



## **AGENDA**

*Regular Meeting of the Township Council*

*Monday, August 12, 2019*

*8:00pm*

**Mayor Glen Jasionowski**

Council President Mark Bromberg, Council Vice President Paul Criscuolo,  
Councilman Ari Ben-Yishay, Councilman John Donovan, Councilwoman Denise Sieg

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### **CALL THE MEETING TO ORDER**

### **SALUTE TO FLAG**

### **SUNSHINE LAW STATEMENT**

In accordance with the provisions set forth in the Open Public Meetings Law, notification of this meeting has been sent to all officially appointed Township newspapers and notice is posted at the Municipal Office.

### **ROLL CALL**

1. Township Council
2. Municipal Officials Present

### **TOWNSHIP COMMUNICATION**

1. Mayor's Comments
  2. Township Council Comments
- 

### **Administrator's Report**

### **Engineer's Report**

## **HEARING OF THE PUBLIC**

Each person wishing to address the Council shall step up to the microphone, shall give his or her name and address in an audible tone for the record. All members of the public are expected to conduct themselves in a proper manner. Any derogatory, abusive or threatening statements will not be permitted. The Chair will immediately rule such conduct out of order and terminate any further comments.

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## **RESOLUTIONS**

- #2019-221—Approve Minutes July 8, 2019 Council meeting
  - #2019-222—Approve Raffle License #580 RVJFA (off prem 50/50)
  - #2019-223—Approve Raffle License #581 PTO Grant School (off prem 50/50)
  - #2019-224—Approve Raffle License #582 PTO Grant School (on prem 50/50)
  - #2019-225—Approve Raffle License #583 PTO Grant School (Casino Night)
  - #2019-226—Approve Raffle License #584 PTO Grant School (Tricky Tray)
  - #2019-227—Approve Raffle License #585 PTO West Ridge School (Tricky Tray)
  - #2019-228—Approve Raffle License #586 PTO West Ridge School (off prem 50/50)
  - #2019-229—Approve Raffle License #587 Youth Consultation Service (on prem 50/50)
  - #2019-230—Approve Raffle License #588 Youth Consultation Service (merch raffle)
  - #2019-231—Authorize Refund RVCC Junior Camp Registration fee (Ladeas)
  - #2019-232—Authorize Intent to Appropriate Funds or Bond in the Event  
of a Funding Shortfall
  - #2019-233—Authorize Mayor to Sign Contract with the County of Bergen  
2018 Municipal Park Improvement Program (Veteran’s Memorial  
Park & Amphitheater Enhancements)
  - #2019-234—Authorize the Mayor to Sign Treatment Works Approval (TWA)  
Permit for the Fairways at Edgewood, LLC
- 

## **Ordinances for 1<sup>st</sup> Reading**

Ordinance #356-2019—AN ORDINANCE TO AMEND CHAPTER 142 OF THE MUNICIPAL CODE OF THE TOWNSHIP OF RIVER VALE IN ITS ENTIRETY TO CREATE DOWNTOWN INCLUSIONARY OVERLAY FOUR CONERS ZONE, ALSO KNOWN AS OL-1 AND OL-2

Ordinance #357-2019—AN ORDINANCE TO AMEND CHAPTER 142 OF THE MUNICIPAL CODE OF THE TOWNSHIP OF RIVER VALE IN ITS ENTIRETY TO CREATE A MANDATORY AFFORDABLE HOUSING SET-ASIDE ON MULTI-FAMILY RESIDENTIAL DEVELOPMENT

Ordinance #358-2019—AN ORDINANCE REPLACING AND SUPERSEDING CHAPTER 43 OF THE MUNICIPAL CODE OF THE TOWNSHIP OF RIVER VALE IN ITS ENTIRETY TO ADDRESS THE TOWNSHIP'S AFFORDABLE HOUSING OBLIGATIONS UNDER THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC)

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**There are no Ordinances for 2<sup>nd</sup> Reading**

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**2<sup>nd</sup> HEARING OF THE PUBLIC**

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**ADJOURNMENT**



Resolution offered:	No. 2019-221
Resolution seconded by:	

**RESOLUTION APPROVING MINUTES JULY 8, 2019 REGULAR MEETING**

**BE IT RESOLVED**, by the Township Council of the Township of River Vale that the minutes of the July 8, 2019 Regular meeting of the Township Council are hereby approved.

Council Member	AYE	NAY	N.V.	A.B	Council Member	AYE	NAY	N.V.	A.B
BEN-YISHAY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	DONOVAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BROMBERG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SIEG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRISCUOLO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					

X - Indicates Vote A.B. - Absent N.V - Not Voting (Abstained or Excused)

Dated: August 12, 2019

I hereby certify that this is a true copy of the Resolution passed by the Township Council at their meeting

held on: \_\_\_\_\_, 2019 Attest: \_\_\_\_\_

Karen Campanelli, Township Clerk



Resolution offered:	No. 2019-222
Resolution seconded by:	

**RESOLUTION APPROVING THE RAFFLE LICENSE FOR THE RIVER VALE JUNIOR FOOTBALL ASSOCIATION INC. (OFF PREMISES 50/50)**

**BE IT HEREBY RESOLVED** that the following license to conduct an off premises 50/50 raffle is issued to:

NAME: River Vale Junior Football Association, Inc.  
P.O. Box 2182  
River Vale, NJ

LOCATION OF RAFFLE: Florentine Gardens  
97 Rivervale Road  
River Vale, NJ 07675

DATE OF RAFFLE: December 4, 2019 (6:00pm 10:00pm)

I.D. #: 426-5-36218

RAFFLE LICENSE: RL 580

**BE IT FURTHER RESOLVED** that said license shall be issued subject to all rules and regulations of the Legalized Games of Chance Control Commission of the State of New Jersey.

Council Member	AYE	NAY	N.V.	A.B	Council Member	AYE	NAY	N.V.	A.B
BEN-YISHAY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	DONOVAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BROMBERG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SIEG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRISCUOLO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					

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Karen Campanelli, Township Clerk



Resolution offered:	No. 2019-223
Resolution seconded by:	

**RESOLUTION APPROVING THE RAFFLE LICENSE FOR THE GRANT SCHOOL PTO (OFF PREMISES 50/50)**

**BE IT HEREBY RESOLVED** that the following license to conduct an off premises 50/50 raffle is issued to:

NAME: Grant School PTO  
100 Grant Avenue  
Dumont, NJ 07628

LOCATION OF RAFFLE: Edgewood Country Club  
449 Rivervale Road  
River Vale, NJ 07675

DATE OF RAFFLE: October 24, 2019 (6:00pm 11:00pm)

I.D. #: 109-5-37131

RAFFLE LICENSE: RL 581

**BE IT FURTHER RESOLVED** that said license shall be issued subject to all rules and regulations of the Legalized Games of Chance Control Commission of the State of New Jersey.

Council Member	AYE	NAY	N.V.	A.B	Council Member	AYE	NAY	N.V.	A.B
BEN-YISHAY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	DONOVAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BROMBERG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SIEG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRISCUOLO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					

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Dated: August 12, 2019

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Karen Campanelli, Township Clerk



Resolution offered:	No. 2019-224
Resolution seconded by:	

**RESOLUTION APPROVING THE RAFFLE LICENSE FOR THE GRANT SCHOOL PTO (ON PREMISES 50/50)**

**BE IT HEREBY RESOLVED** that the following license to conduct an on premises 50/50 raffle is issued to:

NAME: Grant School PTO  
100 Grant Avenue  
Dumont, NJ 07628

LOCATION OF RAFFLE: Edgewood Country Club  
449 Rivervale Road  
River Vale, NJ 07675

DATE OF RAFFLE: October 24, 2019 (6:00pm 11:00pm)

I.D. #: 109-5-37131

RAFFLE LICENSE: RL 582

**BE IT FURTHER RESOLVED** that said license shall be issued subject to all rules and regulations of the Legalized Games of Chance Control Commission of the State of New Jersey.

