREE NEW OVERLAY HOUSING ZONES AND MODIFYING
THE ZONING MAP TO REFLECT THE NEW AFFORDABLE HOUSING ZONES**

WHEREAS, the Saddle Brook Planning Board adopted the 2025 Housing Element & Fair Share Plan for the Fourth Round on June 16, 2025, which was duly endorsed by the Township Council; and

WHEREAS, 580 North Midland LLC filed a challenge to the Borough’s 2025 Housing Element and Fair Share Plan on August 29, 2025; and

WHEREAS, Mediation was held between the Borough and 580 North Midland LLC as part of the Affordable Housing Dispute Resolution Program, which resulted in a Mediation Agreement fully executed on January 19, 2026; and

WHEREAS, pursuant to the Mediation Agreement, the Township agreed to rezone 580 North Midland (Block 1710, Lot 38) to permit inclusionary age restricted residential development or 100% supportive housing independent living development; and

WHEREAS, the Planning Board adopted the Amended 2025 Housing Element & Fair Share Plan on February 18, 2026, which includes the 580 North Midland site as a mechanism to address the Fourth Round Obligation; and

WHEREAS, the Amended 2025 Housing Element & Fair Share Plan makes a recommendation to establish two overlay housing zones for the supportive housing and age restricted inclusionary residential development options on Block 1710, Lot 38 to address the Township’s constitutional obligation to provide affordable housing and comply with the Township’s Mediation Agreement; and

WHEREAS, the Amended 2025 Housing Element & Fair Share Plan additionally makes a recommendation to establish an overlay housing zone for inclusionary residential development on Block 401, Lots 1, 2.01, 2.02, 3, 4 and 5) to address the Township’s constitutional obligation to provide affordable housing and comply with the Township’s Mediation Agreement; and

WHEREAS, the Township wishes to implement the recommendations provided in the Amended 2025 Housing Element & Fair Share Plan and as required by the Mediation Agreement; and

WHEREAS, the Mayor and Township Council have reviewed the Amended 2025 Housing Element & Fair Share Plan and agree Chapter 206 of the Township’s Code should be amended to implement the recommendations of the Amended 2025 Housing Element & Fair Share Plan and requirements of the Township’s Mediation Agreement to address the Township’s affordable housing obligation.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Saddle Brook, County of Bergen, State of New Jersey, being the Governing Body thereof, that the Code of the Township of Saddle Brook be and is hereby supplemented as follows:

SECTION 1. Amend Chapter 206 “Zoning”, Article VH “Affordable Housing Overlay Districts” to establish a new subsection 9.57 entitled “AHOZ-5A”, which shall read as follows:

§ 206-9.57. AHOZ-5A Affordable Housing Residential Overlay Zone.

- A. The AHOZ-5A Overlay Zone shall be comprised of tax lot Block 1710, Lot 38.
- B. Purpose. The purpose of the AHOZ-5A Overlay Zone is to provide enhanced opportunities for affordable housing by permitting, in addition to the permitted uses in the underlying Zone District, the development of supportive housing development for developmentally disabled individuals who are able to live independently with visiting supportive services provided by the State of New Jersey.
- C. Permitted uses and structures.
 - (1) Principal Uses.
 - (a) Supportive needs housing consisting of no more than 10 one-bedroom residential apartments.
 - (2) Accessory Uses
 - (a) Customary accessory uses that are clearly incidental and subordinate to the principal use.
 - (b) Off Street, surface parking areas, which may be located within the front yard, provided that they set back from the road by 20 feet, which set-back area shall be landscaped to prevent automobile headlights from shining into adjacent streets.
- D. Area and yard requirements for permitted uses in the AHOZ-5A Overlay Zone shall be as follows:
 - (1) Density: The maximum allowable density shall permit the construction on this lot of 10- one bedroom units of supportive housing.
 - (2) Minimum lot area. The minimum lot size shall be 31,000 square feet.
 - (3) Minimum width at street line: 125 feet
 - (4) Minimum front yard setback: 100 feet
 - (5) Minimum side yard setback: 25 feet, with a combined side yard setback of 50 feet.
 - (6) Minimum rear yard setback: Minimum 37 feet.
 - (7) Maximum building coverage: 26%.
 - (8) Maximum total lot coverage: 44%.
 - (9) Maximum height. Maximum building height: 2 1/2 stories/28 feet.
- E. Affordable Housing.
 - (1) The ten (10) supportive housing shall be deed restricted for said use.
 - (2) All affordable units shall be developed, restricted, regulated and administered in accordance with the provisions of the Uniform Housing Affordability Controls rules

