

**BOROUGH OF RIDGEFIELD**

**A G E N D A**

**Executive Session and Regular Meeting of the Mayor and Council**

Date: October 13, 2020

Open Public Meetings Statement by Mayor Suarez

Public Session to Adjourn to Executive Session: C.T.O.: Adjourn:

Mayor Suarez – Adjournment into closed Executive Session in accordance with the “Open Public Meetings Act”

Executive Session: 6:30 P.M. C.T.O.: Adjourn:

Public Session: 7:00 P.M. C.T.O.: Adjourn:

Pledge of Allegiance

Invocation

Citizens Comment on Agenda:

Correspondence:

**ROLL CALL-PUBLIC SESSION**

	Adj. to Ex.		Public	
	Pres.	Abs.	Pres.	Abs.
Mayor Suarez				
Castelli				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				

**ROLL CALL-EXEC. SESSION**

	PRESENT	ABSENT
	Mayor Suarez	
Castelli		
Penabad		
Shim		
Jimenez		
Kontolios		
Larkin		

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Presentation of Proclamations:

- Jill Pantaleo and Bergen County Therapy -World Mental Health Day
- Pilar Goldman - Hispanic Heritage Month
- Ralph Morilla - Hispanic Heritage Month

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Discuss 2020 Best Practices Inventory

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As advertised, hearing will be held on Ordinance No. 2391 entitled, “AN ORDINANCE AMENDING ARTICLE XLVIII, DEVELOPMENT FEES, OF CHAPTER 390 OF THE CODE OF THE BOROUGH OF RIDGEFIELD”

Entertain motion to declare the time for the public hearing to be declared open

Public Hearing

Entertain motion to declare the time for the public hearing to be declared closed

Final Reading of Ordinance

Roll Call

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As advertised, hearing will be held on Ordinance No. 2392 entitled, "AN ORDINANCE AMENDING CHAPTER 115 ENTITLED "AFFORDABLE HOUSING" OF THE CODE OF THE BOROUGH OF RIDGEFIELD"

Entertain motion to declare the time for the public hearing to be declared open

Public Hearing

Entertain motion to declare the time for the public hearing to be declared closed

Final Reading of Ordinance

Roll Call

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Introduction of Ordinance No. 2393 entitled, "AN ORDINANCE AMENDING THE PROVISIONS OF SECTION 375-52 DESIGNATING HANDICAPPED PARKING SPACES"

First Reading of Ordinance

Roll Call

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Introduction of Ordinance No. 2394 entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 390 OF THE BOROUGH CODE TO IMPLEMENT AFFORDABLE HOUSING"

First Reading of Ordinance

Roll Call

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Introduction of Ordinance No. 2395 entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 390 OF THE BOROUGH CODE TO IMPLEMENT AFFORDABLE HOUSING"

First Reading of Ordinance

Roll Call

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Introduction of Ordinance No. 2396 entitled, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 390 OF THE BOROUGH CODE TO IMPLEMENT AFFORDABLE HOUSING”

First Reading of Ordinance

Roll Call

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Introduction of Ordinance No. 2397 entitled, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 390 OF THE BOROUGH CODE TO IMPLEMENT AFFORDABLE HOUSING”

First Reading of Ordinance

Roll Call

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Introduction of Ordinance No. 2398 entitled, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 390 OF THE BOROUGH CODE TO IMPLEMENT AFFORDABLE HOUSING”

First Reading of Ordinance

Roll Call

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**CONSENT AGENDA:**

All items listed are considered to be routine and non-controversial by the Borough Council and will be approved by one motion. There will be no separate discussion on these items unless a Council member(s) so request it, in which case the item(s) will be removed from the Consent Agenda and considered in its normal sequence on the agenda. The one motion signifies the adoption of all resolutions and approval of applications and minutes.

211-2020	Councilman Castelli	CSO Collective Bargaining Agreement
212-2020	Councilman Castelli	Professional Service Agreement – Community Grants, Planning & Housing
213-2020	Councilman Castelli	Hire Part-Time DPW/Sanitation Employees
214-2020	Councilman Castelli	Hire Part-Time Clerical Floater

**Application for Raffles License:**  
Sts. Vartanantz Armenian Church  
December 6, 2020

**COUNCIL VOTE**

	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Castelli				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				
Mayor Suarez				

**RESOLUTIONS:**

215-2020      Councilman Jimenez                  Warrants

**COMMENTS BY MAYOR:**

**COMMENTS BY COUNCIL:**

**COMMENTS BY ADMINISTRATOR:**

**COMMENTS BY CITIZENS:** (All speakers are limited to five minutes maximum per meeting)

Agenda subject to change as a result of matters not known at time of printing with the consent of the Mayor and Council.

Respectfully submitted,

Linda M. Silvestri,  
Borough Clerk

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting October 13, 2020

Presented by Mayor Suarez

BE IT RESOLVED, that the regular public meeting be adjourned, and that the Mayor and Council of the Borough of Ridgefield shall meet in a closed Executive Session following a five minute recess at the termination of this meeting. The purpose of the Executive Session shall be to discuss the following matters:

- \_\_\_\_\_ Personnel matters in various departments of the Borough.
- \_\_\_\_\_ Pending and Potential Litigation
- \_\_\_\_\_ Tax Court Litigation.
- \_\_\_\_\_ Potential real estate transactions in which the Borough may engage.

COUNCIL VOTE				
	YES	NO	ABSTAIN	ABSENT
Castelli				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				
Mayor Suarez				

BE IT FURTHER RESOLVED, that as soon as practicable discussion concerning

- \_\_\_\_\_ Personnel matters
- \_\_\_\_\_ Potential real estate transactions shall be disclosed to the public.
- \_\_\_\_\_ And that discussions with the Borough Attorney concerning litigation shall be disclosed when said litigation is terminated.

Adjournment to Closed Session. The Mayor and Council reserve the right to reconvene into Public Session, if necessary, to take action on Closed Session items.

Approved:

Attest:

\_\_\_\_\_  
Anthony R. Suarez, Mayor

\_\_\_\_\_  
Linda M. Silvestri,  
Borough Clerk

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting October 13, 2020

Presented by Councilman Castelli

ORDINANCE NO. 2391

BE IT ORDAINED by the Borough Council of the Mayor and Council of the Borough of Ridgefield that an Ordinance entitled,

“AN ORDINANCE AMENDING ARTICLE XLVIII, DEVELOPMENT FEES, OF  
CHAPTER 390 OF THE CODE OF THE BOROUGH OF RIDGEFIELD”

introduced on the 28<sup>th</sup> day of September, 2020, do now pass a final reading and be adopted, and that the Borough Clerk be and she is authorized and directed to publish once, the aforesaid title, together with a notice of the date of its passage on final reading and approval thereof in The Record, a newspaper circulating in the Borough of Ridgefield.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				
Mayor Suarez				

Approved:

Attest:

\_\_\_\_\_  
Anthony R. Suarez, Mayor

\_\_\_\_\_  
Linda M. Silvestri,  
Borough Clerk

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting September 28, 2020

Presented by Councilman Castelli

ORDINANCE NO. 2391

“AN ORDINANCE AMENDING ARTICLE XLVIII, DEVELOPMENT FEES, OF  
CHAPTER 390 OF THE CODE OF THE BOROUGH OF RIDGEFIELD”

BE IT ORDAINED by the Mayor and Council of the Borough of Ridgefield as follows:

Section I:

Article XLVIII, Development Fees, of the Code of the Borough of Ridgefield be, and hereby is, amended by deleting all of the existing language of that Article and replacing same with the provisions below:

§ 390-204.1. Purpose.

The purpose of this article is to establish standards for the collection, maintenance and expenditure of development fees pursuant to applicable law. Fees collected pursuant to this article shall be used for the sole purpose of providing low- and moderate-income housing. This article shall be interpreted within the framework of applicable law on development fees and on municipal obligations to provide a realistic opportunity for the municipality's fair share of affordable housing.

§ 390-204.2. Residential development fees.

Developers of multifamily residential developments shall pay a development fee of 1 1/2% of the equalized assessed value of the development. When an increase in residential density in a multifamily residential development pursuant to N.J.S.A. 40:55D(5) has been permitted, the developer shall pay a development fee of 6% of the equalized assessed value for each additional unit of housing that is realized.

§ 390-204.3. Nonresidential development fees.

A. Imposed fees

1. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half (2.5) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.

2. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half (2.5) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.

3. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing 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 non-residential development fee shall be zero.

#### B. Eligible exactions, ineligible exactions and exemptions for non-residential development

1. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half (2.5) percent development fee, unless otherwise exempted below.

2. The 2.5 percent 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. Non-residential developments shall be exempt from the payment of non-residential 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.

4. A developer of a non-residential development exempted from the non-residential 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 non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.

5. If a property which was exempted from the collection of a non-residential 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 non-residential development fees under these circumstances may be enforceable by the Borough of Ridgefield as a lien against the real property of the owner.

#### § 390-204.4. Eligible exaction and ineligible exaction.

A. Developers of affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality shall be exempt from paying development fees.

B. Developers that expand an existing multifamily residential structure for residential purposes shall pay a development fee. The development fee shall be calculated based on the increase in the equalized assessed value of the improved structure.

C. Developers that have received preliminary or final approval prior to the effective date of this article shall be exempt from paying a development fee unless the developer subsequent to the original approval seeks a substantial change in that approval.

D. Developers of one- and two-family standalone structures are exempt from paying development fees.

#### § 390-204.5. Collection of fees.

A. Developers shall pay 50% of the calculated development fee to the Borough of Ridgefield prior to the issuance of building permits. The development fee shall be estimated by the Tax Assessor prior to the issuance of building permits, and shall be paid as a precondition to the issuance of building permits for the development.

B. Developers shall pay the remaining fee to the Borough of Ridgefield prior to the issuance of certificates of occupancy. Prior to the issuance of certificates of occupancy, the Tax Assessor shall calculate the equalized assessed value and the appropriate development fee. The developer shall be responsible for paying the difference between the fee previously paid prior to the issuance of building permits and the total amount calculated by the Tax Assessor.

C. Developers wishing to appeal the calculation of a development fee pursuant to this article shall file an appeal with the Borough Clerk within 20 days of receiving notice of the assessed fee. The appeal shall be heard by the Mayor and Council, or its representative, within 60 days of filing. Pending the hearing and decision, the assessed fees will be collected but held in a suspense account so as to not be expended by the Borough until a decision on the appeal.

#### § 390-204.6. Housing Trust Fund.

A. There is hereby created an interest-bearing Housing Trust Fund to be situated at a banking institution at the Borough's choosing, for the purpose of receiving development fees from residential and nonresidential developers. All development fees paid by developers pursuant to this article shall be deposited in this fund. No money shall be expended from this Housing Trust Fund unless the expenditure conforms to a spending plan that has received whatever approvals are required by existing law.

B. The operation of the Borough's Housing Trust Fund shall be in accordance with applicable law. The operation of this Housing Trust Fund shall be amended as necessary, from time to time, based on applicable law.

#### § 390-204.7. Use of funds.

A. Money deposited in a housing trust fund may be used for any activity deemed appropriate under applicable law for addressing the Borough of Ridgefield's low- and moderate-income housing obligation. Such activities may include, but are not necessarily limited to, housing rehabilitation, new construction, regional contribution agreements, the purchase of land for low- and moderate-income housing sites, assistance designed to render units more affordable to low- and moderate-income households and administrative costs necessary to implement the Borough of Ridgefield's housing element. The expenditure of all money shall conform to applicable legal standards.

B. At least 30% of the revenues collected shall be devoted to render units more affordable. Examples of such activities include, but are not limited to, down payment assistance, low-interest loans and rental assistance.

#### § 390-204.8. Definitions.

The following definitions should be added to or amended within the current development ordinances:

##### DEVELOPER

A developer is the legal or beneficial owner of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

##### DEVELOPMENT FEES

Money paid by an individual, person, partnership, association, company or corporation for the improvement of property as permitted in COAH's rules.

##### EQUALIZED ASSESSED VALUE

The value of a property determined by the Municipal Tax Assessor through a process designed to ensure that all property in the municipality is assessed at the same assessment ratio or ratios required by law. Estimates at the time of issuance of a building permit may be obtained by the Tax Assessor utilizing estimates for construction cost. Final equalized assessed value will be determined at project completion by the Municipal Tax Assessor.

##### JUDGMENT OF REPOSE

A judgment issued by the Superior Court approving a municipality's plan to satisfy its fair share obligation.

**MULTIFAMILY RESIDENTIAL DEVELOPMENT** Residential housing consisting of three units or more.

##### SUBSTANTIVE CERTIFICATION

A determination by an appropriate authority approving a municipality's fair share plan in accordance with the provisions of applicable law and the rules and criteria as set forth herein.

##### GREEN BUILDING STRATEGIES

means 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.

§ 390-204.9 Other provisions superseded.

In the event of any inconsistency between the provisions of this section and any other section of Chapter 390, the provisions of this section shall prevail.

§ 390-204.10 Severability.

If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated and shall remain in full force and effect.

§ 390-204.11 Effective date.

This Ordinance shall take effect immediately upon final publication as required by law.