Council Member	AYE	NAY	N.V.	A.B	Council Member	AYE	NAY	N.V.	A.B
BEN-YISHAY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	DONOVAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BROMBERG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SIEG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRISCUOLO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					

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Karen Campanelli, Township Clerk



Resolution offered:	No. 2019-225
Resolution seconded by:	

**RESOLUTION APPROVING THE RAFFLE LICENSE FOR THE GRANT SCHOOL PTO (CASINO NIGHT)**

**BE IT HEREBY RESOLVED** that the following license to conduct Casino Night is issued to:

NAME: Grant School PTO  
 100 Grant Avenue  
 Dumont, NJ 07628

LOCATION OF RAFFLE: Edgewood Country Club  
 449 Rivervale Road  
 River Vale, NJ 07675

DATE OF RAFFLE: October 24, 2019 (6:00pm 11:00pm)

I.D. #: 109-5-37131

RAFFLE LICENSE: RL 583

**BE IT FURTHER RESOLVED** that said license shall be issued subject to all rules and regulations of the Legalized Games of Chance Control Commission of the State of New Jersey.

Council Member	AYE	NAY	N.V.	A.B	Council Member	AYE	NAY	N.V.	A.B
BEN-YISHAY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	DONOVAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BROMBERG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SIEG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRISCUOLO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					

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Karen Campanelli, Township Clerk





Resolution offered:	No. 2019-226
Resolution seconded by:	

**RESOLUTION APPROVING THE RAFFLE LICENSE FOR THE GRANT SCHOOL PTO (TRICKY TRAY)**

**BE IT HEREBY RESOLVED** that the following license to conduct Tricky Tray raffle is issued to:

NAME: Grant School PTO  
 100 Grant Avenue  
 Dumont, NJ 07628

LOCATION OF RAFFLE: Edgewood Country Club  
 449 Rivervale Road  
 River Vale, NJ 07675

DATE OF RAFFLE: October 24, 2019 (6:00pm 11:00pm)

I.D. #: 109-5-37131

RAFFLE LICENSE: RL 584

**BE IT FURTHER RESOLVED** that said license shall be issued subject to all rules and regulations of the Legalized Games of Chance Control Commission of the State of New Jersey.

Council Member	AYE	NAY	N.V.	A.B	Council Member	AYE	NAY	N.V.	A.B
BEN-YISHAY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	DONOVAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BROMBERG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SIEG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRISCUOLO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					

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Karen Campanelli, Township Clerk



Resolution offered:	No. 2019-227
Resolution seconded by:	

**RESOLUTION APPROVING THE RAFFLE LICENSE FOR THE WEST RIDGE SCHOOL PTO (TRICKY TRAY)**

**BE IT HEREBY RESOLVED** that the following license to conduct Tricky Tray raffle is issued to:

NAME: PTO West Ridge School  
18 South First Street  
Park Ridge, NJ 07656

LOCATION OF RAFFLE: Florentine Gardens  
97 Rivervale Road  
River Vale, NJ 07675

DATE OF RAFFLE: November 13, 2019 (7:00pm 11:00pm)

I.D. #: 374-5-34400

RAFFLE LICENSE: RL 585

**BE IT FURTHER RESOLVED** that said license shall be issued subject to all rules and regulations of the Legalized Games of Chance Control Commission of the State of New Jersey.

Council Member	AYE	NAY	N.V.	A.B	Council Member	AYE	NAY	N.V.	A.B
BEN-YISHAY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	DONOVAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BROMBERG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SIEG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRISCUOLO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					

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Karen Campanelli, Township Clerk



Resolution offered:	No. 2019-228
Resolution seconded by:	

**RESOLUTION APPROVING THE RAFFLE LICENSE FOR THE WEST RIDGE SCHOOL PTO (OFF PREMISES 50/50)**

**BE IT HEREBY RESOLVED** that the following license to conduct off premises 50/50 raffle is issued to:

NAME: PTO West Ridge School  
18 South First Street  
Park Ridge, NJ 07656

LOCATION OF RAFFLE: Florentine Gardens  
97 Rivervale Road  
River Vale, NJ 07675

DATE OF RAFFLE: November 13, 2019 (7:00pm 11:00pm)

I.D. #: 374-5-34400

RAFFLE LICENSE: RL 586

**BE IT FURTHER RESOLVED** that said license shall be issued subject to all rules and regulations of the Legalized Games of Chance Control Commission of the State of New Jersey.

Council Member	AYE	NAY	N.V.	A.B	Council Member	AYE	NAY	N.V.	A.B
BEN-YISHAY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	DONOVAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BROMBERG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SIEG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRISCUOLO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					

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Karen Campanelli, Township Clerk



Resolution offered:	No. 2019-229
Resolution seconded by:	

**RESOLUTION APPROVING THE RAFFLE LICENSE FOR THE YOUTH CONSULTATION SERVICE INC. (ON PERMISES 50/50)**

**BE IT HEREBY RESOLVED** that the following license to conduct an on premises 50/50 raffle is issued to:

NAME: Youth Consultation Service Inc.  
284 Broadway  
Newark, NJ 07104

LOCATION OF RAFFLE: Edgewood Country Club  
449 Rivervale Road  
River Vale, NJ 07675

DATE OF RAFFLE: September 25, 2019 (4:00pm 7:00pm)

I.D. #: 337-4-35722

RAFFLE LICENSE: RL 587

**BE IT FURTHER RESOLVED** that said license shall be issued subject to all rules and regulations of the Legalized Games of Chance Control Commission of the State of New Jersey.

Council Member	AYE	NAY	N.V.	A.B	Council Member	AYE	NAY	N.V.	A.B
BEN-YISHAY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	DONOVAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BROMBERG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SIEG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRISCUOLO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					

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Karen Campanelli, Township Clerk



Resolution offered:	No. 2019-230
Resolution seconded by:	

**RESOLUTION APPROVING THE RAFFLE LICENSE FOR THE YOUTH CONSULTATION SERVICE INC. (MERCHANDISE RAFFLE)**

**BE IT HEREBY RESOLVED** that the following license to conduct a merchandise raffle is issued to:

NAME: Youth Consultation Service Inc.  
284 Broadway  
Newark, NJ 07104

LOCATION OF RAFFLE: Edgewood Country Club  
449 Rivervale Road  
River Vale, NJ 07675

DATE OF RAFFLE: September 25, 2019 (4:00pm 7:00pm)

I.D. #: 337-4-35722

RAFFLE LICENSE: RL 588

**BE IT FURTHER RESOLVED** that said license shall be issued subject to all rules and regulations of the Legalized Games of Chance Control Commission of the State of New Jersey.

Council Member	AYE	NAY	N.V.	A.B	Council Member	AYE	NAY	N.V.	A.B
BEN-YISHAY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	DONOVAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BROMBERG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SIEG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRISCUOLO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					

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Karen Campanelli, Township Clerk



Resolution offered:	No. 2019-231
Resolution seconded by:	

**REFUND**

**(RVCC JR. CAMP NON-RESIDENT REGISTRATION FEE)**

**WHEREAS**, the following individual has requested a refund of their RVCC Jr. Camp non-resident registration fee; and

**WHEREAS**, the Treasurer has certified the availability of funds in the Recreation Account.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of River Vale that said refund is approved and the Treasurer is hereby authorized to issue a municipal check payable as follows:

**Payable to:**

Elizabeth Ladeas  
 45 Crestwood Place  
 Hillsdale, NJ 07642

**Refund Amount:** \$ 275.00

Council Member	AYE	NAY	N.V.	A.B	Council Member	AYE	NAY	N.V.	A.B
BEN-YISHAY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	DONOVAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BROMBERG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SIEG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRISCUOLO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					

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Karen Campanelli, Township Clerk



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Resolution offered:	No. 2019-232
Resolution seconded by:	

**RESOLUTION OF INTENT TO APPROPRIATE FUNDS OR BOND  
IN THE EVENT OF A FUNDING SHORTFALL**

**WHEREAS**, Township of River Vale, Bergen County has petitioned the Court for a Judgment of Compliance and Repose with respect to its adopted Housing Element and Fair Share Plan; and

**WHEREAS**, the plan submitted to the Court allocates funds for:

1. Rehabilitation;
2. Affordability assistance;
3. Administration; and
4. New Construction

**WHEREAS**, Township of River Vale anticipates that funding will come from the following sources to satisfy these obligations:

1. Development fees;
2. Public funds; and
3. Bonding.

**WHEREAS**, in the event that the above funding sources prove inadequate to complete the affordable housing programs included in River Vale’s Housing Element and Fair Share Plan, River Vale shall provide sufficient funding to address any shortfalls.