(N.J.A.C. 5:80-26.1 et seq.), the New Jersey Fair Housing Act (N.J.S.A.52:27D-301 et seq.), including the Fair Housing Act's definition of "very-low-income households," and all other provisions of Chapter **48**, Affordable Housing, of the Code of the Township of Saddle Brook.

F. Design and Landscaping Requirements.

- (1) The buffer area shall be planted with evergreen trees and shrubbery, with evergreen trees having a minimum trunk diameter of one and one-half (1 1/2) inches, planted not farther apart than six feet between centers. Shrubby shall be planted and spaced between the trees and at random places so as to produce a properly pleasing and well-landscaped area. The minimum height for evergreen trees shall be six feet at time of planting. Said planting shall be maintained by the property owner to continue the effect of such screening.
- (2) All planting around parking areas shall be of sufficient height and density to prevent automobile headlights from shining into adjacent properties or streets.

G. Off-street parking requirements. Parking spaces shall be nine feet by 18 feet. All parking areas shall be adequately drained and lighted. Parking ratios shall be provided as follows:

- (1) Supportive needs housing use shall require 0.5 spaces for every bed, plus 1 for every 2 employees.
- (2) Pursuant to P.L. 2021, c. 171, Electric Vehicle Supply/Service Equipment (EVSE) and Make-Ready parking spaces shall be required for new multiple unit dwellings with more than 5 dwelling units.
 - (a) 15% of parking spaces shall be make ready and shall be installed within the timeframes required by statute.
 - (b) A parking space prepared with EVSE or Make-Ready equipment shall count as, at least, two parking spaces for the purpose of complying with a minimum parking space requirement, which shall result in a reduction of no more than 10 percent of the total required parking.

SECTION 2. Amend Chapter 206 “Zoning”, Article VH “Affordable Housing Overlay Districts” to establish a new subsection 9.58 entitled “AHOZ-5B”, which shall read as follows:

§ 206-9.58. AHOZ-5B Affordable Housing Residential Overlay Zone.

- A. The AHOZ-5B Overlay Zone shall be comprised of tax lot Block 1710, Lot 38.
- B. Purpose. The purpose of the AHOZ-5B Overlay Zone is to provide enhanced opportunities for affordable housing by permitting, in addition to the permitted uses in the underlying Zone District, the development of a multi-family, age- restricted, inclusionary development.
- C. Permitted uses and structures.

(1) Principal Uses.

- (a) Age-restricted apartments (55+), consisting of no more than 12 one-bedroom units

(2) Accessory Uses

- (a) Uses customarily and incidental to the principal use.
(b) Off Street, surface parking areas, which may be located within the front yard, provided that they set back from the road by a 20 feet, which set-back area shall be landscaped to prevent automobile headlights from shining into adjacent streets.

D. Area and yard requirements for permitted uses in the AHOZ-5B Overlay Zone.

(1) Density.

- (a) Age-Restricted Housing: The maximum allowable density shall permit the construction on this lot of 12, one-bedroom units of age-restricted (aged 55+) apartments, inclusive of 3 affordable units.

(2) Minimum lot area. The minimum lot size shall be 31,000 square feet.

(3) Minimum width at street line: 125 feet

(4) Minimum front yard setback: 100 feet

(5) Minimum side yard setback: 25 feet, with a combined side yard setback of 50 feet.

