

AGENDA
MAYOR & COUNCIL MEETING
August 10, 2021
8:15 p.m.

Mayor Misciagna calls meeting to order at:

Pledge of Allegiance to the Flag

ROLL CALL:

Present:
Absent:
Also Present:

Mayor Misciagna Reads Compliance Statement, as required by Open Public Meeting Act, P.L. 1975, Chapter 231.

AGENDA CHANGES

PUBLIC PRIVILEGE OF THE FLOOR:

Mayor Misciagna asks if anyone present wishes to be heard on any matter.
Upon recognition by the Mayor, the person shall proceed to the floor and give his/her name and address in an audible tone of voice for the records. Unless further time is granted by the Council, he/she shall limit his/her statement to five (5) minutes. Statements shall be addressed to the Council as a body and not to any member thereof. No person, other than the person having the floor, shall be permitted to enter into any discussion, without recognition by the Mayor.

Speaker:

ORDINANCES – INTRODUCTION

BOROUGH OF PARK RIDGE
ORDINANCE NO. 2021-022

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, NEW INFORMATION TECHNOLOGY EQUIPMENT AND A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF PARK RIDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$549,000 TO PAY THE COST THEREOF, TO APPROPRIATE A COUNTY GRANT AND CONTRIBUTIONS FROM OTHER MUNICIPALITIES, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

Mayor Misciagna asks for a motion to introduce on first reading Ordinance No. 2021-022, A Bond Ordinance authorizing the making of various equipment acquisitions, appropriating therefor the sum of \$549,000 making of Various Public Improvements and the Acquisition of New Additional or Replacement Machinery and Equipment.

A motion was made by _____ and seconded by _____ to confirm.

Roll Call:

Mayor Misciagna asks the **Borough Clerk** to read the Ordinance by title.

Borough Clerk: Ordinance No. 2021-022, A Bond Ordinance To Authorize the Making of Various Public Improvements and the Acquisition of New Additional or Replacement Equipment and Machinery, New Communication and Signal System, New Information Technology Equipment and a New Automotive Vehicle, Including Original Apparatus and Equipment, In, By and for the Borough of Park Ridge, in the County of Bergen, State of New Jersey, to Appropriate the Sum of \$549,000 to Pay the Cost Thereof, to appropriate a County Grant and Contributions from other Municipalities, to Make a Down Payment, to Authorize the Issuance of Bond Anticipation Notes in Anticipation of the Issuance of Such Bonds.

Mayor Misciagna asks the **Interim CFO** to give a brief description of this Ordinance.

Richard Wright:

Mayor Misciagna asks if anyone wishes to be heard concerning the introduction of this Ordinance.

Speaker:

Mayor Misciagna asks for a motion to pass this Ordinance on the first reading by title and it be published in full in The Bergen Record with Notice of Public Hearing to be held on August 26, 2021.

A motion was made by _____ and seconded by _____ to confirm.

Roll Call:

Clerk Reads:

BE IT RESOLVED that the ordinance entitled:

Ordinance No. 2021-022, A Bond Ordinance To Authorize the Making of Various Public Improvements and the Acquisition of New Additional or Replacement Equipment and Machinery, New Communication and Signal System, New Information Technology Equipment and a New Automotive Vehicle, Including Original Apparatus and Equipment, In, By and For the Borough of Park Ridge, in the County of Bergen, State of New Jersey, to Appropriate the Sum of \$549,000 to Pay the Cost Thereof, to Appropriate a County Grant and Contributions from other Municipalities, to Make a Down Payment, to Authorize the Issuance of Bond Anticipation Notes in Anticipation of the Issuance of Such Bonds.

NOTICE OF PENDING ORDINANCE

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the Borough Council of the Borough of Park Ridge, in the County of Bergen, State of New Jersey, on August 10, 2021. It will be further considered for final passage, after public hearing thereon, at a meeting of the Borough Council to be held virtually via Zoom on August 26, 2021, at 5:00 P.M. If you have a question when the meeting is open to the public, please dial 201-822-3199 passcode 121212. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same.

**BOROUGH OF PARK RIDGE
ORDINANCE NO. 2021-023**

**BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF A NEW RESCUE
FIRE TRUCK IN, BY AND FOR THE BOROUGH OF PARK RIDGE, IN THE COUNTY
OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$765,000
TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE
THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO
PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN
ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.**

Mayor Misciagna asks for a motion to introduce on first reading Ordinance No. 2021-023, A Bond Ordinance Authorizing the Acquisition of a New Rescue Fire Truck in the Sum of \$765,000.

A motion was made by _____ and seconded by _____ to confirm.

Roll Call:

Mayor Misciagna asks the **Borough Clerk** to read the Ordinance by title.

Borough Clerk: Ordinance No. 2021-023, A Bond Ordinance to Authorize the Acquisition of a New Rescue Fire Truck, In, By and For the Borough of Park Ridge, in the County of Bergen, State of New Jersey, to appropriate the Sum of \$765,000 to Pay the Cost Thereof, to Make a Down Payment, to Authorize the Issuance of Bonds to Finance Such Appropriation and to provide for the Issuance of Bond Anticipation Notes in Anticipation of the Issuance of Such Bonds.

Mayor Misciagna asks the **Interim CFO** to give a brief description of this Ordinance.

Richard Wright:

Mayor Misciagna asks if anyone wishes to be heard concerning the introduction of this Ordinance.

Speaker:

Mayor Misciagna asks for a motion to pass this Ordinance on the first reading by title and it be published in full in The Bergen Record with Notice of Public Hearing to be held on August 26, 2021.

A motion was made by _____ and seconded by _____ to confirm.

Roll Call:

Clerk Reads:

BE IT RESOLVED that the ordinance entitled:

**BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF A NEW RESCUE
FIRE TRUCK IN, BY AND FOR THE BOROUGH OF PARK RIDGE, IN THE COUNTY
OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$765,000
TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE
THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO
PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN
ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.**

NOTICE OF PENDING ORDINANCE

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the Borough Council of the Borough of Park Ridge, in the County of Bergen, State of New Jersey, on August 10, 2021. It will be further considered for final passage, after public hearing thereon, at a meeting of the Borough Council to be held virtually via Zoom on August 26, 2021, at 5:00 P.M. If you have a question when the meeting is open to the public, please dial 201-822-3199 passcode 121212. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same.

ORDINANCES – PUBLIC HEARING

BOROUGH OF PARK RIDGE ORDINANCE NO. 2021-015

AFFORDABLE HOUSING ORDINANCE

AN ORDINANCE CREATING A NEW CHAPTER, "AFFORDABLE HOUSING," OF THE CODE OF THE BOROUGH OF PARK RIDGE, COUNTY OF BERGEN, STATE OF NEW JERSEY, TO ADDRESS THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS UNDER THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC)

Mayor Misciagna asks for a motion to open the Public Hearing on Ordinance No. 2021-015, An Ordinance creating a new Chapter, "Affordable Housing" to address the Borough's Affordable Housing Obligations under the Fair Housing Act and the Uniform Housing Affordability Controls (UHAC)

A motion was made by _____ and seconded by _____ to confirm.

Roll Call:

Mayor Misciagna asks the **Borough Clerk** to read the Ordinance by title.

Borough Clerk: Ordinance No. 2021-015, An Ordinance Creating a New Chapter, "Affordable Housing," of the Code of the Borough of Park Ridge, State of New Jersey, to address The Borough's Affordable Housing Obligations Under the Fair Share Housing Act and the Uniform Housing Affordability Controls (UHAC)

Mayor Misciagna asks the **Borough Affordable Housing Planner** to give a brief description of this Ordinance.

Joseph Burgis, PP, AICP:

Mayor Misciagna asks if anyone wishes to be heard concerning the adoption of this Ordinance.

Speaker:

Mayor Misciagna asks for a motion to close the Public Hearing on this Ordinance and that it be adopted with notice of final passage to be published in The Ridgewood News.

A motion was made by _____ and seconded by _____ to confirm.

Roll Call:

**BOROUGH OF PARK RIDGE
ORDINANCE NO. 2021-016**

ACCESSORY APARTMENT ORDINANCE

**AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE CHAPTER 101,
"ZONING," OF THE CODE OF THE BOROUGH OF PARK RIDGE, COUNTY OF
BERGEN, STATE OF NEW JERSEY, TO ESTABLISH ACCESSORY APARTMENT
REQUIREMENTS**

Mayor Misciagna asks for a motion to open the Public Hearing on Ordinance No. 2021-016,
*Accessory Apartment Ordinance: An Ordinance to Amend, Supplement and Revise Chapter 101,
"Zoning" of the Code of the Borough of Park Ridge, County of Bergen, State of New Jersey, To
Establish Accessory Apartment Requirements*

A motion was made by _____ and seconded by _____ to confirm.

Roll Call:

Mayor Misciagna asks the **Borough Clerk** to read the Ordinance by title.

Borough Clerk: Ordinance No. 2021-016, Accessory Apartment Ordinance: An Ordinance to
Amend, Supplement and Revise Chapter 101, "Zoning" of the Code of the Borough of Park
Ridge, County of Bergen, State of New Jersey, To Establish Accessory Apartment
Requirements.

Mayor Misciagna asks the **Borough Affordable Housing Planner** to give a brief description of
this Ordinance.

Joseph Burgis, PP, AICP:

Mayor Misciagna asks if anyone wishes to be heard concerning the adoption of this Ordinance.

Speaker:

Mayor Misciagna asks for a motion to close the Public Hearing on this Ordinance and that it be
adopted with notice of final passage to be published in The Ridgewood News.

A motion was made by _____ and seconded by _____ to confirm.

Roll Call

**BOROUGH OF PARK RIDGE
ORDINANCE NO. 2021-017**

AMENDED DEVELOPMENT FEE ORDINANCE

**AN ORDINANCE TO REPEAL AND REPLACE IN ITS ENTIRETY CHAPTER 51,
"DEVELOPMENT FEES," OF THE CODE OF THE BOROUGH OF PARK RIDGE,
COUNTY OF BERGEN, STATE OF NEW JERSEY, TO ESTABLISH A THIRD ROUND
AFFORDABLE HOUSING DEVELOPMENT FEE ORDINANCE**

Mayor Misciagna asks for a motion to open the Public Hearing on Ordinance No. 2021-017,
*Amended Development Fee Ordinance: An Ordinance to Repeal and Replace in Its Entirety
Chapter 51, "Development Fees" of the Code of the Borough of Park Ridge, County of Bergen,
State of New Jersey, to Establish a Third Round Affordable Housing Development Fee
Ordinance*

A motion was made by _____ and seconded by _____ to confirm.

Roll Call:

Mayor Misciagna asks the **Borough Clerk** to read the Ordinance by title.

Borough Clerk: Ordinance No. 2021-017, Amended Development Fee Ordinance: An Ordinance to Repeal and Replace in Its Entirety Chapter 51, "Development Fees" of the Code of the Borough of Park Ridge, County of Bergen, State of New Jersey, to Establish a Third Round Affordable Housing Development Fee Ordinance

Mayor Misciagna asks the **Borough Affordable Housing Planner** to give a brief description of this Ordinance.

Joseph Burgis, PP, AICP:

Mayor Misciagna asks if anyone wishes to be heard concerning the adoption of this Ordinance.

Speaker:

Mayor Misciagna asks for a motion to close the Public Hearing on this Ordinance and that it be adopted with notice of final passage to be published in The Ridgewood News.

A motion was made by _____ and seconded by _____ to confirm.

Roll Call

**BOROUGH OF PARK RIDGE
ORDINANCE NO. 2021-018**

**AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE CHAPTER 101,
"ZONING," OF THE CODE OF THE BOROUGH OF PARK RIDGE, COUNTY OF
BERGEN, STATE OF NEW JERSEY, AS IT RELATES TO PROPERTIES IN THE NB
NEIGHBORHOOD BUSINESS ZONE**

Mayor Misciagna asks for a motion to open the Public Hearing on Ordinance No. 2021-018, An Ordinance to Amend, Supplement & Revise Ch. 101, "Zoning" of the Code of the Borough of Park Ridge, State of New Jersey, as it relates to Properties in the NB Neighborhood Business Zone

A motion was made by _____ and seconded by _____ to confirm.

Roll Call:

Mayor Misciagna asks the **Borough Clerk** to read the Ordinance by title.

Borough Clerk: Ordinance No. 2021-018, An Ordinance to Amend, Supplement & Revise Ch. 101, "Zoning" of the Code of the Borough of Park Ridge, State of New Jersey, as it relates to Properties in the NB Neighborhood Business Zone

Mayor Misciagna asks the **Borough Affordable Housing Planner** to give a brief description of this Ordinance.

Joseph Burgis, PP, AICP:

Mayor Misciagna asks if anyone wishes to be heard concerning the adoption of this Ordinance.

Speaker:

Mayor Misciagna asks for a motion to close the Public Hearing on this Ordinance and that it be adopted with notice of final passage to be published in The Ridgewood News.

A motion was made by _____ and seconded by _____ to confirm.

Roll Call

**BOROUGH OF PARK RIDGE
ORDINANCE NO. 2021-019**

ORDINANCE AMENDING AH AFFORDABLE HOUSING ZONES

**AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE CHAPTER 101,
"ZONING," OF THE CODE OF THE BOROUGH OF PARK RIDGE, COUNTY OF
BERGEN, STATE OF NEW JERSEY, AS IT RELATES TO THE AH AFFORDABLE
HOUSING ZONES AND TO REZONE BLOCK 103 LOT 3, BLOCK 206 LOT 1, BLOCK
303 LOT 1, AND BLOCK 1602 LOT 5**

Mayor Misciagna asks for a motion to open the Public Hearing on Ordinance No. 2021-019, An Ordinance to Amend, Supplement & Revise Ch. 101, "Zoning," of the Code of the Borough of Park Ridge, County of Bergen, State of New Jersey, as it Relates to the AH Affordable Housing Zones and to Rezone Block 103 Lot 3, Block 206 Lot 1, Block 303 Lot 1, Block 1602 Lot 5

A motion was made by _____ and seconded by _____ to confirm.

Roll Call:

Mayor Misciagna asks the **Borough Clerk** to read the Ordinance by title.

Borough Clerk: Ordinance No. 2021-019, An Ordinance to Amend, Supplement & Revise Ch. 101, "Zoning," of the Code of the Borough of Park Ridge, County of Bergen, State of New Jersey, as it Relates to the AH Affordable Housing Zones and to Rezone Block 103 Lot 3, Block 206 Lot 1, Block 303 Lot 1, Block 1602 Lot 5

Mayor Misciagna asks the **Borough Affordable Housing Planner** to give a brief description of this Ordinance.

Joseph Burgis, PP, AICP:

Mayor Misciagna asks if anyone wishes to be heard concerning the adoption of this Ordinance.

Speaker:

Mayor Misciagna asks for a motion to close the Public Hearing on this Ordinance and that it be adopted with notice of final passage to be published in The Ridgewood News.

A motion was made by _____ and seconded by _____ to confirm.

Roll Call

**BOROUGH OF PARK RIDGE
ORDINANCE NO. 2021-020**

R20-A ZONE ORDINANCE

**AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE CHAPTER 101,
"ZONING," OF THE CODE OF THE BOROUGH OF PARK RIDGE, COUNTY OF
BERGEN, STATE OF NEW JERSEY, TO CREATE A NEW R-20A ONE-FAMILY
RESIDENTIAL ZONE DISTRICT**

Mayor Misciagna asks for a motion to open the Public Hearing on Ordinance No. 2021-020, An Ordinance to Amend, Supplement & Revise Chapter 101, "Zoning" of the Code of the Borough of Park Ridge, County of Bergen, State of New Jersey, to Create a New R-20A One-Family Residential Zone District

A motion was made by _____ and seconded by _____ to confirm.

Roll Call:

Mayor Misciagna asks the **Borough Clerk** to read the Ordinance by title.

Borough Clerk: Ordinance No. 2021-020, An Ordinance to Amend, Supplement and Revise Chapter 101, "Zoning", of the Code of the Borough of Park Ridge, County of Bergen, State of New Jersey, to Create a New R-20A One-Family Residential Zone District

Mayor Misciagna asks the **Borough Affordable Housing Planner** to give a brief description of this Ordinance.

Joseph Burgis, PP, AICP:

Mayor Misciagna asks if anyone wishes to be heard concerning the adoption of this Ordinance.

Speaker:

Mayor Misciagna asks for a motion to close the Public Hearing on this Ordinance and that it be adopted with notice of final passage to be published in The Ridgewood News.

A motion was made by _____ and seconded by _____ to confirm.

Roll Call

**BOROUGH OF PARK RIDGE
ORDINANCE NO. 2021-021**

**AN ORDINANCE OF THE BOROUGH OF PARK RIDGE AMENDING AND
SUPPLEMENTING CHAPTER 101, "ZONING," OF THE CODE OF THE BOROUGH
OF PARK RIDGE TO ESTABLISH A NEW AH-4 AFFORDABLE HOUSING ZONE
AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO**

Mayor Misciagna asks for a motion to open the Public Hearing on Ordinance No. 2021-021, An Ordinance Amending and Supplementing Chapter 101, "Zoning", of the Code of the Borough of Park Ridge, to Establish a New AH-4 Affordable Housing Zone and to set forth the Standards and Criteria Application Thereto

A motion was made by _____ and seconded by _____ to confirm.

Roll Call:

Mayor Misciagna asks the **Borough Clerk** to read the Ordinance by title.

Borough Clerk: Ordinance No. 2021-021, Amending and Supplementing Chapter 101, "Zoning", of the Code of the Borough of Park Ridge, to Establish a New AH-4 Affordable Housing Zone and to set forth the Standards and Criteria Application Thereto

Mayor Misciagna asks the **Borough Affordable Housing Planner** to give a brief description of this Ordinance.

Joseph Burgis, PP, AICP:

Mayor Misciagna asks if anyone wishes to be heard concerning the adoption of this Ordinance.

Speaker:

Mayor Misciagna asks for a motion to close the Public Hearing on this Ordinance and that it be adopted with notice of final passage to be published in The Ridgewood News.

A motion was made by _____ and seconded by _____ to confirm.

Roll Call

CONSENT AGENDA:

Mayor Misciagna asks if any Councilmember would like to have any Resolution removed from the Consent Agenda and placed under New Business.

Speaker:

Mayor Misciagna asks if any Councilmember would like to abstain from voting on any Resolution on the Consent Agenda.

Speaker:

Mayor Misciagna asks for a motion to accept the Consent Agenda (with the abstentions so noted).

A motion was made by _____ and seconded by _____ to confirm.

Roll Call:

RESOLUTIONS:

- Res. No. 021-217 – Authorize Additional Lifeguards
- Res. No. 021-218 – Authorize Duplicate Tax Payment Refund
- Res. No. 021-219 – Endorsing 2021 Housing Element and Fair Share Plan
- Res. No. 021-220 – Request Court Approval and Review of Borough Spending Plan
- Res. No. 021-221 – Resolution Adopting the Affirmative Marketing Plan and the Affirmative Marketing Plan
- Res. No. 021-222 – Resolution of Intent to Appropriate Funds or Bond
- Res. No. 021-223 – Resolution of Need - Bear's Nest Housing Project
- Res. No. 021-224 – Resolution Adopting the Rehabilitation Home Improvement Program Manual and Manual
- Res. No. 021-225 – Resolution Adopting the Accessory Apartment Program Manual and Manual
- Res. No. 021-226 – Resolution Adopting the Operating Manuals for Sale and Rental Units and Manuals
- Res. No. 021-227 – Authorize Core Sampling and Laboratory Analysis - Key Tech Laboratories
- Res. No. 021-228 – Authorizing Change Order No. 1 & Final - North 5th Street Improvements - Marini Brothers Construction
- Res. No. 021-229 – Authorizing Final Payment - North 5th Street Improvements - Marini Brothers Construction
- Res. No. 021-230 – Resolution Awarding Elevator Contract for 2021 to NJTS
- Res. No. 021-231 – Authorizing Bid Award -Electric Substation Diagnostic Testing and Maintenance Services- J.G. Electrical Testing
- Res. No. 021-232 – Authorizing Bid Award -Furnishing and Delivery of Potable Water Meters- Ferguson Enterprises LLC
- Res. No. 021-233 – Authorizing Purchase of 2022 Ford F-250 (F2B) XL 4WD Regular Cab 8' Box Revised Option Pricing - Beyer Ford
- Res. No. 021-234 – Authorizing an Update to the Net Metering Policies
- Res. No. 021-235 – Authorizing Special Legal Services - John D'Anton

- Res. No. 021-236 – Authorize Refund of Pool Registration
- Res. No. 021-237 – Authorize Tax Lien/Payment of Maintenance – High Sierra Landscaping Contractors, Inc.
- Res. No. 021-238 - \$549,000 Bond Ordinance to Authorize the Acquisition of New Additional or Replacement Equipment and Machinery and Various Improvements
- Res. No. 021-239 - \$765,000 Bond Ordinance Authorizing the Acquisition of a New Rescue Fire Truck
- Res. No. 021-240 – Public Question on Open Space Trust Fund 2021
- Res. No. 021-241 – Appointment of Paul Longo as Park Ridge Director of Operations & Authorizing the Execution of the Employment Contract
- Res. No. 021-242 – Appointment of James Leichtnam as Electric Department Supervisor & Authorizing the Execution of the Employment Contract
- Res. No. 021-243 – Payment of Bills - Utility
- Res. No. 021-244 – Payment of Bills – Borough
- Res. No. 021-245 – Resolution to Enter into Memorandum of Understanding – For Interconnection of Solar Power System – Sartak Holdings, Inc.
- Res. No. 021-246 – Awarding Contract to Mobility Elevator & Lift Company for Replacement of a Wheelchair Lift

COMMUNICATIONS:

OLD BUSINESS:

NEW BUSINESS:

APPROVAL OF MINUTES

Mayor Misciagna asks for a motion to approve the Minutes as follows:

Public Hearing Minutes Dated June 22, 2021
 Public Hearing Minutes Dated July 13, 2021
 Closed and Work Session Minutes Dated July 13, 2021

A motion was made by _____ and seconded by _____ to confirm.

Roll Call:

REPORTS OF THE GOVERNING BODY

Councilmember Fenwick:

Councilmember Ferguson:

Councilmember Cozzi:

Councilmember Capilli:

Councilmember Metzdorf:

Council President Epstein:

ADJOURN

A motion was made by _____ and seconded by _____ to adjourn the
Regular Mayor and Council Meeting. Meeting adjourned at _____ P.M.