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of Township of River Vale, Bergen County, State of New Jersey, that the Governing Body does hereby agree to appropriate funds or authorize the issuance of debt to fund any shortfall in its affordable housing program that may arise whether due to inadequate funding from other sources or for any other reason; and

**BE IT FURTHER RESOLVED** that, after a finding that inadequate funding exists to complete the affordable housing programs included in the Township of River Vale’s Housing Element and Fair Share Plan, the Township of River Vale agrees to appropriate funds or authorize the issuance of debt within 90 days of said finding; and

**BE IT FURTHER RESOLVED** that River Vale may repay debt through future collections of development fees, as such funds become available.

<b>Council Member</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B</b>	<b>Council Member</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B</b>
<b>BEN-YISHAY</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>DONOVAN</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>BROMBERG</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>SIEG</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>CRISCUOLO</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					

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Dated: August 12, 2019

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held on: \_\_\_\_\_, 2019 Attest: \_\_\_\_\_

Karen Campanelli, Township Clerk





Resolution offered:	No. 2019-233
Resolution seconded by:	

**Resolution Authorizing the Mayor to Sign a Contract with the County of Bergen  
For the 2018 Bergen County Open Space Trust Fund Municipal Park Improvement Program  
(Veteran’s Memorial Park & Amphitheater Enhancements)**

**BE IT RESOLVED**, that the Mayor and Council of the Township of River Vale wish to enter into a Bergen County Trust Fund Project Contract (“Contract”) with the County of Bergen for the purpose of using a \$ 82,147 matching grant award from the 2018 Funding Round of the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund (“Trust Fund”) for the municipal park project entitled Veteran’s Memorial Park Amphitheater Enhancements project, located in the Township of River Vale; and

**BE IT FURTHER RESOLVED**, that the Township Council hereby authorize the Mayor to be a signatory to the aforesaid contract; and

**BE IT FURTHER RESOLVED**, that the Mayor and Council hereby acknowledge that, in general, the use if this Trust Fund grant towards this approved park project must be completed by or about March 6, 2021; and

**BE IT FURTHER RESOLVED that** the Mayor and Council acknowledge that the grant will be disbursed to the municipality as a reimbursement upon submittal of certified Trust Fund payment and project completion documents and municipal vouchers, invoices, proofs of payment, and other such documents as may be required by the County in accordance with the Trust Fund’s requirements; and,

**BE IT FURTHER RESOLVED**, that the Mayor and Council acknowledge that the Grant disbursement to the municipality be equivalent to fifty (50) percent of the eligible construction costs incurred (not to exceed total grant award) applied towards only the approved park improvements identified in the aforesaid Contract in accordance with the Trust Fund’s requirements. Professional Services Costs may be reimbursed from grant award’s unexpended balance, should there be a balance.

<b>Council Member</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B</b>	<b>Council Member</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B</b>
<b>BEN-YISHAY</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>DONOVAN</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>BROMBERG</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>SIEG</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>CRISCUOLO</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					

X - Indicates Vote A.B. – Absent N.V - Not Voting (Abstained or Excused)

Dated: August 12, 2019

I hereby certify that this is a true copy of the Resolution passed by the Township Council at their meeting

held on: \_\_\_\_\_, 2019 Attest: \_\_\_\_\_

Karen Campanelli, Township Clerk



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Resolution offered:	No. 2019-234
Resolution seconded by:	

**RESOLUTION AUTHORIZING THE MAYOR'S ENDORSEMENT OF A TREATMENT WORKS APPROVAL (TWA) PERMIT APPLICATION FOR THE CONSTRUCTION OF CERTAIN SANITARY SEWER FACILITIES AND IMPROVEMENTS RELATED TO THE DEVELOPMENT OF PROPERTY LOCATED ON BLOCK 1201, LOTS 5 & 6 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF RIVER VALE**

**WHEREAS**, Edgewood Golf Course Realty Associates, LLC (also known as "The Fairways at Edgewood, LLC") located at 455 Rivervale Road, received Preliminary and Final Site Plan approval from the Township of River Vale Joint Planning Board in connection with construction of a 225-unit township development and a 24-unit affordable housing multi-family building both located in Block 1201, Lots 5 & 6 as set forth in the Board's Memorializing Resolution dated June 27, 2019; and

**WHEREAS**, in order to provide sanitary sewer service to the Project, it is necessary that certain sanitary sewer improvements be constructed; and

**WHEREAS**, pursuant to the regulations adopted by the New Jersey Department of Environmental Protection ("NJDEP"), a Treatment Works Approval Permit for the construction of the Sanitary Sewer Facilities must be obtained; and

**WHEREAS**, the Township Engineer has reviewed the application and plans, together with all other accompanying documents, and have recommended the approval thereof by the Township; and

**WHEREAS**, the Township of River Vale desires to endorse the Treatment Works Approval Permit Application and authorize the execution of the appropriate Statements of Consent by the appropriate officials.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of River Vale, County of Bergen, State of New Jersey as follows:

1. The Township hereby endorses for approval a certain Treatment Works Approval Permit Application submitted by the “The Fairways at Edgewood, LLC.”
2. The Mayor and Township Clerk, together with the Township Business Administrator, are hereby authorized and directed to execute the Treatment Works Approval Permit Application.
3. The Mayor, Township Clerk and Business Administrator, together with all other appropriate officials, employees, and professional staff are hereby authorized and directed to take any and all reasonable steps necessary to effectuate the purposes of this Resolution.
4. All construction of the sanitary sewer facilities are subject to inspection and approval by the appropriate entities having jurisdiction thereover.
5. This Resolution shall take effect immediately upon passage.

Council Member	AYE	NAY	N.V.	A.B	Council Member	AYE	NAY	N.V.	A.B
BEN-YISHAY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	DONOVAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BROMBERG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SIEG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRISCUOLO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					

X - Indicates Vote A.B. - Absent N.V - Not Voting (Abstained or Excused)

Dated: August 12, 2019

I hereby certify that this is a true copy of the Resolution passed by the Township Council at their meeting

held on: \_\_\_\_\_, 2019 Attest: \_\_\_\_\_

Karen Campanelli, Township Clerk



**Township of River Vale**  
 County of Bergen  
 State of New Jersey

**ORDINANCE #356-2019**

Date of 1 <sup>st</sup> Reading:	Motion to Introduce:
Date of Public Hearing:	Motion Second:

**AN ORDINANCE TO AMEND CHAPTER 142 OF THE MUNICIPAL CODE OF THE TOWNSHIP OF RIVER VALE IN ITS ENTIRETY TO CREATE DOWNTOWN INCLUSIONARY OERLAY FOUR CONERS ZONE, ALSO KNOWN AS OL-1 AND OL-2**

**BE IT ORDAINED** by the governing body of the Township of River Vale, Bergen County, New Jersey, that Chapter 142 of the Municipal Code of the Township of River Vale, is hereby amended, with this Ordinance, to create a downtown inclusionary overlay zone for the “Four Corners” area of the Township. Section 142-236.3 entitled “Downtown Inclusionary “Four Corners” Overlay Zone (OL)” is created. Section 142-236.3 is hereby added to Chapter 142, Part 9, Article LII, to read as follows.