(6) Minimum rear yard setback: Minimum 37 feet.

(7) Maximum building coverage: 26%.

(8) Maximum total lot coverage: 55%.

(9) Maximum height. The maximum building height shall be 2½ stories or 28 feet.

E. Affordable Housing.

- (1) Of the 12-unit age-restricted development, 3 of the units shall be deed restricted for affordable housing with one unit restricted for a very-low-income household, one unit restricted for a low-income household and one unit restricted for a moderate-income household.
(2) All affordable units shall be developed, restricted, regulated and administered by the Township's Administrative Agent, at the expense of the developer, in accordance with the provisions of the Uniform Housing Affordability Controls rules (N.J.A.C. 5:80-26.1 et seq.), the New Jersey Fair Housing Act (N.J.S.A.52:27D-301 et seq.), including the Fair Housing Act's definition of "very-low-income households," and all other provisions of Chapter 48, Affordable Housing, of the Code of the Township of Saddle Brook.

F. Buffers, Design and Landscaping Requirements.

- (1) The buffer area shall be planted with evergreen trees and shrubbery, with evergreen trees having a minimum trunk diameter of one and one-half (1 1/2) inches, planted not farther apart than six feet between centers. Shrubby shall be planted and spaced between the trees and at random places so as to produce a properly pleasing and well-landscaped area. The minimum height for evergreen trees shall be six feet at time of planting. Said planting shall be maintained by the property owner to continue the effect of such screening.

- (2) All planting around parking areas shall be of sufficient height and density to prevent automobile headlights from shining into adjacent properties or streets.
- (3) 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 set back 14 feet from any side property line, and set back 20 feet from the road. Driveways may be located a minimum of 9 feet from any side property line.

G. Off-street parking requirements. Parking spaces shall be nine feet by 18 feet. All parking areas shall be adequately drained and lighted. Parking ratios shall be provided as follows:

- (1) Age-restricted (55+) residential use shall require 1.5 parking spaces per dwelling unit, with a maximum 18 parking spaces.
- (2) Pursuant to P.L. 2021, c. 171, Electric Vehicle Supply/Service Equipment (EVSE) and Make-Ready parking spaces shall be required for new multiple unit dwellings with more than 5 dwelling units.
 - (a) 15% of parking spaces shall be make ready and shall be installed within the timeframes required by statute.
 - (b) A parking space prepared with EVSE or Make-Ready equipment shall count as, at least, two parking spaces for the purpose of complying with a minimum parking space requirement, which shall result in a reduction of no more than 10 percent of the total required parking.

SECTION 3. Amend Chapter 206 “Zoning”, Article VH “Affordable Housing Overlay Districts” to establish a new subsection 9.59 entitled “AHOZ-6”, which shall read as follows:

§ 206-9.59. AHOZ-6 Affordable Housing Residential Overlay Zone.

- A. The AHOZ-6 Overlay Zone shall be comprised of tax lot Block 401, Lots 1, 2.01, 2.02, 3, 4 & 5.
- B. Purpose. The purpose of the AHOZ-6 Overlay Zone is to provide enhanced opportunities for affordable housing through the development of inclusionary multifamily housing.
- C. Definitions. The following definitions are applicable to this section.

BUFFER

A continuous area of open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate one use of the property from another. Principal road access facilities shall be permitted in buffer areas.