**BOROUGH OF PARK RIDGE
ORDINANCE NO. 2021-022**

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, NEW INFORMATION TECHNOLOGY EQUIPMENT AND A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF PARK RIDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$549,000 TO PAY THE COST THEREOF, TO APPROPRIATE A COUNTY GRANT AND CONTRIBUTIONS FROM OTHER MUNICIPALITIES, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

BE IT ORDAINED by the Borough Council of the Borough of Park Ridge, in the County of Bergen, State of New Jersey, as follows:

Section 1. The Borough of Park Ridge, in the County of Bergen, State of New Jersey (the "Borough") is hereby authorized to make various public improvements and to acquire new additional or replacement equipment and machinery, new communication and signal systems equipment, new information technology equipment and a new automotive vehicle, including original apparatus and equipment, in, by and for said Borough, as more particularly described in Section 4 hereof. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized, and the down payment, County grant and contributions from other municipalities appropriated, by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Borough.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the County grant and contributions from other municipalities hereinafter appropriated, and (3) the

amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (4) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (5) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Acquisition of new additional or replacement equipment and machinery, new information technology equipment and a new automotive vehicle, including original apparatus and equipment, for the use of various Borough departments, offices and agencies:

Police Department
SUV

Fire Department
turnout gear

PKRG Radio Station
computer system

Appropriation and Estimated Cost	\$ 89,000
Down Payment Appropriated	\$ 4,450
Bonds and Notes Authorized	\$ 84,550
Period of Usefulness	5 years

B. Acquisition of new additional or replacement equipment and machinery for the use of various Borough departments, offices and agencies:

Department of Public Works
line painting machine

Police Department
force training simulator (Borough portion of shared cost with other municipalities)

Appropriation and Estimated Cost	\$ 26,500
Down Payment Appropriated	\$ 1,325
Bonds and Notes Authorized	\$ 25,175
Period of Usefulness	15 years

C. Undertaking of various improvements to public buildings consisting of (i) installation of generators at Borough Hall, the Tri-Boro Ambulance Corps Building and the Fire House, (ii) replacement of HVAC units at Police Headquarters and (iii) renovation of Borough Hall conference room for Building/Zoning Departments. It is hereby determined and stated that said public buildings being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	\$ 268,000
Montvale and Woodcliff Lake Contributions	
Appropriated	\$ 28,000
Down Payment Appropriated	\$ 11,950
Bonds and Notes Authorized	\$ 228,050
Period of Usefulness	15 years

D. Upgrading of the Tri-Boro Dispatch Center.

Appropriation and Estimated Cost	\$ 150,000
County Grant Appropriated	\$ 100,000
Down Payment Appropriated	\$ 2,500
Bonds and Notes Authorized	\$ 47,500
Period of Usefulness	10 years

2. Acquisition of new communication and signal systems equipment consisting of radios for the use of the Police Reserves.

Appropriation and Estimated Cost	\$ 15,500
Down Payment Appropriated	\$ 775
Bonds and Notes Authorized	\$ 14,725
Period of Usefulness	10 years

Aggregate Appropriation and Estimated Cost	\$ 549,000
Aggregate County Grant and Contributions from other Municipalities Appropriated	\$ 128,000
Aggregate Down Payment Appropriated	\$ 21,000
Aggregate Amount of Bonds and Notes Authorized	\$ 400,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$17,000 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. The aggregate sum of \$28,000 received or to be received as contributions from the Boroughs of Montvale and Woodcliff Lake are hereby appropriated to the payment of the cost of the installation of the generator at the Tri-Boro Ambulance Corps Building authorized in Section 4.C above.

Section 7. The sum of \$100,000 received or to be received as a grant from the County of Bergen is hereby appropriated to the payment of the cost of the improvement of the Tri-Boro Dispatch Center authorized in Section 4.D above.

Section 8. It is hereby determined and stated that moneys exceeding \$21,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purposes. The sum of \$21,000 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 9. To finance said purposes, bonds of said Borough of an aggregate principal amount not exceeding \$400,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 10. To finance said purposes, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$400,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued.

If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 11. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 12. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 12.10 years computed from the date of said bonds.

Section 13. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$400,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 14. Any funds received from private parties, other municipalities, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes (other than the County grant and the contributions from other municipalities hereinbefore appropriated which shall be applied to the cost of such purposes, but shall not be applied to the payment of outstanding bond anticipation notes and the reduction of the amount of bonds authorized), shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 15. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 16. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 17. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 18. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Adopted ___/___/___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Capilli						
Cozzi						
Epstein						
Fenwick						
Ferguson						
Metzdorf						

APPROVED:

KEITH J. MISCIAGNA, MAYOR

Attest:

Magdalena Giandomenico
Borough Clerk

**BOROUGH OF PARK RIDGE
ORDINANCE 2021-023**

**BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF A NEW
RESCUE FIRE TRUCK IN, BY AND FOR THE BOROUGH OF PARK RIDGE,
IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE
THE SUM OF \$765,000 TO PAY THE COST THEREOF, TO MAKE A DOWN
PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH
APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND
ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH
BONDS.**

BE IT ORDAINED by the Borough Council of the Borough of Park Ridge,
in the County of Bergen, State of New Jersey, as follows:

Section 1. The Borough of Park Ridge, in the County of Bergen, State of New Jersey (the "Borough") is hereby authorized to acquire a new rescue fire truck, including original apparatus and equipment, in, by and for the Borough. Said improvement shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$765,000 is hereby appropriated to the payment of the cost of making the improvement described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvement shall be made as a general improvement and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of said Borough pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the total estimated cost of said purpose is \$765,000, and (4) \$37,500 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$727,500, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$15,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that the aggregate sum of \$37,500 (consisting of \$18,750 each in the Borough's Water Utility Capital Improvement Fund and Electric Utility Capital Improvement Fund) is now available to serve as the down payment on said purpose. The sum of \$37,500 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of said Borough of an aggregate principal amount not exceeding \$727,500 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$727,500 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of ten years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$727,500 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 12. The Borough intends to issue the bonds or notes to finance the cost of the improvement described in Section 1 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 13. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Adopted ___/___/___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Capilli						
Cozzi						
Epstein						
Fenwick						
Ferguson						
Metzdorf						

APPROVED:

KEITH J. MISCIAGNA, MAYOR

Attest:

Magdalena Giandomenico
Borough Clerk

**BOROUGH OF PARK RIDGE
ORDINANCE NO. 2021-015**

AFFORDABLE HOUSING ORDINANCE

AN ORDINANCE CREATING A NEW CHAPTER, "AFFORDABLE HOUSING," OF THE CODE OF THE BOROUGH OF PARK RIDGE, COUNTY OF BERGEN, STATE OF NEW JERSEY, TO ADDRESS THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS UNDER THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC)

BE IT ORDAINED, by the Mayor and Council of the Borough of Park Ridge, in the County of Bergen, and State of New Jersey, that a new chapter, "Affordable Housing," of the Code of the Borough of Park Ridge, is hereby created with this Ordinance, to address the Borough's constitutional obligation to provide for its fair share of affordable 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, as amended.

SECTION 1. A new chapter, Chapter 39: Affordable Housing, shall be added to the Borough Code, which shall read as follows:

§39-1 Affordable housing obligation.

- A.** This chapter is intended to assure that affordable housing units are created with controls on affordability over time and that low- and moderate-income households shall occupy these units. This chapter shall apply except where inconsistent with applicable law.
- B.** The Park Ridge 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 has been endorsed by the governing body. The Fair Share Plan describes the ways the Borough of Park Ridge shall address its fair share for affordable housing as directed by the Superior Court and documented in the Housing Element.
- C.** This chapter 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, as amended.

§39-2 Definitions.

The following terms, as used in this chapter, shall have the following meanings:

ACCESSORY APARTMENT

A self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

ACT

The Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.), as amended.

ADAPTABLE

Constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

ADMINISTRATIVE AGENT

The entity responsible for administering the affordability controls with respect to specific restricted units in accordance with this chapter, the regulations of the Council on Affordable Housing set forth at N.J.A.C. 5:93 et seq., and the Uniform Housing Affordability Controls set forth at N.J.A.C. 5:80-26 et seq.

AFFIRMATIVE MARKETING

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

The average percentage of median income at which restricted units in an affordable housing development are affordable to low- and moderate-income households.

AFFORDABLE

A sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:93-7.4; 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

A housing development all or a portion of which consists of restricted units.

AFFORDABLE HOUSING PROGRAM(S)

Any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.

AFFORDABLE UNIT

A housing unit proposed or created pursuant to the Act 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 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.

AGENCY

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

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 where the unit is situated are 62 years or older; or 2) at least 80 percent of the units are occupied by one person that is 55 years 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

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

A facility 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

A household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

COAH

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

DCA

The State of New Jersey Department of Community Affairs.

DEFICIENT HOUSING UNIT

A housing unit with health and safety code violations that require 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

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

DEVELOPMENT

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

A development containing both affordable units and market rate units. This term includes, but is not necessarily 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

A household with a total gross annual household income equal to 50 percent or less of the median household income.

LOW-INCOME UNIT

A restricted unit that is affordable to a low-income household.

MAJOR SYSTEM

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 or load bearing structural systems.

MARKET-RATE UNITS

Housing not restricted to low- and moderate-income households that may sell or rent at any price.

MEDIAN INCOME

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

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

A restricted unit that is affordable to a moderate-income household.

MUNICIPAL HOUSING LIAISON

The employee charged by the governing body with the responsibility for oversight and administration of the affordable housing program for the Borough of Park Ridge.

NON-EXEMPT SALE

Any sale or transfer of ownership other than the transfer of ownership between spouses; 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

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

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

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

RENT

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

A dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under the New Jersey Housing and Mortgage Finance Agency's Urban Homeownership Recovery Program (UHORP) or the Agency's Market Oriented Neighborhood Investment Program (MONI).

UHAC

The Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

VERY LOW-INCOME HOUSEHOLD

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

A restricted unit that is affordable to a very low-income household.

WEATHERIZATION

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.

§39-3 Applicability.

- A.** The provisions of this chapter shall apply to all developments that contain low-and/or moderate-income housing units, including any affordable housing developments that currently exist, any affordable housing developments that are proposed to be created within the Borough of Park Ridge pursuant to the Borough's most recently adopted Housing Element and Fair Share Plan, as well as any currently unanticipated future developments that will provide low- and/or moderate-income housing units.
- B.** 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.

§39-4 Rehabilitation program.

- A.** The Borough will work with Bergen County and hire a separate entity to rehabilitate units in the Borough to address the Borough's Rehabilitation Obligation. Any such rehabilitation programs shall be designed to renovate deficient housing units occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28.
- B.** All rehabilitated rental and owner-occupied units shall remain affordable to low- and moderate-income households for a period of 10 years (the control period). For owner occupied units, the control period will be enforced with a lien and, for renter occupied units, the control period will be enforced with a deed restriction.

- C. The Borough of Park Ridge shall dedicate \$20,000 for each unit to be rehabilitated through this program, up to a maximum of fifteen (15) units.
- D. The Borough shall adopt a resolution committing to fund any shortfall in the Borough's Rehabilitation Program.
- E. The Borough of Park Ridge shall designate, subject to the approval of the Court, COAH, or any successor entity, one or more Administrative Agents to administer the rehabilitation program in accordance with N.J.A.C. 5:93. The Administrative Agent(s) shall provide a rehabilitation manual for the owner occupancy rehabilitation program and a rehabilitation manual for the rental occupancy rehabilitation program to be adopted by resolution of the governing body and subject to approval of the Court, COAH, or any successor entity. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
- F. Units in a rehabilitation program shall be exempt from Uniform Housing Affordability Controls (UHAC), but shall be administered in accordance with the following:
 - (1) If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and affirmatively marketed pursuant to §39-8.C, §39-9, and UHAC.
 - (2) If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to §39-8.C and UHAC.
 - (3) Rents in rehabilitated units may increase annually based on the standards in §39-8.C.
 - (4) Applicant and/or tenant households shall be certified as income-eligible in accordance with §39-8.C and UHAC, except that households in owner occupied units shall be exempt from the regional asset limit.

§39-5 Accessory apartment program.

- A. It is the purpose of this program to help meet the Borough of Park Ridge's fair share housing obligation through the subsidization of up to seven (7) accessory apartments in the Borough for occupancy by very low-, low- or moderate-income households.
- B. All accessory apartments shall meet the following conditions:
 - (1) Accessory apartments shall be permitted in principal or accessory buildings in the R-40, R-20, R-15, and R-10 Zones on lots developed with a detached single family dwelling according to the applicable area, yard, and bulk requirements, provided the units are affordable to low- or moderate-income households.
 - (2) Accessory apartments shall comply with all applicable statutes and regulations of the State of New Jersey in addition to all building codes.
 - (3) At the time of initial occupancy of the unit and for at least ten years thereafter, the accessory apartment shall be rented only to a household which is either a very-low, low- or moderate-income household.
 - (4) Rents of accessory apartments shall be affordable to very-low, low- or moderate-income households as per this chapter and UHAC regulations.

- (5) There shall be a recorded deed or declaration of covenants and restrictions applied to the property upon which the accessory apartment is located running with the land and limiting its subsequent rental or sale of the unit and the accessory apartment. The deed or declarations shall be reviewed and approved by the Borough Attorney prior to recording; and such document must be recorded prior to the issuance of a building permit or, if no building permit needs to be issued, prior to the issuance of the Certificate of Occupancy.
 - (6) The appropriate utility authority must certify that there is water and sewer infrastructure with sufficient capacity to serve the proposed accessory apartment. Where the proposed location is served by an individual well and/or septic system, the additional capacity necessitated by the new unit must meet the appropriate NJDEP standards.
 - (7) Accessory apartments shall be exempt from the bedroom mix requirements set forth in this chapter. The Borough of Park Ridge accessory apartment program shall not restrict the number of bedrooms in any accessory apartment.
 - (8) No accessory apartment created as a result of these regulations shall exceed the gross floor area of the existing principal dwelling on the lot.
- C. The maximum number of accessory apartments subsidized by the Borough of Park Ridge shall be equal to no more than seven (7). Although additional accessory apartments may be created in the Borough above and beyond these seven (7) units, same shall not be subsidized by the Borough.
- D. The Borough of Park Ridge shall designate an administrative entity to administer the accessory apartment program that shall have the following responsibilities:
- (1) The Administrative Agent shall administer the accessory apartment program, including advertising, income qualifying prospective renters, setting rents and annual rent increases, maintaining a waiting list, distributing the subsidy, securing certificates of occupancy, qualifying properties, handling application forms, filing deed restrictions and monitoring reports and affirmatively marketing the affordable accessory apartment program in accordance with this chapter and UIIAC.
 - (2) The administrative entity shall only deny an application for an accessory apartment if the project is not in conformance with COAH's rules and/or the provisions of this chapter. All denials shall be in writing with the reasons clearly stated.
 - (3) The program shall require that, of the seven (7) subsidized accessory apartments, at least one (1) shall be very-low income, no more than three (3) may be moderate-income, and the remainder may be low-income.
 - (4) The Borough of Park Ridge shall provide \$50,000 to subsidize the creation of each very low-income accessory apartment, \$40,000 to subsidize the creation of each low-income accessory apartment, and \$30,000 to subsidize the creation of each moderate-income accessory apartment. Subsidy may be used to fund actual construction costs and/or to provide compensation for reduced rental rates.
 - (5) Property owners wishing to apply to create an accessory apartment shall submit to the administrative entity:
 - (a) A sketch of floor plan(s) showing the location, size and relationship of both the accessory apartment and the primary dwelling within the building or in another structure;

(b) Rough elevations showing the modifications of any exterior building façade to which changes are proposed; and

(c) A site development sketch showing the location of the existing dwelling and other existing buildings; all property lines; proposed addition, if any, along with the minimum building setback lines; the required parking spaces for both dwelling units; and any man-made conditions which might affect construction.

§39-6 Alternative living arrangements.

A. 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:

(1) 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;

(2) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).

B. 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.

C. 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.

§39-7 Inclusionary zoning.

A. Maximum densities and minimum set-asides: The maximum permitted densities and minimum required affordable housing set-asides for inclusionary development shall be as set forth for each individual inclusionary zone district in Chapter 101, "Zoning," of the Borough Code.

B. Phasing: In inclusionary developments, the following schedule shall be followed:

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of affordable Units Completed
25	0
25 + 1	10
50	50
75	75
90	100

C. Design:

(1) In inclusionary developments, to the extent possible, affordable units shall be integrated with the market units.

(2) In inclusionary developments, affordable units shall have access to all of the same common elements and facilities as the market units.

§39-8 New construction.

A. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:

- (1) 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 thirteen percent (13%) of all restricted rental units within each bedroom distribution shall be very low income units (affordable to a household earning thirty percent (30%) or less of regional median income by household size). The very low income units shall be counted as part of the required number of low income units within a development. At least fifty percent (50%) of the very low income units must be available to families.
- (2) At least twenty-five percent (25%) of the obligation shall be met through rental units, including at least half in rental units available to families.
- (3) A maximum of twenty-five percent (25%) of the Township's obligation may be met with age restricted units. At least half of all affordable units in the Township's plan shall be available to families.
- (4) In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.
- (5) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - (a) The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total affordable units;
 - (b) At least 30 percent of all affordable units shall be two bedroom units;
 - (c) At least 20 percent of all affordable units shall be three bedroom units; and
 - (d) The remaining units may be allocated among two and three bedroom units at the discretion of the developer and the Borough.
- (6) Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted affordable units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

B. Accessibility Requirements:

- (1) 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.
- (2) 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:
 - (a) An adaptable toilet and bathing facility on the first floor;
 - (b) An adaptable kitchen on the first floor;
 - (c) An interior accessible route of travel on the first floor;
 - (d) An interior accessible route of travel shall not be required between stories within an individual unit;

- (e) 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
- (f) 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 the Borough of Park Ridge has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:
 - [1] Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - [2] To this end, the builder of restricted units shall deposit funds within the Borough's affordable housing trust fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.
 - [3] The funds deposited under paragraph [2] above shall be used by the Borough of Park Ridge for the sole purpose of making the adaptable entrance of any 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.
 - [4] The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the Borough of Park Ridge.
 - [5] 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 Borough's affordable housing trust fund in care of the Borough's Chief Financial Officer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.
 - [6] 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.

C. Maximum Rents and Sales Prices:

- (1) In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the most recently published regional weighted average of the uncapped Section 8 income limits published by HUD and by the Court, Council on Affordable Housing, or a successor entity.
- (2) 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 units shall be affordable to households earning no more than 52 percent of median income.
- (3) 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 restricted rental units shall be affordable to very low income households.

- (4) 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 prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.
- (5) In determining the initial sales prices and rents 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:
- (a) A studio shall be affordable to a one-person household;
 - (b) A one-bedroom unit shall be affordable to a one and one-half person household;
 - (c) A two-bedroom unit shall be affordable to a three-person household;
 - (d) A three-bedroom unit shall be affordable to a four and one-half person household; and
 - (e) A four-bedroom unit shall be affordable to a six-person household.
- (6) In determining the initial 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:
- (a) A studio shall be affordable to a one-person household;
 - (b) A one-bedroom unit shall be affordable to a one and one-half person household; and
 - (c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
- (7) 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 11.15 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.
- (8) 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 household size, 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.

(9) Income limits for all units that are part of the Borough's Housing Element and Fair Share Plan, and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1, shall be updated by the Borough annually within thirty (30) days of the publication of determinations of median income by HUD as follows:

(a) The income limit for a moderate-income unit for a household of four shall be eighty percent (80%) of the HUD determination of the median income for COAH Region 1 for a family of four. The income limit for a low-income unit for a household of four shall be fifty percent (50%) of the HUD determination of the median income for COAH Region 1 for a family of four. The income limit for a very low income unit for a household of four shall be thirty percent (30%) of the HUD determination of the median income for COAH Region 1 for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than the previous year.

(b) The income limits are based on carrying out the process in Paragraph (a) based on HUD determination of median income for the current Fiscal Year, and shall be utilized by the Borough until new income limits are available.

(10) In establishing sale prices and rents of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established by the Council:

(a) The price of owner-occupied affordable units may increase annually based on the percentage increase in the regional median income limit for each housing region determined pursuant to Paragraph (9). In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price.

(b) The rent of affordable units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the Northern New Jersey Area, upon its publication for the prior calendar year. 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.

D. Utilities:

(1) Affordable units shall utilize the same type of heating source as market units within an inclusionary development.

(2) Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

§39-9 Occupancy standards.

A. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall 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.

B. Additional provisions related to occupancy standards (if any) shall be provided in the municipal Operating Manual.

§39-10 Control periods for restricted ownership units and enforcement mechanisms.

A. 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 chapter until the Borough of Park Ridge elects to release the unit from such requirements; however, and prior to such an election, 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, for at least 30 years.

B. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.

C. 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.

D. At the time of the first sale of the unit, the 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 requirements of this chapter, 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.

E. The affordability controls set forth in this chapter shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.

F. 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 that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

§39-11 Price restrictions for restricted ownership units, homeowner association fees and resale prices.

A. 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 method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the affordable unit owners and the market unit owners.

- (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 capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

§39-12 Buyer income eligibility.

- A. 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.
- B. 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 certified monthly income.

§39-13 Limitations on indebtedness secured by ownership unit; subordination.

- A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the Administrative Agent shall determine in writing that the proposed indebtedness complies with the provisions of this section.
- B. With the exception of original purchase money mortgages, during a control period 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 that unit, as such price is determined by the administrative agent in accordance with N.J.A.C.5:80-26.6(b).

§39-14 Control periods for restricted rental units.

- A. 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 chapter until the Borough of Park Ridge elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, and prior to such an election, 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 at least 30 years. For new projects receiving nine-percent low income housing tax credits, a control period of not less than a thirty-year compliance period plus a fifteen-year extended use period shall be required.
- B. 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 Bergen County. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
- C. A restricted rental unit shall remain subject to the affordability controls of this chapter, despite the occurrence of any of the following events:
- (1) Sublease or assignment of the lease of the unit;

- (2) Sale or other voluntary transfer of the ownership of the unit; or
- (3) The entry and enforcement of any judgment of foreclosure.

§39-15 Rent restrictions for rental units; leases.

- A. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, 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.
- B. 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.
- C. 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 chapter.

§39-16 Tenant income eligibility.

- A. 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:
 - (1) 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.
 - (2) Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.
 - (3) Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.
- B. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, 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:
 - (1) 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;
 - (2) 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;
 - (3) The household is currently in substandard or overcrowded living conditions;
 - (4) The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - (5) The household documents proposed 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.

- C. The applicant shall file documentation sufficient to establish the existence of the circumstances in B(1) through B(5) above with the Administrative Agent, who shall counsel the household on budgeting.

§39-17 Municipal housing liaison.

- A. The position of Municipal Housing Liaison for the Borough of Park Ridge is hereby established by this chapter.
- B. The Borough shall appoint a specific municipal employee to serve as the Municipal Housing Liaison by resolution. 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.
- C. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Borough, including the following responsibilities which may not be contracted out to the administrative agent:
 - (1) Serving as the Borough's primary point of contact for all inquiries from the state, affordable housing providers, administrative agents and interested households;
 - (2) Monitoring the status of all restricted units in the Borough's Fair Share Plan;
 - (3) Compiling, verifying and submitting annual monitoring reports as may be required by the court;
 - (4) Coordinating meetings with affordable housing providers and administrative agents, as needed; and
 - (5) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing at least annually and more often as needed.

§39-18 Administrative agent.

- A. Subject to the approval of the court, the Borough 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 Borough 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).
- B. The administrative agent shall be an independent entity serving under contract to and reporting to the Borough. 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, homeowners shall be required to pay 3% 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.
- C. 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 Borough's affirmative marketing plan 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 noneligibility;
- (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 the random selection process as provided in the affirmative marketing plan of the Borough 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 Bergen County's 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 rentals:

- (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 from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;
- (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 Borough 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 lists 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) 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 Borough'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 Borough Mayor and 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.