**§ 142-236.3 Downtown Inclusionary “Four Corners” Overlay Zone (OL)**

- A. Purpose.** The purpose of the Downtown Inclusionary Overlay Zone is to create an opportunity for the construction of low- and moderate-income housing in the Township of River Vale and thereby address the unmet need portion of the fair share housing obligation, in conformance with the latest fair share obligation promulgated by the Courts and under the New Jersey Fair Housing Act.
- B. Zone Boundary.** The boundary of this district is hereby established by the appended map and shall be established at **§142-221 of the Township Code**. The Downtown Inclusionary Overlay Zone is comprised of two (2) subzones shown on the map in the appendix to this code. Sub-zone Overlay 1 (OL-1) includes generally the corner blocks and lots at the intersection of Westwood Avenue and River Vale Road. Sub-zone Overlay 2 (OL-2) includes the remainder block and lots.
- C. Permitted Principal Uses.** The following principal permitted uses and structures shall be permitted:
  - (1) All permitted uses in the underlying zone.
  - (2) Mixed Use Building – Residential/Retail

- a. Residential uses restricted to the upper stories of a mixed-use building and where the ground-story use shall be a non-residential use.
- b. Non -Residential Uses – 1<sup>st</sup> Floor only
  - i. Retail stores, markets and shops, excluding drive-ins
  - ii. Personal Service establishments
  - iii. Restaurants, Bar/Tavern
  - iv. Business, professional, and governmental offices
  - v. Banks, without drive-in facilities

(3) Parks and Plazas

**D. Permitted Accessory Uses.** Accessory buildings, structures and uses shall be permitted when used in conjunction with a principal permitted use.

- (1) Parking and Loading in accordance with **Article LIX, Off-Street Parking**, and with the Parking Standards required within this ordinance.
- (2) Signs in accordance with **Article LIII, Signs**.
- (3) Fences in accordance with **Article LIV, Fences**.
- (4) Outdoor Seating

**E. Prohibited Uses.**

- (1) All uses not explicitly permitted are prohibited, including, but not limited to:
  - a. Check Cashing businesses
  - b. Massage Parlors
  - c. Kennels
  - d. Uses requiring storage or display of goods outside a fully enclosed building
  - e. Lumber yards
  - f. Sexually oriented businesses
  - g. Tattoo, body piercing or branding establishments
  - h. Manufacturing and other commercial uses deemed to be hazardous in the building code
  - i. Auto-oriented businesses
  - j. Restaurants with exterior drive-up window service or drive-thrus
  - k. Pawn Shops
  - l. Funeral Homes
  - m. Self-Storage Facility

**F. Affordable Housing.** Low- and moderate-income housing requirements.

- (1) All developments constructed in the OL - Downtown Overlay Zone 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.

- (2) All affordable units to be produced pursuant to this section shall comply with the Township's Affordable Housing Ordinance in **Chapter 43** of the Township 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 Township'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:
  - a. 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.
  - b. Bedroom Mix: If the development is not age-restricted, the following bedroom mix shall apply:
    - i. The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low- and moderate-income units;
    - ii. At least 30% of all low- and moderate-income units shall be two-bedroom units;
    - iii. At least 20% of all low- and moderate-income units shall be three-bedroom units; and
    - iv. 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 at the end of 30 years after the date of the initial occupancy of the respective individual affordable unit, except, as to rental units, the affordability controls shall remain in effect until the date on which a rental unit shall become vacant, provided that the occupant household continues to earn a gross annual income of less than 80% of the applicable median income. See N.J.A.C. 5:80-26.11(b). If, at any time after the end of 30 years after the date of initial occupancy, a rental household's income is found to exceed 80% of the regional median income, the rental rate restriction shall expire at the later of either the next scheduled lease renewal or 60 days. Ibid. For for-sale units, the deed restriction shall expire only after it is properly released by the Township and/or the Township's Administrative Agent.
- (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 of the other requirements of the Township'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.

**G. Bulk Standards.** The applicable bulk standards are as follows and also appear on the Township of River Vale's Bulk Requirements Schedule located at §142-222.

- (1) Maximum height of buildings shall be as follows:
  - a. OL-1: 3 stories, 38 feet.
  - b. OL-2: 2 stories, 35 feet.
- (2) Minimum Size of Lots:
  - a. Minimum lot area: 5000 square feet.
  - b. Minimum lot width: 50 feet.
  - c. Minimum lot frontage: 50 feet.
- (3) Maximum building coverage of lots shall be 60%.
- (4) Maximum Impervious coverage shall be 85%.
- (5) Setbacks shall be as follows:
  - a. Front yard.
    - i. Where there is a corner lot, there shall be two front yards.
    - ii. Minimum Setback distance: 10 feet.
  - b. Side yards.
    - i. Minimum width: zero feet when attached to adjacent structure.
    - ii. Where the property abuts a residential zone, in which case the minimum setback required shall be 15 feet or the same as the residential setbacks on the abutting residential zone, whichever is greater.,
  - c. Rear yard.
    - i. Minimum: 50 feet.

**H. Building and Site Requirements**

- (1) Location of Building. Buildings and their front facades shall be oriented towards the public and/or private roadway. Where the building does not front a public and/or private roadway, buildings shall be oriented towards interior open spaces. All units and buildings shall be oriented away from parking lots.
- (2) Surface parking lots and garages are not permitted in the front yard setback of any property, any proposed side yard shall be masked with architectural or landscape features.
- (3) Common Open Space. Public and/or semipublic open space, such as courtyards, plazas, alleys and pedestrian walkways, shall be designed to promote use and enjoyment by all.



- (4) Cable Television Utility. All dwelling units shall be provided with such facilities for potential linkage to the Township's cable television utility.
- (5) Facades. In order to provide attractiveness, identity and individuality to buildings and complexes of buildings within the entire development and to avoid the monotonous repetition of design elements and its undesirable visual effects, the following design standards shall be utilized:
  - a. Façades shall be expressed as building nodes to reduce the apparent size of larger buildings and to set up a rhythm in the façade that expresses the traditional scale of buildings. Architectural variety in building material, massing, cornice height, and window style/height/arrangement is encouraged.
  - b. All buildings shall provide scale-defining architectural elements or details, such as windows, spandrels, awnings, porticos, pediments, cornices, pilasters, columns and balconies.
  - c. All entrances to a building, except service and emergency egress doors, shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, balustrades and other elements, where appropriate. Any such element utilized shall be architecturally compatible with the style, materials, colors and details of the building as a whole, as shall the doors.
  - d. Building exteriors shall have vertical and/or horizontal offsets to create visual breaks on the exterior. Monotonous, uninterrupted walls or roof planes shall be avoided. Building wall offsets, including projections such as balconies, canopies, awnings, and signs, recesses, and changes in floor level, shall be used in order to add architectural interest and variety and to relieve the visual effect of a simple, long wall. Similarly, roofline offsets, dormers, or gables shall be provided in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.
  - e. The architectural treatment of the front facade shall be continued in its major features around all visibly exposed sides of a building. All sides of a building shall be architecturally designed to be consistent with regard to style, materials, colors and details.
  - f. There shall be no blank facades and shall adhere to the standards listed above and, in this document.
  - g. Articulate the building entrance in the façade to make it easily identifiable by pedestrians and motorists and to provide architectural interest.
  - h. Ground floor facades of retail, restaurant, and related uses facing a street shall comprise a minimum of 50 percent clear window area, with windows providing views of display areas or the inside of the building. These ground floor windows shall begin between 12 to 24 inches above ground level and shall end above 86 inches above ground level.
  - i. Smoked, reflective, or black glass in windows is prohibited.
- (6) Residential Dwelling Unit Requirements.

- a. Dwelling Unit Size. Each dwelling unit shall meet the following criteria:
    - i. One-bedroom – minimum 800 square feet
    - ii. Two-bedroom – minimum 1,200 square feet
    - iii. Three-bedroom – minimum 1,250 square feet
    - iv. As it relates to any units with dens:
      - (a) Dens must adjoin a living space
      - (b) Dens must be built without closets and at all times post-construction have no closets
      - (c) Dens must be accessed through a wider-than-usual opening
      - (d) The addition of a door, wall and a closet are at all times prohibited
  - b. No rooms intended for human habitation shall be located in a cellar, basement or attic except that a cellar or basement may contain a family room or recreation room.
  - c. Each dwelling unit shall have at least two exterior exposures with at least one window in each exposure.
  - d. Buildings with residential uses shall provide laundry facilities and central air conditioning for each dwelling unit. No central or common laundry or similar facilities intended for two or more dwelling units shall be permitted. Window air conditioning units are not permitted. Outside clothes drying is prohibited.
- (7) Commercial Space Requirements.
- a. All commercial floor space provided on the ground floor of a mixed-use building shall have the following:
    - i. a minimum floor to ceiling height of 11 feet.
    - ii. At least 800 square feet of leasable retail space.
  - b. Outdoor dining areas shall not impede pedestrian traffic flow. Advertising or promotional features shall be limited to umbrellas, a menu board, and canopies.
- (8) Landscaping and open space.
- a. There shall be a comprehensive landscape plan prepared by a certified 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.
  - b. Screening and Buffering. Where properties in the OL Zone abut a residential zone, properties in the OL Zone shall at least partially obscure the view of parking areas, loading platforms and loading activities by screening such areas with fencing or landscaping or any combination thereof. Landscaping shall measure a minimum of eight feet in height at planting. Fencing shall not be less than six feet in height and shall conform to the Fencing requirements at **§142-247, Restrictions**. Said screening shall be subject to review and approval by the Planning Board/Zoning Board, pursuant to site plan review.
- (9) Lighting.

- a. Adequate lighting shall be provided for all common areas and pedestrian walkways.
- b. All outdoor lighting, including streetlamps 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 shall be shielded to meet the following requirements:
  - i. No light shall shine directly from a light source onto the ground, into the windows, or onto improvements of an abutting property, although incidental light may be permitted to fall on abutting property. Such incidental lighting shall not exceed one-half an ISO foot candle at ground level on the abutting property.
  - ii. No light, except streetlights, shall shine directly onto public roads.
- d. Where the abutting property is residentially zoned and used, lighting shall meet the following requirements:
  - i. Light fixtures shall be directed towards the proposed development and away from the abutting property.
  - ii. The light source itself must not be visible from the abutting residential property.
- e. No parking lot lighting standard or building fixture designed to illuminate the ground shall exceed eighteen (18) feet in height from grade level, and no pedestrian lighting standard shall exceed fourteen (14) feet in height from grade level.

(10) Miscellaneous.

- a. Through-wall air-conditioning units that project beyond the building wall are not permitted.
- b. Refuse Area Design Standards. The storage of refuse shall be provided inside the building(s) or within an outdoor area enclosed by either walls or opaque fencing at least 6 feet in height. Any refuse area outside of the building shall be designed to be architecturally compatible with the building(s) and shall not be located in the front of the building.
- c. Buildings containing dwelling units located above the second story and requiring a second means of egress pursuant to the Uniform Construction Code shall not utilize an attached external fire escape as one of the required means of egress.
- d. Fences shall be permitted at a maximum height of 6 feet and shall be situated and designed in accordance with **Article LIV Fences** of the municipal code.

(11) Bicycle Parking Requirements

- a. A designated area within the development shall be provided for bicycle parking. The area can be permitted inside the buildings or outside in a protected area. Parking shall be provided in such a way that allows for a bicycle to be properly secured, via a bicycle rack or locker.
- b. A minimum of two (2) bike parking space per 8 units shall be required.

(12) Parking Standards.

- a. All parking areas shall conform with **§142-274 Parking area design standards** of the Township Code.
- b. Off-street parking is prohibited in any required front yard setback.
- c. Parking may not be located closer than ten (10) feet to any rear property line.
- d. Parking may not be located closer than five (5) feet to any side property line. Where there is a shared parking arrangement in place between two or more adjacent properties, shared property lines need not comply with the required five-foot parking setback.
- e. The minimum setback from a building to a parking area or paved area shall be ten (10) feet.
- f. The minimum parking for:
  - a. Residential units shall adhere to the standards in the Residential Site Improvement Standards (RSIS), as:
    - (a) Studio/Efficiency and 1 Bedrooms: 1.8 spaces.
    - (b) 2-Bedroom: 2.0 spaces.
    - (c) 3-Bedroom: 2.1 spaces.
  - b. Commercial parking shall conform to the requirements set forth in **§142-273 Minimum Requirements** of the Township Code.
- g. An applicant may participate in a shared parking arrangement, provided the following:
  - i. Parking shall not be considered the principal use of the lot. In a shared parking arrangement, parking shall be considered an accessory use, in all instances.
  - ii. An applicant requesting use of an off-site shared parking arrangement must submit a study demonstrating:
    - (a) That the required parking cannot feasibly be provided on-site without compromising the economic value of the proposed development.
    - (b) That the distance between the site and the shared parking is reasonable and the sites must be contiguous.
    - (c) That the proposed shared parking location can reasonably accommodate peak parking and traffic for all uses that will be sharing the parking.
  - iii. An applicant requesting to use shared parking must enter into an agreement with the owner of the shared parking site.
    - (a) The Shared Parking Agreement shall be enforced through written agreement among all owners of record.
    - (b) The owner(s) of the shared parking shall enter into a written developer's agreement with the Township, with enforcement running to the Township, providing that the land comprising the shared parking area shall never be

disposed of except in conjunction with the sale of the building(s) which the parking area serves, so long as the parking facilities are required.

- (c) The owner(s) shall agree to bear the expense of recording the agreement and such agreement shall bind the heirs, successors, or assigns.
- (d) A copy of such agreement shall be submitted to the administrative officer to record in a form established by the Township Attorney.
- (e) Record of the agreement must take place before issuance of a Certificate of Occupancy or building permit, for any use to be served by the shared parking area.
- (f) Such agreement may only be revoked if at such time, all required off-street parking spaces can be provided on-site in accordance with the off-street parking requirements of this section.

## **I. Streetscape Standards.**

### **(1) Sidewalks and Crosswalks**

- a. Sidewalks are required along all street frontages, alleys, and internal driveways. Sidewalks along alleys may be waived if an applicant can demonstrate that these areas are not anticipated to have pedestrians. Sidewalks shall meet the following width requirements:
  - i. In areas that predominantly consist of retail, restaurant, and related uses on the ground floor of buildings, sidewalks shall have a minimum unimpeded width of 6 feet.
- b. Sidewalks shall be constructed of durable, attractive materials like brick, stone, or high-quality concrete accented with pavers. Sidewalk materials shall be continued across curb cuts when possible.
- c. Sidewalks shall be required to connect the street frontage to all front building entrances, parking areas, plazas, other usable open space areas, and any other destination that generates pedestrian traffic. Sidewalks shall connect to existing sidewalks on abutting tracts and other nearby pedestrian destinations.
- d. All sidewalks shall have accessibility ramps and shall comply with the regulations of the Americans with Disabilities Act.
- e. Crosswalks shall be required at all street intersections and wherever necessary to provide safe pedestrian access and movement.
- f. Crosswalks shall be constructed of inlaid thermal plastic, patterned surface dressing, or stone/brick/concrete pavers that make them easy to view and distinguish from the rest of the roadway. Crosswalk borders shall be highlighted with white lines at least 6 inches in width. This shall be approved by the Township's Planning Board or Zoning Board.

### **(2) Street Furniture and Streetscape Elements**

- a. Street furniture shall be provided and include (though not limited to) benches, trash and recycling receptacles, planters, and bike racks. Street furniture shall be decorative, functional, and properly scaled to the space.