## Section II.

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

## Section III:

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

## Section IV.

If any section, part of any section, or clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this Ordinance, and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Approved:

Attest:

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Anthony R. Suarez, Mayor

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Linda M. Silvestri,  
Borough Clerk

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting October 13, 2020

Presented by Councilman Castelli

ORDINANCE NO. 2392

BE IT ORDAINED by the Borough Council of the Mayor and Council of the Borough of Ridgefield that an Ordinance entitled,

“AN ORDINANCE AMENDING CHAPTER 115 ENTITLED “AFFORDABLE HOUSING”  
OF THE CODE OF THE BOROUGH OF RIDGEFIELD”

introduced on the 28<sup>th</sup> day of September, 2020, do now pass a final reading and be adopted, and that the Borough Clerk be and she is authorized and directed to publish once, the aforesaid title, together with a notice of the date of its passage on final reading and approval thereof in The Record, a newspaper circulating in the Borough of Ridgefield.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				
Mayor Suarez				

Approved:

Attest:

\_\_\_\_\_  
Anthony R. Suarez, Mayor

\_\_\_\_\_  
Linda M. Silvestri,  
Borough Clerk

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting September 28, 2020

Presented by Councilman Castelli

ORDINANCE NO. 2392

“AN ORDINANCE AMENDING CHAPTER 115 ENTITLED “AFFORDABLE HOUSING”  
OF THE CODE OF THE BOROUGH OF RIDGEFIELD”

BE IT ORDAINED by the Mayor and Council of the Borough of Ridgefield as follows:

Section I:

Chapter 115, “Affordable Housing”, of the Code of the Borough of Ridgefield be, and hereby is, amended by deleting all of the existing language of that Chapter and replacing same with the provisions below:

§115-1. Affordable Housing Obligation

- (a) This Ordinance is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy these units. This Ordinance shall apply except where inconsistent with applicable law.
- (b) The Ridgefield 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 Fair Share Plan has been endorsed by the governing body. The Fair Share Plan describes the ways Ridgefield shall address its fair share for low- and moderate-income housing as determined by the Court, COAH, or a successor entity and documented in the Housing Element.
- (c) This Ordinance implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:93, as may be amended and supplemented.
- (d) The Ridgefield shall file monitoring reports with the Court, COAH, or a successor entity in accordance with N.J.A.C. 5:93, tracking the status of the implementation of the Housing Element and Fair Share Plan. Any plan evaluation report of the Housing Element and Fair Share Plan and monitoring prepared by the Court, COAH, or a successor entity in accordance with N.J.A.C. 5:93 shall be available to the public at the Ridgefield Municipal Building, Municipal Clerk’s Office, 604 Broad Avenue, Ridgefield, New Jersey.

§115- 2. Definitions

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

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

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

“Administrative agent” means the entity responsible for the administration of affordable units in accordance with this ordinance.

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

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

“Affordable” means 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.

“Affordable development” means a housing development all or a portion of which consists of restricted units.

“Affordable housing development” means 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 percent affordable development.

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

“Affordable unit” means a housing unit proposed or created pursuant to the Act, and/or funded through an affordable housing trust fund.

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

“Age-restricted unit” means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development 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. The Court, COAH, or a successor entity 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Restricted unit” means a dwelling unit, whether a rental unit or 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 UHORP or MONI.

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

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

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

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

### §115-3. Affordable Housing Programs

The Ridgefield has determined that it will use the following mechanisms to satisfy its affordable housing obligations:

(a) A Rehabilitation program.

1. Ridgefield’s rehabilitation program 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.
2. Both owner occupied and renter occupied units shall be eligible for rehabilitation funds.
3. All rehabilitated 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.
4. Ridgefield shall dedicate a minimum of \$10,000 for each unit to be rehabilitated through this program, reflecting the minimum hard cost of rehabilitation for each unit.
5. Ridgefield shall adopt a resolution committing to fund any shortfall in the rehabilitation programs for The Borough.
6. Ridgefield shall designate, subject to the approval of the Court, COAH, or a 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 a 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).
7. Units in a rehabilitation program shall be exempt from Uniform Housing Affordability Controls (UHAC), but shall be administered in accordance with the following:
  - i. 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 N.J.A.C. 5:93 and UHAC.

- ii. 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 N.J.A.C. 5:93 and UHAC.
- iii. Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:93.
- iv. Applicant and/or tenant households shall be certified as income-eligible in accordance with N.J.A.C. 5:93 and UHAC, except that households in owner occupied units shall be exempt from the regional asset limit.

(b) Alternative Living Arrangements.

1. Alternative living arrangements may be used to address a municipal housing obligation by entering into an agreement for the location of such a facility with the provider of the facility or by granting preliminary approval to a developer of an alternative living arrangement.
2. The unit of credit for an alternative living arrangement shall be the bedroom.
3. Alternative living arrangements that are age restricted shall be included with the 25 percent that may be age restricted pursuant to N.J.A.C. 5:93-5.14.
4. Controls on affordability on alternative living arrangements shall remain in effect for at least 10 years. To be eligible for a rental bonus (pursuant to N.J.A.C. 5:93-5.15), controls on affordability shall remain in effect for at least 30 years.
5. Transitional facilities for the homeless shall not be dormitories and shall have separate bedrooms; those that do not shall have one year to complete the necessary rehabilitation to create separate bedrooms.
6. Alternative living arrangements shall be subject to Section 6, Affirmative Marketing.
7. In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC and utilizing the regional income limits established by the Court, COAH, or a successor entity.

§115-4. Inclusionary Zoning

- (a) Presumptive densities and set-asides. To ensure the efficient use of land through compact forms of development and to create realistic opportunities for the construction of affordable housing, inclusionary zoning permits minimum presumptive densities and presumptive maximum affordable housing set-asides as follows:
1. For Sale and Rental Developments
    - i. The zoning of the R-TH zone provides for a 20 percent set-aside for restricted units and a density of 25 units per acre.

The zoning of the R-SR zone provides for a 20 percent set-aside for restricted units and a density of 35 units per acre.

The zoning of the C zone provides for a 20 percent set-aside for restricted units and a density of 30 units per acre along Bergen Boulevard, and 26 du/ac along Grand Avenue.

The zoning of the MF zone provides for a 20 percent set-aside for restricted units and a density of 30 units per acre for Block 1601, Lot 2, and 31 du/ac for Block 1801, Lot 1.

The zoning of the HD AH zone provides for a 20 percent set-aside for restricted units and a density of 40 units per acre.

2. At least 13% of the units in any development shall be affordable to very-low income households.

(b) Use Variance or Rezoning Applications. Any applications for residential development by way of Use variance or rezoning resulting in 5 units or more shall provide a minimum affordable housing set-aside of 20%. Any fraction thereof the developer will multiply that fraction by \$200,000 to be contributed to the Borough's affordable housing trust fund.

(c) Redevelopment Plans. Any Redevelopment Plans that include a residential development resulting in 6 du/ac or more shall provide a minimum affordable housing set-aside of 20%. Any fraction thereof the developer will multiply that fraction by \$200,000 to be contributed to the Borough's affordable housing trust fund.

(d) Phasing. In inclusionary developments, the following schedule shall be followed:

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

(e) Design. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.

(f) Utilities. Affordable units shall utilize the same type of heating source as market units within the affordable development.

§115- 5. New Construction

The following general guidelines apply to all newly constructed developments that contain low- and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

(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.
2. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.
3. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
  - i. The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
  - ii. At least 30 percent of all low- and moderate-income units shall be two-bedroom units;
  - iii. At least 20 percent of all low- and moderate-income units shall be three-bedroom units; and
  - iv. The remaining units may be allocated among two and-three bedroom units at the discretion of the developer.
4. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. 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 Sub code, 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:
  - i. An adaptable toilet and bathing facility on the first floor;
  - ii. An adaptable kitchen on the first floor;
  - iii. An interior accessible route of travel on the first floor;
  - iv. An interior accessible route of travel shall not be required between stories within an individual unit;
  - v. 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

vi. 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 Sub code, N.J.A.C. 5:23-7, or evidence that the Ridgefield has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:

A. Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.

B. To this end, the builder of restricted units shall deposit funds within the Borough of Ridgefield's affordable housing trust fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.

C. The funds deposited under paragraph B. above shall be used by Ridgefield 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.

D. 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 Ridgefield.

E. Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Sub code, 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 Municipal Treasurer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.

F. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Sub code, 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 and utilizing the regional income limits established by the Court, COAH, 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 low- and moderate-income 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.

- i. At least 13% of all low- and moderate-income rental units shall be affordable to very low-income households, i.e. households earning 30% or less of the median income.
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, the following standards shall be used:
  - i. A studio shall be affordable to a one-person household;
  - ii. A one-bedroom unit shall be affordable to a one and one-half person household;
  - iii. A two-bedroom unit shall be affordable to a three-person household;
  - iv. A three-bedroom unit shall be affordable to a four and one-half person household; and
  - v. 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, the following standards shall be used:
  - i. A studio shall be affordable to a one-person household;
  - ii. A one-bedroom unit shall be affordable to a one and one-half person household; and
  - iii. 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 H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
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 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. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.

10. The rent of low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.

11. Utilities. 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.

#### §115-6 Applicability

The following general guidelines, including sections 115-7 through 115-17, apply to all developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

#### §115-7. Affirmative Marketing Requirements

- (a) Ridgefield shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court, COAH, or a successor entity, 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 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 and covers the period of deed 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 Sussex, Passaic, and Bergen counties.
- (d) The Administrative Agent designated by the Ridgefield shall assure the affirmative marketing of all affordable units consistent with the Affirmative Marketing Plan for the municipality.

- (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 process for available affordable units shall begin at least four months prior to the expected date of occupancy.
- (g) The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by Ridgefield.

#### §115-8. 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 sex with separate bedrooms; and
  - 3. 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.

#### §115-9. 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 Ordinance until the Ridgefield 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 Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.

- (e) The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- (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.

#### §115-10. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices

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

- (a) The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
- (b) The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- (c) The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners.
- (d) 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.

#### §115-11. 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.

#### §115-12. 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).

#### §115-13. Control Periods for Restricted Rental Units

- (a) Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-6.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance until the Ridgefield 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.
- (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 the County of Passaic. 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 Ordinance, 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.

#### §115-14. Price 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 Ordinance.

#### §115-15. 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 5 above with the Administrative Agent, who shall counsel the household on budgeting.

§115-16. Administration

- (a) The position of Municipal Housing Liaison (MHL) for Ridgefield is established by this ordinance. The Council shall make the actual appointment of the MHL by means of a resolution.
  - 1. The MHL must be either a full-time or part-time employee of the Borough of Ridgefield.
  - 2. The person appointed as the MHL must be reported to the Court, COAH, or a successor entity.
  - 3. The MHL must meet all the Court, COAH, or a successor entity's requirements for qualifications, including initial and periodic training.
  - 4. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Ridgefield, including the following responsibilities which may not be contracted out to the Administrative Agent:
    - i. Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
    - ii. The implementation of the Affirmative Marketing Plan and affordability controls.
    - iii. When applicable, supervising any contracting Administrative Agent.
    - iv. Monitoring the status of all restricted units in Ridgefield's Fair Share Plan;
    - v. Compiling, verifying and submitting annual reports as required by the Court, COAH, or a successor entity;
    - vi. Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
    - vii. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by the Court, COAH, or a successor entity.
- (b) Ridgefield shall designate by resolution of the Council, subject to the approval of the Court, COAH, or a successor entity, one or more Administrative Agents to administer newly constructed affordable units in accordance with UHAC.
- (c) An Operating Manual shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of the Court, COAH, or a successor entity. The Operating Manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
- (d) The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in the

Operating Manual, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which includes:

1. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Court, COAH, or a successor entity;
2. Affirmative Marketing;
2. Household Certification;
3. Affordability Controls;
4. Records retention;
5. Resale and re-rental;
6. Processing requests from unit owners; and
7. Enforcement, though the ultimate responsibility for retaining controls on the units rests with the municipality.
8. The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.

#### §115-17. 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 a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action 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:
    - i. A fine of not more than \$1,000 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;
    - ii. In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Ridgefield Affordable Housing Trust Fund of the gross amount of rent illegally collected;

iii. In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.

2. The municipality 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 low- and moderate-income unit.

- (c) Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
- (d) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for 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.
- (e) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- (f) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and

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

- (g) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- (h) 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.

#### §115-18. Appeals

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

#### §115-19. Effective Date

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

#### Section II:

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

#### Section III.

If any section, part of any section, or clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this Ordinance, and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Approved:

Attest:

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Anthony R. Suarez, Mayor

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Linda M. Silvestri,  
Borough Clerk

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting October 13, 2020

Presented by Councilman Castelli

ORDINANCE NO. 2393

BE IT ORDAINED by the Borough Council of the Mayor and Council of the Borough of Ridgefield that an Ordinance entitled,

“AN ORDINANCE AMENDING THE PROVISIONS OF SECTION 375-52 DESIGNATING HANDICAPPED PARKING SPACES”

introduced on the 13<sup>th</sup> day of October, 2020, do now pass a first reading and that said Ordinance be further considered for final passage at a regular meeting to be held on the 26<sup>th</sup> day of October, 2020 at 7:00 PM or as soon thereafter as the matter may be reached at the regular meeting of the Borough Council in the Community Center, 725 Slocum Avenue, in the Borough of Ridgefield, and that at such time and place, all persons interested be given an opportunity to be heard concerning the same, that the Borough Clerk be and she is hereby authorized and directed to publish in The Record, a newspaper circulating in the Borough of Ridgefield 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.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				
Mayor Suarez				

Approved:

Attest:

\_\_\_\_\_  
Anthony R. Suarez, Mayor

\_\_\_\_\_  
Linda M. Silvestri,  
Borough Clerk

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting October 13, 2020

Presented by Councilman Castelli

ORDINANCE NO. 2393

“AN ORDINANCE AMENDING THE PROVISIONS OF SECTION 375-52 DESIGNATING  
HANDICAPPED PARKING SPACES”

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Ridgefield as follows:

Section I: Section 375-52 of the Code of the Borough of Ridgefield, entitled “Designated Areas” subpart B, be and hereby is amended by the following:

1. Adding a single handicapped parking space in front of 589 Carpenter Place (on the northerly curb line of Carpenter Place) beginning at a point 239 feet west of the northwest corner of Martling Place and Carpenter Place and continuing west a distance of 20 feet.

Section II: In all other respects, the terms, conditions and provisions of Section 375-52 of the Code of the Borough of Ridgefield are hereby ratified and affirmed.

Section III: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

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

Approved:

Attest:

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Anthony R. Suarez, Mayor

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Linda M. Silvestri,  
Borough Clerk

**BOROUGH OF RIDGEFIELD**  
Bergen County, New Jersey

Meeting October 13, 2020

Presented by Councilman Castelli

**ORDINANCE NO. 2394**

BE IT ORDAINED by the Borough Council of the Mayor and Council of the Borough of Ridgefield that an Ordinance entitled,

**“AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 390 OF THE  
BOROUGH CODE TO IMPLEMENT AFFORDABLE HOUSING”**

introduced on the 13<sup>th</sup> day of October, 2020, do now pass a first reading and that said Ordinance be further considered for final passage at a regular meeting to be held on the 23<sup>rd</sup> day of November, 2020 at 7:00 PM or as soon thereafter as the matter may be reached at the regular meeting of the Borough Council in the Community Center, 725 Slocum Avenue, in the Borough of Ridgefield, and that at such time and place, all persons interested be given an opportunity to be heard concerning the same, that the Borough Clerk be and she is hereby authorized and directed to publish in The Record, a newspaper circulating in the Borough of Ridgefield 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.

**COUNCIL VOTE**

	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Castelli				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				
Mayor Suarez				

Approved:

Attest:

\_\_\_\_\_  
Anthony R. Suarez, Mayor

\_\_\_\_\_  
Linda M. Silvestri,  
Borough Clerk

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting October 13, 2020

Presented by Councilman Castelli

ORDINANCE NO. 2394

“AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 390 OF THE  
BOROUGH CODE TO IMPLEMENT AFFORDABLE HOUSING”

WHEREAS, pursuant to *N.J.S.A. 40:55D-62b*, the Mayor and Council of the Borough of Ridgefield are authorized and empowered to adopt and amend the zoning ordinance of the Borough of Ridgefield; and

WHEREAS, the Borough further recognizes the continuing need for and its responsibility to maintain its efforts in creating affordable housing within the Borough consistent with the “Fair Housing Act”, P.L. 1985, c 222 (C-52:27D-301 et seq.); and

WHEREAS, the Borough’s settlement of its affordable housing litigation requires that it amend its zoning ordinance in conformity with the terms and provisions of that settlement agreement; and

WHEREAS, the within ordinance is consistent with the Borough’s obligations under that settlement; and

WHEREAS, the Mayor and Council deem it in the best interests of the Borough to amend the zoning ordinance and adopt the regulations set forth herein to address such efforts;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Ridgefield as follows:

Section I.

The existing language of §390-38.1 of the Code of the Borough of Ridgefield be, and hereby is, deleted in its entirety and replaced with the following:

**§390-38.1. R-TH Townhouse Residential Zone.**

**Section 1. Objectives.**

A. Objectives. It is the purpose of the R-TH Townhouse Residential Zone District to provide for the customary needs of one-person households and larger families, as well as senior citizens residing in medium density multifamily housing, and to provide for and encourage the construction of housing affordable to low- and moderate-income households by permitting

townhouse development conditioned upon the agreement to set aside 20% of the units built for low- and moderate-income households.

## **Section 2. Uses.**

A. Permitted Uses. In the R-TH Townhouse Residential Zone, no building or premises shall be used and no building or part of a building shall be erected, constructed or altered which shall be arranged, intended or designed to be used for any purpose other than the following uses:

1. Townhouses with a 20% set-aside for affordable housing.
2. Multi-family residential with a 20% set-aside for affordable housing.
3. Customary accessory uses.

B. Permitted Accessory Uses.

1. Garages to house residents' vehicles.
2. Indoor and outdoor tennis courts subject to planted buffers and site plan approval.
3. Accessory recreational uses customarily incidental to the permitted uses, such as shuffleboard, bocci courts and inground swimming pools.

C. Prohibited Uses. Any uses other than those uses permitted by Subsections A through D of this section shall be prohibited. Without in any way limiting the generality and prohibition of this subsection, nothing contained in this section shall be construed to permit any of the following uses in any R-TH Townhouse Residential Zone District:

1. Professional offices or home occupations.
2. High-rise apartments.
3. Parking of trucks, trailers, campers and other commercial vehicles over  $\frac{3}{4}$  ton capacity as defined by the New Jersey Department of Motor Vehicles.
4. Parking of boats.

## **Section 3. Affordable Housing Requirements.**

A. All developments are subject to the Borough's Affordable Housing Ordinance, §115-1, et. seq. regarding affirmative marketing, bedroom distribution, accessibility requirements, maximum rents and sales prices, occupancy standards, deed restrictions, and phasing.

B. To the greatest extent possible, affordable housing units being provided within inclusionary developments shall be disbursed throughout inclusionary developments and shall be located within building designed to be architecturally indistinguishable from the market-rate units otherwise being constructed within the development. To that end, the scale, massing, roof pitch and architectural detailing (such as the selection of exterior materials, doors, windows, etc.) of the buildings containing the affordable housing units shall be similar to and compatible with that of the market-rate units.

## **Section 4. Bulk Regulations:**

A. Townhouses.

1. Minimum Lot Area: 20,000 SF
2. Minimum Lot Width: 100'
3. Minimum Lot Depth: 150'
4. Minimum Front Yard: 25'
5. Minimum Side Yard - One: 15'
6. Minimum Side Yard when abutting another R-TH use: 25'
7. Minimum Side Yard, other: 30'
8. Minimum Rear Yard: 30'
9. Maximum Building Coverage: 50%
10. Maximum Impervious Coverage: 70%
12. Maximum Building Height: 3 residential stories/30'
13. Density: 25 du/ac

14. Required buffer. A plated buffer strip, 20' in width, creating an effective visual screen, consisting of 2 rows of staggered evergreen trees, minimum 6 feet high, planted 15 feet on center, planted 15 feet on center, shall be required whenever an R-TH Zone use abuts other than a townhouse or apartment use.

B. Multi-Family Apartments.

1. Minimum Lot Area: 40,000 SF
2. Minimum Front Yard: 30'
3. Minimum Side Yard - One: 20'
4. Minimum Side Yard when abutting another R-TH use: 25'
5. Minimum Side Yard, other: 35'
6. Minimum Rear Yard: 30'

7. Maximum Building Coverage: 60%
8. Maximum Impervious Coverage: 80%
9. Maximum Building Height: 3 residential stories/35'
10. Density: 25 du/ac
11. Minimum Landscaped Area: 15%

12. Required buffer. A plated buffer strip, 20' in width, creating an effective visual screen, consisting of 2 rows of staggered evergreen trees, minimum 6 feet high, planted 15 feet on center, shall be required whenever a MF Medium Density Multifamily Zone use abuts other than a townhouse or garden apartment use.

### **Section 5. Supplemental Regulations.**

A. Multifamily Building Requirements. In an R-TH Townhouse Residential Zone, the following miscellaneous regulations shall apply.

1. Townhouses.
  - (a) Maximum of eight units in a single row. Minimum width of unit, 18 feet. Offset of four feet between every two units.
  - (b) Townhouses should be grouped in clusters, with a maximum of 30 per cluster. Private parking areas should be located near the entrances and outdoor living areas or patios adjoining open space or paths leading to open space.
  - (c) End units should have at least a ten-foot side yard.
  - (d) Townhouses in each cluster should be consistent in terms of architectural style and major design elements such as materials, windows, rooflines, roof designs, etc. Design approval shall rest with the Planning Board.
  - (e) All townhouse units in a building shall be completely separated from all other dwelling units in the same building by a fire wall subject to the requirements of the BOCA Code.
  - (f) Adequate safe and sanitary provisions shall be made for the recycling and storage of solid waste and garbage in compliance with all applicable ordinance requirements of the Borough of Ridgefield.
  - (g) All townhouse buildings within a project shall be designed and constructed with a soundproofing barrier between adjoining units.
  - (h) Guest parking of one space for every six units shall be required, at a minimum, nine-by-sixteen-foot stall sizes.
2. Multi-Family Residential.
  - (a) The maximum length of structures shall be 200 feet. Maximum density shall be 25 dwelling units per acre.

- (b) Recreation facilities, such as swimming pools and tennis courts, should be encouraged but carefully located to avoid problems of noise, light and similar nuisance elements affecting residential units. They shall be located not less than 50 feet from any boundary.
- (c) No front yard shall be used for service such as clothes drying and/or outdoor storage.
- (d) Where a lot in an R-TH Townhouse Residential Zone used for townhouses or garden apartments abuts a residential zone, there shall be provided along such abutting lot line in the R-TH Zone a landscaped strip not less than 15 feet in width or depth, which strip shall not be utilized for roadway or parking and which shall be so planted as to form an effective visual screen.
- (e) All utilities and their service lines, including electric and telephone, shall be installed underground and subject to approval of the appropriate utility. Wherever the utility is not installed in a public right-of-way, an appropriate utility easement shall be provided.
- (f) All streetlights and all lighting along pedestrian walks and in parking areas shall be shaded and installed on ornamental standards of the appropriate utility. They shall be of a style and design compatible with the nature and design of the project and shall be approved by the Planning Board and the utility company.
- (g) Adequate provision shall be made for the storage, recycling and removal of garbage, which shall be at the sole cost and expense of the owner.
- (h) Adequate provision shall be made for snow removal on all sidewalks, streets, roads, driveways and parking areas within the project, which shall be at the sole cost and expense of the owner.
- (i) Each dwelling unit in the R-TH Townhouse Residential Zone shall be airconditioned by an air-conditioning system with separate thermostats in each unit or, in the alternative, at least two window air conditioners shall be installed in each dwelling unit, which shall not project outward more than one inch beyond the face of the wall of the building in which they are installed.
- (j) Provision shall be made for a master television antenna, and no individual antenna shall be permitted on the exterior of any building.
- (k) All residential buildings within the project shall be designed and constructed with a soundproofing barrier between adjoining units, both horizontally and vertically.

**Section 6. Signs.**

- A. Signage shall be subject to the requirements of §390-18 of this Chapter.

**Section 7. Parking and Loading.**

- A. Parking: subject to applicable Residential Site Improvement Standards (RSIS) and §390-19 of this Chapter. RSIS standards shall superseded any residential parking standards.

1. Front yard parking shall be prohibited.
  2. The minimum distance from any off-street parking space to the exterior wall of the nearest multifamily structure shall be six feet.
- B. Loading shall be subject to the requirements of §390-20 of this Chapter.

Section II. Other Provisions Superseded.

In the event of any inconsistency between the provisions of this section and any other section of Chapter 390, the provisions of this section shall prevail.

Section III. Planning Board Review.

Upon approval of this Ordinance upon First Reading by the Mayor and Council of the Borough of Ridgefield, this Ordinance shall be transmitted to the Planning Board for its review and recommendation.

Section IV. Severability.

If any provisions or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State Law, or otherwise invalid by any court or competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated and shall remain in full force and effect.

Section V. Effective Date.

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

Section VI. Repeal of Inconsistent Ordinances.

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

Approved:

Attest:

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Anthony R. Suarez, Mayor

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Linda M. Silvestri,  
Borough Clerk

**BOROUGH OF RIDGEFIELD**  
Bergen County, New Jersey

Meeting October 13, 2020

Presented by Councilman Castelli

**ORDINANCE NO. 2395**

BE IT ORDAINED by the Borough Council of the Mayor and Council of the Borough of Ridgefield that an Ordinance entitled,

**“AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 390 OF THE  
BOROUGH CODE TO IMPLEMENT AFFORDABLE HOUSING”**

introduced on the 13<sup>th</sup> day of October, 2020, do now pass a first reading and that said Ordinance be further considered for final passage at a regular meeting to be held on the 23<sup>rd</sup> day of November, 2020 at 7:00 PM or as soon thereafter as the matter may be reached at the regular meeting of the Borough Council in the Community Center, 725 Slocum Avenue, in the Borough of Ridgefield, and that at such time and place, all persons interested be given an opportunity to be heard concerning the same, that the Borough Clerk be and she is hereby authorized and directed to publish in The Record, a newspaper circulating in the Borough of Ridgefield 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.

**COUNCIL VOTE**

	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Castelli				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				
Mayor Suarez				

Approved:

Attest:

\_\_\_\_\_  
Anthony R. Suarez, Mayor

\_\_\_\_\_  
Linda M. Silvestri,  
Borough Clerk

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting October 13, 2020

Presented by Councilman Castelli

ORDINANCE NO. 2395

“AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 390 OF THE  
BOROUGH CODE TO IMPLEMENT AFFORDABLE HOUSING”

WHEREAS, pursuant to *N.J.S.A. 40:55D-62b*, the Mayor and Council of the Borough of Ridgefield are authorized and empowered to adopt and amend the zoning ordinance of the Borough of Ridgefield; and

WHEREAS, the Borough further recognizes the continuing need for and its responsibility to maintain its efforts in creating affordable housing within the Borough consistent with the “Fair Housing Act”, P.L. 1985, c 222 (C-52:27D-301 et seq.); and

WHEREAS, the Borough’s settlement of its affordable housing litigation requires that it amend its zoning ordinance in conformity with the terms and provisions of that settlement agreement; and

WHEREAS, the within ordinance is consistent with the Borough’s obligations under that settlement; and

WHEREAS, the Mayor and Council deem it in the best interests of the Borough to amend the zoning ordinance and adopt the regulations set forth herein to address such efforts;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Ridgefield as follows:

Section I.

The existing language of §390-39.3 of the Code of the Borough of Ridgefield be, and hereby is, deleted in its entirety and replaced with the following:

**§390-39.3. C Commercial Zone.**

**Section 1. Objectives.**

A. Objectives. It is the purpose of the C Commercial Zone to provide for the development and redevelopment needs of the one-lot-deep strip commercial areas so zoned in

such a manner as to encourage containment and curb the further extension of strip commercial uses and to facilitate the construction of affordable housing.

## **Section 2. Applicability.**

A. This zoning amendment is applicable to all the lots zoned as C Commercial District in the Borough of Ridgefield.

B. All developments with a residential component are subject to the Borough's Affordable Housing Ordinance, §115-1, et seq., regarding affirmative marketing, bedroom distribution, accessibility requirements, maximum rents and sales prices, occupancy standards, deed restrictions, and phasing.

C. To the greatest extent possible, affordable housing units being provided within inclusionary developments shall be disbursed throughout inclusionary developments and shall be located within buildings designed to be architecturally indistinguishable from the market-rate units otherwise being constructed within the development. To that end, the scale, massing, roof pitch and architectural detailing (such as the selection of exterior materials, doors, windows, etc.) of the buildings containing the affordable housing units shall be similar to and compatible with that of the market-rate units.

## **Section 3. Uses.**

A. Permitted Uses. In the C Commercial Zone District, no building or premises shall be used and no building or part of a building shall be erected, constructed or altered which shall be arranged, intended or designed to be used for any purpose other than the following uses:

1. Professional, business and governmental offices.
2. Banks, savings-and-loan institutions, mortgage company offices, brokerage houses and other investment-related offices.
3. Stores, shops, and similar commercial uses for retail merchandising.
4. Restaurants. Restaurants and other eating and drinking establishments wherein food and drink are consumed within the principal building. Such uses shall not be interpreted to include and are hereby defined to exclude drive-in restaurants or refreshment stands, commonly called "fast-food" establishments, including but not limited to snack bars, dairy bars, hamburger stands or hot dog stands or similar uses where customers and patrons are served food, soft drinks or ice cream primarily for their immediate consumption outside the confines of the building or structure in which the business is conducted.
5. Barbershops, beauty parlors and similar service establishments.
6. Multistory garage structures.
7. Multi-Family residential uses above the first story with a minimum 20% affordable housing set-aside.

B. Conditionally Permitted Uses. None.

C. Permitted Accessory Uses.

1. Accessory uses and structures customarily incidental to the principal permitted use.
2. Signs.
3. Parking decks and garages to house delivery trucks or other commercial vehicles when accessory to a permitted nonresidential use.

D. Prohibited Uses.

1. Fabricating, assembling or manufacturing.
2. Wholesaling or warehousing.
3. Residential uses.
4. Poolrooms, billiard rooms or parlors as defined in Ordinance No. 723, adopted on May 21, 1963, [2] and so-called “teenage” lounges, dance halls, establishments and/or clubs for minors, operated for commercial gain or profit.  
[2] Editor’s Note: See Ch. 306, Poolrooms.
5. Fast-food establishments, including but not limited to drive-in restaurants, snack bars, dairy bars, hamburger, hot dog, root beer or ice cream stands; and diners and lunch wagons.
6. Used or new car dealerships.

**Section 4. Bulk Regulations:**

- |     |   |          |
|-----|---|----------|
| 1.  | Minimum Lot Area:                                 | 5,000 SF |
| 2.  | Minimum Lot Width:                                | 50’      |
| 3.  | Minimum Lot Depth:                                | 100’     |
| 4.  | Minimum Front Yard:                               | 20’      |
| 5.  | Minimum Side Yard abutting single- or two-family: | 20’      |
| 6.  | Minimum Side Yard, other:                         | 10’      |
| 7.  | Minimum Rear Yard abutting single- or two-family: | 20’      |
| 8.  | Minimum Rear Yard, other:                         | 5’       |
| 9.  | Maximum Building Coverage:                        | 80%      |
| 10. | Maximum Impervious Coverage:                      | 90%      |

11. Maximum Building Height: 3 residential stories/35'
  - a. Parking levels used exclusively for the storage of motor vehicles shall not be counted as part of the number of stories permitted, not to exceed one story of parking.
12. Density: 30 du/ac for properties abutting Bergen Boulevard  
25 du/ac for those properties abutting Grand Avenue
13. Minimum Landscaped Area: 10%

**Section 5. Parking Requirements.**

**A. Off-Street Parking Requirements.**

1. Commercial or Personal Service Establishments.
  - a. Food markets and supermarkets shall have one space per 150 square feet of gross floor area.
  - b. Delicatessens and bakeries shall have one space per 250 square feet of gross floor area.
  - c. Barbershops and beauty shops shall have three spaces for each beautician and barber or one space for each 150 square feet of gross floor area, whichever is greater.
  - d. Other commercial or personal service uses not specifically listed elsewhere in this section shall have one space for each 200 square feet of gross first-floor area, plus one space for each 300 square feet of additional gross floor area.
2. Mortuary or Funeral Home. At least one parking space for each five seats in the chapel, one additional space for each residential family residing on premises and one additional space for each funeral vehicle.
3. Offices.
  - a. Business and governmental offices shall have one space for each 300 square feet of net office space.
  - b. Medical or dental practitioner's office. Each office shall provide at least five spaces for each professional person occupying or using each office, plus an additional space for each employee on site.
  - c. Other professional offices shall have one space for each employee, plus one space for each 250 square feet of net office space or part thereof.
4. Restaurants, taverns and inns shall have one space for each three seats, plus one space for each two employees.
5. Private clubs shall have at least one space for 100 square feet of gross floor space.
6. Publicly owned or operated buildings and uses, such as a library, museum or post office, shall have at least one space for each 100 square feet of gross floor space for each three seats whichever is greater.
7. Residential Uses: RSIS standards.

8. For uses not listed above, required parking spaces shall be according to the category which most nearly approximates each particular use as determined by the Planning Board.
9. The parking requirements for professional or other office uses shall be met within 100 feet of the site. The Planning Board shall review all off-street parking plans as provided in the Site Plan Review Ordinance, [3] but in no case shall off-street parking be provided off site without Planning Board approval, nor shall parking standards be less than those specified in the off-street parking requirements of the Borough of Ridgefield.

#### **Section 6. Loading Requirements.**

A. Off-Street Loading Requirements. For any building erected hereafter in the C Commercial Zone, off-street loading spaces shall be provided in such amount and manner that all loading and unloading operations will be conducted entirely within the boundaries of the lot concerned, and no vehicle or conveyance shall in any manner use public streets, sidewalks or rights-of-way for loading or unloading operations, other than for ingress and egress to the lot. Every office structure in excess of 20,000 square feet or gross floor area shall provide, at the side or rear of the structure, a minimum of one off-street loading space, 15 feet by 30 feet, subject to Planning Board approval. There shall be no loading or unloading from the street in the C Commercial Zone District.

B. Screening of Parking and Loading Areas. In the C Commercial Zone, all parking areas and loading and unloading areas in conjunction with an office or business use shall be screened from adjacent residential districts and parks by a hedge, fence or wall at least six feet in height or other protective device as approved by the Planning Board.

#### **Section 7. Signs.**

A. All signs in the C Commercial Zone District shall be in full compliance with the requirements of §390-18, this section and all other sign ordinances of the Borough of Ridgefield; however, the sign requirements shall be read together and the requirements shall be construed in the most restrictive manner.

B. Billboards or off-site advertising signs shall be prohibited in the C Commercial Zone. For purposes of this section, a “billboard” shall be defined as a commercial advertising sign or structure which advertises a business, product or service not on or offered on the premises on which the subject is located.

C. No site plan shall be approved where a preexisting billboard is to remain after redevelopment.

D. Where a building is set back from the street line a distance of 20 feet or more, not more than one freestanding ground sign containing a total surface display area of not more than 18 square feet may be erected. Such ground signs shall not be more than 12 feet above the center-line grade elevation of the nearest street and shall only be located in the front yard.

## **Section 8. Supplemental Regulations.**

A. Landscaped Open Space Area. In order to provide for much needed pervious areas for drainage purpose in the C Commercial Zone District, a minimum of 10% of total lot areas shall be maintained in lawns, gardens or buffer strips, subject to site plan approval.

B. Planted Buffer Strip. Where a lot in a C Commercial Zone District abuts a lot in any residential district, there shall be provided along such lot lines on such business lot a planted buffer strip at least 10 feet wide, and said strip shall not be utilized for roadway or parking and shall be landscaped and planted so as to create an effective evergreen visual screen.

C. Sight Rights.

1. Visibility at Intersections. On a corner lot in any C Commercial Zone District, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of 2 ½ feet and 10 feet above the center-line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said line 30 feet from the point of intersection, nor shall a principal structure be located less than 20 feet from the side street line. All sight rights, where applicable, shall be subject to County of Bergen and Department of Transportation approvals.

D. Site Plan Approval. Site development plan approval in accordance with Part 4, Site Plan Review, of this Chapter shall be required prior to the issuance of building permits for the erection of all permitted and conditionally permitted uses and structures. Such approval shall also be required prior to the issuance of a certificate of occupancy for a change of use of a permitted or conditionally permitted use.

## **Section 9. Regulations Regarding Certain Uses.**

A. Gun Shops. Businesses which offer for sale or rental guns, rifles, ammunition for guns and rifles and other weaponry must meet the following conditions and standards:

1. Said businesses may not be located within 100 feet of the property of any public or private school.
2. Such businesses may not be located within 100 feet of the property of any church, synagogue or other house of worship.
3. If the business is located within 1,000 feet of a public or private school, church, synagogue or other house of worship, or within 1,000 feet of residential zone, then said business may not display pictures or other depictions of guns, rifles, ammunition or other weaponry so as to be visible to pedestrians or passersby from the street, sidewalk or other public way adjacent to the premises.

4. The guns, rifles, ammunition and other weaponry are stored and maintained in cases, containers, or display cases that are locked and secured by devices that are suitable for same.
5. Site plan approval is received from the Planning Board.

Section II. Other Provisions Superseded.

In the event of any inconsistency between the provisions of this section and any other section of Chapter 390, the provisions of this section shall prevail.

Section III. Planning Board Review.

Upon approval of this Ordinance upon First Reading by the Mayor and Council of the Borough of Ridgefield, this Ordinance shall be transmitted to the Planning Board for its review and recommendation.

Section IV. Severability.

If any provisions or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State Law, or otherwise invalid by any court or competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated and shall remain in full force and effect.

Section V. Effective Date.

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

Section VI. Repeal of Inconsistent Ordinances.

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

Approved:

Attest:

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Anthony R. Suarez, Mayor

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Linda M. Silvestri,  
Borough Clerk

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting October 13, 2020

Presented by Councilman Castelli

ORDINANCE NO. 2396

BE IT ORDAINED by the Borough Council of the Mayor and Council of the Borough of Ridgefield that an Ordinance entitled,

“AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 390 OF THE  
BOROUGH CODE TO IMPLEMENT AFFORDABLE HOUSING”

introduced on the 13<sup>th</sup> day of October, 2020, do now pass a first reading and that said Ordinance be further considered for final passage at a regular meeting to be held on the 23<sup>rd</sup> day of November, 2020 at 7:00 PM or as soon thereafter as the matter may be reached at the regular meeting of the Borough Council in the Community Center, 725 Slocum Avenue, in the Borough of Ridgefield, and that at such time and place, all persons interested be given an opportunity to be heard concerning the same, that the Borough Clerk be and she is hereby authorized and directed to publish in The Record, a newspaper circulating in the Borough of Ridgefield 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.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				
Mayor Suarez				

Approved:

Attest:

\_\_\_\_\_  
Anthony R. Suarez, Mayor

\_\_\_\_\_  
Linda M. Silvestri,  
Borough Clerk

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting October 13, 2020

Presented by Councilman Castelli

ORDINANCE NO. 2396

“AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 390 OF THE  
BOROUGH CODE TO IMPLEMENT AFFORDABLE HOUSING”

WHEREAS, pursuant to *N.J.S.A. 40:55D-62b*, the Mayor and Council of the Borough of Ridgefield are authorized and empowered to adopt and amend the zoning ordinance of the Borough of Ridgefield; and

WHEREAS, the Borough further recognizes the continuing need for and its responsibility to maintain its efforts in creating affordable housing within the Borough consistent with the “Fair Housing Act”, P.L. 1985, c 222 (C-52:27D-301 et seq.); and

WHEREAS, the Borough’s settlement of its affordable housing litigation requires that it amend its zoning ordinance in conformity with the terms and provisions of that settlement agreement; and

WHEREAS, the within ordinance is consistent with the Borough’s obligations under that settlement; and

WHEREAS, the Mayor and Council deem it in the best interests of the Borough to amend the zoning ordinance and adopt the regulations set forth herein to address such efforts;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Ridgefield as follows:

Section I.

