

BOROUGH OF CRESSKILL
ORDINANCE NO. 18-22-1508A

AN ORDINANCE TO AMEND ORDINANCE PROVISIONS RELATING TO THE
COMMERCIAL ZONE AND ARTICLE VII AND X – AFFORDABLE HOUSING,
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,

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 Final 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:

Article VII. §275-19 Commercial Zone is and shall be amended in the following particulars only.

§275-19. Permitted Uses

H. Multi-family dwellings, both market rate and affordable restricted to the second and third floors only. Within the Commercial Zone, only permitted non-residential uses shall occupy the ground level or first floor in a mixed-use building.

§275-23.1. Conditional uses.

This subsection is and shall be deleted in its entirety.

SECTION III:

Article X. §275-38 Commercial Zone is and shall be amended in the following particulars only.

§275-38. Commercial Zone.

In the Commercial Zone, the following regulations shall apply:

B. Regulations	Applicable to mixed-use multi-family buildings only
Minimum required	
Lot area	7,500 square feet
Lot frontage	75 feet
Lot depth	100 feet
Front Yard	10 feet
Rear Yard	10 feet
Maximum Permitted	
Building Height	
Stories	3 stories
Feet	41
Building Coverage (%)	50

C. Additional regulations

1. Parking shall not be developed or constructed in the front yard. Off-street parking requirements apply to both the residential and non-residential portions of all mixed-use developments. Parking standards listed elsewhere in the ordinance shall apply to the non-residential portion of a mixed-use development. In recognition of the requirement to minimize or remove unnecessary development cost-generating requirements, the following minimum parking standards are applicable to the residential component of a mixed-use development in the Commercial zone.

Dwelling Unit	1.25 parking spaces per dwelling.
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2. All residential developments constructed within the Commercial zone shall be structured so that COAH credit-worthy dwellings comprise no less than twenty (20) percent of the residential development if residential 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 the affordable housing units offered to very low-income family households. The balance can be affordable to moderate-income households.
3. Affordable housing proposed in the Commercial 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. Residential density in the Commercial 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 a Superior Court or COAH certifiable rental or sales unit included 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.

§275-38.1 Storage permitted.

No person in the Commercial 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.

§275-38.2 Prohibited uses.

All uses not listed in §275-19 are prohibited.

§275-38.3 Performance standards.

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

§275-38.4 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.

SECTION IV

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

SECTION V

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 portions of this Ordinance..

SECTION VI

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

ATTEST:

BOROUGH OF CRESSKILL
COUNTY OF BERGEN
STATE OF NEW JERSEY

Francesca Maragliano, Borough Clerk

By: _____
Benedict Romeo, Mayor