- b. Street furniture shall be provided to the Planning Board specifications on style and/or color, and shall be given final approval by the Planning Board.
  - c. Street furniture shall be properly maintained by the property owner and be constructed of durable materials such as cast iron, aluminum, stainless steel, or similar materials.
  - d. All furniture and streetscape items shall be offset from the curb by a minimum of 1.5 feet to avoid car door obstruction.
  - e. Paired trash and recycling receptacles shall be placed along each block face and identified on the site plan.
  - f. Sidewalk mounted trash receptacles shall have at least two feet clear on all sides from any standing object including, but not limited to, parking meters, lights, and sign posts.
  - g. Freestanding planters and protective devices, such as bollards, shall be installed between sidewalks and adjacent vehicular traffic to help shape the pedestrian environment. Street furniture, such as the above bike racks, adds a distinctive element to the streetscape. Care should be taken to choose appropriately styled furniture.
  - h. Bicycle racks shall be located in highly visible, well-lit areas near building entrances; bicycle parking areas shall not obstruct walkways. Bicycle parking may be provided within a building, but the location must be easily accessible for bicyclists.
- (3) Street Trees
- a. All trees shall be placed in a location that will allow for adequate space for growth without interfering with below-grade utilities, roadways, sidewalks, over-headed wires, or streetlights and shall not be permitted within the sight triangle.
  - b. All trees shall be planted a minimum of 20 feet from pedestrian or roadway lighting and should be spaced 20-30 feet on center.
  - c. All branches are to be trimmed away to a height of at least eight (8) feet above the curb level.
  - d. Large street trees shall be planted at a minimum size of three (3) inches in caliper, a minimum of twelve (12) feet in height, all branches are to be trimmed away to a height of at least eight (8) feet above the curb level and shall be planted according to accepted horticultural standards, including soil specifications.
  - e. Medium street trees shall be planted at a minimum size of 2-2.5 inches in caliper, a minimum of eight (8) feet in height, all branches are to be trimmed away to a height of at least five to six feet (5-6) feet above the curb level and shall be planted according to accepted horticultural standards, including soil specifications.
  - f. All street tree planting sites shall be indicated on the plans.
  - g. On streets where existing shade trees are consistently located at a certain location so as to form a line parallel to the street, shade trees may be placed to continue this pattern.

**J. Site Plan Review.** All of the foregoing shall be subject to site plan review.

**REPEALER**

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

**SEVERABILITY**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**EFFECTIVE DATE**

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

Council Member	AYE	NAY	N.V.	A.B	Council Member	AYE	NAY	N.V.	A.B
BEN-YISHAY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	DONOVAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BROMBERG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SIEG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRISCUOLO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					

X - Indicates Vote A.B. – Absent N.V - Not Voting (Abstained or Excused)



Township of River Vale  
County of Bergen  
State of New Jersey

**ORDINANCE #357-2019**

Date of 1 <sup>st</sup> Reading:	Motion to Introduce:
Date of Public Hearing:	Motion Second:

**AN ORDINANCE TO AMEND CHAPTER 142 OF THE MUNICIPAL CODE OF THE TOWNSHIP OF RIVER VALE IN ITS ENTIRETY TO CREATE A MANDATORY AFFORDABLE HOUSING SET-ASIDE ON MULTI-FAMILY RESIDENTIAL DEVELOPMENT**

**BE IT ORDAINED** by the governing body of the Township of River Vale, Bergen County, New Jersey, that Chapter 142, Part 9, entitled “Zoning” of the Municipal Code of the Township of River Vale, is hereby amended, with this Ordinance, to create a mandatory affordable housing set-aside on multi-family residential development. Section 142-236.4 entitled “Mandatory Set-Aside” is hereby created as follows.

**§ 142-236.4 Mandatory Set-Aside**

A. If River Vale permits the construction of multi-family or single-family attached residential development that is “approvable” and “developable”, as defined at N.J.A.C. 5:93-1.3, at a gross residential density of five (5) or more units per acre, the Township shall require that an appropriate percentage of the residential units be set-aside for low- and moderate-income households, as defined by applicable State law or regulations. For inclusionary projects in which the low- and moderate-income units are to be offered for sale, the appropriate set-aside percentage is twenty percent (20%); for projects in which the low- and moderate-income units are to be offered for rent, the appropriate set-aside percentage is fifteen percent (15%).

- (1) All affordable housing controls and standards are subject to the rules of the Council on Affordable Housing (“COAH”) or any subsequent state agency. The development, marketing and sale of the affordable units shall be pursuant to applicable state regulations and **Chapter 43, Affordable Housing**, and any subsequent amendments thereto.
- (2) This requirement shall apply to any multi-family or single-family attached residential development, including the residential portion of a mixed-use project, in any zone within



River Vale, and proposed at a density of five (5) units per acre or greater, whether permitted by a zoning amendment, a variance granted by River Vale’s Planning Board or Board of Adjustment, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation.

(3) This requirement shall not impose any obligation on a development, or the non-residential portion of a mixed-use development, that is subject to the State Non-Residential Development Fee Act, N.J.S.A. 40:45(D)-8.1 et seq.

B. Nothing in this section precludes River Vale from imposing an affordable housing set-aside requirement on a development that is not required to have an affordable housing set-aside pursuant to this section, when such imposition is consistent with N.J.S.A. 52:27D-311(h) and other applicable law.

C. This affordable housing set-aside requirement shall not create any entitlement to a special dispensation or approval for a property owner or applicant for a zoning amendment, variance, or adoption of a Redevelopment Plan or amended Redevelopment Plan.

**REPEALER**

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

**SEVERABILITY**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**EFFECTIVE DATE**

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

<b>Council Member</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B</b>	<b>Council Member</b>	<b>AYE</b>	<b>NAY</b>	<b>N.V.</b>	<b>A.B</b>
<b>BEN-YISHAY</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>DONOVAN</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>BROMBERG</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>SIEG</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>CRISCUOLO</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					

X - Indicates Vote A.B. – Absent N.V - Not Voting (Abstained or Excused)



Township of River Vale  
County of Bergen  
State of New Jersey

**ORDINANCE #358-2019**

Date of 1 <sup>st</sup> Reading:	Motion to Introduce:
Date of Public Hearing:	Motion Second:

**AN ORDINANCE REPLACING AND SUPERSEDING CHAPTER 43 OF THE MUNICIPAL CODE OF THE TOWNSHIP OF RIVER VALE IN ITS ENTIRETY TO ADDRESS THE TOWNSHIP’S AFFORDABLE HOUSING OBLIGATIONS UNDER THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC)**

**BE IT ORDAINED** by the governing body of the Township of River Vale, Bergen County, New Jersey, that Chapter 43 of the Municipal Code of the Township of River Vale, is hereby replaced and superseded in its entirety, with this Ordinance, to address the Township’s constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985. This Ordinance is intended to provide assurances that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy those units. This Ordinance shall apply except where inconsistent with applicable law.

The River Vale Township Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Housing Element and Fair Share Plan have been endorsed by the governing body. This Ordinance implements and incorporates the adopted and endorsed Housing Element and Fair Share Plan and addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C.5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985.

**Section 1. Definitions**

The following terms when used in this Ordinance shall have the meanings given in this Section:

“Act” means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

“Adaptable” means constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

“Administrative agent” means the entity designated by the Township to administer affordable units in accordance with this Ordinance, N.J.A.C. 5:93, and UHAC (N.J.A.C. 5:80-26).

“Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

“Affordability average” means the average percentage of median income at which new restricted units in an affordable housing development are affordable to low- and moderate-income households.

“Affordable” means, a sales price or rent level that is within the means of a low- or moderate-income household as defined within N.J.A.C. 5:93-7.4, and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

“Affordable housing development” means a development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Township’s fair share obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable housing development.

“Affordable housing program(s)” means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality’s fair share obligation.

“Affordable unit” means a housing unit proposed or created pursuant to the Act and approved for crediting by the Court and/or funded through an affordable housing trust fund.

“Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

“Age-restricted unit” means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development wherein the unit is situated are 62 years of age or older; or 2) at least 80 percent of the units are occupied by one person who is 55 years of age or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

"Alternative living arrangement" means a structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to: transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the State of New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

“Assisted living residence” means a facility that is licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

“Certified household” means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

“COAH” means the Council on Affordable Housing, as established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq.).

“DCA” means the State of New Jersey Department of Community Affairs.