BUILDING HEIGHT

The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

- D. Permitted uses and structures. In addition to permitted uses in the underlying Zone District, when affordable housing is provided, in the AHOZ-6 District, multiple-family dwellings shall be permitted consistent with the requirements set forth herein.
- E. Permitted Accessory Uses
- (1) Uses customarily and incidental to the principal use.
 - (2) One freestanding sign identifying the residential development.
 - (3) Structured parking
- F. Area and yard requirements for permitted uses in the AHOZ-XX Overlay Zone.
- (1) Minimum lot area. The minimum lot size shall be 3.75 acres
 - (2) Maximum Density. A maximum 220 residential dwelling units shall be permitted on the site.
 - (3) Maximum height. The maximum building height of the principal structure shall be 5 stories or 65 feet. If structured parking is attached to the principal structure, the maximum height of the structured parking shall not exceed that of the principal structure.
 - (4) Setbacks.
 - (a) Front yard setback (Midland Avenue): 30 feet
 - (b) Front yard setback (Van Bussum Avenue): 25 feet
 - (c) Rear yard setback(adjacent to rail right-of-way):35 feet. Any structured parking shall be setback a minimum of 15 feet from the rear yard.
 - (d) Side Yard Setback: 15 feet
 - (5) Building and Lot Coverage. Total impervious surface shall not exceed 60 percent.
- G. Affordable Housing.
- (1) 20% of the units shall be set aside with a bedroom and income distribution in accordance with NJAC 5:80-26.1 et seq. At least 13% of affordable units shall be affordable to very-low-income households with half of the very-low-income units available to families.
 - (2) All affordable units shall be developed, restricted, regulated and administered in accordance with the provisions of the Uniform Housing Affordability Controls rules (N.J.A.C. 5:80-26.1 et seq.), the New Jersey Fair Housing Act (N.J.S.A.52:27D-301 et seq.), including the Fair Housing Act's definition of "very-low-income households," and all other provisions of Chapter **48**, Affordable Housing, of the Code of the Township of Saddle Brook.
 - (3) All affordable units shall be integrated throughout the building, and shall have equal access to all building amenities.
- H. Buffers. Reasonable and appropriate landscaping where permitted shall be required along all front and side property lines.

- I. Off-street parking requirements. Off-street parking shall comply with the Residential Site Improvement Standards for mid-rise residential, and with the statewide Electric Vehicle Supply Equipment (EVSE) requirements.
- J. Building articulation. The maximum uninterrupted length of any building shall not exceed 120 feet without providing horizontal breaks in the front facade that vary the setback by a minimum of four feet.
- K. Distance between structures. The minimum distance between structures shall be equal to the building height of the taller structure.
- L. A sidewalk shall be provided along the entirety of the property's Midland Avenue and Van Bussum Avenue frontages.
- M. Recreation and open space. A minimum of 5% of the total site area shall be set aside for recreation and landscaped open space, which shall be inclusive of sidewalks.
- N. Interior roads, access drives, and sidewalks. All roads, drives, sidewalks and parking areas shall be constructed in accordance with the Residential Site Improvement Standards.
- O. Building limitations and requirements.
 - (1) There shall be no dwelling units in the basement; however, this restriction shall not prohibit the use of basements for storage and similar purposes.
 - (2) Structured parking may only be permitted along the rear property line adjacent to the rail right-of-way.
 - (3) Architectural treatments and visual interest shall be applied to all visibly exposed facades of a building. All facades of a building shall be architecturally designed to be consistent with regard to style, materials, colors and details.
 - (4) The architectural design and materials used in the construction of the parking structure shall conform to the design and building material used in the construction of the main building. No part of any garage or other accessory building shall be used for living purposes.
 - (5) Heating, ventilating and air-conditioning systems, utility meters and regulators, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devices shall be screened or otherwise specially treated to be, as much as possible, inconspicuous as viewed from the public right-of-way and adjacent properties.

SECTION 4. Zoning Map. The Official Zoning Map shall be amended to incorporate affordable housing overlay zones.

SECTION 5. Repealer. All prior ordinances that are inconsistent with this ordinance are repealed. All ordinances are hereby amended to be consistent with this ordinance and all ordinances, including this one, shall be construed consistent with the express purpose of this ordinance.

SECTION 6. Savings and Construction. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION 7. Effective Date. This ordinance shall take effect immediately upon approval and publication of notice of adoption as provided by law.

ATTEST:

APPROVED:
TOWNSHIP OF SADDLE BROOK

Peter Lo Dico, Township Clerk

ANDREW M. CIMILUCA
Council President

Mayor Robert D. White

Introduced: February 5, 2026

Adopted: