

BOROUGH OF CRESSKILL
ORDINANCE NO. 18-23-1511A

AN ORDINANCE TO CREATE AN AFFORDABLE HOUSING SITE II ZONE AND APPLY
SAID ZONE TO BLOCK 182 LOTS 18-28 AND TO AMEND THE ZONING MAP OF THE
BOROUGH OF CRESSKILL, BERGEN COUNTY, NJ

BE IT ORDAINED by the Mayor and Council of the Borough of Cresskill in the County of Bergen and State of New Jersey, as follows:

SECTION I:

Cresskill, as a municipality that received Substantive Certification from COAH, has been determined to be a “participating municipality” pursuant to In re Adoption of the N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (Mount Laurel IV).

Cresskill is desirous of securing a Judgement of Compliance and Repose through 2025 and has prepared a Housing Element and Fair Share Plan (“FSP”) to achieve this goal. Cresskill lacks adequate land resources to fully satisfy its estimated affordable housing obligation of 230 affordable housing units. According to the Superior Court approved Settlement Agreement, Cresskill’s Realistic Development Potential is 41 affordable housing units and its Unmet Need obligation is 189 affordable housing units.

SECTION II:

Section II: Cresskill is constitutionally obligated to provide a reasonable opportunity to comply with its affordable housing obligation. Creating a new affordable housing zone and applying said zone to Block 182 Lots 18-28 creates a reasonable opportunity for the construction of affordable housing.

SECTION III:

Article III. §275-4. Zones established is hereby revised to include:
Affordable Housing Site II Zone

Article X. is hereby amended by the inclusion of the following sections and subsections.

§275-40.8. AFFORDABLE HOUSING SITE II ZONE.

§275-40.9 Permitted Uses.

No building or premises shall be used and no building or part of a building shall be erected which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following. Such approval shall also be required for the erection or enlargement of all related accessory structures and prior to issuance of certificates of occupancy for a change of use. Permitted uses are as follows:

- A. Residential market rate and affordable dwelling units specifically including multi-family buildings at the density, height and bulk prescribed below. Affordable housing units shall be constructed, marketed and deed restricted in strict conformance to Cresskill’s Affordable Housing Ordinance, Council on Affordable Housing regulations and all requirements contained within the Uniform Housing Affordability Controls as these documents may be amended, revised and supplemented.

§275-40.10 Storage permitted.

No person in the Affordable Housing Site zone shall store, place, deposit, or permit the continuation of storage, placement, or deposit of, upon any premises, any unregistered motor vehicle or any

machinery, equipment, lumber, building materials or supplies or parts thereof; provided, however, that unless otherwise prohibited, it shall not be unlawful to store, place or deposit the foregoing items in a fully enclosed structure upon such premises. Nothing herein contained shall be deemed to authorize the erection of a structure or structures not otherwise authorized to be so erected.

§275-40.11 Prohibited uses.

All uses not listed in §275-40.9 are prohibited.

§275-40.12 Performance standards.

All uses are subject to performance standards as set forth in Article XIV.

§275-40.13 Site development plan approval.

Site development plan approval, in accordance with Chapter 218, Site Development Plan, shall be required prior to the issuance of construction permits for the erection or enlargement of all structures and related accessory structures. Such approval shall also be required prior to the issuance of certificates of occupancy for a change of use.

§275-40.14 The following area and bulk standards are applicable in the Affordable Housing Site II zone:

A. Regulations	Inclusionary Developments
Lot area	10,000 square feet
Lot frontage	100 feet
Lot depth	100 feet
Minimum required	
Front Yards	15 feet
Side Yards	6 feet
Rear Yard	15 feet
Parking	Not permitted in req. front yard
Maximum Permitted	
Building Height	
Stories	3 stories
Feet	41
Building Coverage (%)	40

B. Additional Regulations

(1) In recognition of the requirement to minimize or remove unnecessary development cost-generating requirements, the following minimum parking standards are applicable in the Affordable Housing Site II zone.

Affordable Dwelling Unit	1.25 parking spaces per dwelling.
Market rate Dwelling Unit	RSIS requirements apply

(2) All developments constructed within the Affordable Housing Site II zone shall be structured so that no less than twenty (20) percent of the entire development are COAH credit-worthy units if these units are to be offered for sale. A rental community shall be required to have a fifteen (15) percent affordable housing setaside. No less than fifty (50) percent of all COAH credit-worthy units shall be affordable to low-income households, with 13% of all affordable units available to very low-income family households. The balance can be affordable to moderate-income households.

(3) Affordable housing in the zone shall be structured so no more than twenty (20) percent of the units are studio or one-bedroom units, at least thirty (30) percent are two

bedrooms and no fewer than twenty (20) percent are three-bedroom units. Bedroom count for the remainder of the affordable units is at the discretion of the developer.

- (4) Density for the Affordable Housing Site II zone shall be no greater than fifteen (15) units per acre.
- (5) All affordable dwelling units shall be constructed and maintained in compliance with the requirements of the New Jersey Council on Affordable Housing, and the Uniform Housing Affordability Controls before certificates of occupancy will be issued. The developer shall include all facilities required by law which are necessary to be maintained as part of an inclusionary development so that COAH restrictions are legally enforceable. Furthermore, all such developments shall conform to Article **XXIX**, Special Mount Laurel Requirements, of the Borough of Cresskill Municipal Code.

SECTION IV:

The Zoning Map of the Borough of Cresskill is and shall be amended to depict and reflect Block 182 Lots 18-28 are and shall be in the Affordable Housing Site II zone.

SECTION V:

All Ordinances of the Borough of Cresskill which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such conflict.

SECTION VI

If any 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 of this Ordinance.

SECTION VII

This Ordinance shall take effect upon final passage, approval and publication as provided by law.