“Deficient housing unit” means a housing unit with health and safety code violations that requires the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

“Developer” means any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land included in a proposed development including the holder of an option to contract to purchase, or other person having an enforceable proprietary interest in such land.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1, et seq.

“Inclusionary development” means a development containing both affordable units and market rate units. This term includes, but is not limited to: new construction, the conversion of a non-residential structure to residential use and the creation of new affordable units through the gut rehabilitation or reconstruction of a vacant residential structure.

“Low-income household” means a household with a total gross annual household income equal to 50 percent or less of the median household income.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

“Major system” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and load bearing structural systems.

“Market-rate units” means housing not restricted to low- and moderate-income households that may sell or rent at any price.

“Median income” means the median income by household size for the applicable housing region, as adopted annually by COAH or a successor entity approved by the Court.

“Moderate-income household” means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the median household income.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“Multifamily unit” means a structure containing five or more dwelling units.

“Non-exempt sale” means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary and the transfer of ownership by court order.

“Random selection process” means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

“Regional asset limit” means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by duly adopted Regional Income Limits published annually by COAH or a successor entity.

“Rehabilitation” means the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

“Rent” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

“Restricted unit” means a dwelling unit, whether a rental unit or an ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26, *et seq.*

“Very low-income household” means a household with a total gross annual household income equal to 30 percent or less of the median household income for the applicable housing region.

“Very low-income unit” means a restricted unit that is affordable to a very low-income household.

“Weatherization” means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for purposes of a rehabilitation program.

## **Section 2. Applicability**

1. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Township of River Vale pursuant to the Township’s most recently adopted Housing Element and Fair Share Plan.
2. Where a developer is able to demonstrate that a 20% set-aside would warrant the project economically infeasible, the developer should submit an economic analysis and pro-forma to the Township for review. A real estate analysis expert hired by the Township through escrow funds provided by the developer, will evaluate the pro-forma and determine if the claim of economic infeasibility is valid. In the event the Township's review agrees with the developer, the Township will permit a 15% set-aside.
3. The following sections shall apply to all developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.
4. All affordable housing developments, including those intended to be funded through federal Low Income Housing Tax Credit programs, shall be deed restricted to comply with COAH and UHAC Rules pertaining to the income and bedroom distributions of the units.

## **Section 3. Reserved**

## **Section 4. Alternative Living Arrangements**

1. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:
  - a. Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court;
  - b. Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).
2. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least 30 year controls on affordability in accordance with UHAC.
3. The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

**Section 5. Inclusionary Zoning**

1. Rental Units: In inclusionary developments, all affordable units shall be family rental units.
2. Phasing: In inclusionary developments the following schedule shall be followed. Low- and moderate-income unit fractions shall be rounded upward to the higher whole number if 0.5 or greater and shall be rounded down to the lower whole number if less than 0.5.

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
25	0
25+1	10
50	50
75	75
90	100

3. List of Inclusionary Sites: the above requirements shall apply to all future inclusionary developments in addition to those identified in the 2019 Fair Share Plan and herein listed:
  - a. The Edgewood Country Club is located at Block 1201 Lot 6 on Piermont Avenue. The 2016 River Vale Master Plan recommended a zone change to permit attached housing and a 20% set-aside for affordable housing at the site while still maintaining an 18-hole regulation golf course.
  - b. The Mesker Inclusionary Site, which is municipally sponsored, is located at Block 701, lots 5, 5.01, 5.02, 7, 8, and portions of 6 and 9, on Rivervale Road. The inclusionary portion of the project will result in the construction of 12 low-and-moderate-income units.
  - c. The Four Corners Overlay Zone, adopted by the Township, permits inclusionary residential units on upper floors in the area of the “Four Corners” downtown area, at the intersection of Westwood Avenue and Rivervale Road.

**Section 6. New Construction**

1. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:
  - a. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit. At least 13 percent of all restricted rental units shall be very low income units (affordable to a household earning 30 percent or less of median income). The very low income units shall be counted as part of the required number of low income units within the development. At least 25 percent of the obligation shall be met through rental units, including at least half in rental units available to families. A maximum of 25 percent may be age restricted.

- b. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.
- c. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
  - 1) The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
  - 2) At least 30 percent of all low- and moderate-income units shall be two bedroom units;
  - 3) At least 20 percent of all low- and moderate-income units shall be three bedroom units; and
  - 4) The remaining two and three bedroom units may be allocated at the discretion of the developer and township.
- d. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

## 2. Accessibility Requirements:

- a. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free SubCode, N.J.A.C. 5:23-7 and the following:
- b. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
  - 1) An adaptable toilet and bathing facility on the first floor; and
  - 2) An adaptable kitchen on the first floor; and
  - 3) An interior accessible route of travel on the first floor; and
  - 4) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
  - 5) If not all of the foregoing requirements in b.1) through b.4) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs b.1) through b.4) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and



- 6) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a, et seq.) and the Barrier Free SubCode, N.J.A.C. 5:23-7, or evidence that River Vale has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:
  - a) Where a unit has been constructed with an adaptable entrance, upon the request of a person with disabilities who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
  - b) To this end, the builder of restricted units shall deposit funds within the Township of River Vale's Affordable Housing Trust Fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.
  - c) The funds deposited under paragraph 6) b) above shall be used by the Township of River Vale for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
  - d) The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the Township of River Vale for the conversion of adaptable to accessible entrances.
  - e) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free SubCode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Township's Affordable Housing Trust Fund in care of the Township Chief Financial Officer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.
  - f) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free SubCode, N.J.A.C. 5:23-7.

### 3. Design:

- a. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.
- b. In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.

### 4. Maximum Rents and Sales Prices:

- a. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established by COAH or a successor entity.
- b. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52 percent of median income.
- c. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13 percent of all low- and moderate-income rental units shall be affordable to very low-income households, earning 30 percent or less of the regional median household income.
- d. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.
- e. In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:
  - 1) A studio shall be affordable to a one-person household;
  - 2) A one-bedroom unit shall be affordable to a one and one-half person household;
  - 3) A two-bedroom unit shall be affordable to a three-person household;
  - 4) A three-bedroom unit shall be affordable to a four and one-half person household; and
  - 5) A four-bedroom unit shall be affordable to a six-person household.
- f. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:
  - 1) A studio shall be affordable to a one-person household;
  - 2) A one-bedroom unit shall be affordable to a one and one-half person household; and
  - 3) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.

- g. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
  - h. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
  - i. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price.
  - j. The rent of low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low-income housing tax credit regulations shall be indexed pursuant to the regulations governing low-income housing tax credits.
5. Minimum Presumptive Densities/Maximum Presumptive Set-asides for Multi-Family Development:

Affordable Housing Requirements

- a. For Sale and Rental Developments:  
Any project not associated with a specific density or affordable housing requirement as outlined in a specific zone or redevelopment plan shall be required to provide a 20% set aside for affordable housing. Where a developer is able to demonstrate that a 20% set-aside would warrant the project economically infeasible, the developer should submit an economic analysis and pro-forma to the Township for review. A real estate analysis expert hired by the Township through escrow funds provided by the developer, will evaluate the pro-forma and determine if the claim of economic infeasibility is valid. In the event the Township's review agrees with the developer, the Township will permit a 15% set-aside.
- b. A project shall not be subdivided into two or more lots so as to fall below the threshold or avoid the set aside requirement by taking multiple actions.

**Section 7. Utilities**

1. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.
2. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

### **Section 8. Occupancy Standards**

In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

1. Provide an occupant for each bedroom;
2. Provide children of different sexes with separate bedrooms;
3. Provide separate bedrooms for parents and children; and
4. Prevent more than two persons from occupying a single bedroom.

### **Section 9. Control Periods for Restricted Ownership Units and Enforcement Mechanisms**

1. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance for a period of at least thirty (30) years, until River Vale takes action to release the unit from such requirements; prior to such action, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.
2. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
3. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
4. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
5. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.

6. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

**Section 10. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices**

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

1. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
2. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
3. The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.
4. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom. See Section 13.