§39-19 Affirmative marketing requirements.

- A. The Borough 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.
- B. 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. In addition, the affirmative marketing plan shall maintain certain notification requirements. It is a continuing program that directs marketing activities toward Housing Region 1 and is required to be followed throughout the period of restriction.
- C. 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.
- D. The Borough 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 re-rentals. The administrative agent designated by the Borough shall implement the affirmative marketing plan to assure the affirmative marketing of all affordable units.
- E. 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.
- F. 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.
- G. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
- H. 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 Borough in which the units are located; and the developer's rental office. Pre-applications shall be emailed or mailed to prospective applicants upon request.
- I. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.
- J. In addition to other affirmative marketing strategies, the administrative agent shall provide specific notice of the availability of affordable housing units in Park Ridge to the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, Bergen County NAACP, Passaic County NAACP, Bergen County Urban League, Bergen County Housing Coalition, and Supportive Housing Association.

§39-20 Enforcement of affordable housing regulations.

- A. 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, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- B. After providing written notice of a violation to an Owner, Developer or Tenant of an affordable unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
- (1) 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 found 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:
 - (d) A fine of not more than \$500.00 per day or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;
 - (e) In the case of an Owner who has rented his or her affordable unit in violation of the regulations governing affordable housing units, payment into the Borough's affordable housing trust fund of the gross amount of rent illegally collected;
 - (f) In the case of an Owner who has rented his or her affordable unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
 - (2) The Borough may file a court action in the Superior Court seeking a judgment, which would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any 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 affordable unit.
 - (a) Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the affordable 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 the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
 - (b) 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 affordable 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 and to the 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.

- (c) 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 affordable 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.
- (d) 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 affordable 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 affordable 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.
- (e) Failure of the affordable 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 affordable unit as permitted by the regulations governing affordable housing units.
- (f) 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.

§39-21 Appeals.

Appeals from all decisions of an Administrative Agent designated pursuant to this chapter shall be filed in writing with the Court, COAH, or a successor entity.

§39-22 Reporting and monitoring requirements.

- A. On the first anniversary of the execution of the Borough's settlement agreement with Fair Share Housing Center Re: In the Matter of the Borough of Park Ridge, County of Bergen, Docket No. BER-L-6030-15, which was executed by the Borough on December 1, 2020, and every anniversary thereafter through the end of the period of protection from litigation referenced in said agreement, the Borough shall provide annual reporting of its Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing or Division of Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center 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 Division of 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.
- B. On the first anniversary of the execution of the Borough's settlement agreement with Fair Share Housing Center Re: In the Matter of the Borough of Park Ridge, County of Bergen, Docket No. BER-L-6030-15, which was executed by the Borough on December 1, 2020, and every anniversary thereafter through the end of this agreement, the Borough shall provide annual reporting of the status of all affordable housing activity within the Borough through posting on the municipal 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.
- C. For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Borough shall post on its municipal website, with copies provided to Fair Share Housing Center, a status report as to its implementation of its affordable housing 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 Borough, 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.
- D. 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 execution of the Borough's settlement agreement with Fair Share Housing Center Re: In the Matter of the Borough of Park Ridge, County of Bergen, Docket No. BER-L-6030-15, which was executed by the Borough on December 1, 2020, and every third year thereafter, the Borough shall post on its municipal website, with copies provided to Fair Share Housing Center, 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 Borough, with copies provided to Fair Share Housing Center, on the issue of whether the municipality has complied with its very low income housing obligation.

SECTION 2. Chapter 101, Sections § 101-46, "Affordability Controls," and § 101-47, "Affirmative Marketing Within Inclusionary Development," of the Borough Code are hereby repealed.

SECTION 3. Chapter 101, Article XIA, "Administration of Affordable Housing Program," of the Borough Code is hereby repealed.

SECTION 4. All other Ordinances of the Borough of Park Ridge, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 5. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 6. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

Adopted ____/____/____ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Capilli						
Cozzi						
Epstein						
Fenwick						
Ferguson						
Metzdorf						

APPROVED:

KEITH J. MISCIAGNA, MAYOR

Attest:

Magdalena Giandomenico
Borough Clerk

**BOROUGH OF PARK RIDGE
ORDINANCE NO. 2021-017**

AMENDED DEVELOPMENT FEE ORDINANCE

**AN ORDINANCE TO REPEAL AND REPLACE IN ITS ENTIRETY
CHAPTER 51, "DEVELOPMENT FEES," OF THE CODE OF THE
BOROUGH OF PARK RIDGE, COUNTY OF BERGEN, STATE OF NEW
JERSEY, TO ESTABLISH A THIRD ROUND AFFORDABLE HOUSING
DEVELOPMENT FEE ORDINANCE**

BE IT ORDAINED, by the Mayor and Council of the Borough of Park Ridge, in the County of Bergen, and State of New Jersey, that Chapter 51, "Development Fees," of the Borough Code of the Borough of Park Ridge is hereby repealed and replaced with this Ordinance in order to establish a Third Round affordable housing development fee ordinance in furtherance of the Borough's affordable housing obligations.

SECTION 1. Chapter 51, "Development Fees," of the Borough Code of the Borough of Park Ridge is hereby repealed and replaced with the following new Chapter 51, "Development Fees":

§51-1 Purpose.

- A. In *Holmdel Builder's Association v. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27D-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
- B. Pursuant to P.L. 2008, c. 46, § 8 (N.J.S.A. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 40:55D-8.7), COAH was authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that were under the jurisdiction of the Council or court of competent jurisdiction and had a COAH- or court-approved spending plan could retain fees collected from nonresidential development.
- C. In *Re: Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing*, 221 N.J. 1 (2015), also known as the Mount Laurel IV decision, the Supreme Court remanded COAH's duties to the Superior Court. As a result, affordable housing development fee collections and expenditures from the municipal affordable housing trust funds to implement municipal Third Round Fair Share Plans through July 1, 2025, are under the Court's jurisdiction and are subject to approval by the Court.
- D. This chapter establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance with P.L. 2008, c. 46, §§ 8 and 32 through 38. Fees collected pursuant to this chapter shall be used for the sole purpose of providing low- and moderate-income housing. This chapter shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. § 5:93-8.

§51-2 Court approval required.

- A. This chapter shall become effective at such time that the Superior Court approves the Borough's development fee ordinance in accordance with N.J.A.C. 5:93-8.

§51-3 Definitions.

The following terms, as used in this chapter, shall have the following meanings:

AFFORDABLE HOUSING DEVELOPMENT

A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100% affordable development.

COAH or THE COUNCIL

The New Jersey Council on Affordable Housing established under the Fair Housing Act which previously had primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the state. Pursuant to the opinion and order of the New Jersey Supreme Court dated March 10, 2015, in the matter of "In re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing (M-392-14) 067126," any reference to COAH or the Council shall be understood to refer to the Superior Court of New Jersey, Law Division-Bergen County.

DEVELOPER

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

DEVELOPMENT FEE

Funds paid by a developer for the improvement of property as permitted in N.J.A.C. 5:93-8.

EQUALIZED ASSESSED VALUE

The assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with §§ 1, 5, and 6 of P.L. 1973, c. 123 (N.J.S.A. 54:1-35a through 54:1-35c).

GREEN BUILDING STRATEGIES

Those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

§51-4 Residential development fees.

A. Imposed fees.

- (1) Within all zone districts, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5% of the equalized assessed value for residential development, provided no increased density is permitted.
- (2) When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of 6% of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

A. Eligible exactions, ineligible exactions and exemptions for residential development.

- (1) Affordable housing developments, and developers of low- and moderate-income units, shall be exempt from development fees. All other forms of new construction shall be subject to development fees unless exempted below.
- (2) Developments that have received preliminary or final site plan approval prior to the effective date of the Borough's amended development fee ordinance shall be subject to the law in effect at the time of such approval, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
- (3) Developers who expand, enlarge, or improve existing single-family or two-family residences shall be exempt from development fees, unless the expansion, enlargement, or improvement leads to the creation of additional dwelling units.
- (4) An owner-occupied residential structure demolished and replaced as a result of a fire, flood or natural disaster shall be exempt from paying a development fee.

§51-5 Nonresidential development fees.

A. Imposed fees.

- (1) Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new nonresidential construction on an unimproved lot or lots.
- (2) Nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.
- (3) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the preexisting land and improvement and the equalized assessed value of the newly improved structure, i.e., land and improvement at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.

B. Eligible exactions, ineligible exactions and exemptions for nonresidential development.

- (1) The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to the 2.5% development fee, unless otherwise exempted below.
- (2) The 2.5% fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
- (3) The 2.5% fee shall not apply to developers of any not-for-profit use; federal, state and municipal government uses; churches and other places of worship; and public schools.

- (4) Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to P.L. 2008, c. 46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" form. Any exemption claimed by a developer shall be substantiated by that developer.
- (5) A developer of a nonresidential development exempted from the nonresidential development fee pursuant to P.L. 2008, c. 46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the nonresidential development, whichever is later.
- (6) If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by the Borough of Park Ridge as a lien against the real property of the owner.

§51-6 Collection procedures; appeals.

- A. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the Construction Official responsible for the issuance of a building permit.
- B. For nonresidential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption," to be completed as per the instructions provided. The Developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- C. The Construction Official responsible for the issuance of a building permit shall notify the local Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.
- D. Within 90 days of receipt of that notice, the Municipal Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- E. The Construction Official responsible for the issuance of a final certificate of occupancy notifies the local Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- F. Within 10 business days of a request for the scheduling of a final inspection, the Municipal Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- G. Should the Borough of Park Ridge fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b of § 37 of P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.6).

II. Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the building permit and that determined at issuance of the certificate of occupancy.

I. Appeal of development fees.

(1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the Borough of Park Ridge. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

(2) A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by Borough of Park Ridge. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

§51-7 Affordable Housing Trust Fund.

A. The Borough has created a separate, interest-bearing housing trust fund to be maintained by the Chief Financial Officer for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls.

B. The following additional funds shall be deposited in the affordable housing trust fund and shall at all times be identifiable by source and amount:

- (1) Payments in lieu of on-site construction of affordable units;
- (2) Developer-contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached development accessible;
- (3) Rental income from municipally operated units;
- (4) Repayments from affordable housing program loans;
- (5) Recapture funds;
- (6) Proceeds from the sale of affordable units; and
- (7) Any other funds collected in connection with the Borough of Park Ridge's affordable housing program.

C. In the event of a failure by the Borough of Park Ridge to comply with trust fund monitoring and reporting requirements or to submit accurate monitoring reports; or a failure to comply with the conditions of the judgment of compliance or a revocation of the judgment of compliance; or a failure to implement the approved spending plan and to expend funds within the applicable required time period as set forth in *In re Tp. of Monroe*, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563); or the expenditure of funds on activities not approved by the court; or for other good cause demonstrating the unapproved use(s) of funds, the court may authorize the State of New Jersey, Department of Community Affairs, Division of Local Government Services (LGS), to direct the manner in which the funds in the Affordable Housing Trust Fund shall be expended, provided that all such funds shall, to the extent practicable, be utilized for affordable housing programs within the Borough of Park Ridge, or, if not practicable, then within the county or the housing region.

(1) Any party may bring a motion before the Superior court presenting evidence of such condition(s), and the Court may, after considering the evidence and providing the municipality a reasonable opportunity to respond and/or to remedy the noncompliant condition(s), and upon a finding of continuing and deliberate noncompliance, determine to authorize LGS to direct the expenditure of funds in the Trust Fund. The Court may also impose such other remedies as may be reasonable and appropriate to the circumstances.

D. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by the Court.

§51-8 Use of funds.

A. The expenditure of all funds shall conform to a spending plan approved by the Court. Funds deposited in the housing trust fund may be used for any activity approved by the Court to address the Borough of Park Ridge's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to, preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing nonresidential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. § 5:93-8 and specified in the approved spending plan.

B. Development fee revenues shall not be expended to reimburse the Borough of Park Ridge for past housing activities.

C. At least 30% of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income by region.

(1) Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowner's association or condominium fees and special assessments, and assistance with emergency repairs.

- (2) Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.
 - (3) Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- D. The Borough of Park Ridge may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance.
- E. No more than 20% of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

§51-9 Monitoring.

On or about December 1st of each year through 2025, the Borough shall provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs ("DCA"), COAH, or Local Government Services ("LGS"), or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the DCA, COAH, or LGS. This reporting shall include an accounting of all housing trust fund activity, including the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Borough's housing program, as well as to the expenditure of revenues and implementation of the plan approved by the court.

§51-10 Ongoing collection of fees.

The ability for the Borough of Park Ridge to impose, collect and expend development fees shall expire with the expiration of the repose period covered by its judgment of compliance unless the Borough of Park Ridge has filed an adopted Housing Element and Fair Share Plan with the court or with a designated state administrative agency, has petitioned for a judgment of compliance from the court or for substantive certification or its equivalent from a state administrative agency authorized to approve and administer municipal affordable housing compliance, and has received approval of its development fee ordinance from the entity that will be reviewing and approving the Housing Element and Fair Share Plan. If the Borough of Park Ridge fails to renew its ability to impose and collect development fees prior to the expiration of its judgment of compliance, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to § 20 of P.L. 1985, c. 222 (N.J.S.A. 52:27D-320). The Borough of Park Ridge shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its judgment of compliance, nor shall the Borough of Park Ridge retroactively impose a development fee on such a development. The Borough of Park Ridge shall not expend development fees after the expiration of its judgment of compliance.

SECTION 2. All Ordinances of the Borough of Park Ridge, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

Adopted ___/___/___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Capilli						
Cozzi						
Epstein						
Fenwick						
Ferguson						
Metzdorf						

APPROVED:

KEITH J. MISCIAGNA, MAYOR

Attest:

Magdalena Giandomenico
Borough Clerk

**BOROUGH OF PARK RIDGE
ORDINANCE NO. 2021-016**

ACCESSORY APARTMENT ORDINANCE

**AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE CHAPTER
101, "ZONING," OF THE CODE OF THE BOROUGH OF PARK RIDGE,
COUNTY OF BERGEN, STATE OF NEW JERSEY, TO ESTABLISH
ACCESSORY APARTMENT REQUIREMENTS**

BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Park Ridge, in the County of Bergen, and State of New Jersey, that:

SECTION 1. Chapter 101, "Zoning," Section 101-21, "Regulations Governing Certain Accessory Structures and Uses," is hereby supplemented to include a new Subsection (J), which shall be entitled "Accessory Apartments," and which shall read as follows:

J. Accessory apartments.

- (1) Purpose. This section is intended to provide opportunities for the creation of up to 7 subsidized affordable accessory apartments within the Borough of Park Ridge to fulfill the Borough's affordable housing obligation.
- (2) Definition. The term "accessory apartment," as used in this section, shall mean a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.
- (3) Where permitted. Accessory apartments shall be permitted in principal or accessory buildings in the R-40, R-20, R-15, and R-10 Zones on lots developed with a detached single family dwelling according to the area, yard, and bulk requirements set forth at paragraph (7) below.
- (4) Affordability. Each new accessory apartment created under the terms of this section shall be an affordable rental unit in accordance with the terms of Chapter 39, Affordable Housing, of the Code of the Borough of Park Ridge.
- (5) Applicability. While this section shall apply to the development and continued operation of all affordable accessory apartments created in the Borough following the adoption of this section, no more than 7 affordable accessory apartments shall be subsidized by the Borough of Park Ridge.
- (6) Number of dwelling units. No lot shall contain more than two dwelling units. A lot shall contain a principal dwelling unit and not more than one affordable accessory apartment which may be located in the principal residence or in an accessory structure. The accessory apartment shall be exempt from the density requirements of the zone district in which the unit is located; however, this density exemption shall only apply to one unit above the maximum density.
- (7) Area and bulk standards. An affordable accessory apartment shall only be permitted if it complies with the following lot and bulk standards:
 - (a) The lot to be used for the accessory apartment shall comply with the minimum area, width and depth requirements applicable to single family detached dwellings in the zone district.

- (b) The building within which the accessory apartment is located shall comply with all requirements applicable to principal buildings used as detached single family dwellings in the zone district, except for requirements that limit the lot to only one dwelling or dwelling structure.
 - (c) The cumulative building coverage, improvement coverage, floor area ratio and gross floor area of all buildings and other improvements on the lot shall comply with the maximum standards applicable to single family dwellings on the lot.
- (8) Accessory apartments in accessory structures. Any accessory apartment created under the terms of this section within an accessory structure shall be exempt from the regulations governing accessory structures and uses in residential districts set forth at § 101-21.A, and shall instead be subject to this section.
- (9) Design standards. An affordable accessory apartment shall be subject to the following design standards:
- (a) Minimum unit floor area. Each accessory apartment unit shall contain a minimum habitable gross floor area of 450 square feet, plus 150 square feet for each bedroom in the unit.
 - (b) Maximum unit floor area. The habitable gross floor area of any accessory apartment shall not exceed the lesser of: a) the habitable gross floor of the primary dwelling unit on the lot, or b) 1,000 square feet.
 - (c) Access to any affordable accessory apartment shall be provided with an exterior entrance separate from the principal dwelling entrance.
 - (d) The exterior design of any accessory apartment shall be consistent with the design of the existing dwelling structure, utilizing the same or similar materials, colors, and architectural style. In applying this standard, the intent shall be to maintain the appearance of the property as a single family dwelling and related structures.
 - (e) Off-street parking shall be provided for any vehicles used by the occupants of the affordable accessory apartment. The requirements of the New Jersey Residential Site Improvement Standards at N.J.A.C. 5:21-4.14 shall apply. All parking and driveways serving accessory apartments shall comply with the standards for parking and driveways for detached single family dwellings in the district, provided that one off-street parking space shall be provided for any efficiency or one-bedroom accessory apartment.
- (10) Water and sewer. The appropriate utility authority must certify that there is water and sewer infrastructure with sufficient capacity to serve the proposed accessory apartment. Where the proposed location is served by an individual well and/or septic system, the additional capacity necessitated by the new unit must meet the appropriate NJDEP standards.
- (11) Existing accessory apartments. Existing unauthorized accessory apartments may be legalized under this section without Borough subsidy, provided all of the foregoing criteria as well as the following criteria can be met:
- (a) The unit is currently vacant or is occupied by a qualified very-low, low- or moderate-income household unrelated to the owner.

- (b) If the unit is currently in substandard condition, it shall be brought up to standard condition before a Certificate of Occupancy is issued in accordance with all of the requirements and procedures of Chapter 39, Affordable Housing, of the Code of the Borough of Park Ridge, except that no Borough subsidy shall be required to be paid to the owner to bring the unit up to standard condition.
- (c) The unit will be affirmatively marketed pursuant to the Borough's affirmative marketing plan. If the unit is currently occupied by a qualified very-low, low- or moderate-income household unrelated to the owner, it shall be affirmatively marketed when the current tenant vacates the unit.
- (d) The unit will be deed restricted for occupancy by and will remain affordable to a qualified very-low, low-, or moderate-income household for a period of 10 years from the date a Certificate of Occupancy is issued for it, consistent with the requirements of Chapter 39, Affordable Housing, and the rules of the Council on Affordable Housing, except that no Borough subsidy shall be required to be paid to the owner for the creation of the affordable accessory apartment.

SECTION 2. All other Ordinances of the Borough of Park Ridge, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

Adopted ___ / ___ / ___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Capilli						
Cozzi						
Epstein						
Fenwick						
Ferguson						
Metzdorf						

APPROVED:

KEITH J. MISCIAGNA, MAYOR

Attest:

Magdalena Giandomenico
Borough Clerk

**BOROUGH OF PARK RIDGE
ORDINANCE NO. 2021-018**

AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE CHAPTER 101, "ZONING," OF THE CODE OF THE BOROUGH OF PARK RIDGE, COUNTY OF BERGEN, STATE OF NEW JERSEY, AS IT RELATES TO PROPERTIES IN THE NB NEIGHBORHOOD BUSINESS ZONE

WHEREAS, the Borough of Park Ridge adopted Ordinance No. 2010-017 on May 25, 2010, which Ordinance established the NB Neighborhood Business Zone encompassing approximately 21 acres along Park Avenue and Broadway in the vicinity of the Borough's historic train station; and

WHEREAS, the Borough expanded the boundaries of the NB Neighborhood Business Zone to encompass a total of 44 acres (including all parcels previously designated for the B-3 Mixed Business Zone) and to modify the permitted uses and area and bulk requirements in the zone via adoption of Ordinance No. 2011-026 on September 13, 2011; and

WHEREAS, the Borough also adopted a Redevelopment Plan for certain parcels within the NB Neighborhood Business Zone, identified as Block 1516 Lot 2, Block 1801 Lots 1 and 2, and Block 1801.01 Lot 1.01 (formerly Block 1801 Lots 3-5 and Block 1802 Lots 1-7), via Ordinance No. 2016-008 on May 10, 2016, which Ordinance established the Redevelopment Plan to serve as an overlay zone over the underlying NB Zone; and

WHEREAS, the Borough desires to maintain the existing NB Zone and Redevelopment Area Overlay Zone designations on those parcels so designated in Ordinance No. 2011-026 and Ordinance No. 2016-008, respectively, and to maintain the existing requirements related to same; however, a review of the Borough Code related to these designations and requirements has revealed certain inconsistencies and deficiencies that must be addressed; and

WHEREAS, this Ordinance endeavors to correct said inconsistencies and deficiencies.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Park Ridge, in the County of Bergen, and State of New Jersey, that:

SECTION 1. The "Zoning Map," included in Chapter 101 as Attachment 9, shall be amended as follows:

- To delete the "BUS-3 Mixed Business" Zone from the Legend in the map's title block;
- To delete the "RP-1 Residential/Professional 1" and RP-2 Residential/Professional 2" Zones from the Legend in the map's title block and replace them with the "RP Residential/Professional" Zone; and
- To add the Redevelopment Area Overlay Zone to Block 1516 Lot 2, Block 1801 Lots 1 and 2, and Block 1801.01 Lot 1.01 (formerly Block 1801 Lots 3-5 and Block 1802 Lots 1-7), consistent with Ordinance No. 2016-008, and to add the Redevelopment Area Overlay Zone to the Legend in the map's title block.

SECTION 2. The "Schedule IV-1: Schedule of District Use Regulations," included in Chapter 101 as Attachment 1, shall be amended to delete the "B-3" Zone and all associated regulations, as well as to add a new row for the "Redevelopment Area Overlay Zone," which row shall reflect the permitted principal, accessory, and conditional uses set forth for the Redevelopment Area Overlay Zone at §101-55 and §101-56 in Section 5 of this Ordinance.

SECTION 3. The "Schedule IV-2: Area, Yard and Bulk Requirements," included in Chapter 101 as Attachment 2, shall be amended to add a new row for the "Redevelopment Area Overlay Zone," which row shall state "See §101-57" in lieu of repeating the area and bulk requirements set forth for the Redevelopment Area Overlay Zone at §101-57 in Section 5 of this Ordinance.

SECTION 4. Section 101-5, entitled "Districts Designated," shall be amended to delete the "BUS-3 Mixed Business" Zone from the list of zone districts.

SECTION 5. Chapter 101, Article XIII, entitled "B-3 Mixed Business Zone," shall be deleted in its entirety and replaced with a new Article XIII, entitled "Redevelopment Area Overlay Zone." This new Article XIII shall formally codify the Redevelopment Plan adopted via Ordinance No. 2016-008 and shall read as follows:

Article XIII Redevelopment Area Overlay Zone

§ 101-54 Applicability.

A. The Redevelopment Area Overlay Zone encompasses the following parcels determined to be an area in need of redevelopment on September 8, 2015: Block 1516 Lot 2, Block 1801 Lots 1 and 2, and Block 1801.01 Lot 1.01 (formerly Block 1801 Lots 3-5 and Block 1802 Lots 1-7). The zoning and design requirements set forth in this Article shall serve as an overlay to the existing NB Neighborhood Business zoning underlying these parcels.

§ 101-55 Permitted uses.

A. All uses, accessory uses and conditional uses permitted in the Neighborhood Business District (NB) of the Borough of Park Ridge shall be permitted in the Redevelopment Area Overlay Zone. The following additional uses shall also be permitted:

- (1) Public recreation and assembly facilities.
- (2) Uses ancillary to multi-family development including lobbies, entrances, gymnasiums, laundry facilities and other similar ancillary uses if located on the first floor of a building.

§ 101-56 Conditional uses.

A. Parking structures shall be permitted in the Redevelopment Area Overlay Zone subject to the following conditions:

- (1) The lot on which the structure is located shall have a minimum lot area of 0.75 acres.
- (2) The outside perimeter of a parking structure which fronts on a County Road shall be developed with principal permitted uses as set forth in Section 101-58.15.
- (3) The outside perimeter of a parking structure which fronts on a local road shall be designed to meet the requirements of Section 101-58.21(A)(1) and (2) and Section 101-58.21(B) of the Park Ridge Code.
- (4) Parking structures shall comply with the bulk requirements of this Article; however, no parking structure shall have a height in excess of forty (40) feet nor shall a parking structure have more than four parking levels.

§ 101-57 Bulk requirements.

A. The following bulk requirements shall apply within the Redevelopment Area Overlay Zone:

Regulation	Standard for Sites Fronting on Kinderkamack Road (Blocks 1801 & 1801.01)	Standard for Lots Not Fronting on Kinderkamack Road (Block 1516)
Minimum Lot Area	25,000 square feet	25,000 square feet
Minimum Lot Width	100 feet	100 feet
Minimum Lot Depth	100 feet	100 feet
Maximum Building Stories	Five	Three
Maximum Building Height	58 feet	40 feet
Maximum Building Coverage	85 percent	90 percent
Maximum Impervious Coverage	95 percent	95 percent
Minimum Front Yard	5 feet	0 feet
Maximum Front Yard	20 feet	20 feet
Minimum Rear Yard	0 feet	0 feet
Minimum Side Yard	0 feet	0 feet
Maximum Floor Area Ratio	3.5*	2.5*
Market Rate Unit Minimum Sizes		
Studio	500 square feet	N/A
One Bedroom	700 square feet	N/A
Two Bedroom	1,000 square feet	N/A
Affordable Housing Unit Minimum Sizes		
One Bedroom	650 square feet	N/A
Two Bedroom	850 square feet	N/A
Three Bedroom	950 square feet	N/A

NOTES:

* The ratio of the total floor area to lot area.

§ 101-58 Supplemental requirements.

A. Except where otherwise indicated herein, all development within the Redevelopment Area Overlay Zone shall comply with the following additional criteria:

(1) Architectural design.

- (a) Any construction above four stories or fifty (50) feet must be stepped back from the lower street front façade(s) a minimum of ten (10) feet, except when adjacent to a Public Railroad Right of Way.
- (b) Any outdoor space created by the required setback area may be used as outdoor space for tenants.
- (c) Where a building fronts on a public plaza of more than thirty (30) feet in depth from a right of way, there shall be no setback requirement for buildings having a height of more than forty (40) feet.
- (d) Where a building and/or block exceed three hundred (300) feet in length, the building for calculation purposes shall be limited to 300-foot sections.

(e) There shall be a strong delineation between floors to separate the street level of buildings and the upper floors, with either a change in material, a recess in the building façade or a cornice line to ensure the reinforcement of the pedestrian scale of the street.

(2) Parking requirements. Parking requirements shall be as set forth in Section 101-58.24 of the Borough Code except for parking requirements for residential units, where the parking standard shall be 1.25 spaces per dwelling unit.

(3) Streetscape design and additional requirements.

(a) The provisions of Section 101-58.22 shall apply to development within the Redevelopment Area Overlay Zone with the exception of minimum sidewalk width which shall be twelve (12) feet. Building articulations, stoops and building entry features may encroach into the 12 foot required sidewalk width provided that the encroachment does not exceed 30% of the building façade.

B. Redevelopment Area Overlay Zone improvements shall also include directional signage for vehicular and pedestrian consistent with the Borough parking plan; public plazas with a minimum depth of 30 feet and minimum width of 70 feet and one bench and trash receptacle for every 50 feet of street frontage.

C. Streetscape designs shall include paver detail and tree grates in accordance with the Redevelopment Plan.

D. Affordable housing requirements. A minimum of ten percent (10%) of all units constructed must be set aside as affordable housing units as defined by the New Jersey Department of Community Affairs. All housing units designated as affordable units must comply with all State criteria for affordable housing design and must be constructed to ensure that the Borough shall be eligible to receive affordable housing credit for all affordable housing units.

E. Public recreation/assembly space. In addition to the requirement for a public plaza, any development within the Redevelopment Area Overlay Zone shall provide a minimum of 22 square feet of public recreation/assembly space.

SECTION 6. All Ordinances of the Borough of Park Ridge, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 7. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 8. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

Adopted ____/____/____ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Capilli						
Cozzi						
Epstein						
Fenwick						
Ferguson						
Metzdorf						

APPROVED:

KEITH J. MISCIAGNA, MAYOR

Attest:

Magdalena Giandomenico
Borough Clerk

**BOROUGH OF PARK RIDGE
ORDINANCE NO. 2021-019**

ORDINANCE AMENDING AH AFFORDABLE HOUSING ZONES

**AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE CHAPTER
101, "ZONING," OF THE CODE OF THE BOROUGH OF PARK RIDGE,
COUNTY OF BERGEN, STATE OF NEW JERSEY, AS IT RELATES TO
THE AH AFFORDABLE HOUSING ZONES AND TO REZONE BLOCK
103 LOT 3, BLOCK 206 LOT 1, BLOCK 303 LOT 1, AND BLOCK 1602
LOT 5**

WHEREAS, the Borough of Park Ridge has entered into a Settlement Agreement ("Agreement") with Bear's Nest Developers, LLC, relating to the development of a 50-unit 100 percent affordable rental development on Block 206 Lot 2 and the dedication of adjacent Block 206 Lot 1 for passive open space, which Agreement calls for the amendment of applicable zoning to allow for said development; and

WHEREAS, the Borough of Park Ridge has prepared a Housing Element and Fair Share Plan, which calls for amendments to the existing AH-2 Affordable Housing zoning on Block 206 Lots 1 and 2 so as to allow for Block 206 Lot 2 to be developed with a 50-unit 100 percent affordable rental development (plus 1 additional unit for a superintendent's apartment) as well as the associated preservation of open space on Block 206 Lot 1; and

WHEREAS, the Borough's Housing Element and Fair Share Plan further calls for retention of the existing AH-1 Affordable Housing Zone designation on Block 1403 Lot 1, Block 1401 Lots 4, 5 and 6, and to rezone Block 1602 Lot 5 from the AH-2 Affordable Housing Zone to the AH-1 Affordable Housing Zone; and

WHEREAS, this Ordinance has been prepared to implement the above zoning amendments called for in both the Housing Element and Fair Share Plan and the Agreement; and

WHEREAS, the amendments to the AH-2 Affordable Housing Zone necessary to implement the proposal for Bear's Nest on Block 206 Lots 1 and 2, as set forth in this Ordinance, incidentally require rezoning of Block 103 Lot 3 and Block 303 Lot 1; and

WHEREAS, this Ordinance also amends the zoning ordinance to eliminate references to the AH-3 Overlay Zone, which was created in 2006 as a strategy to address the Borough's Growth Share Obligation, but which Growth Share Obligation was subsequently stricken down by the courts and which zoning was superseded by the adoption of a Redevelopment Area in 2016.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Park Ridge, in the County of Bergen, and State of New Jersey, that:

SECTION 1. The "Zoning Map," included in Chapter 101 as Attachment 9, shall be amended as follows:

- To rezone Block 103 Lot 3, which is split-zoned in the R-T Residential Townhouse Zone and AH-2 Affordable Housing Zone, to be entirely within the R-T Residential Townhouse Zone, as set forth on the accompanying map;
- To rezone Block 206 Lot 1, which is split-zoned in the R-T Residential Townhouse Zone, ORL Office Research Laboratory Zone, and AH-2 Affordable Housing Zone, to be entirely within the AH-2 Affordable Housing Zone, as set forth on the accompanying map;

- To rezone Block 303 Lot 1, which is split-zoned in the ORL Office Research Laboratory Zone and R-T Residential Townhouse Zone, to be entirely within the ORL Office Research Laboratory Zone, as set forth on the accompanying map;
- To rezone Block 1602 Lot 5 from the AH-2 Affordable Housing Zone to the AH-1 Affordable Housing Zone, as set forth on the accompanying map; and
- To delete the AH-3 Overlay Zone from Block 1801 Lot 5 and Block 1802 Lots 6 and 7, as well as from the Legend in the map's title block.

SECTION 2. The "Schedule IV-1: Schedule of District Use Regulations," included in Chapter 101 as Attachment 1, shall be amended to delete the "AH-3 Overlay" Zone and all associated regulations, as well as to add "supportive and special needs housing" and "public open space for conservation use" to the list of permitted principal uses in the "AH-2" Zone.

SECTION 3. The "Schedule IV-2: Area, Yard and Bulk Requirements," included in Chapter 101 as Attachment 2, shall be amended to delete the "AH-3 Overlay" Zone and all associated regulations, retain the existing requirements applicable to the "AH-1³ & AH-2³" Zones only for the "AH-1³" Zone, amend Footnote 3 to read "Subject to additional regulations detailed in Article XI," add a new Footnote 8 to read "Subject to additional regulations detailed in Article XIA," and add a new row in the table for the "AH-2³" Zone, which shall have the following requirements:

Minimum Lot Area (sf):	87,120
Minimum Lot Width (ft):	100
Minimum Street Frontage (ft):	--
Minimum Lot Depth (ft):	--
Minimum Front Yard (ft):	40
Minimum Side Yard (ft):	75
Maximum Dwelling Width (% Lot Width):	--
Minimum Rear Yard (ft):	20
Maximum Building Height (ft):	58
Maximum Building Coverage (%):	25
Maximum Impervious Coverage (%):	55
Maximum Floor Area Ratio (%):	--
Maximum Gross Floor Area (sf):	--

SECTION 4. Chapter 101, Article XI entitled "Affordable Housing," shall be deleted in its entirety and replaced with a new Article XI entitled "AH-1 Affordable Housing Zone," which shall read as follows:

Article XI AH-1 Affordable Housing Zone

§ 101-42 Applicability.

- A. The AH-1 District encompasses the following properties, as identified on Borough Tax Maps: Block 1401 Lots 4, 5 and 6; Block 1403 Lot 1; and Block 1602 Lot 5.

§ 101-43 Inclusionary development set aside.

- A. A total of 20% of the total number of dwelling units in a development in the AH-1 District shall be set aside for very low-, low- and moderate-income households, in accordance with the provisions of this article and subject to Chapter 39, Affordable Housing, of the Borough Code.

§ 101-44 Permitted uses.

- A. In the AH-1 Zone, a building may be erected or used and a lot may be used or occupied for the following purposes:

- (1) Principal permitted uses: townhouses, garden apartments and multifamily residential dwelling units.
- (2) Accessory uses: off-street parking, recreation facilities, fences and walls, signs and other customary accessory uses and buildings which are clearly incidental to the principal use and building.

§ 101-45 Area and bulk requirements.

A. The following standards and bulk regulations shall apply to permitted uses in the AH-1 District:

- (1) Density. The maximum gross residential density for townhouses, garden apartments and multifamily developments shall be 12 dwelling units per acre.
- (2) Buffer area.
 - (a) A minimum twenty-five-foot buffer shall be provided from all external lot lines, except that portion which fronts on an external street. Such buffer shall be kept in its natural state where wooded, and when its natural vegetation is sparse or nonexistent, the landowner may be required to provide a year-round visual screen as determined to be appropriate by the approving authority.
 - (b) No principal or accessory use or structure, including, without limitation, off-street parking and loading areas, shall be permitted within the required buffer area; but the approving authority may, upon a finding of reasons thereof, permit a portion of a buffer area to be used for utility easements or streets to ensure access to or from adjacent property.
 - (c) Required buffer areas shall be included for the purposes of computing compliance with open space requirements and may be conveyed to unit owners as part of common elements, but in no case shall a buffer area be utilized for any active recreational or other active use.

(3) Area, yard and bulk requirements.

- (a) The following area, yard and bulk requirements shall apply to permitted uses in the AH-1 Zone:

[1] Minimum lot area: two acres.

[2] Minimum lot width: 100 feet.

[3] Minimum front yard: 50 feet.

[4] Minimum side yards: 25 feet.

[5] Minimum rear yard: 25 feet.

[6] Minimum distance between buildings:

[a] Front-to-front units: 60 feet.

[b] Back-to-back units: 60 feet.

[c] Front-to-back units: 60 feet.

[d] Front-to-side units: 45 feet.

[e] Side-to-side units: 30 feet.

[f] Side-to-back units: 30 feet.

[7] Minimum internal road setback: 25 feet.

[8] Maximum building height: 2 1/2 stories; 35 feet.

[9] Maximum building coverage: 20%.

[10] Maximum impervious coverage: 50%.

(b) Buildings shall not exceed 160 feet in length.

(c) Each residential development shall contain a minimum of 25% of its total land area in open space.

(4) Recreation space. Recreation and sitting areas shall be provided at a ratio of 200 square feet per dwelling unit.

(5) Parking requirements. There shall be at least two off-street parking spaces per dwelling unit for all uses in the AH-1 Zone.

§ 101-46 Supplemental regulations.

A. Number of buildings and uses on a lot. Multiple buildings and uses shall be permitted on a lot in the AH-1 Zone, irrespective of any regulations to the contrary which are set forth elsewhere in this chapter.

SECTION 5. Chapter 101, Article XIA entitled "Administration of Affordable Housing Program," shall be deleted in its entirety and replaced with a new Article XIA entitled "AH-2 Affordable Housing Zone," which shall read as follows:

Article XIA AH-2 Affordable Housing Zone

§ 101-47 Applicability.

A. The AH-1 District encompasses the following properties, as identified on Borough Tax Maps: Block 206 Lots 1 and 2.

§ 101-48 Affordable housing.

A. One hundred percent (100%) of the total dwelling units developed in the AH-2 District shall be set aside as rental housing for very low-, low- and moderate-income households, in accordance with the provisions of this article and subject to Chapter 39, Affordable Housing, of the Borough Code, provided, however, that one (1) non deed-restricted unit may be provided for an on-site superintendent.

§ 101-48.1 Permitted uses.

A. In the AH-2 Zone, a building may be erected or used and a lot may be used or occupied for the following purposes:

(1) Principal permitted uses:

(a) Townhouses, garden apartments, multifamily residential dwelling units, and supportive and special needs housing. These housing types may be permitted as non-age-restricted, age-restricted (up to a maximum of 28 units), veterans preference housing (up to a maximum of 25 units), or any combination thereof. All units shall be for rent.

(b) Public open space for conservation use.

(2) Accessory uses: off-street parking, recreation facilities, fences and walls, signs and other customary accessory uses and buildings which are clearly incidental to the principal use and building.

§ 101-48.2 Area and bulk requirements.

A. The following standards and bulk regulations shall apply to permitted uses in the AH-2 District:

(1) Density. The maximum number of dwelling units permitted in the AH-2 Zone shall be 50 affordable_dwelling units, plus 1 on-site non-deed restricted unit for occupancy by a building superintendent.

(2) Buffer area.

(a) A minimum buffer area of at least 75 feet shall be provided from all external lot lines, except that portion which fronts upon an external street or right-of-way and except that portion which abuts deed-restricted open space. Such buffer area shall be kept in its natural state where wooded, and when natural vegetation is sparse or nonexistent, the landowner may be required to provide a year-round visual screen as determined by the approving authority.

(b) No principal or accessory use or structure, including, without limitation, off-street parking and loading areas, shall be permitted within the required buffer area; but the approving authority may, upon a finding of reasons thereof, permit a portion of a buffer area to be used for utility easements or streets to ensure access to or from adjacent property.

(c) In no case shall a buffer area be utilized for any active recreational use.

(3) Area, yard and bulk requirements.

(a) The following area, yard and bulk requirements shall apply to permitted uses in the AH-2 Zone:

[1] Minimum lot area: two acres.

[2] Minimum lot width: 100 feet.

[3] Minimum front yard: 40 feet.

[4] Minimum side yard: 75 feet.

[5] Minimum rear yard: 10 feet.

[6] Minimum distance between buildings:

[a] Front-to-front units: 60 feet.

[b] Back-to-back units: 60 feet.

[c] Front-to-back units: 60 feet.

[d] Front-to-side units: 45 feet.

[e] Side-to-side units: 30 feet.

[f] Side-to-back units: 30 feet.

[7] Maximum building height: 4 stories; 60 feet.

[8] Maximum building coverage: 25%.

[9] Maximum impervious coverage: 60%.

(b) Parking requirements.

[1] Notwithstanding anything in § 101-62.A. to the contrary, there shall be at least 1.8 off-street parking spaces per dwelling unit for all uses in the AH-2 Zone.

[2] Notwithstanding anything in § 101-62.B. to the contrary, off-street parking may be located in a required front yard, provided that such parking shall be set back minimally 5 feet from all external lot lines and further provided that such parking shall not encroach within any sight triangles.

[3] Off-street parking shall be set back minimally 5 feet from buildings.

§ 101-48.3 Supplemental regulations.

A. Number of buildings and uses on a lot. Multiple buildings and uses shall be permitted on a lot in the AH-2 Zone, irrespective of any regulations to the contrary which are set forth elsewhere in this chapter.

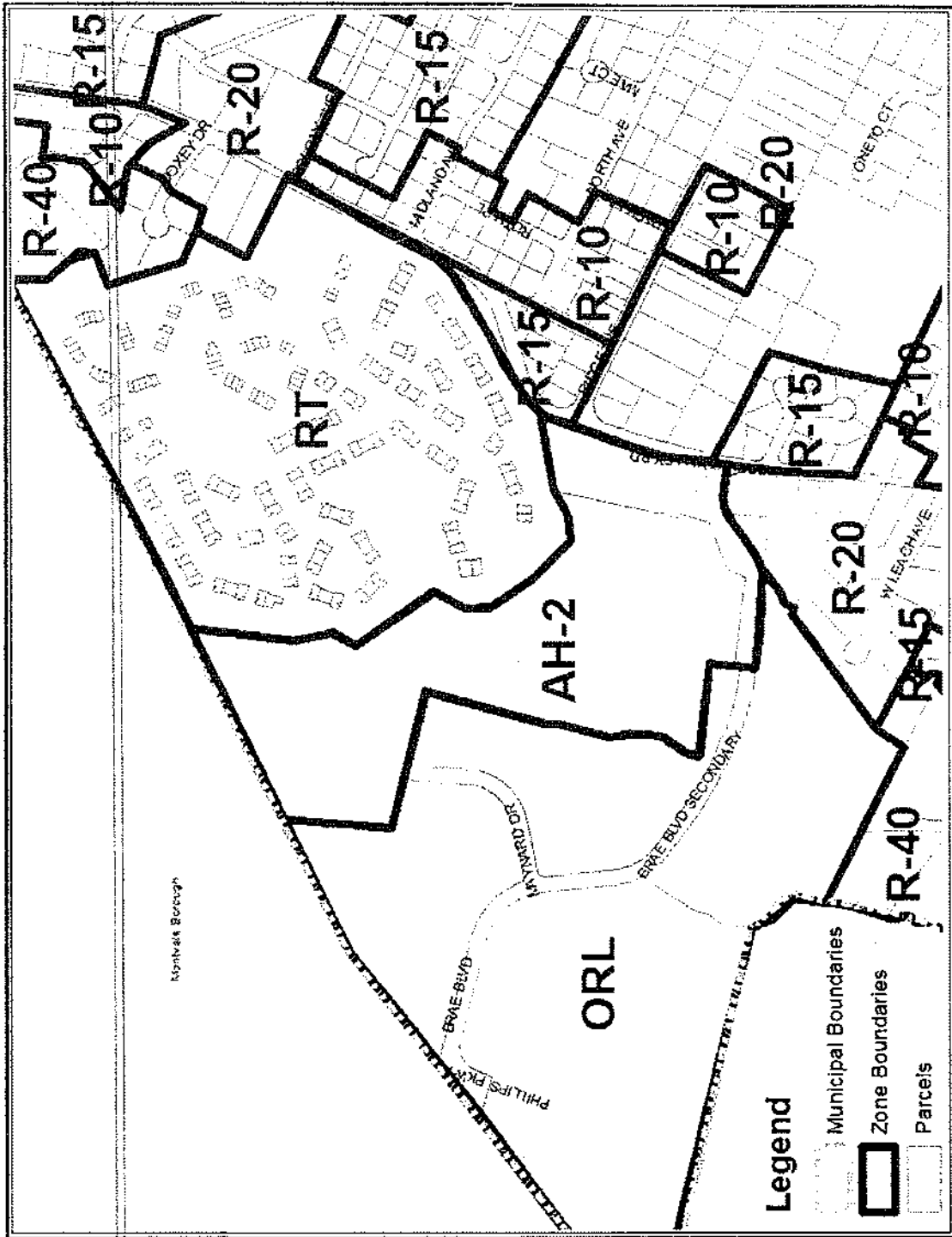
B. Additional height limitations. The additional height limitations set forth at § 101-17.C shall not apply in the AH-2 Zone.

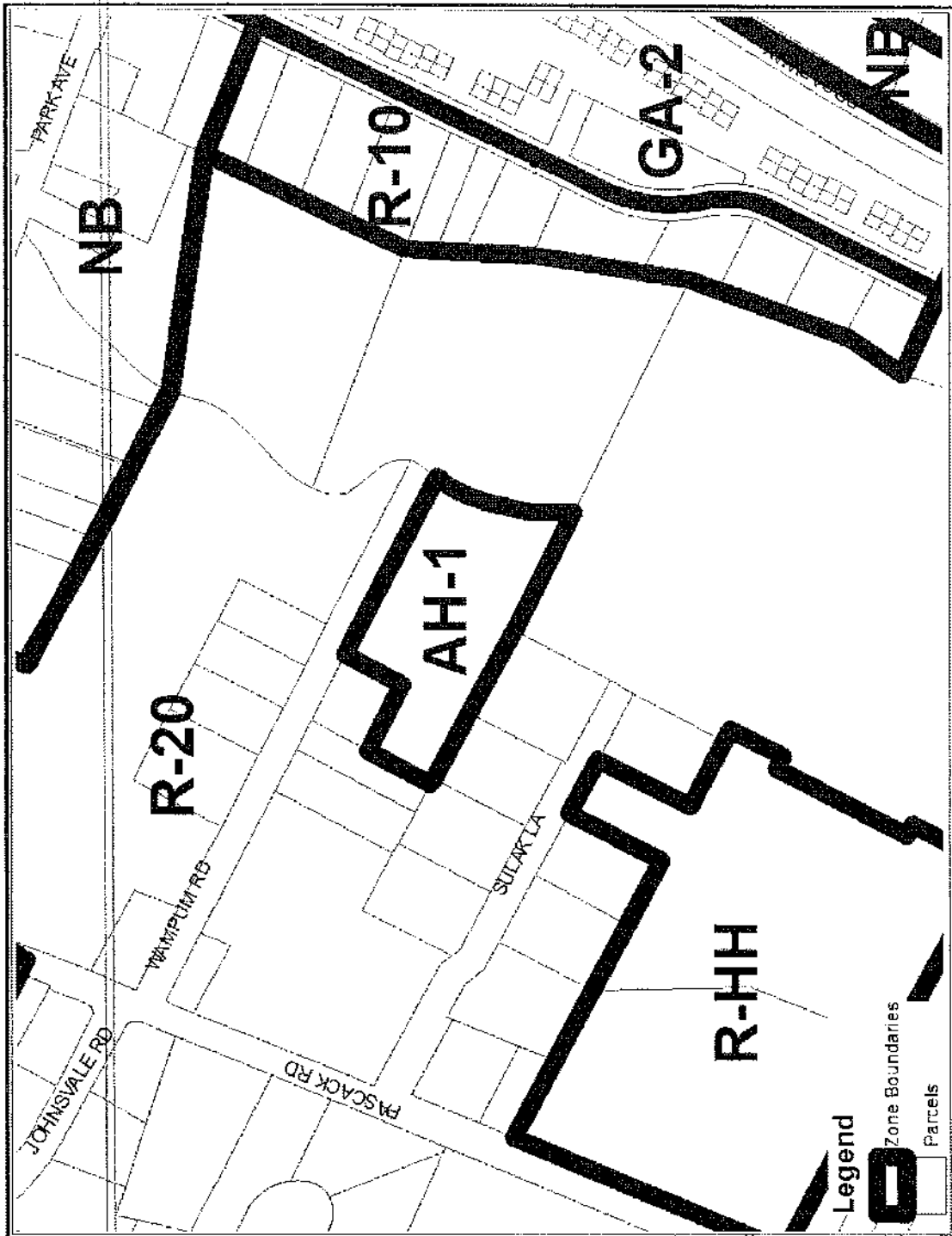
C. Occupancy Preference. In accordance with N.J.S.A. 52:27D-311(j), the Borough and developer or residential development owner may enter into an agreement to provide a preference for affordable housing to low- to moderate-income veterans who served in time of war or other emergency, as defined in Section 1 of P.L.1963, c. 171 (N.J.S.A. 54:4-8.10), of up to 50% of the affordable units in the development. This preference shall be established in the applicant selection process for available affordable units so that applicants who are veterans who served in time of war or other emergency, as referenced in this subsection, and who apply within 90 days of the initial marketing period shall receive preference for the rental of the agreed-upon percentage of affordable units. After the first 90 days of the initial 120-day marketing period, if any of those units subject to the preference remain available, then applicants from the general public shall be considered for occupancy. Following the initial 120-day marketing period, previously qualified applicants and future qualified applicants who are veterans who served in time of war or other emergency, as referenced in this subsection, shall be placed on a special waiting list as well as the general waiting list. The veterans on the special waiting list shall be given preference for affordable units as the units become available, and whenever the percentage of preference-occupied units falls below the agreed upon percentage. Any agreement to provide affordable housing preferences for veterans pursuant to this subsection shall not affect the Borough's ability to receive credit for the unit from the Court, COAH, or its successor.

SECTION 6. All Ordinances of the Borough of Park Ridge, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 7. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 8. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.





Adopted ____ / ____ / ____ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Capilli						
Corzi						
Epstein						
Fenwick						
Ferguson						
Metzdorf						

APPROVED:

KEITH J. MISCIAGNA, MAYOR

Attest:

Magdalena Giandomenico
Borough Clerk

**BOROUGH OF PARK RIDGE
ORDINANCE NO. 2021-020**

R-20A ZONE ORDINANCE

**AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE CHAPTER
101, "ZONING," OF THE CODE OF THE BOROUGH OF PARK RIDGE,
COUNTY OF BERGEN, STATE OF NEW JERSEY, TO CREATE A NEW
R-20A ONE-FAMILY RESIDENTIAL ZONE DISTRICT**

NOW BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Park Ridge, in the County of Bergen, and State of New Jersey, that Chapter 101, "Zoning," of the Borough Code be amended, supplemented, and revised as follows:

SECTION 1. §101-5 "Districts Designated" shall be amended to include a new "R-20A" Zone Designation, which shall have a Zone Description that reads: "One-Family Residential".

SECTION 2. Chapter 101 Attachment 1, Schedule IV-1, Schedule of District Use Regulations, shall be amended to delete the "AHR-15" Zone and all associated regulations, and to add a new "R-20A" Zone which shall have the following regulations:

Zone	Permitted Principal Uses	Permitted Accessory Uses	Conditional Uses (See § 101-22)
R-20A	1. Any R-40 Zone permitted principal use under the same conditions as prescribed therein 2. Public open space for conservation use	1. Any R-40 Zone permitted accessory use under the same conditions as prescribed therein	1. Any R-40 Zone conditional use under the same conditions as prescribed therein

SECTION 3. Chapter 101 Attachment 2, Schedule IV-2, Area, Yard and Bulk Requirements, shall be amended to delete the "AHR-15" Zone and all associated requirements, and to add a new "R-20A" Zone which shall have the following requirements:

Minimum Lot Area (sf):	20,000
Minimum Lot Width (ft):	120
Minimum Street Frontage (ft):	70
Minimum Lot Depth (ft):	140
Minimum Front Yard (ft):	30
Minimum Side Yard (ft):	15
Maximum Dwelling Width (% Lot Width):	60
Minimum Rear Yard (ft):	50
Maximum Building Height (ft):	32
Maximum Building Coverage (%):	18
Maximum Impervious Coverage (%):	40
Maximum Floor Area Ratio (%):	30
Maximum Gross Floor Area (sf):	7,000

SECTION 4. Chapter 101 Attachment 2, Schedule IV-2, Area, Yard and Bulk Requirements, shall be further amended to add a new Footnote 7 to the "R-20A" Zone (expressed as R-20A⁷) which footnote shall read as follows:

⁷ Subject to additional regulations detailed in Article XXIII.

SECTION 5. Chapter 101 Attachment 9, Zoning Map, shall be amended to rezone Block 608 Lots 15 and 37 from the "AHR-15" Zone to the "R-20A" Zone, as shown on the accompanying Map, and to amend the Zoning Map's legend as follows: delete "AHR-15: 1 & 2 Family Affordable Housing" and add "R-20A: Single-Family Residential".

SECTION 6. §101-22.G. "Satellite Dish Antenna" shall be amended to add the R-20A Zone to the lists which presently include the R-40, R-20, B-1 and B-2 Zones at §101-22.G.(5)(a) and §101-22.G.(6)(a).

SECTION 7. §101-42 "Zoning Regulations" shall be amended to delete all references to the AHR-10 Zone.

SECTION 8. §101-44 "Area and Bulk Requirements for the AHR-10 Zone" shall be deleted in its entirety and replaced with "(Reserved)".

SECTION 9. A new Article XIID, entitled "R-20A Residential Zone," shall be added to Chapter 101. This new article shall read as follows:

§101-58.25 Supplemental regulations.

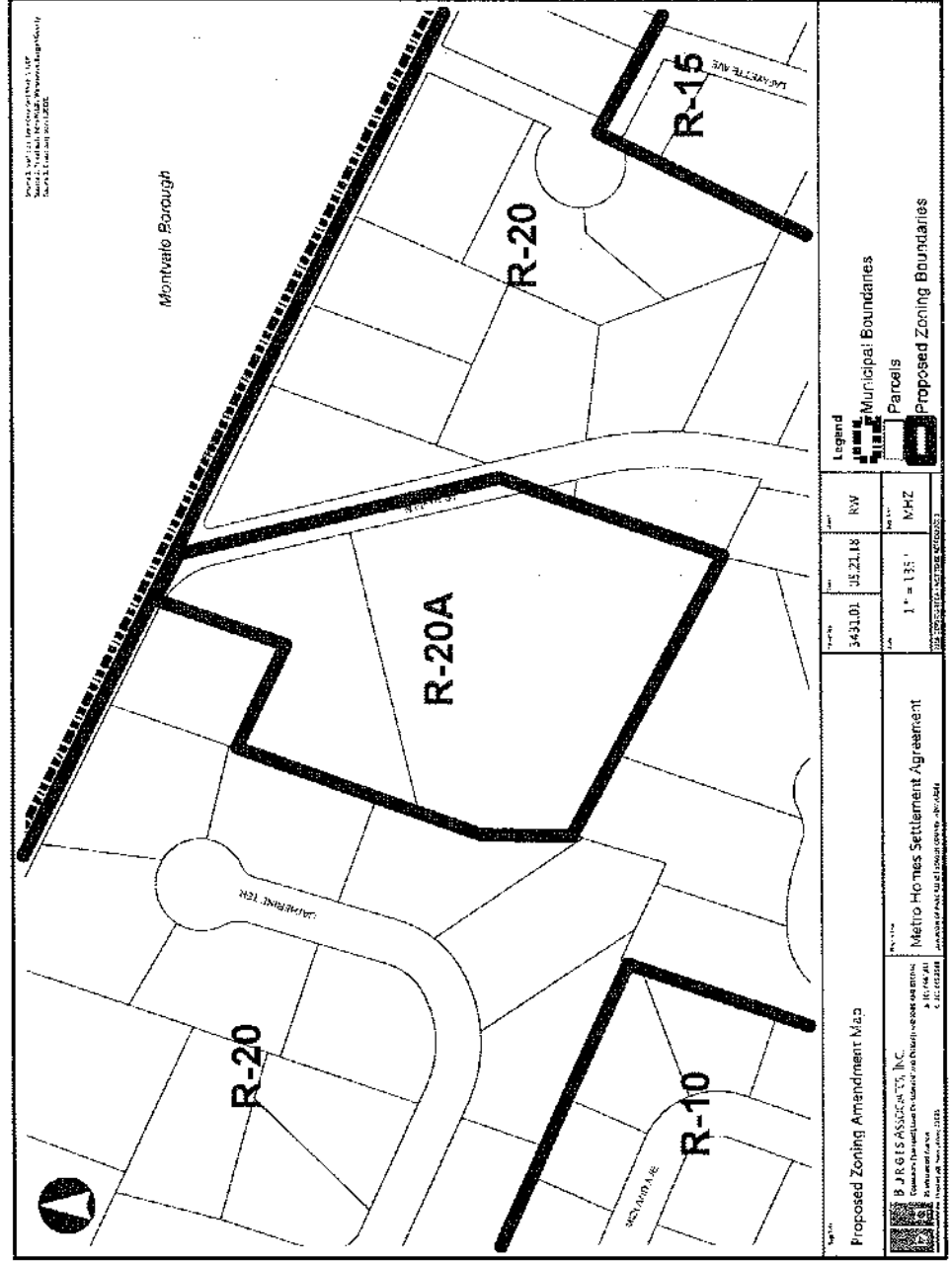
A. In addition to the requirements set forth at Schedule IV-1, Schedule of District Use Regulations, and Schedule IV-2, Area, Yard and Bulk Requirements, for the R-20A Zone, development in the R-20A Zone shall be subject to the following provisions:

- (1) Public open space lots shall not be subject to the minimum area, width, frontage and depth requirements set forth at Schedule IV-2, Area, Yard and Bulk Requirements.
- (2) The street front regulation at §101-15.G. shall not apply in the R-20A Zone.
- (3) Irrespective of §101-21.A.(11), the maximum permitted height of retaining walls in the R-20A Zone shall be six (6) feet.
- (4) Article XVI, Steep Slopes, shall not apply in the R-20A Zone.

SECTION 10. All Ordinances of the Borough of Park Ridge, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 11. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 12. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.



Adopted ___/___/___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Capilli						
Cozzi						
Epstein						
Fenwick						
Ferguson						
Metzdorf						

APPROVED:

KEITH J. MISCIAGNA, MAYOR

Attest:

Magdalena Giandomenico
Borough Clerk

BOROUGH OF PARK RIDGE

ORDINANCE 2021-021

**AN ORDINANCE OF THE BOROUGH OF PARK RIDGE AMENDING AND
SUPPLEMENTING CHAPTER 101, "ZONING," OF THE CODE OF THE
BOROUGH OF PARK RIDGE
TO ESTABLISH A NEW AH-4 AFFORDABLE HOUSING ZONE AND TO SET
FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO**

WHEREAS, the Borough of Park Ridge ("Borough") desires to create a realistic opportunity for the construction of affordable housing within the Borough; and

WHEREAS, on June 29, 2015, the Borough filed a Complaint for Declaratory Judgment seeking a declaration of its compliance with the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq. ("THA") in accordance with In re N.J.A.C. 5:96, 221 N.J. 1 (2015)(Mount Laurel IV) with respect to the Borough of Park Ridge's affordable housing obligation "to create a realistic opportunity for producing a fair share of the regional present and prospective need for housing low- and moderate-income families." 221 N.J. at 3-4; and

WHEREAS, the Borough of Park Ridge, the Intervenor (Landmark AR Park Ridge, LLC ("Landmark")), and Fair Share Housing Center ("FSHC"), a Supreme Court-designated interested party in this matter in accordance with In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015)(Mount Laurel IV) as an intervening defendant in this proceeding, in consultation with the Court-appointed Master participating in the Declaratory Judgment action, entered into a settlement agreement dated November 18, 2020 (the "Agreement"); and

WHEREAS, a Fairness Hearing was held on January 15, 2021 before the Honorable Gregg A. Padovano, J.S.C., during which the Settlement Agreement was approved, as memorialized by a Preliminary Order of Compliance ("Order") entered by the Court on January 26, 2021; and

WHEREAS, the Borough has accepted, for purposes of settlement, certain lands comprised of approximately 29.85 acres within the ORL Office Research Laboratory Zone, commonly referred to as Block 301 Lot 1, as suited for inclusionary development; and

WHEREAS, as per the terms of the Settlement Agreement and the Court's Order, the Borough has prepared an ordinance allowing for the construction of up to 448 units of family rental housing on Block 301 Lot 1, of which fifteen percent (15%) shall be affordable family rental units.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Park Ridge in the County of Bergen and the State of New Jersey that Chapter 101, "Zoning," of the Borough Code be amended, supplemented and revised as follows:

Section 1. Section 101-5, "Districts designated" shall be amended to add the underlined text alphabetically, as follows:

§ 101-5 Districts designated.

AH-4 Affordable Housing

Section 2. The "Zoning Map," included in Chapter 101 as Attachment 9, shall be amended to rezone Block 301 Lot 1 from the "ORL" Zone to a new "AH-4" Zone, and to amend the Zoning Map's legend to include the following: "AH-4 Affordable Housing".

Section 3. The "Schedule IV-1: Schedule of District Use Regulations," included in Chapter 101 as Attachment 1, shall be amended to add a new "AH-4" Zone, which shall include the permitted uses set forth at §101-48.5 in Section 5 of this Ordinance.

Section 4. The "Schedule IV-2: Area, Yard and Bulk Requirements," included in Chapter 101 as Attachment 2, shall be amended to add a new "AH-4" Zone, which shall include the area and bulk requirements set forth at §101-48.7.A. in Section 5 of this Ordinance.

Section 5. A new Article XIB, entitled "AH-4 Affordable Housing Zone," shall be added to Chapter 101. This new article shall read as follows:

Article XIB AH-4 Affordable Housing Zone

§101-48.4 Purpose and intent.

The purpose of the AH-4 Affordable Housing Zone is to provide a realistic opportunity for the construction of affordable housing on Block 301 Lot 1 as part of a comprehensively planned inclusionary development, in accordance with the Borough's 2021 Housing Element and Fair Share Plan and the settlement agreement entered into between the Borough of Park Ridge, Landmark AR Park Ridge, LLC, and Fair Share Housing Center on November 18, 2020. In any instance in the future wherein the Borough of Park Ridge adopts new ordinance(s) addressing any particular land development control conflicting with this ordinance, the regulations and standards established herein shall control, provided that if the Court agrees to an amendment to this ordinance, the amendment shall apply. The zone contemplates that the property, consisting of approximately 29.85 gross acres, will contain up to 448 family rental units, including a fifteen percent (15%) set-aside for very low-, low- and moderate-income units.

§101-48.5 Permitted uses.

In the AH-4 Zone, the following uses shall be permitted. Any use or structure other than those permitted herein below are prohibited.

A. Permitted Principal Uses.

- (1) Non-age-restricted multifamily rental dwellings.
- (2) Non-age-restricted townhouse rental dwellings.
- (3) Irrespective of §101-12 of the Borough Code, more than one of the principal uses set forth in Subsections (1) and (2) above shall be permitted on a lot in the AH-4 Zone.

B. Permitted Accessory Uses. The following accessory uses shall be permitted in connection with a permitted principal use in the AH-4 Zone, the use of which shall be limited to the residents of the development and their guests. The accessory uses shall be selected by developer in its sole discretion and depicted on an application for development of same.

- (1) Recreational facilities, fitness facilities, outdoor barbecues, fire pits, gazebos, leasing and management offices, club rooms, lounges, libraries, business centers, game rooms, pool rooms, community gardens, rec rooms, children's play rooms, private theater rooms, community kitchens for tenant use, bath house, locker rooms, mail rooms, package storage areas, valet spaces, and similar interior tenant amenities.
- (2) Buildings for storage of mechanical equipment.
- (3) Balconies (provided such balconies shall not be used for outdoor storage), decks and patios attached to a principal building.
- (4) Outdoor recreation facilities, including but not limited to fields, courts, putting greens, swimming pools, and playgrounds.
- (5) Dog park or dog run.
- (6) Dog spa or grooming facility, not including boarding or veterinarian services.
- (7) Storage spaces for tenants of a multi-family residential building. Such storage spaces may be unattached to individual units, but must be included within a principal building.
- (8) Refuse and recycling receptacles.
- (9) Off-street parking and loading facilities, including surface parking lots, parking that is provided on the ground level of a building with occupied floors built above, and one-car garage and driveway combinations. Structured parking (i.e., a structure in

which vehicle parking is accommodated on multiple stories or floors) shall not be permitted in the AH-4 Zone.

- (10) Electric vehicle charging stations.
- (11) Bicycle racks and bicycle storage rooms.
- (12) Signs.
- (13) Fences and walls.
- (14) Bus/shuttle depots.
- (15) Any other use customarily incidental to a permitted principal use.

§101-48.6 Affordable housing requirements.

- A. All multifamily and/or townhouse developments constructed in the AH-4 Zone shall be required to set aside a minimum percentage of units for affordable housing. The minimum set aside shall be fifteen percent (15%) of the total number of units constructed within the AH-4 Zone. When calculating the required number of affordable units, any computation resulting in a fraction of a unit shall be rounded upwards to the next whole number.
- B. All affordable units to be produced pursuant to this article shall comply with the Borough's Affordable Housing Ordinance at Chapter 39 of the Borough Code, as may be amended and supplemented, the Uniform Housing Affordability Controls ("UHAC") (N.J.A.C. 5:80-26.1 et seq.), or any successor regulation, the Borough's Housing Element and Fair Share Plan, as may be amended from time to time, and any applicable order of the Court, including a judgment of compliance and repose order. This includes, but is not limited to, the following requirements for all affordable units:
 - (1) Low-moderate-income split: A maximum of fifty percent (50%) of the affordable units shall be moderate-income units and a minimum of fifty percent (50%) of the affordable units shall be low-income units. At least thirteen percent (13%) of all affordable units shall be very low-income units, which shall be counted as part of the required number of low-income units within the development. The very low-income units shall be proportionately distributed across each bedroom size.
 - (2) Bedroom mix: Irrespective of any bedroom distribution requirements to the contrary, the bedroom distribution of the affordable units shall be no more than fifteen percent (15%) one-bedroom units, no less than thirty-five percent (35%) three-bedroom units, with the remaining fifty percent (50%) being two-bedroom units.
 - (3) Deed restriction period. Each affordable rental unit shall remain subject to these affordability controls, covenants, conditions, deed restrictions, and the applicable affordable housing regulations for a minimum period of at least thirty (30) years. At the conclusion of the thirty (30) year term, the affordability controls, covenants, conditions, and deed restrictions shall not automatically expire. At the conclusion of the thirty (30) year term, the Borough reserves the right to exercise the option to extend the affordability controls, covenants, conditions and deed restrictions for an additional period of time by formal adoption of a resolution; or exercise any other option(s) available to the Borough to preserve the affordability controls as set forth in UHAC or any other applicable statute, regulation or law that may be in effect at that time. At the conclusion of the thirty (30) year term, the Borough shall be afforded a reasonable amount of time not to exceed one hundred twenty (120) days to exercise this option to preserve and extend the affordability controls, covenants, conditions and deed restrictions; or to release the affordable unit from such requirements by formal adoption of an ordinance taken in compliance with N.J.A.C. 5:80-26.11(e) or any other applicable statute, regulation or law that may be in effect at that time.
 - (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 Borough's Affordable Housing Ordinance, including, but not limited to, (1) affirmative marketing requirements, (2) candidate qualification and screening requirements, and (3) unit phasing requirements, unless specifically modified by order of the Court.
- C. Irrespective of any integration requirements to the contrary, all of the affordable units may be permitted as multifamily dwellings. Affordable townhouse dwellings shall not be required. However, the developer shall ensure that the affordable units are dispersed within and between all of the multifamily residential buildings (excluding townhouse buildings) on site and shall identify the exact location of each affordable unit at the time of site plan application.
- D. All amenities and site services which are made available to the market rate units shall also be made available to the affordable units on the same terms as the market rate units.

§101-48.7 Development standards.

- A. Area, yard and bulk requirements. The following area, yard and bulk requirements shall apply to all uses permitted in the AH-4 Zone:

Requirement	AH-4 Zone Regulation
Minimum Lot Size	27.5 Acres
Minimum Yard Setbacks:	
From Borough of Montvale Municipal Boundary Line	0 Feet
From Brae Boulevard ROW	200 Feet
From Block 304 Lot 1	100 Feet
From Borough of Woodcliff Lake Municipal Boundary Line	30 Feet
From Block 301 Lot 2	200 Feet
Minimum Setbacks Between Buildings:	
Side Facing Side	15 Feet
Other	25 Feet
Maximum Building Height for Buildings at least 200 feet from Woodcliff Lake Municipal Boundary Line	60 Feet/4 stories
Maximum Building Height for Buildings within 200 feet of Woodcliff Lake Municipal Boundary Line	49 Feet/3 stories
Maximum Number of Units	448 Units
Maximum Building Coverage	45%
Maximum Impervious Coverage	60%
Minimum Open Space	40%

- (1) Any structures, apparatus, utilities, equipment and amenities such as mezzanines and/or roof decks/terraces/porches (as provided for under the IBC) on the roof shall not constitute a Story, provided that no roof covers any portion of the area.
- B. Supplemental requirements. In addition to the area, yard and bulk requirements set forth at Subsection A. above, the following supplemental requirements shall apply to all uses permitted in the AH-4 Zone. The requirements for townhouse development at §101-20.D. and for multifamily development at §101-20.E. shall not apply.
- (1) Multiple principal buildings on a lot. Irrespective of §101-11 of the Borough Code, multiple principal buildings shall be permitted on a lot in the AH-4 Zone.
- (2) Supplemental height requirements. In addition to the height requirements set forth at Subsection A. above, the supplemental height requirements set forth at §101-17 shall also be applicable in the AH-4 Zone, except as follows:

(a) §101-17.B(4) requiring mechanical penthouses and other rooftop equipment and projections to be of materials substantially similar to the façade of the building or designed to be an architecturally integral part of the structure shall not apply in the AH-4 Zone, provided that such mechanical penthouses, rooftop equipment, and projections are screened from view from all vantage points at grade or below the roof. Otherwise, §101-17.B(4) shall apply in full force and effect.

(b) §101-17.C shall not apply in the AH-4 Zone.

(3) Supplemental yard requirements. In addition to the yard requirements set forth at Subsection A. above, the supplemental yard requirements set forth at §101-16 shall also be applicable in the AH-4 Zone, except as follows:

(a) Irrespective of §101-16.B(1), parapets, windowsills, doorposts, rainwater leaders, and similar ornamental or structural fixtures may project a maximum distance of two (2) feet into required yards.

(b) Irrespective of §101-16.B(4), patios and decks shall conform to the yard requirements of principal buildings, except that patios and decks may project a maximum distance of ten (10) feet into the yard abutting the Borough of Woodcliff Lake Municipal Boundary Line.

(c) Heating, ventilation and air-conditioning units may project a maximum distance of ten (10) feet into the yard abutting the Borough of Woodcliff Lake Municipal Boundary Line.

(4) Retaining walls, sidewalks, walkways, fences, freestanding signs, above and below ground storm water detention basins, and above ground and underground utilities shall be permitted within the setbacks set forth in the Table in §101-48.7A.

(4) Accessory buildings and structures. §101-21.A. relating to accessory structures and uses in residential districts shall not apply in the AH-4 Zone. Instead, the following requirements shall apply to accessory buildings and structures in the AH-4 Zone:

(a) The maximum height of accessory buildings and structures shall be fourteen (14) feet.

(b) Accessory buildings and structures shall conform to the yard setback requirements set forth in Subsection A. and Subsection B.(3) above.

(3) Accessory buildings shall be setback a minimum of ten (10) feet between buildings.

(4) Architectural design and materials used in the construction of accessory buildings shall be consistent with those used in the construction of principal buildings.

(5) The provisions of this section shall not apply to signs, off-street parking, fences and walls, and refuse and recycling enclosures, which are regulated elsewhere in this article.

(5) Open space. At least forty percent (40%) of the lot area shall be devoted to common open space. Said open space shall be any area that is not impervious. It may consist of active and passive recreational facilities or undeveloped land. Where open space is to be provided as active or passive recreation, said areas shall be appropriately designed and landscaped to provide shade coverage, seating and trash receptacles. Where open space is to remain undeveloped, vegetation shall be kept in its natural state.

C. Signage. Signs within the AH-4 Zone shall comply in all respects with Chapter 101, Article X, Signs, except that §101-36.B. relating to signs in residential districts shall not apply. Instead, the following regulations shall apply in the AH-4 Zone:

(1) Monument signs. One (1) monument sign shall be permitted in the AH-4 Zone in accordance with the following:

(a) The monument sign shall be permitted to display the name(s) of the development(s) in the AH-4 Zone, as well as on Block 3302 Lot 1 within the Borough of Montvale.

- (b) The monument sign shall have a maximum sign area of sixty (60) square feet. The maximum sign height as measured from the adjacent grade to the top of the sign shall be six (6) feet.
- (c) The monument sign shall be set back minimally 10 feet from the property line and shall be located outside of any sight triangle.
- (d) §101-39 pertaining to illumination of signs shall apply in the AH-4 Zone, except as follows:

- [1] Irrespective of §101-39.B, external illumination by more than one floodlight per sign face shall be permitted for a monument sign, provided such lighting shall be at grade and properly directed and shielded so as not to produce glare or offensive light off the property.

- (2) Building-mounted signs. Two (2) building-mounted signs displaying the name of the development shall be permitted in the AH-4 Zone in accordance with the following:

- (a) The two (2) building-mounted signs may be permitted to be located on a wall and/or upon a canopy or awning.
 - (b) No building-mounted sign shall exceed sixty (60) square feet.

- (3) Wayfinding and directional signs. Wayfinding and directional signs for the convenience of the general public shall not exceed nine (9) square feet in area.

D. Off-street parking, loading and circulation.

- (1) The minimum number of off-street parking spaces required within the AH-4 Zone shall be 1.8 spaces per dwelling unit. Because this parking requirement deviates from the Residential Site Improvement Standards (RSIS), development in the AH-4 Zone which meets or exceeds 1.8 parking spaces per dwelling unit, but does not comply with RSIS, will require a *de minimis* exception, but not variance relief.
- (2) Parking spaces shall measure nine (9) feet in width by eighteen (18) feet in length, except that up to fifteen percent (15%) of all parking spaces may measure eight and one-half (8.5) feet in width by sixteen (16) feet in length. Because these parking dimensions deviate from the Residential Site Improvement Standards (RSIS), parking spaces which measure eight and one-half (8.5) feet in width by sixteen (16) feet in length will require a *de minimis* exception, but not variance relief.
- (3) Off-street parking shall be designed in accordance with §87-43, "Off-Street Parking Requirements." However, in the event of a conflict between §87-43 and this article, this article shall govern.
- (4) Development in the AH-4 Zone shall be exempt from §87-44, "Off-Street Loading Requirements." However, where fifty (50) or more units are provided in a single building in the AH-4 Zone, the design shall include one (1) loading space for that building. Said loading space shall be no less than twelve (12) feet in width and thirty-five (35) in length, and the overall floor-to-ceiling height or clear height distance shall not be less than twelve (12) feet. Off-street loading spaces shall meet the minimum yard setbacks for principal buildings.
- (5) The off-street parking, loading and driveway requirements set forth at §101-23 and §101-62.B. shall not apply in the AH-4 Zone.
- (6) All off-street parking spaces, loading spaces, and internal roadways/drive aisles shall be located a minimum of ten (10) feet from buildings, except for parking, loading, or drive aisles within or under a building or which extend continuously into or under a building from outside the building. One car tandem garage/driveway combinations shall also be exempt from this setback requirement.
- (7) All off-street parking spaces and internal roadways/drive aisles shall be set back a minimum of thirty (30) feet from property lines, except that no setback shall be required from the Borough of Montvale Municipal Boundary Line or from Block 304 Lot 1.

- (8) Irrespective of any prohibitions to the contrary, internal roadways/drive aisles within the AH-4 Zone shall provide for permitted access (both primary and emergency) to the development on Block 3302 Lot 1 within the Borough of Montvale.
- (9) Electric vehicle charging stations shall be provided in accordance with §101-62.C. of the Borough Code.
- (10) Bicycle parking shall be provided at a minimum ratio of one (1) bike space per fifteen (15) dwelling units.

E. Sidewalks and pedestrian walkways. A sidewalk shall be provided along the entirety of the property's Brae Boulevard frontage as well as along Sony Drive between Brae Boulevard and the subject property, unless NJDEP requirements prohibit the construction of sidewalks in these locations due to the presence of environmental constraints and/or the provision of a sidewalk is waived by the Planning Board. The sidewalk provided along public rights-of-way shall be designed in accordance with §87-48.C(1)-(3) of the Borough Code and shall connect with on-site pedestrian walkways, which shall be located throughout the interior of the site to provide safe and efficient pedestrian circulation to all buildings in the AH-4 Zone. These interior lot walkways shall have a minimum width of four (4) feet and shall be ADA accessible. Notwithstanding the Residential Site Improvement Standards (RSIS), sidewalks shall only be required on one side of the street. Because this standard deviates from RSIS, sidewalks provided on only one side of the street will require a de minimis exception, but not relief from the Borough Code. Development of uses permitted in the AH-4 zone shall not be required to contribute to the Borough's In Lieu of Sidewalk Improvement Fund pursuant to Section 87-8 of the Borough Code.

F. Fences and walls. Fences and walls within the AH-4 Zone, including retaining walls, shall comply in all respects with §101-21.E, except as follows:

- (1) Irrespective of §101-21.E(1), tiering of retaining walls shall be required, unless commercially impracticable as reasonably determined by the Planning Board Engineer and without any reduction to permitted density, with each tier to be no greater than ten (10) feet in height, provided that a six (6) foot wide planted plateau is provided in between walls. Plantings in front of the walls and on tiers shall have a planted height of no less than eight (8) feet. If the Planning Board Engineer determines that tiering of retaining walls up to 10 feet in height is commercially impracticable, retaining walls shall be permitted up to a maximum height of thirty (30) feet.
 - (2) Where provided, retaining walls shall be screened with a variety of landscaping materials, in groupings, rather than utilizing hedges or uniform plant species and spacing.
 - (3) Retaining walls shall be set back off the property line a sufficient distance to allow installation of a twenty-five (25) foot wide planted buffer area or a twenty (20) foot wide planted buffer area provided such buffer area includes eight (8) foot tall Evergreen trees, and shall be set back a minimum of six (6) feet from a principal building, except where the retaining wall extends perpendicular to that principal building.
 - (4) Safety fencing shall be installed along the tops of all retaining walls which exceed a height of three (3) feet. Safety fencing on top of a retaining wall shall be limited to a height of four (4) feet. Vinyl-coated chain-link, PVC, and metal fencing are permitted.
 - (5) Ornamental walls and privacy fences shall comply with §101-21.E(1). Same shall be permitted along a property line.
 - (6) Irrespective of §101-21.E(1), privacy fencing along the Woodcliff Lake Municipal Boundary Line shall be permitted up to a maximum height of eight (8) feet, provided that a minimum five (5) foot setback is provided between the privacy fencing and the Woodcliff Lake Municipal Boundary

Line, and further provided that Evergreen trees are planted at a height of eight (8) feet between such privacy fencing and the Woodcliff Lake Municipal Boundary Line.

G. General design standards.

- (1) Except where prohibited by the IBC, development in the AH-4 Zone shall consist entirely of buildings of wood-frame construction with the exception of at grade parking decks/garages, which shall not be required to be wood-frame construction.
- (2) Buildings shall avoid long, monotonous, uninterrupted walls or roof planes. Building wall offsets, including projections such as canopies and recesses shall be used in order to add architectural interest and variety and to relieve the visual effect of a simple, long wall.
- (3) The maximum spacing between building wall offsets shall be seventy (70) feet.
- (4) The minimum projection or depth of any individual vertical offset shall be one (1) foot.
- (5) 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. Pitched roofs shall be provided; however, a flat roof shall be permitted in the AH-4 Zone, provided that a detail providing the appearance of a pitched roof or mansard is utilized.
- (6) The maximum spacing between roof offsets shall be seventy (70) feet.
- (7) Architectural treatments and visual interest shall be applied to all visibly exposed facades of a building. All facades of a building shall be architecturally designed to be consistent with regard to style, materials, colors and details.
- (8) Fenestration shall be architecturally compatible with the style, materials, colors and details of the building. Windows shall be vertically proportioned.
- (9) All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, etc.
- (10) Heating, ventilating and air-conditioning systems, utility meters and regulators, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devices shall be screened or otherwise specially treated to be, as much as possible, inconspicuous as viewed from the public right-of-way and adjacent properties.
- (11) Placement of any packaged terminal air conditioner units within the facade is expressly prohibited in the AH-4 Zone.

H. Refuse and recycling.

- (1) The collection and storage of refuse and recycling shall comply with §87-49 of the Borough Code.
- (2) All trash/recycling storage areas stored outside the confines of a building shall be enclosed with masonry block walls with PVC fence gates. Said enclosures shall adhere to the same property line setbacks as are required for off-street parking spaces, and shall be screened from view from any adjacent properties.

- (3) Refuse and recycling collection shall be handled by a private hauler, the costs of which shall be reimbursed by the Borough pursuant to N.J.S. 40:66-1.3. All private hauling operations within the AH-4 Zone shall, however, be subject to Borough review and approval.

(4) Notwithstanding section 64-13, recyclable materials may be separated off-site by a private hauler.

I. Lighting.

- (1) All exterior lighting in the AH-4 Zone shall comply with §87-45.A. of the Borough Code.
- (2) All exterior lights shall be designed so as to reduce glare, lower energy usage and direct lights only to where they are needed.
- (3) All exterior lights shall be light-emitting diode (LED) light of the soft white category, and shall be Dark Sky compliant.
- (4) All exterior lights shall be focused downward so that the direct source of light is not visible from adjoining streets or properties.

J. Landscaping and buffering.

- (1) A landscaping plan shall be provided in accordance with §101-63.A. and B. of the Borough Code.
- (2) Landscaping of parking and loading areas shall comply with §101-61(A) of the Borough Code. The remaining sections of §101-61 shall not apply.
- (3) A minimally twenty (20) foot wide planted buffer area shall be required along the property line abutting the Borough of Woodcliff Lake municipal border. An eight (8) foot high privacy fence shall be provided five (5) feet from the Borough of Woodcliff Lake municipal border, with eight (8) foot high Evergreen trees to be planted between the privacy fence and the Borough of Woodcliff Lake municipal border. The required buffer area shall be comprised of native evergreen species that provide a year-round visual screen and shall be augmented with native flowering trees and shrubs. The buffer area shall also comply in all respects with §101-63.C.

K. Drainage and stormwater management. All development in the AH-4 Zone shall comply with the drainage and stormwater management requirements set forth at Chapter 61, "Flood Hazard Control," and §84A-12, "Stormwater Control," of the Borough Code, as well as those set forth in the Residential Site Improvement Standards and N.J.A.C. 7:8.

§101-48.8 Application requirements.

- A. Any application for development in the AH-4 Zone shall be submitted in accordance with the requirements of Chapter 87, Article VII, "Site Plan Approval," and Chapter 87, Article IX, "Site Plan Details," except as follows:
- (1) Irrespective of §87-27.B, final site plan approval may be granted for development of permitted uses within the AH-4 Zone, conditioned upon receipt of county site plan approval and/or approval from any other county, state or federal agency.
 - (2) All required NJDEP permits and approvals shall be secured and provided to the Borough prior to construction.
 - (3) As otherwise provided for in the settlement agreement entered into between the Borough of Park Ridge, Landmark AR Park Ridge, LLC, and Fair Share Housing Center on November 18, 2020.
 - (4) The Applicant shall provide a performance guarantee and maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

§101-48.9 Miscellaneous.

1. Section 85-1.C. of the Borough Code shall not apply with respect to the timing for street opening and excavation, provided that any trench opened on any public right-of-way shall be closed at the end of each day and subject to the discretion of the DPW based on weather from December 1 to March 1.
2. Notwithstanding section 74-6.1 of the Borough Code, any variance from the terms of this chapter hereafter granted by the Planning Board, permitting the erection or alteration of any structure or structures or permitting a specified use in the AH-4 Zone, shall expire concurrently with the expiration of any preliminary site plan approval in accordance with N.J.S. 40:55D-49 or final site plan approval in accordance with N.J.S. 40:55D-52.
3. Consistent with N.J.A.C. 5:93-10.1(b) and 101-46K, no unnecessary cost generative provisions of the Park Ridge Borough Code shall apply to any proposed inclusionary development within the AH-4 District.
4. Chapter 81 shall not apply to any Dwelling Units or owner of Dwelling Units developed pursuant to this Ordinance. Notwithstanding the foregoing, upon issuance of a certificate of occupancy, each Dwelling Unit shall be registered with the Borough. Thereafter, the Owner shall update registration of the Dwelling Units annually.

Section 6. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 7. All Ordinances or parts of Ordinances, which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 8. Effective date. This Ordinance shall take effect immediately upon final passage and publication as required by law.

Adopted ___/___/___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Capilli						
Cozzi						
Epstein						
Fenwick						
Ferguson						
Metzdorf						

APPROVED:

KEITH J. MISCIAGNA, MAYOR

Attest:

Magdalena Giandomenico
Borough Clerk

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 021-217**

AUTHORIZE ADDITIONAL LIFEGUARDS

WHEREAS, by the Mayor and Council of the Borough of Park Ridge that the Park Ridge Swimming Pool Commission was authorized to hire at the subscribe rates of pay, to pool staff in order to operate the Park Ridge Swimming Pool for the 2021 season by way of Resolution No. 020-147; and

BE IT RESOLVED, the Park Ridge Swimming Pool Commission is recommending stipends for the following pool employees enumerated below; and

BE IT FUTHER RESOLVED, by the Mayor and Council of the Borough of Park Ridge that the Park Ridge Swimming Pool Commission is hereby authorized to administer the stipends for the following pool employees.

Brianna Fazio Lifeguard \$ 11.10/hr

Adopted ____/____/____ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Capilli						
Cozzi						
Epstein						
Ferwick						
Ferguson						
Metzdorf						

APPROVED:

KEITH J. MISCIAGNA, MAYOR

Attest:

Magdalena Giandomenico
Borough Clerk

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 021-218**

AUTHORIZE DUPLICATE TAX PAYMENT REFUND

WHEREAS, as a result of a duplicate payment in accordance to R.S. 54:4-21;
there has resulted in the overpayment of taxes.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the
Borough of Park Ridge that the Borough Treasurer is hereby authorized and
directed to return the following third quarter 2021 tax overpayment:

B 2302/L 14	John Lim	\$2932.00
	11405 Cobalt Dr	
	Aubrey, TX 76227	

Adopted ___/___/___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Capilli						
Cozzi						
Epstein						
Fenwick						
Ferguson						
Metzdorf						

APPROVED:

KEITH J. MISCIAGNA, MAYOR

Attest:

Magdalena Giandomenico
Borough Clerk

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 021-219**

**RESOLUTION OF THE COUNCIL OF THE BOROUGH OF PARK
RIDGE ENDORSING AND SEEKING COURT APPROVAL OF A
HOUSING ELEMENT AND FAIR SHARE PLAN ADOPTED BY THE
PLANNING BOARD**

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015)(Mount Laurel IV), the Borough of Park Ridge (hereinafter "Park Ridge" or the "Borough") filed a Declaratory Judgment Complaint on June 29, 2015 in Superior Court, Law Division seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan, to be amended as necessary, satisfies its "fair share" of the regional need for low and moderate income housing pursuant to the "Mount Laurel doctrine;" and

WHEREAS, the Borough simultaneously sought, and ultimately secured, a protective order providing Park Ridge immunity from all Mount Laurel lawsuits while it pursued approval of its Housing Element and Fair Share Plan, which is still in full force and effect; and

WHEREAS, the Court also appointed Francis J. Banisch, III, PP, AICP, as the Special Court Master (hereinafter the "Court Master"), as is customary in Mount Laurel matters adjudicated in the courts; and

WHEREAS, with assistance from the Court Master, the Borough and Fair Share Housing Center (hereinafter "FSHC") engaged in good faith negotiations, which resulted in the entering into of a Settlement Agreement between the Borough and FSHC on November 18, 2020 (hereinafter "FSHC Settlement Agreement"); and

WHEREAS, a Fairness Hearing was held on January 15, 2021, during which the FSHC Settlement Agreement was approved, and said approval was memorialized by an Order entered by the Court on January 26, 2021; and

WHEREAS, as per the terms of the FSHC Settlement Agreement and the Court's January 26, 2021 Order, the Borough's Affordable Housing Planner has prepared a Housing Element and Fair Share Plan, which has been reviewed and modified by the Borough's affordable housing counsel, and which is attached hereto with Appendices as Exhibit A; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board held a public hearing on the Housing Element and Fair Share Plan on July 14, 2021, and adopted the Housing Element and Fair Share Plan on that same day; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Housing Element and Fair Share Plan is attached hereto as Exhibit B; and

WHEREAS, the Borough of Park Ridge wishes to endorse the Housing Element and Fair Share Plan, and seeks approval of the Housing Element and Fair Share Plan from the Court.

**NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF
THE BOROUGH OF PARK RIDGE:**

1. That it hereby endorses the Housing Element and Fair Share Plan, which is attached hereto as Exhibit A, as adopted by the Park Ridge Borough Planning Board via the Planning Board resolution that is attached hereto as Exhibit B.

2. That it authorizes and directs its professionals to file with the Court (i) the Housing Element and Fair Share Plan, (ii) the resolutions of the Planning Board adopting and the Borough Council endorsing the Housing Element and Fair Share Plan and (iii) any additional documents the representatives deem necessary or desirable.
3. That it authorizes its professionals to seek Court approval of the Housing Element and Fair Share Plan at a properly noticed Compliance Hearing.
4. That it reserves the right to amend the Housing Element and Fair Share Plan, should that be necessary.

Adopted ___ / ___ / ___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Capilli						
Cozzi						
Epstein						
Genwick						
Ferguson						
Metzdorf						

APPROVED:

KEITH J. MISCIAGNA, MAYOR

Attest:

Magdalena Giandomenico
Borough Clerk

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 021-220**

**RESOLUTION OF THE COUNCIL OF THE BOROUGH OF
PARK RIDGE REQUESTING THE COURT TO
REVIEW AND APPROVE THE BOROUGH'S SPENDING PLAN**

WHEREAS, the Council of the Borough of Park Ridge will ask the Court to approve its Housing Element and Fair Share Plan; and

WHEREAS, the Borough of Park Ridge has an approved Development Fee Ordinance currently in place; and

WHEREAS, the Development Fee Ordinance established an Affordable Housing Trust Fund that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units, and/or funds collected in connection with the Borough's affordable housing program; and

WHEREAS, a municipality with an Affordable Housing Trust fund should receive approval of a Spending Plan prior to spending any of the funds in its Affordable Housing Trust Fund; and

WHEREAS, the Borough of Park Ridge has prepared a Spending Plan consistent with P.L. 2008, c. 46, Council on Affordable Housing ("COAH") regulations and the Settlement Agreement entered into between the Borough of Park Ridge and Fair Share Housing Center dated November 18, 2020; and

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Park Ridge, County of Bergen, approves the Spending Plan that is attached hereto as Exhibit A, and requests that the Court review and approve the Borough's Spending Plan, so that it can expend funds in its Affordable Housing Trust Fund.

