

BOROUGH OF ORADELL  
BERGEN COUNTY, NEW JERSEY  
ORDINANCE #19-03

This ordinance published herewith was introduced and passed upon first reading at a meeting of the Borough Council of the Borough of Oradell, in the County of Bergen and State of New Jersey, held on January 22, 2019. It will be further considered for final passage after public hearing thereon, at a Public Meeting of said Borough Council to be held in the Town Hall, in said Borough, on March 12 at 7:30 PM, and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's Office in said Borough Hall to the members of the general public who shall request the same.

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LAURA J. LYONS, CPM, RMC, RPPO  
ADMINISTRATOR/MUNICIPAL CLERK

# **BOROUGH OF ORADELL**

## **ORDINANCE**

**# 19-03**

**AN ORDINANCE TO AMEND CHAPTER 240 OF THE ORADELL BOROUGH CODE, ENTITLED “LAND DEVELOPMENT,” AND THE ORADELL BOROUGH ZONING MAP TO CREATE THE “AFFORDABLE HOUSING 1 RESIDENTIAL ZONE” AND “AFFORDABLE HOUSING 2 RESIDENTIAL ZONE” AND THE STANDARDS ASSOCIATED WITH THEM IN THE BOROUGH OF ORADELL**

**WHEREAS**, the Governing Body of the Borough of Oradell seeks to create a realistic opportunity for the development of affordable housing along New Milford Avenue;

**WHEREAS**, in furtherance of this goal, the Borough proposes to rezone Block 118 Lot 2, Block 119 Lots 1, 9.01, 9.02, 9.03, 9.04, 9.05, 9.06, 10, 11, 12, and 13, and the adjoining Fey Place right-of-way, in order to encourage inclusionary multi-family residential development.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Oradell, County of Bergen, State of New Jersey, that Chapter 240, “Land Development” of the Borough Code of the Borough of Oradell is hereby amended or supplemented as follows:

**Section 1.** Chapter 240, Article VI, Section 240-6.2.A. of the Code of the Borough of Oradell entitled “Zones Designated: boundaries established” is hereby amended to add the following new zone districts to the list of zone districts:

AH-1 Affordable Housing 1 Residential Zone  
AH-2 Affordable Housing 2 Residential Zone

**Section 2.** Chapter 240, Article VI, Section 240-6.2.B. of the Code of the Borough of Oradell “Zoning Map of the Borough of Oradell, New Jersey,” shall be amended to rezone Block 119 Lots, 9.01, 9.02, 9.03, 9.04, 9.05, 9.06, and the adjoining Fey Place right-of-way from the R-4 Residential District to the AH-1 Affordable Housing 1 Residential Zone, and to rezone Block 118 Lot 2 and Block 119 Lots 1, 10, 11, 12, and 13 from the R-4 Residential District to the AH-2 Affordable Housing 2 Residential Zone, as shown on the accompanying Map.

**Section 3.** Chapter 240, Article VI, Section 240-6.5 of the Code of the Borough of Oradell entitled “Use and Bulk Regulations” is hereby amended to include a new subsection N. as follows:

**N. AH-1 Affordable Housing 1 Residential Zone.**

(1) Purpose.

The purpose of the AH-1 Affordable Housing 1 Residential Zone is to create an opportunity for the construction of low- and moderate-income housing in the Borough of Oradell and thereby address the fair share housing obligation of the Borough of Oradell under the New Jersey Fair Housing Act. This AH-1 Zone shall be additionally regulated by the Borough of Oradell Affordable Housing Ordinance.

(2) Permitted uses. The principal permitted uses in the AH-1 Residential Zone are as follows:

(a) Multi-family development.

(3) Permitted accessory uses. Permitted accessory uses shall include accessory uses that are customary and incidental to the permitted uses in the AH-1 Residential Zone, including but not limited to:

(a) Off-street parking in accordance with Chapter 240, Article VI.

(b) Decks, balconies and porches.

(c) Fences and walls, in accordance with the Oradell Fence Ordinance, Chapter 240, Article X.

(d) Ancillary recreation elements, such as a swimming pool, tennis courts and other similar uses to only serve the residents of the complex and in accordance with the Oradell General Requirements and Special Regulations Ordinance, Chapter 240, Article VII.

(e) Trash enclosures.

(f) Signs, in accordance with the Oradell Sign Ordinance, Chapter 240, Article XI.

