

ORDINANCE #1885

AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP OF WYCKOFF TO AMEND CHAPTER 186, ZONING, TO ADD ONE NEW INCLUSIONARY RESIDENTIAL ZONE AND ONE NEW OVERLAY ZONE WITH RESPECT TO LOT 10.02 AND A PORTION OF LOT 11 IN BLOCK 320 CONSISTENT WITH AND DESIGNED TO EFFECTUATE THE TOWNSHIP'S ADOPTED 2018 THIRD ROUND HOUSING ELEMENT AND FAIR SHARE PLAN.

WHEREAS, the Township of Wyckoff entered into a Settlement Agreement with Fair Share Housing Center on July 12, 2018 and with Canterbury Development Corp. on August 3, 2018 in In the Matter of the Application of the Township of Wyckoff's Housing Element and Fair Share Plan (Docket No.: BER-L-6224- 15); and,

WHEREAS, these Settlement Agreements set forth that Lots 10.02 and 11 in Block 320 shall be merged and subdivided to create two new lots. One new lot to be retained by Canterbury Development Corp. to be approximately 5.46 acres in size and to be zoned for residential inclusionary housing; and,

WHEREAS, these Settlement Agreements set forth that the other newly created lot to be approximately 21.03 acres in size shall be purchased by the Township of Wyckoff and preserved as open space; and,

WHEREAS, these Settlement Agreements set forth that the new lot retained by Canterbury Development Corp shall be developed with residential inclusionary housing designed to satisfy a portion of Wyckoff's constitutional obligation to provide for its fair share of low- and moderate-income housing; and,

WHEREAS, the Township adopted a Third Round Housing Element and Fair Share Plan that also set forth that the new approximately 5.46 acre lot to be retained by Canterbury Development Corp shall be developed with residential inclusionary housing designed to satisfy a portion of Wyckoff's constitutional obligation to provide for its fair share of low- and moderate- income housing; and,

WHEREAS, the Settlement Agreements have memorialized a resolution on, among other things, the number, size and setbacks for the buildings as well as the number of units for the inclusionary housing development; and,

WHEREAS, the amended zoning of Lot 10.02 and Lot 11 in Block 320 herein is consistent with the Settlement Agreements with Fair Share Housing Center and with Canterbury Development Corp., as

well as the 2018 Housing Element and Fair Share Plan; and,

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WHEREAS, the Township shall adopt a zoning amendment creating a new zone that permits the use and provides for appropriate bulk requirements to make possible the development described herein within the general area and per the plans as attached to the Settlement Agreement as Exhibits 1-6. Such zoning shall enable an application to the Wyckoff Planning Board for subdivision and site plan approval; and,

WHEREAS, the MF/AH-7 Zone will follow the property lines of Lot 10.02 and Lot 11 in Block 320.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Wyckoff, Bergen County, New Jersey, that the Code of the Township of Wyckoff is hereby amended to include provisions for new inclusionary residential development a portion of Lot 10.02 and a portion of Lot 11 in Block 320.

SECTION 1. Amend Section 186-3 Zoning Map to add a new Section Y. as follows:

Additions are shown as thus; deletions shown as ~~thus~~

Y. The MF/AH-7 Zone is the name of the zone established to include a portion of Lot 10.02 and a portion of Lot 11 in Block 320.

SECTION 2. Amend Section 186-49 Zoning districts and bulk requirements as follows:

Additions are shown as thus; deletions shown as ~~thus~~

D. MF/AH7. The following requirements shall apply to the MF/AH7 district and are based on and designed to implement the August 3, 2018 Settlement Agreement between the Township of Wyckoff and Canterbury Development Corp. as incorporated into the Third Round Housing Element and Fair Share Plan adopted by the Township pursuant to the August 3, 2018 settlement agreement.

- (1) All development in the MF/AH7 district shall be in accordance with the Settlement Agreement dated August 3, 2018 and executed on August 7, 2018 between the Township of Wyckoff and Canterbury Development Corp., including but not limited to the Concept Plans and conceptual architectural drawings marked as Exhibits 1 through**

6 and incorporated into such agreement (hereinafter the "Settlement Agreement"). Such Settlement Agreement is incorporated herein by reference. In the event of any conflict between the following ordinance and the Settlement Agreement, it is the Settlement Agreement that shall control.