The following Section, entitled HD AH High-Density Affordable Housing Overlay Zone, be and hereby is, added to the existing provisions of Section 390, Part I, Article IX, Zoning District Regulations, and to be denominated as §390-39.10 as follows:

**§390-39.10. HD AH High-Density Affordable Housing Overlay Zone.**

**Section 1. Objectives.**

A. To provide a realistic opportunity for affordable housing development.

**Section 2. Applicability.**

A. The following parcels, identified by block and lot, shall be zoned as indicated, and the Borough of Ridgefield Zoning Map shall be amended as necessary in accordance therewith:

Block 503, Lot 1

B. Affordable housing units being constructed on site shall meet the requirements of Ridgefield’s Affordable Housing Ordinance and shall be in conformance with COAH’s third round rules at *N.J.A.C. 5:94-1 et seq.*, and the Uniform Housing Affordability Controls at *N.J.A.C. 5:80-26.1 et seq.*, including, but not limited to requirements regarding phasing schedule, controls on affordability, low-/moderate-income split, heating source, maximum rent and/or sales price, affordability average, bedroom distribution and affirmative marketing.

C. To the greatest extent possible, affordable housing units being provided within inclusionary developments shall be disbursed throughout inclusionary developments and shall be located within buildings designed to be architecturally indistinguishable from the market-rate units otherwise being constructed within the development. To that end, the scale, massing, roof pitch and architectural detailing (such as the selection of exterior materials, doors, windows, etc.) of the buildings containing the affordable housing units shall be similar to and compatible with that of the market-rate units.

**Section 3. Uses.**

A. Permitted Uses.

1. Multi-family residential with a minimum of 20% set aside for affordable housing.
2. All uses in the underlying OMH District subject to the provisions of §390-39.7.

B. Accessory Uses.

1. All customary accessory uses.

**Section 4. Bulk Regulations:**

- |                        |           |
|------------------------|-----------|
| A. Minimum Lot Area:   | 40,000 SF |
| B. Minimum Front Yard: | 15’       |
| C. Minimum Side Yard:  | 15’       |
| D. Minimum Rear Yard:  | 15’       |

- E. Maximum Building Coverage: 70%
- F. Maximum Impervious Coverage: 80%
- G. Maximum Building Height: 7 residential stories/80'
- H. Density: 35 du/ac
- I. Minimum Landscaped Area: 20%

**Section 5. Signs.**

- A. Signage shall be subject to the requirements of §390-18 of this Chapter.

**Section 6. Parking and Loading.**

- A. Parking: subject to applicable Residential Site Improvement Standards (RSIS) and §390-19 of this Chapter. RSIS standards shall superseded any residential parking standards.
- B. Loading shall be subject to the requirements of §390-20 of this Chapter.
- C. Structured parking is permitted. The number of parking stories shall not be counted towards the number of stories permitted, as long as the number of above-ground parking stories does not exceed 2 stories.

**Section II. Other Provisions Superseded.**

In the event of any inconsistency between the provisions of this section and any other section of Chapter 390, the provisions of this section shall prevail.

**Section III. Planning Board Review.**

Upon approval of this Ordinance upon First Reading by the Mayor and Council of the Borough of Ridgefield, this Ordinance shall be transmitted to the Planning Board for its review and recommendation.

**Section IV. Severability.**

If any provisions or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State Law, or otherwise invalid by any court or competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated and shall remain in full force and effect.

**Section V. Effective Date.**

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

Section VI. Repeal of Inconsistent Ordinances.

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

Approved:

Attest:

---

Anthony R. Suarez, Mayor

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Linda M. Silvestri,  
Borough Clerk

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting October 13, 2020

Presented by Councilman Castelli

ORDINANCE NO. 2397

BE IT ORDAINED by the Borough Council of the Mayor and Council of the Borough of Ridgefield that an Ordinance entitled,

“AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 390 OF THE  
BOROUGH CODE TO IMPLEMENT AFFORDABLE HOUSING”

introduced on the 13<sup>th</sup> day of October, 2020, do now pass a first reading and that said Ordinance be further considered for final passage at a regular meeting to be held on the 23<sup>rd</sup> day of November, 2020 at 7:00 PM or as soon thereafter as the matter may be reached at the regular meeting of the Borough Council in the Community Center, 725 Slocum Avenue, in the Borough of Ridgefield, and that at such time and place, all persons interested be given an opportunity to be heard concerning the same, that the Borough Clerk be and she is hereby authorized and directed to publish in The Record, a newspaper circulating in the Borough of Ridgefield 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.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				
Mayor Suarez				

Approved:

Attest:

\_\_\_\_\_  
Anthony R. Suarez, Mayor

\_\_\_\_\_  
Linda M. Silvestri,  
Borough Clerk

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting October 13, 2020

Presented by Councilman Castelli

ORDINANCE NO. 2397

“AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 390 OF THE  
BOROUGH CODE TO IMPLEMENT AFFORDABLE HOUSING”

WHEREAS, pursuant to *N.J.S.A. 40:55D-62b*, the Mayor and Council of the Borough of Ridgefield are authorized and empowered to adopt and amend the zoning ordinance of the Borough of Ridgefield; and

WHEREAS, the Borough further recognizes the continuing need for and its responsibility to maintain its efforts in creating affordable housing within the Borough consistent with the “Fair Housing Act”, P.L. 1985, c 222 (*C-52:27D-301 et seq.*); and

WHEREAS, the Borough’s settlement of its affordable housing litigation requires that it amend its zoning ordinance in conformity with the terms and provisions of that settlement agreement; and

WHEREAS, the within ordinance is consistent with the Borough’s obligations under that settlement; and

WHEREAS, the Mayor and Council deem it in the best interests of the Borough to amend the zoning ordinance and adopt the regulations set forth herein to address such efforts;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Ridgefield as follows:

Section I.

The existing language of §390-39.9 of the Code of the Borough of Ridgefield be, and hereby is, deleted in its entirety and replaced with the following:

**§390-39.9. MF Medium Density Multifamily Affordable Housing Zone (MF-AHO).**

**Section 1. Objectives.**

A. Objectives. It is the purpose of the MF Medium Density Multifamily Zone District to provide for the construction of moderate- and low-income housing in satisfaction of Ridgefield Borough’s affordable housing obligation under *N.J.S.A. 52:27D-301 et seq.* and *N.J.A.C. 5:92*, and as hereinafter may be amended.

## **Section 2. Applicability.**

A. The following parcels, identified by block and lot, shall be zoned as indicated, and the Borough of Ridgefield Zoning Map shall be amended as necessary in accordance therewith:

Block 1601, Lot 2

Block 1801, Lot 1

B. All developments are subject to the Borough's Affordable Housing Ordinance, §115-1, et seq., regarding affirmative marketing, bedroom distribution, accessibility requirements, maximum rents and sale prices, occupancy standards, deed restrictions, and phasing.

C. To the greatest extent possible, affordable housing units being provided within inclusionary developments shall be disbursed throughout inclusionary developments and shall be located within buildings designed to be architecturally indistinguishable from the market-rate units otherwise being constructed within the development. To that end, the scale, massing, roof pitch and architectural detailing (such as the selection of exterior materials, doors, windows, etc.) of the buildings containing the affordable housing units shall be similar to and compatible with that of the market-rate units.

## **Section 3. Uses.**

A. Permitted Uses.

1. Multi-family residential apartments with a minimum of 20% set aside for affordable housing.
2. Uses permitted in the underlying zoning district.

B. Conditionally Permitted Uses.

1. Townhouse clusters with a minimum of a 15% set-aside for rental affordable housing and 20% set-aside for for-sale housing. For purposes of this section, a "townhouse dwelling" shall be defined as follows:

### **DWELLING, TOWNHOUSE**

A one-family dwelling in a row of at least three such units in which no unit is located over another unit, and which is designed for or occupied by no more than one family or household and attached to other similar buildings or structures by not more than two party walls extending from the foundation to the roof and providing two direct means of access from the outside. Furthermore, each such dwelling unit shall be provided with cooking, sleeping and sanitary facilities for the use of each family or household of the townhouse. For the purpose of this Part 1, a "townhouse" may include a building or

structure in a fee simple, condominium, cooperative or leasehold ownership or any combination thereof.

C. Permitted Accessory Uses.

1. Accessory uses and structures customarily incidental to the principal permitted use.
2. Signs.

D. Prohibited Uses.

1. Structures exceeding three stories or 35 feet in height.
2. Nonresidential uses.

**Section 4. Bulk Regulations.**

A. Multi-family apartments.

1. Minimum Lot Area: 40,000 SF
2. Minimum Front Yard: 20'
3. Minimum Side Yard-One/Both: 20'/35'
4. Minimum Rear Yard: 35'
5. Maximum Building Coverage: 60%
6. Maximum Impervious Coverage: 80%
7. Maximum Building Height: 3 residential stories/35'
8. Density - Block 1801., Lot 1: 30 du/ac
9. Minimum Landscaped Area: 15%
10. Required Buffer: A plated buffer strip, 20' in width, creating an effective visual screen, consisting of 2 rows of staggered evergreen trees, minimum 6 feet high, planted 15 feet on center, planted 15 feet on center, shall be required wherever an MF Medium Density Multifamily Zone use abuts other than a townhouse or garden apartment use.

B. Townhouses.

1. Minimum Lot Area: 20,000 SF
2. Minimum Front Yard: 25'

3. Minimum Side Yard-One/Both: 15'/25'
4. Minimum Rear Yard: 30'
5. Maximum Building Coverage: 38%
6. Maximum Impervious Coverage: 45%
7. Maximum Building Height: 3 residential stories/35'
8. Density - Block 1601, Lot 2: 25 du/ac  
- Block 1801, Lot 1: 30 du/ac
9. Minimum Landscaped Area: 25%
10. Required Buffer: A plated buffer strip, 20' in width, creating an effective visual screen, consisting of 2 rows of staggered evergreen trees, minimum 6 feet high, planted 15 feet on center, planted 15 feet on center, shall be required wherever an MF Medium Density Multifamily Zone use abuts other than a townhouse or garden apartment use.

**Section 5. Supplemental Regulations.**

A. Multifamily Building Requirements. In an MF Medium Density Multifamily Zone, the following miscellaneous regulations shall apply.

1. Apartments.
  - (a) The maximum length of structures shall be 200 feet.
  - (b) Garden apartment structures should be grouped in clusters, with architectural design consistent in each cluster.
  - (c) Recreation facilities, such as swimming pools and tennis courts, should be encouraged but carefully located to avoid problems of noise, light and similar nuisance elements affecting residential units. They shall be located not less than 50 feet from any boundary.
  - (d) No front yard shall be used for service such as clothes drying and/or outdoor storage.
  - (e) Where a lot in an MF Medium Density Multifamily Zone used for townhouses or garden apartments abuts a residential zone, there shall be provided along such abutting lot line in the MF Zone a landscaped strip not less than 15 feet in width or depth, which strip shall not be utilized for roadway or parking and which shall be so planted as to form an effective visual screen.
  - (f) All utilities and their service lines, including electric and telephone, shall be installed underground and subject to approval of the appropriate utility. Wherever the utility is not installed in a public right-of-way, an appropriate utility easement shall be provided.

- (g) All streetlights and all lighting along pedestrian walks and in parking areas shall be shaded and installed on ornamental standards of the appropriate utility. They shall be of a style and design compatible with the nature and design of the project and shall be approved by the Planning Board and the utility company.
- (h) Adequate provision shall be made for the storage, recycling and removal of garbage, which shall be at the sole cost and expense of the owner.
- (i) Adequate provision shall be made for snow removal on all sidewalks, streets, roads, driveways and parking areas within the project, which shall be at the sole cost and expense of the owner.
- (j) Each dwelling unit in the MF Medium Density Multifamily Zone shall be airconditioned by an air-conditioning system with separate thermostats in each unit or, in the alternative, at least two window air conditioners shall be installed in each dwelling unit, which shall not project outward more than one inch beyond the face of the wall of the building in which they are installed.
- (k) Provision shall be made for a master television antenna, and no individual antenna shall be permitted on the exterior of any building.
- (l) All residential buildings within the project shall be designed and constructed with a soundproofing barrier between adjoining units, both horizontally and vertically.