(g) Outdoor lighting, in accordance with the Oradell General Requirements and Special Regulations Ordinance, Chapter 240, Article VII.

(4) Affordable Housing.

(a) All multifamily residential developments constructed in the AH-1 Residential Zone District shall be required to set aside a minimum percentage of units for affordable housing. The minimum set aside shall be fifteen percent (15%) which shall be provided as rental affordable units. When calculating the required number of

affordable units, any computation resulting in a fraction of a unit shall be rounded upwards to the next whole number.

- (b) All affordable units to be produced pursuant to this section shall comply with the Borough's Affordable Housing Ordinance at Chapter 61 of the Borough Code, as may be amended and supplemented, the Uniform Housing Affordability Controls ("UHAC")(N.J.A.C. 5:80-26.1 et seq.), or any successor regulation, and the Borough's Housing Element and Fair Share Plan, as may be amended from time to time. This includes, but is not limited to, the following requirements for all affordable units:

- [1] Low/Moderate Income Split: A maximum of 50% of the affordable units shall be moderate-income units and a minimum of 50% of the affordable units shall be low-income units. At least 13% of all restricted rental units shall be very low-income units, which shall be counted as part of the required number of low-income units within the development.
- [2] Bedroom Mix: If the development is not age-restricted, the following bedroom mix shall apply:
  - [a] The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low- and moderate-income units;
  - [b] At least 30% of all low- and moderate-income units shall be two bedroom units;
  - [c] At least 20% of all low- and moderate-income units shall be three bedroom units; and
  - [d] The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
- [3] Deed Restriction Period: All affordable units shall be deed restricted for a period of 30 years from the date of the initial occupancy of each affordable unit (the "Deed-Restriction Period"). The affordability controls shall expire only after they are properly released by the Borough and/or the Borough's Administrative Agent at the Borough's sole option in accordance with N.J.A.C. 5:80-26.11 for rental units or N.J.A.C. 5:80-26.5 for for-sale units..
- [4] Administrative Agent: All affordable units shall be administered by a qualified Administrative Agent paid for by the developer.
- [5] Other Affordable Housing Unit Requirements: Developers shall also comply with all the other requirements of the Borough's Affordable Housing Ordinance, including, but not limited to, (1) affirmative marketing requirements, (2) candidate qualification and screening requirements, (3) integrating the affordable units amongst the market rate units, and (4) unit phasing requirements. Developers shall ensure that the affordable units are dispersed between all of the buildings on its site, and shall identify the exact location of each affordable unit at the time of site plan application.

(5) Area and Bulk Requirements. The area and bulk requirements for the uses allowed in the AH-1 Residential Zone are set forth below.

- (a) Lot Area. There shall be a minimum lot area of 1.5 acres.
- (b) Lot Width. There shall be a minimum lot width of 75 feet.
- (c) Density. There shall be a maximum gross density of 8 dwelling units per acre.
- (d) Yards.
  - [1] Front Yard. There shall be a front yard of not less than 100 feet.
  - [2] Side Yard. No side yard shall be less than 25 feet.
  - [3] Rear Yard. There shall be a rear yard of at least 50 feet.
- (e) Height. No building shall exceed a height of 25 feet or two stories.
- (f) Building Coverage. There shall be a maximum building coverage of 25%.
- (g) Lot Coverage. There shall be a maximum lot coverage of 50%.

(6) Development Standards.

(a) Building Requirements.

- [1] Building Design. In order to provide attractiveness, identity and individuality to dwelling units, buildings and complexes of buildings within the entire zone and to avoid the monotonous repetition of design elements and its undesirable visual effects, the following design standards shall be utilized:
  - [a] Consistency among building materials and colors with the Borough's existing residential, historical and architectural characteristics.
  - [b] Harmonious relationship with other onsite features and buildings.
  - [c] Varying dwelling unit widths, staggering dwelling unit setbacks and altering building heights and rooflines;
  - [d] No more than 30 feet of front or rear building wall permitted without providing a break in the façade of an acceptable method of articulation.
  - [e] Buildings with expansive blank walls on any facade are discouraged. Side and rear elevations should receive architectural treatments comparable to front facades.
  - [f] Varying architectural embellishments to roofs between dwelling units, buildings or complexes of buildings including roof elements such as dormers, belvederes, masonry chimneys and similar elements, provided that such are architecturally compatible with the style, materials, colors and details of the building;
  - [g] Varying decorative and architectural features at entrances, cornices, windows and articulation between dwelling units, buildings or complexes of buildings, provided that such are architecturally compatible with the style, materials, colors and details of the building.
  - [h] Complimentary building colors and materials to be consistent with the general theme of the development.
  - [i] Strategically placed windows, doors, porches and columns with consideration of "human scale".