Adopted ____/____/____ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Capilli						
Cozzi						
Epstein						
Fenwick						
Ferguson						
Metzdorf						

APPROVED:

KEITH J. MISCIAGNA, MAYOR

Attest:

Magdalena Giandomenico
Borough Clerk

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 021-221**

**RESOLUTION OF THE COUNCIL OF THE BOROUGH OF PARK
RIDGE ADOPTING AN "AFFIRMATIVE MARKETING PLAN" FOR
THE BOROUGH OF PARK RIDGE**

WHEREAS, in accordance with applicable Council on Affordable Housing ("COAH") regulations, the New Jersey Uniform Housing Affordability Controls ("UHAC") (N.J.A.C. 5:80-26., et seq.), and the terms of a Settlement Agreement between the Borough of Park Ridge and Fair Share Housing Center ("FSHC"), which was entered into as part of the Borough's Declaratory Judgment action entitled In the Matter of the Borough of Park Ridge, County of Bergen, Docket No. BER-L-6030-15, which was filed in response to Supreme Court decision In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) ("Mount Laurel IV"), the Borough of Park Ridge is required to adopt an Affirmative Marketing Plan to ensure that all affordable housing units created are affirmatively marketed to low and moderate income households, particularly those living and/or working within Housing Region 1, the COAH Housing Region encompassing the Borough of Park Ridge.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Park Ridge, County of Bergen, State of New Jersey, do hereby adopt the following Affirmative Marketing Plan:

Affirmative Marketing Plan

- A. All affordable housing units in the Borough of Park Ridge shall be marketed in accordance with the provisions herein.
- B. The Borough of Park Ridge has a Gap (1999-2015) and Prospective Need (2015-2025) affordable housing obligation. This Affirmative Marketing Plan shall apply to all developments that contain or will contain low and moderate income units, including those that are part of the Borough's current Housing Element and Fair Share Plan, and those that may be constructed in future developments not contemplated in the Borough's Housing Element and Fair Share Plan..
- C. The Affirmative Marketing Plan shall be implemented by the Administrative Agent under contract to the Borough of Park Ridge, or the Administrative Agent of any specific developer. All of the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developers/sellers/owners of affordable unit(s), and all such advertising and affirmative marketing shall be subject to approval and oversight by the designated Borough Administrative Agent.
- D. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until all very low, low and moderate income housing units are initially occupied and for as long as the affordable units remain deed restricted such that qualifying new tenants and/or purchasers continues to be necessary.
- E. In implementing the Affirmative Marketing Plan, the Administrative Agent, whether acting on behalf of the Borough of Park Ridge or on behalf of a specific developer, shall undertake, at the minimum, all of the following strategies:
 - 1. Publication of an advertisement in one or more newspapers of general circulation within the housing region.
 - 2. Broadcasting of an advertisement by a radio or television station broadcasting throughout the housing region.

3. At least one additional regional marketing strategy using one of the sources listed below:

- a. Other publications circulated within the housing region, such as neighborhood oriented weekly newspapers, religious publications and organizational newsletters;
- b. Employers throughout the housing region that will be contacted to post advertisements and distribute flyers regarding available affordable housing;
- c. Specific community and regional organizations that will aid in soliciting low and moderate income applicants. Such organizations may include non-profit, religious, governmental, fraternal, civic, and other organizations; and
- d. Other advertising and outreach efforts to groups that are least likely to be reached by commercial media efforts.

F. 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 or sponsor of affordable housing. The Affirmative Marketing Plan is also 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 all marketing activities toward Housing Region 1 in which the Borough is located and covers the entire period of the deed restriction for each restricted housing unit.

G. The Affirmative Marketing Plan is a continuing program intended to be followed throughout the entire period of restrictions and shall meet the following requirements:

1. All newspaper articles, announcements and requests for applications for very low, low and moderate income units shall appear in the *Star Ledger*.
2. The primary marketing shall take the form of at least one press release and a paid display advertisement in the above newspapers the first week of the marketing program and each month thereafter until all units are leased or sold. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of all publications to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Administrative Agent.
3. The advertisement shall include a description of the:
 - a. Location of the units;
 - b. Directions to the units;
 - c. Range of prices for the units;
 - d. Size, as measured in bedrooms, of units;
 - e. Maximum income permitted to qualify for the units;
 - f. Location of applications;
 - g. Business hours when interested households may obtain an application; and

h. Application fees.

4. The regional cable television stations or regional radio stations identified by COAH for Region 1 in COAH's "Affirmative Housing Marketing Plan for Affordable Housing in Region 1", which is attached hereto as Exhibit A, shall be used during the first month of advertising. The Administrative Agent working on behalf of the developer of each affordable housing project in the Borough must provide satisfactory proof of public dissemination.

H. Applications, brochure(s), sign(s) and/or poster(s) used as part of the affirmative marketing program shall be available/posted in the following locations:

1. Park Ridge Borough Municipal Building
2. Park Ridge Borough Web Site
3. Park Ridge Borough Public Library
4. Developer's Sales/Rental Offices
5. Bergen County Administration Building
6. Passaic County Administration Building
7. Hudson County Administration Building
8. Sussex County Administration Building
8. Danforth Memorial Library
9. Johnson Free Public Library
10. Hudson County Library
11. Sussex County Main Library

Applications shall be mailed by the Borough's Administrative Agent and Municipal Housing Liaison, or by the Administrative Agent of any specific developer, to prospective applicants upon request. Also, applications shall be made available at the developer's sales/rental office and shall be mailed to prospective applicants upon request. When on-line preliminary applications are utilized, if prospective applicants do not have internet access they will be given a phone number to call the Administrative Agent, who will then enter all pre-application information online during the phone call.

I. The Borough's Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in Bergen, Passaic, Hudson, and Sussex Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers identified in Exhibit A, Part III, Marketing, Section 3e.

1. Quarterly informational flyers and applications shall be sent to each of the following agencies for publication in their journals and for circulation among their members:

Eastern Bergen County Board of Realtors (411 Rte. 17
South, Hasbrouck Heights, NJ 07604)

Sussex County Association of Realtors (115 DeMarest Rd.,
Sparta, NJ 07871)

Passaic County Board of Realtors (204 Berdan Ave.,
Wayne, NJ 07470)

Hudson County Board of Realtors (110a Meadowlands
Pkwy., Ste. 103, Secaucus, NJ 07094)

2. Quarterly informational circulars and applications shall be sent to the administrators of each of the following agencies within the counties of Bergen, Passaic, Hudson, and Sussex:

Welfare or Social Service Board

Office on Aging or Division of Senior Services

Housing Authority

Community Action Agencies

Community Development Departments

3. Quarterly informational circulars and applications shall be sent to the chief personnel administrators of all of the major employers within the region, as listed on Exhibit A, Part III, Marketing, Section 3e.
4. In addition, specific notification of the availability of affordable housing units in Park Ridge (along with copies of the application form) shall be provided to the following entities:

Fair Share Housing Center (510 Park Boulevard, Cherry
Hill, NJ 08002)

New Jersey State Conference of the NAACP (4326 Harbor
Beach Blvd. #775, Brigantine, NJ 08203)

The Latino Action Network (P.O. Box 943, Freehold, NJ
07728)

The Bergen County NAACP (P.O. Box 1136, Englewood,
NJ 07631)

The Passaic County NAACP (114 Prospect Street, Passaic,
NJ 07055)

Bergen County Urban League (12 Tenafly Rd., Ste. 104,
Englewood, NJ 07631)

Bergen County Housing Coalition (389 Main St.,
Hackensack, NJ 07601)

Supportive Housing Association (185 Valley Street, South
Orange, NJ 07079)

- J. A random selection method to select occupants of very low, low and moderate income housing will be used by the Borough's Administrative Agent, or the Administrative Agent of any specific developer, in conformance with N.J.A.C. 5:80-26.16 (l). Pursuant to the New Jersey Fair Housing Act (C.52:27D-311), a preference for very low, low and moderate income veterans duly qualified under N.J.A.C. 54:4-8.10 may be exercised, provided an agreement to this effect has been executed between the developer or landlord and the Borough prior to the affirmative marketing of the units.

- K. The Borough's Administrative Agent, or the Administrative Agent of any specific developer, shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to income qualify very low, low and moderate income households; to place income eligible households in very low, low and moderate income units upon initial occupancy; to provide for the initial occupancy of very low, low and moderate income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to very low, low and moderate income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C. 5:80-26-1, et seq.
- L. The Borough's Administrative Agent, or the Administrative Agent of any specific developer, shall provide or direct qualified very low, low and moderate income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services.
- M. All developers/owners of very low, low and moderate income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Borough's Administrative Agent.
- N. The Borough's Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to N.J.A.C. 5:80-26-1, et seq.

BE IT FURTHER RESOLVED that the appropriate Borough officials and professionals are authorized to take all actions required to implement the terms of this Resolution and attached Exhibit A.

BE IT FURTHER RESOLVED that this Resolution shall take effect pursuant to law.

Adopted ___/___/___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Capilli						
Cozzi						
Epstein						
Fenwick						
Ferguson						
Metzdorf						

APPROVED:

KEITH J. MISCIAGNA, MAYOR

Attest:

Magdalena Giandomenico
Borough Clerk

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 021-222**

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

WHEREAS, the Mayor and Council of the Borough of Park Ridge, County of Bergen, has petitioned the court for a judgment of compliance with respect to its Housing Element and Fair Share Plan; and

WHEREAS, the plan submitted to the court allocates funds for a rehabilitation program, an accessory apartment program, a the Bear's Nest 100% affordable housing project, and administrative expenses; and

WHEREAS, the Borough of Park Ridge anticipates that funding will come from the Borough's mandatory development fee ordinance and affordable housing trust fund to satisfy these obligations, or, in the case of the Bear's Nest 100% affordable housing project, from Low Income Housing Tax Credits, for which the developer will apply in the 2022 tax credit cycle ; and

WHEREAS, in the event that the above funding sources prove inadequate to complete the affordable housing programs included in the Borough of Park Ridge's Housing Element and Fair Share Plan, the Borough of Park Ridge shall provide sufficient funding to address any shortfalls; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Park Ridge, County of Bergen, State of New Jersey, that the Borough Council 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 Borough of Park Ridge's Housing Element and Fair Share Plan, the Borough of Park Ridge agrees to appropriate funds or authorize the issuance of debt within 90 days of said finding; and

BE IT FURTHER RESOLVED that the Borough of Park Ridge may repay debt through future collections of development fees, as such funds become available.

Adopted ___/___/___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Capilli						
Cozzi						
Epstein						
Fenwick						
Ferguson						
Metzdorf						

APPROVED:

KEITH J. MISCIAGNA, MAYOR

Attest:

Magdalena Giandomenico
Borough Clerk

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 021-223**

**BOROUGH COUNCIL RESOLUTION OF NEED
BEAR'S NEST TO SUPPORT HMFA APPLICATION**

WHEREAS, Bear's Nest Developers, LLC, and Bergen County United Way (hereinafter referred to as the "Developer") proposes to construct a 50-unit 100% affordable rental development, approximately one-half of which will be supportive housing units (hereinafter referred to as the "Project") pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1.1 et seq., and all applicable guidelines promulgated thereunder (the foregoing hereinafter collectively referred to as the "HMFA Requirements") located in the Borough of Park Ridge (hereinafter referred to as the "Municipality") on a site described as Block 206 Lot 2 as shown on the Tax Assessment Map of the Borough of Park Ridge, Bergen County, NJ and commonly known as "Bear's Nest 100% Affordable," Park Ridge, New Jersey; and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Developer and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the "Agency"); and

WHEREAS, pursuant to the HMFA Requirements, the governing body of the Municipality hereby determines that there is a need for this housing project in the Municipality; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Park Ridge, County of Bergen, State of New Jersey (the "Council") that:

- (1) The Council finds and determines that the Project proposed by the Developer meets or will meet an existing housing need;
- (2) The Council does hereby in adoption of this Resolution make the determination and findings herein contained by virtue of and pursuant to the provisions of the HMFA Requirements to enable the Agency to process the Developer's application for Agency funding to finance the Project.

Adopted ___/___/___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Capilli						
Cozzi						
Epstein						
Fenwick						
Ferguson						
Metzdorf						

APPROVED:

KEITH J. MISCIAGNA, MAYOR

Attest:

Magdalena Giandomenico
Borough Clerk

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 021-224**

**A RESOLUTION OF THE BOROUGH OF PARK RIDGE, IN THE
COUNTY OF BERGEN AND STATE OF NEW JERSEY, ADOPTING AN
OPERATING MANUAL FOR THE ADMINISTRATION OF THE
HOUSING REHABILITATION PROGRAM**

WHEREAS, the Borough of Park Ridge entered into a settlement agreement with Fair Share Housing Center to settle its affordable housing declaratory judgment action entitled In the Matter of the Borough of Park Ridge, County of Bergen, Docket No. BER-L-6030-15, which settlement agreement was approved by the Court by Preliminary Order of Compliance issued on January 26, 2021 by the Honorable Gregg A. Padovano, J.S.C.; and

WHEREAS, in accordance with the terms and conditions of the settlement agreement and the applicable Council on Affordable Housing regulations and New Jersey Uniform Housing Affordability Controls, the Borough is required to adopt a rehabilitation program manual to meet its Third Round rehabilitation (present need) obligation.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Park Ridge, County of Bergen, State of New Jersey, that the Borough Council does hereby approve and adopt the Home Improvement Program Policies and Procedures Manual prepared by Community Grants, Planning & Housing, attached hereto as Exhibit A.

Adopted ___/___/___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Capilli						
Cozzi						
Epstein						
Fenwick						
Ferguson						
Metzdorf						

APPROVED:

KEITH J. MISCIAGNA, MAYOR

Attest:

Magdalena Giandomenico
Borough Clerk

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 021-225**

**A RESOLUTION OF THE BOROUGH OF PARK RIDGE, IN THE
COUNTY OF BERGEN AND STATE OF NEW JERSEY, ADOPTING AN
OPERATING MANUAL FOR THE ADMINISTRATION OF THE
ACCESSORY APARTMENT PROGRAM**

WHEREAS, the Borough of Park Ridge entered into a settlement agreement with Fair Share Housing Center to settle its affordable housing declaratory judgment action entitled In the Matter of the Borough of Park Ridge, County of Bergen, Docket No. BER-L-6030-15, which settlement agreement was approved by the Court by Preliminary Order of Compliance issued on January 26, 2021 by the Honorable Gregg A. Padovano, J.S.C.; and

WHEREAS, in accordance with the terms and conditions of the settlement agreement and the applicable Council on Affordable Housing regulations and New Jersey Uniform Housing Affordability Controls, the Borough is required to adopt an accessory apartment program manual to meet its Third Round affordable housing obligation; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Park Ridge, County of Bergen, State of New Jersey, that the Borough Council does hereby approve and adopt the Accessory Apartment Policies and Procedures Manual prepared by Community Grants, Planning & Housing, attached hereto as Exhibit A.

Adopted ___/___/___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Capilli						
Cozzi						
Epstein						
Fenwick						
Ferguson						
Metzdorf						

APPROVED:

KEITH J. MISCIAGNA, MAYOR

Attest:

Magdalena Giandomenico
Borough Clerk

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 021-226**

**A RESOLUTION OF THE BOROUGH OF PARK RIDGE, IN THE
COUNTY OF BERGEN AND STATE OF NEW JERSEY, ADOPTING AN
OPERATING MANUAL FOR THE ADMINISTRATION OF THE
BOROUGH'S AFFORDABLE SALES AND RENTAL UNITS**

WHEREAS, the Borough of Park Ridge entered into a settlement agreement with Fair Share Housing Center to settle its affordable housing declaratory judgment action entitled in the Matter of the Borough of Park Ridge, County of Bergen, Docket No. BER-L-6030-15, which settlement agreement was approved by the Court by Preliminary Order of Compliance issued on January 26, 2021 by the Honorable Gregg A. Padovano, J.S.C.; and

WHEREAS, in accordance with the terms and conditions of the settlement agreement and the applicable Council on Affordable Housing regulations and New Jersey Uniform Housing Affordability Controls, the Borough is required to adopt an operating manual for the administration of the Borough's existing and future affordable sales and rental units.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Park Ridge, County of Bergen, State of New Jersey, that the Borough Council does hereby approve and adopt the Affordable Housing Services Operating Manual SALES & REALES prepared by Piazza & Associates, Inc., attached hereto as Exhibit A, and the Affordable Housing Services Operating Manual RENTAL PROGRAM prepared by Piazza & Associates, Inc., attached hereto as Exhibit B.

Adopted ___/___/___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Capilli						
Cozzi						
Epstein						
Fenwick						
Ferguson						
Metzdorf						

APPROVED:

KEITH J. MISCIAGNA, MAYOR

Attest:

Magdalena Giandomenico
Borough Clerk

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 021-227**

**AUTHORIZING PAYMENT
NORTH 5TH STREET IMPROVEMENTS
Key Tech Laboratories**

WHEREAS, the Mayor and Council of the Borough of Park Ridge on March 31, 2021, adopted Resolution No. 021-081 awarding a bid for the North 5th Street Improvements; and

WHEREAS, the Borough Engineer by way of letter date July 13, 2021 a copy of which is attached, has certified and requested payment for laboratory work performed by Key Tech Laboratories in connection to the above mentioned project; and

WHEREAS, the Chief Finance Officer has certified the funds are available in Account No. 04-2150-55-2101; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Park Ridge authorize laboratory analysis and core testing payment in the amount of \$1,620.00 to Key Tech Laboratories located at 210 Maple Place, P.O BOX 48, Keyport, NJ 07735 is hereby approved; and

BE IT FURTHER RESOLVED that a true copy of this resolution shall be forwarded to Key Tech Laboratories within ten (10) days of adoption.

Adopted ___/___/___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Capilli						
Cozzi						
Epstein						
Penwick						
Ferguson						
Metzdorf						

APPROVED:

KEITH J. MISCIAGNA, MAYOR

Attest:

Magdalena Giandomenico
Borough Clerk

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 021-228**

**AUTHORIZING CHANGE ORDER NO. 1 & FINAL PAYMENT
MARINI BROTHERS CONSTRUCTION FOR THE
MA- 19 NORTH 5TH STREET IMPROVEMENTS**

WHEREAS, the Mayor and Council of the Borough of Park Ridge on March 31, 2021 adopted Resolution No. 021-81 awarding a bid for the North 5th Street Improvements to Marini Brothers Construction; and

WHEREAS, the Borough Engineer, by way of letter dated August 2, 2021 (a copy of which is attached), has certified that the Change Order is recommended as stated; and

Change Order # 1 & Final	\$11, 692.06 Increase:7.87%
Increase in Total Contract	\$ 11, 692.06

WHEREAS, the Chief Financial Officer has certified the funds are available in the Borough of Park Ridge Account No. 04-2150-55-2101; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Park Ridge, Bergen County, New Jersey upon the recommendation of the Borough Engineer that the Change Order No. 1 and Final for the Contract listed above be and is hereby authorized.

Adopted ___/___/___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Capilli						
Cozzi						
Epstein						
Fenwick						
Ferguson						
Metzdorf						

APPROVED:

KEITH J. MISCIAGNA, MAYOR

Attest:

Magdalena Giandomenico
Borough Clerk

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 021-229**

**AUTHORIZING FINAL PAYMENT
MARINI BROTHERS CONSTRUCTION FOR THE
MA- 19 NORTH 5TH STREET IMPROVEMENTS**

WHEREAS, the Mayor and Council of the Borough of Park Ridge on March 31, 2021 adopted Resolution No. 021-81 awarding a bid for the North 5th Street Improvements to Marini Brothers Construction; and

WHEREAS, the Borough Engineer by way of letter date July 30, 2021 a copy of which is attached, has certified and requested payment be made as stated below; and

WHEREAS, the Chief Financial Officer has certified the funds are available in the Borough of Park Ridge Account No. 04 2150-55-2101; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Park Ridge, Bergen County, New Jersey that the contract for the MA-2019 North 5th Street Improvements was constructed by Marini Brothers Construction Co., Inc., 9 Lafayette Street, Hackensack, New Jersey 07601 in accordance with the Plans and Specifications, as directed by the Borough Engineer; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Park Ridge authorize final payment in the amount of One Hundred Sixty Thousand Two Hundred Ninety-Seven Dollars and Forty-Six Cents (\$160,297.46) is hereby approved; and

BE IT FURTHER RESOLVED that a true copy of this resolution shall be forwarded to Marini Brothers Construction within ten (10) days of adoption.

Adopted ___/___/___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Capilli						
Cozzi						
Epstein						
Fenwick						
Ferguson						
Metzdorf						

APPROVED:

KEITH J. MISCIAGNA, MAYOR

Attest:

Magdalena Glandomenico
Borough Clerk

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 021-230**

**RESOLUTION AWARDING CONTRACT TO
NEW JERSEY TECHNICAL SERVICES INC. FOR ON SITE ELEVATOR
INSPECTION AGENCY SERVICES**

WHEREAS, the Borough has the need for on-site elevator inspection services as required by applicable provisions of the State Uniform Construction Code Act, and contracts for these services may be for an initial term of three years with one two-year extension pursuant to N.J.S.A. 40A:11-15(11), which initial contract is being extended for a one year term effective August 23, 2021, and in view of the estimated annual cost of the contract it appears that the solicitation of quotations is not required in accordance with N.J.S.A. 40A:11-6.1(a) and that the written quotation of New Jersey Technical Services Inc., 246-B Livingston Street, Suite 295, Northvale, NJ 07647 ("NJTS") is the quotation of NJTS is most advantageous, price and other factors considered; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Park Ridge that the contract for the above-referenced services is awarded to NJTS. The contract will be based upon the terms set forth in the written proposal dated February 25, 2020, which is on file with the Borough Clerk, which initial contract is being extended for a one year term effective August 23, 2021 being exercised by the Mayor and Council of the Borough in its sole discretion. The Mayor is hereby authorized and directed to execute and the Borough Clerk to attest to the execution of a contract to carry out the foregoing purposes in a form prepared by the Borough Attorney, and the Borough Attorney is authorized to prepare a contract for these purposes; and

FINALLY, BE IT RESOLVED, a copy of this Resolution shall be placed on file in the Municipal Clerk Office, the Office of the Borough Administrator and a copy be transmitted to the Borough Attorney.

Adopted ____/____/____ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Capilli						
Cozzi						
Epstein						
Henwick						
Ferguson						
Mietzdorf						

APPROVED:

KEITH J. MISCIAGNA, MAYOR

Attest:

Magdalena Giandomenico
Borough Clerk

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 021-231**

**AUTHORIZING BID AWARD FOR
ELECTRIC SUBSTATION DIAGNOSTIC AND
MAINTENANCE SERVICES
J.G. ELECTRICAL TESTING**

WHEREAS, the Park Ridge Board of Public Works advertised for bids for Electric Substation Diagnostic Testing and Maintenance Services; and

WHEREAS, the Board received three (3) bids for same as follows: (a) N. Central Electric in the amount of \$92,655.00; (b) J.G. Electrical Testing in the amount of \$66,040.00; and (c) Valiant Power in the amount of \$160,784.00; and

WHEREAS, after a review of same, the Board determined all bids submitted complied with the bid specifications; and

WHEREAS, the Board recommends that the Mayor and Council award the bid to J.G. Electrical Testing as the lowest responsible bidder and award a contract in the amount of \$66,040.00 to J.G. Electrical Testing; and

WHEREAS, the Board of Public Works of the Borough of Park Ridge recommend that the Mayor and Council approve the bid and award a contract to J.G. Electrical Testing in the amount of \$66,040.00 for the Electric Substation Diagnostic Testing and Maintenance Services; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Park Ridge, Bergen County, New Jersey that they approve the bid and award a contract to J.G. Electrical Testing in the amount of \$66,040.00 for the Electric Substation Diagnostic Testing and Maintenance Services, located at 3092 Shafto Rd., Suite 13, Tinton Falls, NJ 07753; and

BE IT FURTHER RESOLVED that a true copy of this resolution shall be forwarded to J.G. Electrical Testing within ten (10) days of adoption.