2. Townhouses.

- (a) Maximum of eight units in a single row. Minimum width of unit, 18 feet. Offset of four feet between every two units.
- (b) Townhouses should be grouped in clusters, with a maximum of 30 per cluster. Private parking areas should be located near the entrances and outdoor living areas or patios adjoining open space or paths leading to open space.
- (c) End units should have at least a ten-foot side yard.
- (d) Townhouses in each cluster should be consistent in terms of architectural style and major design elements such as materials, windows, rooflines, roof designs, etc. Design approval shall rest with the Planning Board.
- (e) All townhouse units in a building shall be completely separated from all other dwelling units in the same building by a fire wall subject to the requirements of the BOCA Code.
- (f) Adequate safe and sanitary provisions shall be made for the recycling and storage of solid waste and garbage in compliance with all applicable ordinance requirements of the Borough of Ridgefield.
- (g) All townhouse buildings within a project shall be designed and constructed with a soundproofing barrier between adjoining units.
- (h) Guest parking of one space for every six units shall be required, at a minimum, nine-by-sixteen-foot stall sizes.

3. Off-Street Parking.

- (a) Each off-street parking space shall be nine by eighteen (9 x 18) feet.

- (b) All parking areas shall be designed for ninety-degree parking, with aisles having a minimum width of 24 feet.
- (c) Front yard parking shall be prohibited.
- (d) The minimum distance from any off-street parking space to the exterior wall of the nearest multifamily structure shall be six feet.
- (e) One percent of the total number of parking spaces, but in no event fewer than one space at a location in the parking area, must accommodate the physically handicapped. Such spaces shall be provided between such parking spaces and the building to permit access to the building by handicapped persons. Whenever there are more than one handicapped person residing in the residential complex, the respective owners may petition the Planning Board for a modification to the original site plan, thus permitting additional handicapped parking facilities.
- (f) Each space or group of parking spaces shall be identified with a clearly visible sign displaying the international symbol of access and the following wording: "Reserved for physically handicapped", in accordance with State of New Jersey statutes controlling handicapped parking areas.
- (g) Such parking spaces shall be located, whenever possible, so that handicapped persons shall not be compelled to walk behind parked cars. Curb ramps shall be provided between the parking area and adjoining sidewalks.

**Section 6. Signs.**

- A. Signage shall be subject to the requirements of §390-18 of this Chapter.

**Section 7. Parking and Loading.**

- A. Parking: subject to applicable Residential Site Improvement Standards (RSIS) and §390-19 of this Chapter. RSIS standards shall superseded any residential parking standards.
- B. Loading shall be subject to the requirements of §390-20 of this Chapter.
- C. Structured parking is permitted. The number of parking stories shall not be counted towards the number of stories permitted, as long as the number of above-ground parking stories does not exceed 2 stories.

**Section II. Other Provisions Superseded.**

In the event of any inconsistency between the provisions of this section and any other section of Chapter 390, the provisions of this section shall prevail.

**Section III. Planning Board Review.**

Upon approval of this Ordinance upon First Reading by the Mayor and Council of the Borough of Ridgefield, this Ordinance shall be transmitted to the Planning Board for its review and recommendation.

Section IV. Severability.

If any provisions or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State Law, or otherwise invalid by any court or competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated and shall remain in full force and effect.

Section V. Effective Date.

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

Section VI. Repeal of Inconsistent Ordinances.

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

Approved:

Attest:

---

Anthony R. Suarez, Mayor

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Linda M. Silvestri,  
Borough Clerk

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting October 13, 2020

Presented by Councilman Castelli

ORDINANCE NO. 2398

BE IT ORDAINED by the Borough Council of the Mayor and Council of the Borough of Ridgefield that an Ordinance entitled,

“AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 390 OF THE  
BOROUGH CODE TO IMPLEMENT AFFORDABLE HOUSING”

introduced on the 13<sup>th</sup> day of October, 2020, do now pass a first reading and that said Ordinance be further considered for final passage at a regular meeting to be held on the 23<sup>rd</sup> day of November, 2020 at 7:00 PM or as soon thereafter as the matter may be reached at the regular meeting of the Borough Council in the Community Center, 725 Slocum Avenue, in the Borough of Ridgefield, and that at such time and place, all persons interested be given an opportunity to be heard concerning the same, that the Borough Clerk be and she is hereby authorized and directed to publish in The Record, a newspaper circulating in the Borough of Ridgefield 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.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				
Mayor Suarez				

Approved:

Attest:

\_\_\_\_\_  
Anthony R. Suarez, Mayor

\_\_\_\_\_  
Linda M. Silvestri,  
Borough Clerk

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting October 13, 2020

Presented by Councilman Castelli

ORDINANCE NO. 2398

“AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 390 OF THE  
BOROUGH CODE TO IMPLEMENT AFFORDABLE HOUSING”

WHEREAS, pursuant to *N.J.S.A. 40:55D-62b*, the Mayor and Council of the Borough of Ridgefield are authorized and empowered to adopt and amend the zoning ordinance of the Borough of Ridgefield; and

WHEREAS, the Borough further recognizes the continuing need for and its responsibility to maintain its efforts in creating affordable housing within the Borough consistent with the “Fair Housing Act”, P.L. 1985, c 222 (C-52:27D-301 et seq.); and

WHEREAS, the Borough’s settlement of its affordable housing litigation requires that it amend its zoning ordinance in conformity with the terms and provisions of that settlement agreement; and

WHEREAS, the within ordinance is consistent with the Borough’s obligations under that settlement; and

WHEREAS, the Mayor and Council deem it in the best interests of the Borough to amend the zoning ordinance and adopt the regulations set forth herein to address such efforts;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Ridgefield as follows:

Section I.

The existing language of §390-38.1 of the Code of the Borough of Ridgefield be, and hereby is, deleted in its entirety and replaced with the following:

**§390-38.1. R-TH Townhouse Residential Zone.**

**Section 1. Objectives.**

A. Objectives. It is the purpose of the R-TH Townhouse Residential Zone District to provide for the customary needs of one-person households and larger families, as well as senior citizens residing in medium density multifamily housing, and to provide for and encourage the construction of housing affordable to low- and moderate-income households by permitting

townhouse development conditioned upon the agreement to set aside 20% of the units built for low- and moderate-income households.

## **Section 2. Uses.**

A. Permitted Uses. In the R-TH Townhouse Residential Zone, no building or premises shall be used and no building or part of a building shall be erected, constructed or altered which shall be arranged, intended or designed to be used for any purpose other than the following uses:

1. Townhouses with a 20% set-aside for affordable housing.
2. Multi-family residential with a 20% set-aside for affordable housing.
3. Customary accessory uses.

B. Permitted Accessory Uses.

1. Garages to house residents' vehicles.
2. Indoor and outdoor tennis courts subject to planted buffers and site plan approval.
3. Accessory recreational uses customarily incidental to the permitted uses, such as shuffleboard, bocci courts and inground swimming pools.

C. Prohibited Uses. Any uses other than those uses permitted by Subsections A through D of this section shall be prohibited. Without in any way limiting the generality and prohibition of this subsection, nothing contained in this section shall be construed to permit any of the following uses in any R-TH Townhouse Residential Zone District:

1. Professional offices or home occupations.
2. High-rise apartments.
3. Parking of trucks, trailers, campers and other commercial vehicles over  $\frac{3}{4}$  ton capacity as defined by the New Jersey Department of Motor Vehicles.
4. Parking of boats.

## **Section 3. Affordable Housing Requirements.**

A. All developments are subject to the Borough's Affordable Housing Ordinance, §115-1, et. seq. regarding affirmative marketing, bedroom distribution, accessibility requirements, maximum rents and sales prices, occupancy standards, deed restrictions, and phasing.

B. To the greatest extent possible, affordable housing units being provided within inclusionary developments shall be disbursed throughout inclusionary developments and shall be located within building designed to be architecturally indistinguishable from the market-rate units otherwise being constructed within the development. To that end, the scale, massing, roof pitch and architectural detailing (such as the selection of exterior materials, doors, windows, etc.) of the buildings containing the affordable housing units shall be similar to and compatible with that of the market-rate units.

**Section 4. Bulk Regulations:**

**A. Townhouses.**

1. Minimum Lot Area: 20,000 SF
2. Minimum Lot Width: 100'
3. Minimum Lot Depth: 150'
4. Minimum Front Yard: 25'
5. Minimum Side Yard - One: 15'
6. Minimum Side Yard when abutting another R-TH use: 25'
7. Minimum Side Yard, other: 30'
8. Minimum Rear Yard: 30'
9. Maximum Building Coverage: 50%
10. Maximum Impervious Coverage: 70%
12. Maximum Building Height: 3 residential stories/30'
13. Density: 25 du/ac

14. Required buffer. A plated buffer strip, 20' in width, creating an effective visual screen, consisting of 2 rows of staggered evergreen trees, minimum 6 feet high, planted 15 feet on center, planted 15 feet on center, shall be required whenever an R-TH Zone use abuts other than a townhouse or apartment use.

**B. Multi-Family Apartments.**

1. Minimum Lot Area: 40,000 SF
2. Minimum Front Yard: 30'
3. Minimum Side Yard - One: 20'
4. Minimum Side Yard when abutting another R-TH use: 25'
5. Minimum Side Yard, other: 35'

6. Minimum Rear Yard: 30'
7. Maximum Building Coverage: 60%
8. Maximum Impervious Coverage: 80%
9. Maximum Building Height: 3 residential stories/35'
10. Density: 25 du/ac
11. Minimum Landscaped Area: 15%
12. Required buffer. A plated buffer strip, 20' in width, creating an effective visual screen, consisting of 2 rows of staggered evergreen trees, minimum 6 feet high, planted 15 feet on center, planted 15 feet on center, shall be required whenever a MF Medium Density Multifamily Zone use abuts other than a townhouse or garden apartment use.

**Section 5. Supplemental Regulations.**

A. Multifamily Building Requirements. In an R-TH Townhouse Residential Zone, the following miscellaneous regulations shall apply.

1. Townhouses.
  - (a) Maximum of eight units in a single row. Minimum width of unit, 18 feet. Offset of four feet between every two units.
  - (b) Townhouses should be grouped in clusters, with a maximum of 30 per cluster. Private parking areas should be located near the entrances and outdoor living areas or patios adjoining open space or paths leading to open space.
  - (c) End units should have at least a ten-foot side yard.
  - (d) Townhouses in each cluster should be consistent in terms of architectural style and major design elements such as materials, windows, rooflines, roof designs, etc. Design approval shall rest with the Planning Board.
  - (e) All townhouse units in a building shall be completely separated from all other dwelling units in the same building by a fire wall subject to the requirements of the BOCA Code.
  - (f) Adequate safe and sanitary provisions shall be made for the recycling and storage of solid waste and garbage in compliance with all applicable ordinance requirements of the Borough of Ridgefield.
  - (g) All townhouse buildings within a project shall be designed and constructed with a soundproofing barrier between adjoining units.
  - (h) Guest parking of one space for every six units shall be required, at a minimum, nine-by-sixteen-foot stall sizes.
2. Multi-Family Residential.

- (a) The maximum length of structures shall be 200 feet. Maximum density shall be 25 dwelling units per acre.
- (b) Recreation facilities, such as swimming pools and tennis courts, should be encouraged but carefully located to avoid problems of noise, light and similar nuisance elements affecting residential units. They shall be located not less than 50 feet from any boundary.
- (c) No front yard shall be used for service such as clothes drying and/or outdoor storage.
- (d) Where a lot in an R-TH Townhouse Residential Zone used for townhouses or garden apartments abuts a residential zone, there shall be provided along such abutting lot line in the R-TH Zone a landscaped strip not less than 15 feet in width or depth, which strip shall not be utilized for roadway or parking and which shall be so planted as to form an effective visual screen.
- (e) All utilities and their service lines, including electric and telephone, shall be installed underground and subject to approval of the appropriate utility. Wherever the utility is not installed in a public right-of-way, an appropriate utility easement shall be provided.
- (f) All streetlights and all lighting along pedestrian walks and in parking areas shall be shaded and installed on ornamental standards of the appropriate utility. They shall be of a style and design compatible with the nature and design of the project and shall be approved by the Planning Board and the utility company.
- (g) Adequate provision shall be made for the storage, recycling and removal of garbage, which shall be at the sole cost and expense of the owner.
- (h) Adequate provision shall be made for snow removal on all sidewalks, streets, roads, driveways and parking areas within the project, which shall be at the sole cost and expense of the owner.
- (i) Each dwelling unit in the R-TH Townhouse Residential Zone shall be airconditioned by an air-conditioning system with separate thermostats in each unit or, in the alternative, at least two window air conditioners shall be installed in each dwelling unit, which shall not project outward more than one inch beyond the face of the wall of the building in which they are installed.
- (j) Provision shall be made for a master television antenna, and no individual antenna shall be permitted on the exterior of any building.
- (k) All residential buildings within the project shall be designed and constructed with a soundproofing barrier between adjoining units, both horizontally and vertically.

**Section 6. Signs.**

- A. Signage shall be subject to the requirements of §390-18 of this Chapter.

**Section 7. Parking and Loading.**

A. Parking: subject to applicable Residential Site Improvement Standards (RSIS) and §390-19 of this Chapter. RSIS standards shall superseded any residential parking standards.

1. Front yard parking shall be prohibited.
2. The minimum distance from any off-street parking space to the exterior wall of the nearest multifamily structure shall be six feet.

B. Loading shall be subject to the requirements of §390-20 of this Chapter.

Section II. Other Provisions Superseded.

In the event of any inconsistency between the provisions of this section and any other section of Chapter 390, the provisions of this section shall prevail.