[j] Exterior-mounted mechanical and electrical equipment exposed to the public view shall be architecturally screened. Roof-mounted equipment and projections should be painted the same color as the roof and, where possible, located to the rear of the building, away from the public view.

[k] Building construction shall utilize green building or sustainable building methods to the extent practicable to reduce the operating and maintenance costs of low- and moderate-income households.

[2] Construction. The outside walls of a building shall be of fire resistant material, such as brick, stone or masonry, as approved by the Planning Board. Interior walls separating dwelling units shall also be constructed with fire resistant material.

(b) Dwelling Unit Requirements.

[1] Minimum floor area. Each dwelling unit shall have a minimum floor area of 600 square feet.

[2] Each dwelling unit shall have at least two exterior exposures with at least one window in each exposure.

[3] Floors and ceilings and partitions between dwelling units shall be constructed so as to have a minimum airborne sound transmission loss classification of 50 decibels. The Planning Board shall ascertain that reasonable measures are taken in floor and ceiling construction to avoid disturbing levels of sound impact.

(c) Accessory structures. All accessory structures shall be designed in accordance with Section 240-7.6 of the Borough of Oradell Code.

(7) Off-street parking.

(a) The minimum number of off-street parking spaces for multifamily residential housing shall be as set forth in the Residential Site Improvement Standards (N.J.A.C. 5:21).

(b) All parking areas shall be designed in accordance with the applicable provisions of Article VI of this Chapter.

(c) Adequate fire and emergency access must be provided subject to the Borough of Oradell Fire Department.

(d) On-site parking shall not be provided for any use or to any party other than a resident or visitor of the site, nor shall parking areas be used for any purpose other than parking.

(e) Signage shall be provided where parking spaces are to be reserved for residents. Visitor parking shall be signed and painted for each space designated for such a purpose.

(f) Adequate parking facilities for accessibility to people with mobility impairments shall be provided as required by the Americans with Disabilities Act (ADA).

(8) Landscaping and open space.

- (a) At least 20% of the gross site area shall be devoted to open space for passive or active recreation, or conservation.
- (b) There shall be a comprehensive landscape plan prepared by a New Jersey licensed landscape architect which shall detail the location, type, size and any planting note for the proposed landscape materials. This plan shall be subject to the approval of the Planning Board.
- (c) A landscape buffer shall be provided where a multifamily development abuts a single-family residential zone. The buffer shall be a minimum of 20 feet in width, as measured from the property line. The buffer shall provide a year-round visual screen and minimize adverse impacts from the site on adjacent properties. Buffers shall consist of natural vegetation to the greatest extent practical, and may consist of fences, planting, berms, mounds, or combinations thereof to achieve the stated
- (d) No use or structure, including parking or loading areas, shall be permitted within the required buffer area, but the Planning Board may, upon a finding of reasons thereof, permit a portion of a buffer area to be used for walkways, underground linear utilities and site access drives, and the Board may also permit a portion of a buffer area to be used for stormwater detention or retention basins, provided that the basin is designed as a landscaping feature, and further provided that the landscaping plan for the buffer area is determined by the Planning Board to meet the objective of the buffer area.

(9) Lighting.

- (a) Adequate lighting shall be provided for all common areas and pedestrian walkways.
- (b) All outdoor lighting, including street lamps and accent lighting, should comply with “dark sky” standards intended to reduce light pollution. Dark sky standards require that lighting is downcast, illuminates only the intended areas, and does not cause disabling glare that affects driver safety and reduces the visibility of starry night skies.
- (c) Lighting for the development must be contained on the property on which the development is located.
- (d) LED lighting shall be permitted in addition to all of the conditions of the land use ordinance standards for lighting.

(10) Miscellaneous.

- (a) Television connections shall be provided for each unit. Television antennas shall be limited to one master antenna per building.
- (b) Through-wall air-conditioning units that project beyond the building wall are not permitted.
- (c) All trash and garbage shall be stored at all times in airtight covered containers which shall be kept in a centrally located, concealed area. They may be stored in private garages or outside of buildings. If the materials are stored outside, they

must be kept in a permanent enclosure with a latching gate in a centrally located, concealed area approved by the Planning Board.