- (2) Principal permitted uses shall be as follows:

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- (a) Single and two family dwellings pursuant to underlying zoning ordinance.
- (b) Multifamily housing.
- (c) Passive recreation and open space

- (3) Accessory uses shall be as follows:

- (a) Accessory buildings.
- (b) Off-street parking facilities, including structured parking
- (c) Private recreational facilities and common open space including pool as shown on concept plan.
- (d) Signs.
- (e) Fences.
- (f) Retaining walls.
- (g) Uses which are customary and incidental to a permitted use.

- (4) Conditional uses shall be as follows:

- (a) None.

- (5) The minimum tract size shall be four acres.

- (6) Maximum units and buildings.

- (a) Not more than 61 units
 - (i) One (1) unit shall be occupied by a resident superintendent. If such unit is not used as a superintendent's unit it must be converted to a 10th affordable unit and shall be restricted to moderate-income households.
- (b) Residential units shall be constructed in 3 buildings consistent with the concept plan referenced above. The middle building shall be no more than 4 stories, plus lofts, over parking and the two buildings on either side shall be no more than 3 stories, plus lofts, over parking, as further regulated in the Settlement Agreement

- (7) Affordable housing.

- (a) 15%, or not less than 9 units, shall be reserved for affordable housing. If a

unit is not used for the superintendent's residence, then 10 units shall be reserved for affordable housing.

- (b) Affordable housing units shall comply with the Township's affordable housing regulations and the Uniform Housing Affordability Control Rules (N.J.A.C. 5:80-26.1), which shall control in the case of any conflicts with this ordinance, provided that a minimum of 13 percent of the total low- and moderate-income units shall be affordable to very low income households (i.e. 30% or less of median income).

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- (c) The bedroom distribution of the nine (9) affordable units shall include two (2) three bedroom units, one (1) one bedroom unit, and six (6) two bedroom units. The income distribution of the nine (9) affordable units shall include two (2) very low income units, three (3) low income units and four (4) moderate income units. One of the very low income units shall be a three-bedroom unit and one shall be a two-bedroom unit. At least 50 percent of each bedroom distribution shall be allocated to low and very low income units. The affordable units shall be reasonably and aesthetically integrated with the market units throughout the development.
 - (d) The affordable units shall be managed by a single entity in accordance with an Affordable Housing Management Plan, which shall be approved by the Township of Wyckoff Affordable Housing Committee or other Township-designated Administrative Agent.
 - (e) The property owner shall contract with the Township's Affordable Housing Administrator for the administration and marketing of the Affordable Housing in accordance with the Affirmative Marketing Plan, which directs the affirmative marketing, affordability controls and tenant household and income qualifications for such units.
 - (f) The exterior design of affordable housing units shall be harmonious in scale, texture and materials with market-priced units.
- (8) Bulk Requirements.
- (a) The minimum tract setback between principal buildings and all exterior property lines: 40 feet.
 - (b) Maximum building height:
 - (i) 4 stories, plus lofts over parking for center building, 3 stories, plus lofts over parking for outside buildings, as further regulated in the Settlement Agreement.
 - (ii) The maximum height as measured from the rear elevation (north facing) of the building(s) shall be no greater than 65 feet and 58 feet 8

inches for the center and outside (east and west) buildings respectively. The front elevations (south facing) of the buildings shall be no greater than 55 feet and 48 feet 8 inches for the center and outside (east and west) buildings respectively. However, the westerly building may have a height of 50 feet if made necessary as a result of lowering the grade of the emergency access road surrounding the building. In addition, the eastern building shall measure at no more than 52 feet 8 inches at the southeast corner of the building due to the change in elevation at the site. Notwithstanding the above, pursuant to the agreement, the topographical height of the two outside buildings shall be no more than 350 feet 8 inches and the topographical height of the center building shall be no more than 357 feet as measured to the peaks of the roofs. This will ensure that the roof heights are no more than 12 feet higher for the center building and no

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more than 5 feet 8 inches higher than the outside buildings than the Canterbury topographical elevation measured at a point as depicted on exhibit 6 of the agreement.