Adopted ___/___/___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Capilli						
Cozzi						
Epstein						
Fenwick						
Ferguson						
Metzdorf						

APPROVED:

KEITH J. MISCIAGNA, MAYOR

Attest:

Magdalena Giandomenico
Borough Clerk

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 021-232**

**AUTHORIZING BID AWARD FOR
FURNISHING AND DELIVERY OF POTABLE
WATER METERS
Ferguson Enterprises LLC**

WHEREAS, upon recommendation of the Park Ride Board of Public Works, the Mayor & Council did authorize the receipt of sealed bids for unit pricing for the Furnishing and Delivery of Potable Water Meters; and

WHEREAS, pursuant to the Notice to Bidders, duly advertised, one bid was received on June 15, 2021 from Ferguson Enterprises LLC; and

WHEREAS, a table showing the tabulation of the unit prices submitted for each type of water meter and encoder receiver transmitter (ERTs) included in the specifications; and

WHEREAS, the total bid price submitted based on purchasing the estimated quantities of various sizes and types of potable water meters and ERTs for the first contract year is \$46,850.65 and for the second year is \$49,192.35; and

WHEREAS, the General Water Supervisor has reviewed the specifications submitted and determined that the meters are acceptable; and

WHEREAS, the unit prices and total bid price are within the budgeted and expected costs; and

WHEREAS, said company has complied with the requirements of the bid proposal; and

WHEREAS, the Board of Public Works of the Borough of Park Ride that it recommends to the Mayor & Council to accept the bid of Ferguson Enterprises LLC of Lakewood NJ subject to review by the Board of Public Works Attorney; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Park Ridge, Bergen County, New Jersey that they approve the bid and award a contract to J.G. Ferguson Enterprises LLC in the amount of first contract year is \$46,850.65 and for the second year is \$49,192.35 for the Furnishing and Delivery of Potable Water Meters, located at 190 Oberlin Ave. N., Lakewood, NJ 08701; and

BE IT FURTHER RESOLVED that a true copy of this resolution shall be forwarded to Ferguson Enterprises LLC within ten (10) days of adoption.

Adopted ___/___/___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Capilli						
Cozzi						
Epstein						
Fenwick						
Ferguson						
Metzdorf						

APPROVED:

KEITH J. MISCIAGNA, MAYOR

Attest:

Magdalena Giandomenico
Borough Clerk

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 021-233**

**RESOLUTION AUTHORIZING THE PURCHASE OF
2022 FORD F-250 (F2B) XL 4WD REG CAB 8' BOX
REVISED FOR OPTION PRICING**

WHEREAS, the Water Department needs to purchase a new four-wheel drive pickup; and

WHEREAS, the New Jersey Public Contracts Law, N.J.S.A. 40A:11-12, permits municipalities to purchase goods and services without advertising for bids, from companies under any contract or contracts for such goods or services entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury, commonly referred to as "State Bid Contracts"; and

WHEREAS, the Director of Operations and the General Supervisor of Water Distribution have investigated the options to purchase a vehicle using a State Bid Contract; and

WHEREAS, a 2022 Ford F350 with 4WD can be purchased using the NJ State Bid Contract #88727 from Beyer Ford, 170 Ridgedale Ave., Morristown NJ 07960 at a base cost of cost of \$25,142.00 and upgrade revised cost of \$31,772.00 for a total cost of \$56,914.00 a copy of the quotation being attached to this resolution; and

WHEREAS, funds for the purchase of this vehicle have been originally authorized by the Mayor and Council in Resolution 021-192, to be adopted July 13, 2021; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account No. 1-05-2010-55-5122-565; and

WHEREAS, the Board of Public Works recommends to the Mayor & Council to purchase the vehicle using the State Bid Contract as revised; and

WHEREAS, the Board of Public Works of the Borough of Park Ridge that it recommends to the Mayor and Council to authorize the purchase of a 2022 Ford F350 with 4WD and a snow plow using the NJ State Bid Contract #88727 from Beyer Ford, 170 Ridgedale Ave., Morristown, NJ 07960 at the revised price of \$56,914.00; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Park Ridge, Bergen County, New Jersey that they authorize the purchase of a 2022 Ford F350 with 4WD and a snowplow using the NJ State Bid Contract #88727 from Beyer Ford, 170 Ridgedale Ave., Morristown, NJ 07960 at the revised price of \$56,914.00 based on the revised option pricing.

Adopted ___/___/___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Capilli						
Cozzi						
Epstein						
Fenwick						
Ferguson						
Metzdorf						

APPROVED:

KEITH J. MISCIAGNA, MAYOR

Attest:

Magdalena Giandomenico
Borough Clerk

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 021-234**

**AUTHORIZING AN UPDATE TO THE
NET METERING POLICIES**

WHEREAS, there is a growing interest among customers of the in Park Ridge Electric Grid to self-serve by installing on-site distributed generation (DG) systems such as solar photovoltaic systems; and

WHEREAS, the Borough of Park Ridge passed an ordinance for the Electric Department Tariff for Net Metering Installations; and

WHEREAS, when net-metering customers are credited for the full retail cost of electricity, they effectively avoid paying the grid costs, and these costs for maintaining the grid then are eventually shifted to those customers without DG systems through higher utility bills; and

WHEREAS, the full retail rate of electricity includes the fixed costs of the poles, wires, meters advanced technologies, and other infrastructure that make the electric grid safe, reliable and able to accommodate DG systems; and

WHEREAS, the State of New Jersey has net metering policies that allow the State to cease offering net metering to customers that are not already net metered whenever the net metered aggregate capacity equals a percentage of the total annual kilowatt-hours sold in the State; and

WHEREAS, the Borough of Park Ridge wishes to authorize a net metering policy similar to the State of New Jersey whereby The Borough of Park Ridge may cease offering net metering to customers that are not already net metered whenever the total annual estimated generating capacity output owned and operated by net metering customer-generators equals four percent of the total annual kilowatt-hours sold in the Borough as determined by the prior one-year period; and

WHEREAS, the Board of Public Works, Borough of Park Ridge, in the County of Bergen and the State of New Jersey, that it recommends to the Mayor and Council to update the net metering policies to allow the Borough to cease offering net metering to customers that are not already net metered whenever the total annual estimated generating capacity output equals four percent of the total annual kilowatt-hours sold in the Borough as determined by the prior on-year period.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Park Ridge, Bergen County, New Jersey that they authorize an update to the net metering policies to allow the Borough to cease offering net metering to customers that are not already net metered whenever the total annual estimated generating capacity output equals four percent of the total annual kilowatt-hours sold in the Borough as determined by the prior on-year period.

Adopted / / on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Capilli						
Cozzi						
Epstein						
Fenwick						
Ferguson						
Metzdorf						

APPROVED:

KEITH J. MISCIAGNA, MAYOR

Attest:

Magdalena Giandomenico
Borough Clerk

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 021-235**

**RESOLUTION APPOINTMENT OF JOHN D'ANTON
SPECIAL LEGAL SERVICES**

WHEREAS, the Board of Public Works believes that there exists a need for special professional legal services to perform legal work pertaining to Handy and Harman; and

WHEREAS, as Board of Public works appoints John D'Anton, Esq. with a mailing address of 21 Franklin Turnpike, Suite 2119 Mahwah, NJ 07430; and

WHEREAS, the New Jersey Local Public Contracts Law allows for the hiring of professional services without competitive bidding; and

WHEREAS, the Board of Public Works has reviewed the proposal and recommends the hiring of said counsel, with the total fee capped at a price of \$5,000.00; and

WHEREAS, because the total contract price for said professional services is below the \$17,500.00 threshold, the provisions of the "New Jersey Local Unit Pay to Play" law (N.J.S.A. 19:44A-20.4 et Seq.) are not required; and

WHEREAS, the board of Public Works of the Borough of Park Ridge recommends to the Mayor and Council the appointment of John D' Anton, Esq. of Mahwah for the purpose of providing special legal services regarding Handy & Harman; and

WHEREAS, by the Board of Public Works, Borough of Park Ridge, in the County of Bergen and the State of New Jersey, that it recommends to the Mayor and Council the appointment of John D'Anton, ESQ. as special counsel; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Park Ridge, Bergen County, New Jersey that they authorize of appointment of John D'Anton, ESQ. of 21 Franklin Turnpike, Suite 2119 Mahwah, NJ 07430 as special counsel with the total fee capped at a price of \$5,000.00.

Adopted ___/___/___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Capilli						
Cozzi						
Epstein						
Fenwick						
Ferguson						
Metzdorf						

APPROVED:

KEITH J. MISCIAGNA, MAYOR

Attest:

Magdalena Giandomenico
Borough Clerk

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 021-236**

AUTHORIZE REFUND OF POOL REGISTRATION

WHEREAS, the Borough of Park Ridge Municipal Pool processes registrations for the 2021 pool season through Community Pass; and

WHEREAS, payments for registration are typically made using credit cards and e-checks through the Community Pass website; and

WHEREAS, it is the policy of the Borough to issue refunds by check; and

WHEREAS, the Chief Financial Officer has certified the funds available in Borough of Park Ridge Account No. 09-1920-09-5050-001

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Park Ridge that the Borough Treasurer is hereby authorized to refund a total of \$410.00 according to the list below.

NAME	ADDRESS	AMOUNT
Jamie DeMartino	30 South Fifth St. Park Ridge, NJ 07656	\$ 410.00

Adopted ___/___/___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Capilli						
Cozzi						
Epstein						
Fenwick						
Ferguson						
Metzdorf						

APPROVED:

KEITH J. MISCIAGNA, MAYOR

Attest:

Magdalena Giandomenico
Borough Clerk

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 021-237**

**AUTHORIZE TAX LIEN/PAYMENT OF MAINTENANCE
HIGH SIERRA LANDSCAPING CONTRACTORS, INC.**

WHEREAS, the Borough of Park Ridge contracted with High Sierra Landscape Contractors, Inc. to perform maintenance on unkept properties within the borough, in the amount of \$210.00; and

WHEREAS, High Sierra Landscape Contractors, Inc. has requested payment for the work completed to date; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account No. 01-2010-26-2902-029; and

WHEREAS, payment will be made and a lien will be placed on each property, as indicated on the below listing; and

<u>TAX LIEN TO BE ISSUED:</u>	
<u>BLOCK/ LOT</u>	<u>AMOUNT</u>
BL 1910/L1	\$ 110.00
BL 1916/L17	\$ 100.00

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Park Ridge that the Borough Treasurer be and she is hereby authorized and directed to pay High Sierra Landscape Contractors, Inc., for a total amount of \$210.00 and place liens on the borough properties accordingly.

Adopted ____/____/____ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Capilli						
Cozzi						
Epstein						
Fenwick						
Ferguson						
Metzdorf						

APPROVED:

KEITH J. MISCIAGNA, MAYOR

Attest:

Magdalena Giandomenico
Borough Clerk

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 021-238**

BE IT RESOLVED that the ordinance entitled:

"BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, NEW INFORMATION TECHNOLOGY EQUIPMENT AND A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF PARK RIDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$549,000 TO PAY THE COST THEREOF, TO APPROPRIATE A COUNTY GRANT AND CONTRIBUTIONS FROM OTHER MUNICIPALITIES, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS."

Heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 26th day of August, 2021, at 5:00 P.M., or as soon thereafter, as the matter can be reached, at a Special Meeting of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage. The meeting will be held virtually via Zoom and if the public has a question when the meeting is open to the public, please dial 201-822-3199 passcode 121212.

Adopted ____/____/____ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Capilli						
Cozzi						
Epstein						
Fenwick						
Ferguson						
Metzdorf						

APPROVED:

KEITH J. MISCIAGNA, MAYOR

Attest:

Magdalena Giandomenico
Borough Clerk

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 021-239**

BE IT RESOLVED that the ordinance entitled:

"BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF A NEW RESCUE FIRE TRUCK IN, BY AND FOR THE BOROUGH OF PARK RIDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$765,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS."

Heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 26th day of August, 2021, at 5:00 P.M., or as soon thereafter, as the matter can be reached, at a Special Meeting of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage. The meeting will be held virtually via Zoom and if the public has a question when the meeting is open to the public, please dial 201-822-3199 passcode 121212.

Adopted ___/___/___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Capilli						
Cozzi						
Epstein						
Fenwick						
Ferguson						
Metzdorf						

APPROVED:

KEITH J. MISCIAGNA, MAYOR

Attest:

Magdalena Giandomenico
Borough Clerk

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 021-240**

PUBLIC QUESTION ON OPEN SPACE

WHEREAS, the Mayor and Council of the Borough of Park Ridge has previously provided for an open space fund; and

WHEREAS, said open space fund was established for a period of five (5) years and expired on December 31, 2021; and

WHEREAS, the Mayor and Council of the Borough of Park Ridge believe it is in the best interest of the residents of the Borough to establish an Open Space, Recreation, and Historic Preservation Trust Fund to preserve the character of the Borough; and

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Park Ridge hereby request that the Bergen County Clerk place the following question upon the ballot in the General Election of November 2021:

PARK RIDGE OPEN SPACE TRUST FUND

SHALL THE BOROUGH OF PARK RIDGE CONTINUE THE OPEN SPACE, RECREATION, AND HISTORIC PRESERVATION TRUST FUND TO PRESERVE THE CHARACTER OF PARK RIDGE, THROUGH AN ANNUAL LEVY OF UP TO 0.007 PER \$100 OF ASSESSED VALUATION OF REAL PROPERTY FOR A PERIOD NOT TO EXCEED FIVE YEARS, FOR THE PURPOSES OF PROTECTING DRINKING WATER SUPPLIES AND WATER QUALITY IN PONDS AND STREAMS; CONSERVING NATURAL AREAS; DEVELOPING, MAINTAINING AND ACQUIRING LANDS FOR RECREATION AND CONSERVATION, INCLUDING THE IMPROVEMENT OF RECREATIONAL FACILITIES; AND PRESERVING AND ACQUIRING HISTORIC PROPERTIES, WITH SPENDING BASED ON RECOMMENDATIONS OF A CITIZENS OVERSIGHT COMMITTEE AND ALL FUNDS SUBJECT TO ANNUAL AUDIT.

Interpretive Statement

This binding referendum will authorize the maintaining and continuing of the existing Municipal Open Space Trust Fund. The Municipal Open Space Trust Fund was previously approved by the voters of the Borough of Park Ridge on November 8, 2016, and therefore the approval of this referendum would not create a new tax burden on the residents of Park Ridge, but simply continue and extend the previously approved Municipal Open Space Tax. This will permit Park Ridge to continue its Open Space, Recreation and Historic Preservation Trust Fund with an annual levy of up to 0.007 cents per \$100 of assessed real property value. The average owner would pay \$33 per year, which is equal to \$2.75 per month, for a period of 5 years. Funds can be used only for the development, maintenance, and acquisition of lands for recreation and land and water conservation purposes, and historic preservation. An oversight committee of local citizens will continue to advise the Borough on how funds should be spent. Every year there would be a public audit of all expenditures. The funds would enable Park Ridge to leverage matching grants from the county and state.

BE IT FURTHER RESOLVED that a true copy of this Resolution shall be sent to the Bergen County Clerk as required by law.

Adopted ___/___/___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Capilli						
Cozzi						
Epstein						
Funwick						
Ferguson						
Metzdorf						

APPROVED:

KEITH J. MISCIAGNA, MAYOR

Attest:

Magdalena Giandomenico
Borough Clerk

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 021-241**

**RESOLUTION APPOINT PAUL LONGO AS PARK RIDGE DIRECTOR
OF OPERATIONS AND AUTHORIZING THE EXECUTION OF THE
EMPLOYMENT CONTRACT FOR SAME**

WHEREAS, the Director of Operations, William Beattie, retired from the Borough on May 1, 2021; and

WHEREAS, Paul Longo has been serving in position of interim Director of Operations since Mr. Beattie's retirement; and

WHEREAS, the Board of Public Utilities have recommended that Mr. Longo be appointed to the position of Director of Operations; and

WHEREAS, the Personnel committee have engaged in negotiations with Mr. Longo regarding the terms and conditions of his employment; and

WHEREAS, the parties have come to an agreement with regard to the terms and conditions of his employment covering the period commencing August 1, 2021 and ending December 31, 2024; and

WHEREAS, the Mayor and Council wish to authorize the execution of said agreement and appoint Mr. Paul Longo as the Park Ridge Director of Operations; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Park Ridge that Mr. Paul Longo is appointed as the Park Ridge Director of Operations and that the Mayor is authorized and the Borough Clerk shall attest to the execution of the attached Director of Operations Employment Contract; and

BE IT FURTHER RESOLVED that a copy of said contract shall be on file with the Borough Clerk and be available for public inspection.

Adopted ___/___/___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Capilli						
Corzi						
Epstein						
Fenwick						
Ferguson						
Metzdorf						

APPROVED:

KEITH J. MISCIAGNA, MAYOR

Attest:

Magdalena Giandomenico
Borough Clerk

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 021-242**

**RESOLUTION APPOINTING JAMES LEICHTNAM AS THE
ELECTRIC DEPARTMENT SUPERVISOR AND AUTHORIZING THE
EXECUTION OF THE EMPLOYMENT CONTRACT FOR SAME**

WHEREAS, Mr. James Leichtnam has been serving as the interim Electric Department Supervisor since May 1, 2021 upon Mr. Paul Longo's assumption of additional responsibilities as Interim Director of Operations; and

WHEREAS, the Board of Public Utilities has recommended that Mr. Leichtnam be appointed to the position of Electric Department Supervisor; and

WHEREAS, the Personnel committee have engaged in negotiations with Mr. Leichtnam regarding the terms and conditions of his employment; and

WHEREAS, the parties have come to an agreement with regard to the terms and conditions of his employment covering the period commencing August 1, 2021 and ending December 31, 2024; and

WHEREAS, the Mayor and Council wish to authorize the execution of said agreement and to appoint Mr. Leichtnam to the position of Electric Department supervisor pursuant to the terms of the agreement; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Park Ridge that Mr. James Leichtnam is appointed as the Borough of Park Ridge's Electric Department Supervisor and the Mayor is hereby authorized and the Borough Clerk shall attest to the execution of the attached Electric Department Supervisor Employment Contract; and

BE IT FURTHER RESOLVED that a copy of said contract shall be on file with the Borough Clerk and be available for public inspection.

Adopted ___/___/___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Capilli						
Cozzi						
Epstein						
Fenwick						
Ferguson						
Metzdorf						

APPROVED:

KEITH J. MISCIAGNA, MAYOR

Attest:

Magdalena Giandomenico
Borough Clerk

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 021-243**

PAYMENT OF BILLS - UTILITY

BE IT RESOLVED, by the Mayor and Council of the Borough of Park Ridge that they are in receipt of the following Board of Public Works Utility bills in the sum of \$1,260,034.93 (bill lists dated July 21, 2021 and August 4, 2021) which was previously approved and authorized for payment by the Board of Public Works Chief Financial Officer have been approved and authorized for payment and that the Mayor, Borough Clerk and Borough Treasurer are, hereby authorized and directed to issue warrants in payment of same.

Adopted ___/___/___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Capilli						
Cozzi						
Fipstein						
Fenwick						
Ferguson						
Metzdorf						

APPROVED:

KEITH J. MISCIAGNA, MAYOR

Attest:

Magdalena Giandomenico
Borough Clerk

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 021-244**

PAYMENT OF BILLS - BOROUGH

BE IT RESOLVED, by the Mayor and Council of the Borough of Park Ridge that the following bills in the sum of \$2,378,028.53 (bill lists dated July 26, 2021 and August 5, 2021) have been approved and authorized for payment and that the Mayor, Borough Clerk and Borough Treasurer are, hereby authorized and directed to issue warrants in payment of same.

Adopted ____/____/____ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Capilli						
Cozzi						
Epstein						
Fenwick						
Ferguson						
Metzdorf						

APPROVED:

KEITH J. MISCIAGNA, MAYOR

Attest:

Magdalena Giandomenico
Borough Clerk

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 021-245**

**RESOLUTION TO ENTER INTO MEMORANDUM OF
UNDERSTANDING
FOR INTERCONNECTION OF SOLAR POWER SYSTEM
SARTAK HOLDINGS, INC.**

WHEREAS, the Borough of Park Ridge and Sartak Holdings Inc. desire to enter into a Memorandum of Understanding for the interconnection of a solar power system; and

WHEREAS, the Park Ridge Board of Public Works has reviewed the Memorandum of Understanding between the Borough and Sartak Holdings, Inc. a copy of which is attached hereto and incorporated herein by reference, and recommends the approval of same.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Park Ridge that the Memorandum of Understanding between the Borough and Sartak Holdings Inc. for the interconnection of a solar power system, a copy of which is attached hereto and incorporated herein by reference, be and is hereby approved; and

BE IT FURTHER RESOLVED, that the Mayor be and is hereby authorized and directed to execute the Memorandum of Understanding attached hereto and incorporated herein by reference on behalf of the Borough; and

BE IT FURTHER RESOLVED, that the Borough Clerk be and is hereby authorized and directed to forward a copy of this resolution together with the attached Memorandum of Understanding to Sartak Holdings Inc., upon its passage.

Adopted ____/____/____ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Capilli						
Cozzi						
Epstein						
Fenwick						
Ferguson						
Metzdorf						

APPROVED:

KEITH J. MISCIAGNA, MAYOR

Attest:

Magdalena Giandomenico
Borough Clerk

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 021-246**

**RESOLUTION AWARDING CONTRACT TO
MOBILITY ELEVATOR & LIFT CO FOR REPLACEMENT OF
A WHEELCHAIR LIFT**

WHEREAS, the Borough has the need for replacement of an elevator lift and that the written quotation of Mobility Elevator & Lift Company of West Caldwell, NJ is most advantageous, price and other factors considered; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in Account No: 19-2000-30-2021

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Park Ridge that the contract for the above-referenced project in the amount of \$20,000.00 is awarded to Mobility Elevator & Lift Company. The contract will be based upon the terms set forth in the written proposal dated June 25, 2019, which is on file with the Borough Clerk; and

FINALLY, BE IT RESOLVED, a copy of this Resolution shall be placed on file in the Municipal Clerk Office, the Office of the Borough Administrator and a copy be transmitted to the Borough Attorney.

Adopted ___/___/___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Capilli						
Cozzi						
Epstein						
Fenwick						
Ferguson						
Metzdorf						

APPROVED:

KEITH J. MISCIAGNA, MAYOR

Attest:

Magdalena Giandomenico
Borough Clerk