**Section 11. Buyer Income Eligibility**

1. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.
2. Notwithstanding the foregoing, however, the Administrative Agent may, upon approval by the Township Council, and subject to the Court's approval, permit moderate-income purchasers to buy low-income units in housing markets if the Administrative Agent determines that there is an insufficient number of eligible low-income purchasers to permit prompt occupancy of the units. All such low-income units to be sold to moderate-income households shall retain the required pricing and pricing restrictions for low-income units.
3. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.

4. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's eligible monthly income.

**Section 12. Limitations on Indebtedness Secured by Ownership Unit; Subordination**

1. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.
2. With the exception of First Purchase Money Mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of the unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C.5:80-26.6(b).

**Section 13. Capital Improvements to Ownership Units**

1. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.
2. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

**Section 14. Control Periods for Restricted Rental Units**

1. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 30 years, until River Vale takes action to release the unit from such requirements. Prior to such action, a restricted rental unit must remain subject to the

requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented. For new projects receiving nine percent Low Income Housing Tax Credits, a control period of not less than a 30 year compliance period plus a 15 year extended use period shall be required.

2. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Bergen. The deed shall also identify each affordable unit by apartment number and/or address and whether that unit is designated as a very low, low or moderate income unit. Neither the unit nor its affordability designation shall change throughout the term of the deed restriction. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
3. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
  - a. Sublease or assignment of the lease of the unit;
  - b. Sale or other voluntary transfer of the ownership of the unit; or
  - c. The entry and enforcement of any judgment of foreclosure on the property containing the unit.

#### **Section 15. Rent Restrictions for Rental Units; Leases**

1. A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
2. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
3. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.
4. No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least 15 percent of the total number of dwelling units are restricted rental units in compliance with this Ordinance.

#### **Section 16. Tenant Income Eligibility**

1. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:

- a. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.
  - b. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.
  - c. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.
2. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
    - a. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
    - b. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
    - c. The household is currently in substandard or overcrowded living conditions;
    - d. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
    - e. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
  3. The applicant shall file documentation sufficient to establish the existence of the circumstances in 1.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

**Section 17. Municipal Housing Liaison**

1. The Township of River Vale shall appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for administering the affordable housing program, including affordability controls, the Affirmative Marketing Plan, monitoring and reporting, and, where applicable, supervising any contracted Administrative Agent. River Vale shall adopt an Ordinance creating the position of Municipal Housing Liaison. River Vale shall adopt a Resolution appointing a Municipal Housing Liaison. The Municipal Housing Liaison shall be appointed by the governing



body and may be a full or part time municipal employee. The Municipal Housing Liaison shall be approved by the Court and shall be duly qualified through a training program sponsored by Affordable Housing Professionals of New Jersey before assuming the duties of Municipal Housing Liaison.

2. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for River Vale, including the following responsibilities which may not be contracted out to the Administrative Agent:
  - a. Serving as River Vale's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
  - b. Monitoring the status of all restricted units in River Vale's Fair Share Plan;
  - c. Compiling, verifying and submitting annual monitoring reports as may be required by the Court;
  - d. Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and
  - e. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing at least annually and more often as needed.
3. Subject to the approval of the Court, the Township of River Vale shall designate one or more Administrative Agent(s) to administer newly constructed affordable units in accordance with UHAC. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of the Court. The Operating Manual(s) shall be available for public inspection in the office of the Township Clerk, in the office of the Municipal Housing Liaison, and in the office(s) of the Administrative Agent(s). The Municipal Housing Liaison shall supervise the contracting Administrative Agent(s).

### **Section 18. Administrative Agent**

The Administrative Agent shall be an independent entity serving under contract to and reporting to the municipality. For new sale and rental developments, all of the fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required. For resales, single family homeowners and condominium homeowners shall be required to pay three percent of the sales price for services provided by the Administrative Agent related to the resale of their homes. That fee shall be collected at closing and paid directly to the Administrative Agent. The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which include:

1. Affirmative Marketing:

- a. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Township of River Vale and the provisions of N.J.A.C. 5:80-26.15; and
  - b. Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
2. Household Certification:
- a. Soliciting, scheduling, conducting and following up on interviews with interested households;
  - b. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
  - c. Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
  - d. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
  - e. Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
  - f. Employing a random selection process as provided in the Affirmative Marketing Plan of the Township of River Vale when referring households for certification to affordable units.
3. Affordability Controls:
- a. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
  - b. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
  - c. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Bergen County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit;
  - d. Communicating with lenders regarding foreclosures; and
  - e. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.
4. Resales and Rerentals:

- a. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and
  - b. Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or re-rental.
5. Processing Requests from Unit Owners:
- a. Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Ordinance;
  - b. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;
  - c. Notifying the municipality of an owner's intent to sell a restricted unit; and
  - d. Making determinations on requests by owners of restricted units for hardship waivers.
6. Enforcement:
- a. Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
  - b. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
  - c. The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent or other charges can be made;
  - d. Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
  - e. Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund; and

- f. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the Township Council and the Court, setting forth procedures for administering the affordability controls.

7. Additional Responsibilities:

- a. The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
- b. The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet any monitoring requirements and deadlines imposed by the Court.
- c. The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

**Section 19. Affirmative Marketing Requirements**

1. The Township of River Vale shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court that is compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
2. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs marketing activities toward Housing Region 1 and is required to be followed throughout the period of restriction.
3. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 1, comprised of Bergen, Hudson, Passaic, and Sussex Counties.
4. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and rerentals. The Administrative Agent designated by the Township of River Vale shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.
5. In implementing the Affirmative Marketing Plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
6. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.

7. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
8. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and the municipal library in the municipality in which the units are located; and the developer's rental office. Pre-applications shall be emailed or mailed to prospective applicants upon request.
9. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

### **Section 20. Enforcement of Affordable Housing Regulations**

1. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
2. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action(s) against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
  - a. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is adjudged by the Court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
    - 1) A fine of not more than \$500.00 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;
    - 2) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Township of River Vale Affordable Housing Trust Fund of the gross amount of rent illegally collected;

- 3) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
- b. The municipality may file a court action in the Superior Court seeking a judgment that would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- or moderate-income unit.
- 1) The judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.
  - 2) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.
  - 3) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
  - 4) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and

any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.

- 5) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- 6) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

### **Section 21. Appeals**

Appeals from all decisions of an Administrative Agent appointed pursuant to this Ordinance shall be filed in writing with the Court.

### **Section 22. Reporting and Monitoring Requirements**

1. On the first anniversary of the entry of the Order granting the Township a Final Judgment of Compliance and Repose, and every anniversary thereafter, through the end of the Repose period, the Township shall provide annual reporting of its Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing or Local Government Services, or such other entity designated by the State of New Jersey, with copies provided to Fair Share Housing, and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing or Local Government Services. The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.
2. On the first anniversary of the entry of the Order granting the Township a Final Judgment of Compliance and Repose, and every anniversary thereafter, through the end of the Repose period, the Township shall provide annual reporting of the status of all affordable housing activity within the Township through posting on the Township website with copies provided to Fair Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Court-appointed Special Master and Fair Share Housing Center.
3. For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Township shall post on its Township website, with copies provided to Fair Share Housing Center, a status report as to its implementation of its Plan and an analysis of whether any

unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity. Such posting shall invite any interested party to submit comments to the Township, with copies provided to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced. Any interested party may, by motion, request a hearing before the Court regarding these issues.

4. For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of the entry of the Order granting the Township a Final Judgment of Compliance and Repose, and every third year thereafter, the Township shall post on its Township website, with copies provided to Fair Share Housing, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit comments to the Township with copies provided to Fair Share Housing, on the issue of whether the municipality has complied with its very low income housing obligation.

**REPEALER**

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

**SEVERABILITY**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**EFFECTIVE DATE**

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

Council Member	AYE	NAY	N.V.	A.B	Council Member	AYE	NAY	N.V.	A.B
BEN-YISHAY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	DONOVAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BROMBERG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SIEG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRISCUOLO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					

X - Indicates Vote A.B. - Absent N.V - Not Voting (Abstained or Excused)