Section III. Planning Board Review.

Upon approval of this Ordinance upon First Reading by the Mayor and Council of the Borough of Ridgefield, this Ordinance shall be transmitted to the Planning Board for its review and recommendation.

Section IV. Severability.

If any provisions or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State Law, or otherwise invalid by any court or competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated and shall remain in full force and effect.

Section V. Effective Date.

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

Section VI. Repeal of Inconsistent Ordinances.

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

Approved:

Attest:

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Anthony R. Suarez, Mayor

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Linda M. Silvestri,  
Borough Clerk

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting October 13, 2020

Presented by Councilman Castelli

RESOLUTION NO. 211-2020

BE IT RESOLVED by the Mayor and Council of the Borough of Ridgefield that the Collective Bargaining Agreement with the Ridgefield Community Service Officers as attached is hereby approved; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized and directed to execute the attached agreement with the Ridgefield Community Service Officers.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				
Mayor Suarez				

Approved:

Attest:

\_\_\_\_\_  
Anthony R. Suarez, Mayor

\_\_\_\_\_  
Linda M. Silvestri,  
Borough Clerk

AGREEMENT  
BETWEEN  
BOROUGH OF RIDGEFIELD  
AND  
RIDGEFIELD COMMUNITY SERVICES OFFICERS

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January 1, 2020 through December 31, 2021

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## **Article I – PREAMBLE**

This Agreement, made this \_\_\_\_\_ day of October 2020, by and between the **BOROUGH OF RIDGEFIELD**, in the County of Bergen, State of New Jersey, a municipal corporation of the State of New Jersey (hereinafter referred to as the “BOROUGH”), and the **RIDGEFIELD COMMUNITY SERVICE OFFICERS** (hereinafter referred to as the “RCSO”).

In consideration of the mutual promises and covenants contained herein, the parties hereby agree as follows:

## **Article II – RECOGNITION**

The Borough recognizes the RCSO as the exclusive collective negotiations agent for all permanent, full-time community service officers employed by the Borough.

Unless otherwise indicated, the term “Community Service Officer” (hereafter, “CSO”), when used in this Agreement, whether in the singular or plural, whether male or female, refers to all persons represented by the RCSO.

## **Article III – TERM OF AGREEMENT**

This Agreement is effective as of January 1, 2020, and shall end on December 31, 2021. The provisions of this Agreement shall remain in full force and effect during that period unless amended in writing by mutual consent of the parties hereto.

## **Article IV – NO STRIKE OR LOCKOUT PLEDGE**

It is recognized that the need for continued and uninterrupted operation of the Borough’s Departments and Agencies is of paramount importance to the citizens of the Community, and that there should be no interference with such operations.

The RCSO covenants and agrees that during the term of this Agreement, neither the RCSO nor any person acting on its behalf will cause, authorize, or support any strike (i.e., the concerted failure to report for duty, or willful absence of a CSO from his/her position, or stoppage of work or abstinence in whole or in part, from the full, faithful and proper performance of the CSO’s duties of employment), work stoppage, slowdown, walk-out or other job action against the Borough.

There shall be no lockouts of any persons represented by the RCSO.

## **Article V – NON-DISCRIMINATION**

Neither the Borough nor the RCSO shall discriminate against any employee because of race, creed, religion, color, age, sex, national origin or handicap.

## **Article VI – DEPARTMENT REPRESENTATIVES**

The Borough recognizes the right of the RCSO to designate a representative and an alternate for enforcement of this Agreement.

The RCSO shall notify the Borough, in writing of the names of representative and alternate and notify the Borough of any changes.

The authority of the representative and alternate so designated by the RCSO shall be limited to and shall not exceed the following duties and activities:

- A. The investigation and presentation of grievances shall be in accordance with the provisions of this Agreement. In the presentation of grievances, the aggrieved shall always have access to the grievance hearing and shall normally be present.

One of the designated representative or alternate shall be granted time without loss of pay to attend grievance hearings and meetings when such hearings and meetings are scheduled during normal work hours. The representative and alternate will be required to investigate matters on their off-duty hours.

## **Article VII – DATA FOR FUTURE BARGAINING**

The Borough agrees to make available for inspection all relevant data in the public domain which the RCSO may require to bargain collectively and to make copies at the public rates.

The relevant data noted above shall include, but shall not be limited to such items as salaries and benefits enjoyed by other employee groups, the cost of various insurance and other programs, information concerning overtime worked by employees, the total number of sick leave days utilized by employees, the total number of injuries on duty, and other data of a similar nature.

The Borough shall incur no additional expenses by virtue of this Article. This Article shall not apply to any attorney-client work product.

## **Article VIII – RECALL AND OVERTIME**

Any CSO who is called back to work after having completed a regular shift shall be entitled to overtime pay at the rate of one and one half times (1½ ) his or her hourly rate after twelve (12) hours per day or forty (40) hours during the week.

CSO's shall work three (3) twelve (12) hour shifts and one (1) four (4) hour shift per week for a total of forty (40) work hours per week. A CSO work week (at the time this Agreement was prepared) is defined as a forty (40) hour work week. In the event that a CSO

must remain on duty after the specified shift, the CSO will be compensated at a rate of one and one half (1<sup>1/2</sup>) times of his or her regularly based salary. THE BOROUGH RESERVES THE RIGHT TO CHANGE THE WORK SCHEDULE NOT TO EXCEED 40 HOURS PER WEEK. A CSO shall be considered to be on duty at all times during the normal workday and forty-hour workweek. Every effort will be made to provide a customary lunch period during these work hours, but it is recognized that on occasions the duties and emergencies/exigencies of the job may interfere with this customary right. When such interference occurs, no additional compensation of any form will be paid.

At the discretion of management, a full-time CSO will be allowed to remain after a shift if additional duties are warranted.

#### **Article IX – MATERNITY/PATERNITY LEAVE**

The RCSO will adopt the Borough policies and/or ordinances outlining the guidelines for such leave that are currently in place and enjoyed by all other employee groups.

#### **Article X – SALARY AND WAGES**

- A. Effective January 1, 2020, each full-time CSO who has been employed by the Borough for one (1) full year at that time shall receive a salary increment of two percent (2%) above the base salary that the CSO was receiving as of December 31, 2019.
- B. Any CSO who has been employed for less than one (1) year as of January 1 in any of the above years shall receive his or her initial salary increment on the anniversary date of his or her employment and shall thereafter receive his or her next salary increment on the January 1 immediately following the said anniversary date of employment.

#### **Article XI – LONGEVITY**

In recognition of many years service to the Borough, the following longevity schedule will apply for employees hired prior to January 1, 2020:

- On the completion of 10th year of employment - 2% additional pay on base pay.
- On the completion of 15th year of employment - 4% additional pay on base pay.
- On the completion of 20th year of employment - 6% additional pay on base pay.

This shall be based upon the date the employee was hired. Employees hired after January 1, 2020 will not be eligible for, or receive any, longevity pay.

## **Article XII – SICK LEAVE**

Each full time CSO may be allotted sick leave with pay for a period not exceeding ten (10) working days in aggregate during each calendar year on account of sickness or related cause of absence which may be considered by the Borough as a sufficient and legitimate excuse for the CSO's failure to be present, and not in attendance upon his or her duties, provided the reason for his or her absence and the good faith of the CSO in making the application for such leave shall be shown to the Council by such reasonable evidence as may be required. Any unused sick days shall accrue without limit until the CSO's retirement, resignation or termination.

**Vacation and sick leave periods may be combined in the event and to the extent that a Borough approved licensed physician has recommended (in writing) an absence from work in excess of the sick leave earned and/or accrued by the CSO at that time, but only in the event that the long continued sickness of the CSO warrants such case.**

Sick leave shall also include exposure to a contagious disease which would endanger the health of co-workers, illness in the immediate family of the CSO which requires the CSO's personal care and dental, optical or medical examinations or treatments when such professional services are not readily available outside of working hours.

In all cases of sick leave, the CSO shall notify and inform the Department Head of the reason for said sick leave. Any absence on account of sickness which exceeds five (5) days shall require a written statement from a physician stating the nature of the illness, the time required to be absent from work and that the CSO has been under the care of the physician. At the request of the Borough or Department Head, such a statement may be required for absence due to illness for a period of less than five (5) days. The parties acknowledge that the Borough or Department Head, at their request, may require any CSO to be examined by a licensed physician. The parties further acknowledge that the Borough reserves the right to waive such requirement and to require any CSO to be examined by a physician designated by the Borough in order to have the CSO certified as fit for duty before the CSO may return to work.

A CSO who shall be absent on sick leave for periods totaling ten (10) days in one calendar year consisting of periods of less than five (5) days shall submit applicable medical evidence for any additional sick leave in that year unless such illness is of a chronic or recurring nature requiring recurring absences of one day or less in which case only one certificate shall be necessary for a period of six (6) months.

During protracted periods of illness, the Borough may require interim reports on the condition of the CSO on weekly or biweekly periods from the attending physician. A certificate of a reputable physician in attendance shall be required if sufficient proof of need of leave of absence of the CSO or the need of the CSO's attendance upon a member of the immediate family. In case of leave of absence due to a contagious disease, a certificate from the Borough's Department of Health shall be required. In the case of recurring or chronic illness, a doctor's certificate may be required once every six (6) months when a CSO is absent because of same.

CSO's having exhausted all their sick leave will not receive any further sick leave or compensation in lieu thereof until same has been accumulated and earned by the CSO's subsequent service.

Abuse of sick leave shall be cause of disciplinary action.

Severance of employment prior to the use of all or any part of such sick leave terminates all right for compensation hereunder.

Upon retirement from a Retirement System, CSO's are entitled to be paid at the rate of one (I) day for every three (3) days of accumulated sick time. The calculation of the accumulated sick time shall be based on the base pay plus longevity for the daily rate of pay for the year in which the retirement occurs, provided, however, that no such lump sum accumulated sick leave payment shall exceed \$15,000.00. The calculation of the per diem rate for the sick days shall be as follows.

Yearly Base Salary + Longevity = Total Salary

Total Salary/ 26 pays = Bi-weekly Salary

Bi-weekly Salary / 80 hours = hourly rate

Hourly rate x 10 hrs = Rate of pay per day.

For Example:

$\$45,530.00 + \$910.60(\text{longevity}) = \$46,440.60$

$\$46,440.60/26 = \$1,786.18$

$\$1786.18/80 = \$22.33$

$\$22.33 \times 10 = \$223.30$

$\$223.30 = \text{Rate of pay per day.}$

### **Article XIII – VACATONS**

A. As per Borough Ordinances No. 1240 and No. 2284, CSO's shall be entitled to vacation as follows:

1. During a CSO's first year of service with the Borough, the CSO shall earn and accumulate vacation time at the rate of one (I) day for each thirty (30) days of service, subject to a maximum of five (5) working days during the first year of employment. No vacation may be used by a CSO until that CSO shall be in the Borough service for one hundred eighty (180) days.
2. Upon completion, on the anniversary date, of a CSO's first (1<sup>st</sup>) year of service, the CSO shall be entitled to ten (10) working days' vacation.
3. Upon completion, on the anniversary date, of a CSO's fifth (5<sup>th</sup>) year of service, the CSO shall be entitled to fifteen (15) working days' vacation.

4. Upon completion, on the anniversary date, of a CSO's tenth (10th) year of service, the CSO shall be entitled to twenty (20) working days' vacation.
  5. Upon completion, on the anniversary date, of a CSO's sixteenth (16<sup>th</sup>) year of service, the CSO shall be entitled to twenty-five (25) working days' vacation
  6. As set forth above, accumulation of vacation time shall be measured and computed by using each CSO's starting employment date with the Borough and not against a calendar year. Where a CSO has been employed a fraction of a calendar year on his or her anniversary date, utilized vacation time shall be pro rated.
  7. For purposes of computing vacation time, one (1) working day shall equal eight (8) working hours.
- B. Arrangements for dates of vacation periods will be made by the Chief of Police so that leaves will not conflict with the proper performance of duty. Seniority which is defined as continuous employment with the Borough from the date of the last hire, shall be given due consideration by the Chief of Police or the Borough in determining preference for vacation.
- C. Vacations shall be based on anniversary of employment dates, that is, the date on which the CSO is hired.
- D. A CSO who resigns prior to the completion of his/her anniversary date of his or her employment shall receive the pro-rated portion of that year's vacation benefit.
- E. If a CSO is terminated by the Borough because of a reduction of work force, said CSO shall be entitled to a pro-rated amount of vacation pay, based on the time spent on employment that year.
- F. In the event of dismissal of any CSO by the Borough for reasons other than a reduction of work force, the CSO shall not be entitled to any pro-rated vacation pay for that portion of the year.
- G. The Chief of Police or the Borough may revoke vacations in the event that an emergency is declared.

#### **Article XIV – HOLIDAYS AND PERSONAL DAYS**

- A. All CSO's shall receive eleven (11) paid holidays per year in accordance with the Borough's present practices provided that the holiday (or equivalent day off) falls within the four (4) day work schedule. If it is determined that a CSO is needed to work any of the eleven (11) holidays (when approved by the Chief of Police or

designated supervisor) this CSO shall receive his or her regular base salary holiday pay plus time and a half.