- (d) Amenities restricted to the use of the residents and their guests are permitted subject to all applicable local and state requirements.
- (e) Swimming pools, restricted to the use of tenants, are permitted subject to all applicable local and state requirements.
- (f) Internal walkways shall be provided to provide a pedestrian connection to any site development amenities, such as a clubhouse, recreational facilities, pools, etc.
- (g) Internal walkways shall be a minimum of four (4) feet wide and shall be designed to comply with the requirements of the Americans with Disabilities Act (ADA).
- (h) Fences shall be permitted at a maximum height of 8 feet and shall be situated and designed in accordance with Article X.

**Section 4.** Chapter 240, Article VI, Section 240-6.5 of the Code of the Borough of Oradell entitled “Use and Bulk Regulations” is hereby amended to include a new subsection O. as follows:

**O. AH-2 Affordable Housing 2 Residential Zone.**

(1) Purpose.

The purpose of the AH-2 Affordable Housing 2 Residential Zone is to create an opportunity for the construction of low- and moderate-income housing in the Borough of Oradell and thereby address the fair share housing obligation of the Borough of Oradell under the New Jersey Fair Housing Act. This AH-2 Zone shall be additionally regulated by the Borough of Oradell Affordable Housing Ordinance.

(2) Permitted uses. The principal permitted uses in the AH-2 Residential Zone are as follows:

- (a) Multi-family development.
- (b) Townhouse development.

(3) Permitted accessory uses. Permitted accessory uses shall include accessory uses that are customary and incidental to the permitted uses in the AH-2 Residential Zone, including but not limited to:

- (a) Off-street parking in accordance with Chapter 240, Article VI.
- (b) Decks, balconies and porches.
- (c) Fences and walls, in accordance with the Oradell Fence Ordinance, Chapter 240, Article X.
- (d) Ancillary recreation elements, such as a swimming pool, tennis courts and other similar uses to only serve the residents of the complex and in accordance with



the Oradell General Requirements and Special Regulations Ordinance, Chapter 240, Article VII.

- (e) Trash enclosures.
- (f) Signs, in accordance with the Oradell Sign Ordinance, Chapter 240, Article XI.
- (g) Outdoor lighting, in accordance with the Oradell General Requirements and Special Regulations Ordinance, Chapter 240, Article VII.

(4) Affordable Housing.

- (a) All multifamily residential developments (including townhouse developments) constructed in the AH-2 Residential Zone District shall be required to set aside a minimum percentage of units for affordable housing. Where units will be for sale, the minimum set aside shall be twenty percent (20%). Where units will be for rent, the minimum set aside shall be fifteen percent (15%). When calculating the required number of affordable units, any computation resulting in a fraction of a unit shall be rounded upwards to the next whole number.
- (b) All affordable units to be produced pursuant to this section shall comply with the Borough's Affordable Housing Ordinance at Chapter 61 of the Borough Code, as may be amended and supplemented, the Uniform Housing Affordability Controls ("UHAC")(N.J.A.C. 5:80-26.1 et seq.), or any successor regulation, and the Borough's Housing Element and Fair Share Plan, as may be amended from time to time. This includes, but is not limited to, the following requirements for all affordable units:
  - [1] Low/Moderate Income Split: A maximum of 50% of the affordable units shall be moderate-income units and a minimum of 50% of the affordable units shall be low-income units. At least 13% of all restricted rental units shall be very low-income units, which shall be counted as part of the required number of low-income units within the development.
  - [2] Bedroom Mix: If the development is not age-restricted, the following bedroom mix shall apply:
    - [a] The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low- and moderate-income units;
    - [b] At least 30% of all low- and moderate-income units shall be two bedroom units;
    - [c] At least 20% of all low- and moderate-income units shall be three bedroom units; and
    - [d] The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
  - [6] Deed Restriction Period: All affordable units shall be deed restricted for a period of 30 years from the date of the initial occupancy of each affordable unit (the "Deed-Restriction Period"). The affordability controls shall expire only after they are properly released by the Borough and/or the Borough's

Administrative Agent at the Borough's sole option in accordance with N.J.A.C. 5:80-26.11 for rental units or N.J.A.C. 5:80-26.5 for for-sale units..