- (c) Maximum building coverage, including accessory buildings: 35%
- (d) Maximum total impervious cover: 60%
- (e) Minimum Distance between buildings: 25 feet
- (f) Buildings may be connected by a walkway, as shown in the Concept Plan, but not withstanding they will be considered separate buildings
- (g) The minimum buffer areas, bermed, landscaped and unoccupied, except for entrance roads, utilities, signs, fences, fire access lanes, retaining walls, site driveways, security gates, and gatehouse:
 - (i) As shown in the Concept Plan in the Settlement Agreement, or 10 feet, whichever is greater.
 - (ii) Buffering in the form of evergreen trees and deciduous trees shall be provided along the southern property line in front of the development area which screens the development from the residences on Canterbury.
 - (iii) Buffering shall be provided in the form of evergreen trees and deciduous trees along the western edge of the development area so as to screen the buildings from the public open space area to the west.
 - (iv) Buffering in the form of evergreen trees and plantings shall be provided on the northern side of the tract and at other locations that

will screen the development from residents on the opposite side of the railroad tracts as well as residents utilizing the path to the open space.

- (v) Buffering in the form of evergreen trees and plantings shall be provided to screen the development from the properties to the east on Maple Drive and Cedar Hill.
- (vi) If requested by the Planning Board during the site plan review process, Canterbury will provide plantings and screening on the adjoining residents' properties if agreed by such individual residents to reasonably achieve this purpose.
- (vii) Trees shall not be less than 6 feet in height at the time of planting.
- (viii) All buffer area plantings shall remain unless replacement in kind is proposed or the removal is approved by the municipal engineer/ shade tree commission
- (ix) The required buffering and screening is intended to reduce the visual appearance of the development and to screen the same to the greatest extent reasonably possible, recognizing that it may not be possible to totally obscure views of the development from all angles.

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(x) Given the uniqueness of the site, these requirements supersede section 168-20 F. (2) of the Township of Wyckoff Code.

- (9) Other design criteria shall be as follows:
 - (a) Maximum height of retaining walls, or tiered walls, shall be six feet per wall.
 - (b) The Township's steep slope regulations shall not be applicable to the development of Lot 10.02A, consistent with the Settlement Agreement.
 - (c) HVAC units are not permitted on building roofs. They shall be located on the ground and on the north side of the buildings.
 - (d) Building mounted spotlights shall be prohibited other than those required for security purposes.
 - (e) Architectural design shall be as shown in the Architectural drawings in the Settlement Agreement and shall follow a Colonial Williamsburg style design, including trim and finishes on all four sides of all buildings.
- (10) Signs shall be consistent with the applicable Township sign standards, with the following exceptions:
 - (a) One ground sign shall be permitted.
 - (i) Maximum area: 25 square feet
 - (ii) Maximum height: 6 feet

- (iii) This excludes required traffic signs and wayfinding signs
- (11) No direct access to the development and/or lot shall be permitted from Canterbury Lane.
- (12) The design of the buildings shall appear aesthetically similar to that shown on Exhibit 2 attached to the agreement and include trim and finishes of same quality materials on all four sides of the buildings. Brick, stone and/or other complimentary materials shall be used if requested by the Planning Board and reasonably agreed upon by the Planning Board, Design Review Committee and the developer.
- (13) Accessory Structures and Buildings
- (a) Accessory structures and buildings shall have a minimum setback to property lines of 25 feet excluding fences, retaining walls, parking areas, gatehouses, unground utilities, and drainage areas, as per the Concept Plan.
- (b) Trash enclosures shall be screened with one (1) row of evergreen trees.

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Section 3. Severability.

If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The governing body of the Township of Wyckoff declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 4. Effective Date.

This ordinance shall take effect immediately upon passage and publication according to law.