- B. All CSO's shall receive two (2) paid personal days to be utilized from January 1 to December 31, inclusive and not accruable.
- C. Arrangements for days off will be made by the Chief of Police so that leaves will not conflict with the proper performance of the CSO duties.
- D. Per-diem employees shall not be entitled to any of the above sections.

#### **Article XV – FUNERAL LEAVE**

Each employee covered by this Agreement is entitled to three (3) days paid leave for a death in the immediate family. Immediate family, for the purpose of this article, is defined as spouse, son, civil union partner, daughter, mother, father, brother, sister, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, grandparents and grandchildren.

#### **Article XVI – UNIFORM ALLOWANCE**

Each full time CSO shall be entitled to Six Hundred Dollars (\$600.00) per year. This amount shall be paid directly to the CSO on or about October 1<sup>st</sup> of each qualifying year. This amount will not be rolled into the base pay.

#### **Article XVII – EDUCATION AND MEETINGS**

It is recognized that CSO's are required to attend and successfully complete certain education courses and professional meetings in order to continue to perform the customary duties of a CSO and retain proper state certification as EMT's. The Borough will pay for courses, materials, conventions and professional meetings deemed necessary by the CSO's directory personnel and approved by the Mayor and Council. All such courses and meetings are to be taken during normal off-duty time unless specifically authorized by the Chief of Police or the Borough.

#### **Article XVIII – GRIEVANCE PROCEDURE**

- A. Definition. The term "grievance," as used herein, means any controversy or dispute arising over the interpretation, application or alleged violation of the terms and conditions of this Agreement, or of the policies, directives, orders or administrative decisions affecting the terms and conditions of employment, and may be presented by an individual CSO, group of CSO, or the RCSO.
- B. Steps of the Grievance Procedure. The following constitutes the sole and exclusive method for resolving grievances between the parties covered by this Agreement and shall be followed in its entirety unless any step is waived by mutual consent:

Step One:

The moving party shall present the grievance in writing signed by the aggrieved to the Chief of Police within ten (10) working days of the occurrence giving rise to the grievance for the purpose of resolution. The Chief of Police shall make whatever additional investigation is necessary and shall, within ten (10) working days after presentation of the grievance, give his decision.

Step Two:

If a grievance is not resolved at Step One, the moving party may, within ten (10) working days of receipt of the answer in Step One, submit the written grievance to the Borough's designee, who shall give his or her answer within ten (10) working days of the presentation of the grievance in Step Two.

Step Three:

If the grievance is not resolved in Step Two, it may be appealed in writing within thirty (30) working days after receipt of the answer in Step Two to the Governing Body. Upon receipt of an appeal by the Borough's designee referenced in Step Two, a meeting may be scheduled to discuss the grievance within fifteen (15) days of receipt of the appeal. The decision of the Mayor and Council shall be made not later than twenty-one (21) working days after receipt of the appeal.

Step Four:

- (1) In the event the grievance has not been resolved at Step Three, the RCSO may, within ten (10) working days, request arbitration. The arbitrator shall be chosen in accordance with the Rules and Procedures of the Public Employment Relations Commission of the State of New Jersey.
  - (2) The arbitrator shall be bound by the provisions of this Agreement and restricted to the application of the facts presented and involved in the grievance. The arbitrator shall not have the authority to add to, modify, detract from or alter in any way the provisions of this Agreement or any amendment or supplement thereto.
  - (3) The costs of the services of the arbitrator shall be borne equally between the Borough and the RCSO. Any other expense incurred, including, but not limited to the presentation of witnesses, shall be paid by the party incurring same.
  - (4) The decision of the arbitrator shall be final and binding.
- C. Failure by the Borough at any Step of the Grievance Procedure to communicate its written decision on a grievance within the specified time period shall permit the aggrieved to proceed to the next Step. Failure at any Step of the Grievance Procedure to appeal a grievance to the next Step within the specified time period shall be deemed an acceptance of the decision rendered at that Step. The time limits set forth herein may be extended by mutual agreement in writing.

## **Article XIX – PERSONNEL FILES**

- A. A personnel file shall be maintained for each employee covered by this Agreement. Such files are confidential records and shall be maintained in the Office of the Chief of Police and the Borough Clerk.
- B. Upon advance notice and at reasonable times, any CSO may review his or her personnel file. However, this appointment for review must be made through the Police Chief and the Borough Clerk. The CSO may place a rebuttal in his or her file if he or she disagrees with any document found during the review.
- C. Whenever a written complaint concerning a CSO or his or her actions is to be placed in his or her personnel file, a copy shall be made available to him or her and he or she shall be given the opportunity to rebut it if he or she so desires; and he or she shall be permitted to place such rebuttal in his or her file.
- D. All personnel files will be carefully maintained and safeguarded permanently, and nothing placed in any file shall be removed therefrom, except as hereinafter set forth.

## **Article XX – WORK-INCURRED INJURY**

- A. Where an employee covered under this Agreement suffers a work-incurred or work connected injury or disability, said employee shall be entitled to all benefits accruing under the provisions of the Workers Compensation Act as provided by law. However, the employer shall not pay the employee the difference between the Workers Compensation check received and the amount of his/her regular salary.
- B. The employee shall be required to present evidence by a certificate of a Borough approved physician that he or she is unable to work and, the employer may reasonably require the Employee to present such certificate from time to time.
- C. Time off for treatment, recuperation or rehabilitation for an injury that occurs on duty and/or a communicable illness contracted as a result of an exposure while on duty shall not be construed as sick leave under the sick leave policy heretofore agreed upon between the Borough and the RCSO.

## **Article XXI – DISABILITY COVERAGE**

The Borough shall continue to provide disability coverage for the employees covered by this Agreement. Such coverage shall take effect only after the exhaustion of all sick leave due a CSO and shall be paid at the same rate provided by the Statutes of the State of New Jersey and for the same duration as provided by the Ordinances of the Borough of Ridgefield.

## **Article XXII – PENSION**

The RCSO will adopt Borough policies at the present level under the Public Employee Retirement Systems. (PERS).

Notwithstanding the previous paragraph, this Article shall be modified to be consistent with Chapter 78, P.L. 2011, which made various changes to pension benefits for public employees.

### **Article XXIII – MEDICAL, DENTAL AND EYE CARE**

- A. Medical Coverage: The Borough shall continue the current medical or equivalent insurance program for employees covered by this Agreement and their eligible dependents.
- B. Dental Plan: The Borough agrees to provide a dental plan entitled "New Jersey Dental Plan, Inc., The Delta Dental Plan," or like Dental Plan and pay for the full costs thereof for all covered Employees.
- C. Eye Care Plan: The Borough agrees to reimburse employees covered by this Contract for all eye care expenses for said employees and spouses or children. Eye care expenses shall include, but not be limited to, all expenses related to eye examination, medical treatments and prescription related to the eyes, eyeglasses, frames, lenses, etc. The Borough's total obligation for all covered eye care expenses shall not exceed the sum of Two Hundred Dollars (\$200.00) per year for any individual employee and employee's spouse.
- D. Modifications: This Article shall be modified to be consistent with Chapter 78, P.L. 2011 and Chapter 2, P.L. 2010. Pursuant to Chapter 78, commencing on June 28, 2011, Employees are required to contribute to the cost of their health insurance premiums at a rate of 1.5% of base salary, or a percentage of the premium as set by statute — whichever is higher. This percentage of premium contribution rate is phased in over four years and reaches a maximum of 35% of the premiums by the fourth year. Newly hired employees immediately start contributing at the full contribution rate.

To the extent that contributions have not been made pursuant to Chapter 78, P.L. 2011, or Chapter 2, P.L. 2010 (effective date of May 21, 2010), the Borough has the right to request them retroactively.

### **Article XXIV – INSURANCE**

The Borough will indemnify all employees covered by this Agreement from civil suits arising out of the performance of their duties including but not limited to items specified under the Job Description.

### **Article XXV – MANAGEMENT RIGHTS**

The Borough hereby reserves and retains unto itself all powers, rights, duties and responsibilities conferred upon and vested in it by the laws and constitutions of the State of New Jersey and the United States including, but not limited to, the following:

1. The executive management and administrative control of the Borough of Ridgefield and its properties and facilities and the activities of its employees.
2. The hiring of all employees and subject to the provisions of law, to determine their qualifications and conditions for continued employment and assignment and to promote and transfer employees.
3. The right to suspend, demote, discharge, or take other disciplinary action for just cause.

**Article XXVI – PRESERVATION OF RIGHTS**

Unless a contrary intent is expressed in this Agreement, all existing benefits, rights, duties, obligations and conditions of employment applicable to any covered employee pursuant to any rules, regulations, instruction, directive, memorandum, statute or otherwise shall not be limited, restricted, impaired, removed or abolished.

**Article XXVII – SEPARABILITY AND SAVINGS**

If any provision of this Agreement or any application of this Agreement to any CSO or a group of CSO's is held invalid by operation of law or by a Court or other tribunal of competent jurisdiction, such provision shall be inoperative but all other provisions shall not be affected thereby and shall continue in full force and effect.

IN WITNESS WHEREOF, the parties have hereunto set their hands at the Borough of Ridgefield, Bergen County, New Jersey, on the \_\_\_\_ day of October, 2020.

BOROUGH OF RIDGEFIELD

RIDGEFIELD COMMUNITY SERVICES  
OFFICERS

By: \_\_\_\_\_

By: \_\_\_\_\_

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting October 13, 2020

Presented by Councilman Castelli

RESOLUTION NO. 212-2020

WHEREAS, the Borough of Ridgefield is obligated to implement a housing rehabilitation program; and

WHEREAS, the setup and administration of such a program requires particular knowledge and skills; and

WHEREAS, Community Grants, Planning & Housing (“CGP&H”) is a business entity with experience and expertise in this field; and

WHEREAS, the proposal by CGP&H to provide housing rehabilitation services qualifies as a professional service and may be awarded without public bidding; and

WHEREAS, the Borough wishes to engage CGP&H to provide program setup and administration services for the Borough’s Housing Rehabilitation Program;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ridgefield as follows:

1. The attached Proposal for Professional Services by Community Grants, Planning & Housing dated October 5, 2020 be and hereby is accepted by the Borough of Ridgefield.
2. The Borough Attorney be, and he hereby is, authorized to prepare a contract with CGP&H for a one year period consistent with the terms and conditions of the proposal.
3. The Mayor and Borough Clerk be, and they hereby are, authorized and directed to sign such a contract once prepared by the Borough Attorney and agreed to by CGP&H.
4. This contract is not awarded pursuant to a fair and open process, as same is a professional services agreement, and is subject to appropriate proof that the contractor is not disqualified by virtue of municipal and/or state pay to play laws.
5. This contract is contingent upon certification of the availability of funds.
6. A notice of this action shall be printed in in *The Record* and/or [www.ridgefieldnj.gov](http://www.ridgefieldnj.gov).

**COUNCIL VOTE**

	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Castelli				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				
Mayor Suarez				

Approved:

Attest:

\_\_\_\_\_  
Anthony R. Suarez, Mayor

\_\_\_\_\_  
Linda M. Silvestri,  
Borough Clerk

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting October 13, 2020

Presented by Councilman Castelli

RESOLUTION NO. 213-2020

BE IT RESOLVED by the Mayor and Council of the Borough of Ridgefield that

KEVIN VALDEZ

and

RAQUEL LISBOA

be hired as a part-time DPW/Sanitation employees at the rate of \$11.00 per hour 30 hours per week effective immediately.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				
Mayor Suarez				

Approved:

Attest:

\_\_\_\_\_  
Anthony R. Suarez, Mayor

\_\_\_\_\_  
Linda M. Silvestri,  
Borough Clerk

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting October 13, 2020

Presented by Councilman Castelli

RESOLUTION NO. 214-2020

BE IT RESOLVED by the Mayor and Council of the Borough of Ridgefield that

JIWON CHA

be hired as a part-time clerical floater at the rate of \$11.00 per hour effective September 29, 2020.

**COUNCIL VOTE**

	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Castelli				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				
Mayor Suarez				

Approved:

Attest:

---

Anthony R. Suarez, Mayor

---

Linda M. Silvestri,  
Borough Clerk

The undersigned, being the Chief Financial Officer of the Borough of Ridgefield, County of Bergen, New Jersey, and the person charged with the responsibility of maintaining financial records of said Borough in accordance with N.J.S.A. 40:4-57 and the rules of the Local Finance Board of the State of New Jersey adopted thereunder, does hereby certify that there are adequate funds available for the payment of the attached list of invoices, duly adopted by said Borough, and which said list indicates the specific line item of said budget to which expenditures shall be charged.

---

Francis J. Elenio,  
Chief Financial Officer

BOROUGH OF RIDGEFIELD  
Bergen County, New Jersey

Meeting October 13, 2020

Presented by Councilman Jimenez

RESOLUTION NO. 215-2020

BE IT RESOLVED, that warrants totaling **\$2,058,339.56**  
be drawn on the following accounts:

CURRENT	\$2,038,811.96
TRUST	\$9,972.30
CAPITAL	\$213.88
POOL	\$9,341.42
<b>TOTAL</b>	<b>\$2,058,339.56</b>

**COUNCIL VOTE**

	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Castelli				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				
Mayor Suarez				

Approved:

Attest:

\_\_\_\_\_  
Anthony R. Suarez, Mayor

\_\_\_\_\_  
Linda M. Silvestri,  
Borough Clerk