- [3] Administrative Agent: All affordable units shall be administered by a qualified Administrative Agent paid for by the developer.
  - [4] Other Affordable Housing Unit Requirements: Developers shall also comply with all the other requirements of the Borough's Affordable Housing Ordinance, including, but not limited to, (1) affirmative marketing requirements, (2) candidate qualification and screening requirements, (3) integrating the affordable units amongst the market rate units, and (4) unit phasing requirements. Developers shall ensure that the affordable units are dispersed between all of the buildings on its site, and shall identify the exact location of each affordable unit at the time of site plan application.
- (5) Area and Bulk Requirements. The area and bulk requirements for the uses allowed in the AH-2 Residential Zone are set forth below.
- (a) Lot Area. There shall be a minimum lot area of 0.5 acre.
  - (b) Lot Width. There shall be a minimum lot width of 75 feet.
  - (c) Density. There shall be a maximum gross density of 8 dwelling units per acre.
  - (d) Yards.
    - [1] Front Yard. There shall be a front yard of not less than 25 feet.
    - [2] Side Yard. No side yard shall be less than 20 feet.
    - [3] Rear Yard. There shall be a rear yard of at least 35 feet.
  - (e) Height. No building shall exceed a height of 25 feet or two stories.
  - (f) Building Coverage. There shall be a maximum building coverage of 25%.
  - (g) Lot Coverage. There shall be a maximum lot coverage of 50%.
- (6) Development Standards.
- (a) The development standards for the uses allowed in the AH-2 Residential Zone shall be identical to those set forth for the AH-1 Residential Zone at Sections 240-6.5.N.(6) through (10) of the Borough Code.
  - (b) In addition, the following development standards shall apply in the AH-2 Residential Zone.
    - [1] Location of Building. Dwelling units, buildings and their front facades shall be oriented towards the public and/or private roadway. Primary dwelling unit entrances shall be located on the front facade of any structure that is oriented towards the public and/or private roadway. Where the dwelling unit or building does not front a public and/or private roadway, they shall be oriented towards interior open spaces. All units and buildings shall be oriented away from parking lots.

[2] Distance between buildings. There shall be a minimum distance of 25 feet between principal structures. If an access drive is located between principal structures, the minimum distance between the structures shall be 35 feet.

**Section 5.** Chapter 240, Attachment 1, “Area, Yard and Bulk Requirements” of the Code of the Borough of Oradell shall be amended to include a new AH-1 Zone category, which shall state ‘See § 240-6.5.N.’ for area and bulk requirements, and shall be further amended to include a new AH-2 Zone category, which shall state ‘See § 240-6.5.O.’ for area and bulk requirements.

**Section 6.** If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

**Section 7.** In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Oradell, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Borough of Oradell are hereby ratified and confirmed, except where inconsistent with the terms hereof.

**Section 8.** The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this ordinance to the Bergen County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

**Section 9.** After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Oradell for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Board of Aldermen, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

**Section 10.** This Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same,

pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved.

**Section 11.** This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Bergen County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

INTRODUCED the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ADOPTED the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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Dianne C. Didio, Mayor

ATTEST:

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Laura J. Lyons, Borough Clerk

**ba** BURGILS ASSOCIATES, INC.  
 CONSULTING ENGINEERS  
 1000 WEST 10TH AVENUE, SUITE 200  
 DENVER, COLORADO 80202  
 P: 303.733.8811  
 F: 303.733.8812

Project Title  
**2018 Housing Element  
 & Fair Share Plan**

MUNICIPALITY OF ORA DELUXE  
 BERGEN COUNTY, NEW JERSEY



**Legend**

- Municipal Boundaries
- Railroad Line
- Parcels
- Proposed Zoning Boundaries

Sheet No.	Scale	Date	By	Check

Project Title  
**Proposed Zoning Amendment:  
 AHL & AH2 Zones**

Project No. 2018-01  
 Date 10/17/18  
 Scale 1" = 60'

PROJECT NUMBER: 2018-01  
 PROJECT NAME: 2018 HOUSING ELEMENT & FAIR SHARE PLAN  
 COUNTY: BERGEN COUNTY, NJ  
 PROJECT LOCATION: ORA DELUXE, NJ

Project No. 2018-01  
 Date 10/17/18  
 Scale 1" = 60'

Sheet No. 1 of 1

