

BOROUGH OF HAWORTH

**NOTICE TO OWNERS OF REAL PROPERTY
WITHIN 200 FEET OF BOROUGH OF
HAWORTH BLOCK 1800, LOT 1 LOCATED
ON MASSACHUSETTS AVENUE**

PLEASE TAKE NOTICE that the Mayor and Council of the Borough of Haworth will conduct a public hearing on Ordinance No. 23-22 on Tuesday, November 28, 2023 at 7:30 p.m. in the Borough Hall, 300 Haworth Avenue, Haworth, New Jersey. At such time, the Mayor and Council will consider the adoption of this Ordinance which proposes to amend the zoning classification for a portion of Lot 1 in Block 1800 consisting of 2.387 acres. As presently zoned, Block 1800, Lot 1 comprises a land area of 8.34 acres and is located in Zone B/Watershed Recreation. The Ordinance would rezone 2.387 acres on the easterly portion of Lot 1 fronting on Massachusetts Avenue near Grant Street. This land area would be rezoned to Zone G, Residential/Multi-Family. The Ordinance would permit as principal uses, in addition to single-family dwellings, stacked townhouses, apartments, alternative living arrangements, age-restricted affordable units, and family affordable units, as well as accessory uses and structures.

The proposed zoning amendment is also detailed in the Borough of Haworth 2019 Housing Element and Fair Share Plan at pages 7 and 8. The Housing Element and Fair Share Plan proposes the construction of 35 total units, 14 of which will be affordable and 21 market-rate.

At the public hearing, any person shall be entitled to be heard on the Ordinance, a copy of which is enclosed.

JO ANNA MYUNG
Municipal Clerk/Administrator
Borough of Haworth

**BOROUGH OF HAWORTH
COUNTY OF BERGEN
STATE OF NEW JERSEY**

The Borough of Haworth Mayor and Council will conduct a public hearing on Ordinance #23-22 on Tuesday, November 28, 2023 at Borough Hall, 300 Haworth Avenue, Haworth, New Jersey 07641. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for members of the general public who shall request the same.

**AN ORDINANCE TO AMEND CHAPTER 26
(LAND USE REGULATIONS) OF THE MUNICIPAL CODE OF THE BOROUGH OF HAWORTH AND CREATE
ZONE G
MASSACHUSETTS AVENUE
RESIDENTIAL/INCLUSIONARY MULTI-FAMILY DISTRICT**

WHEREAS, the Borough of Haworth is the owner of certain property identified as Block 1800, Lot 1 as shown on the Tax Map of the Borough of Haworth (the "Borough"), which consists of approximately 8.34 acres in total;

WHEREAS, the Borough seeks to rezone a portion of Lot 1, known as the Subject Property, and consisting of approximately 103,956 SF or 2.387 acres. The area to be rezoned is identified by a metes and bounds description contained herein;

WHEREAS, in a decision dated March 10, 2015, In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015)(Mount Laurel IV), the New Jersey Supreme Court found that COAH did not provide an adequate forum for demonstrating compliance with the Mount Laurel doctrine; and

WHEREAS, the New Jersey Supreme Court established a transitional process in which municipalities, instead of proceeding through the COAH process, could file declaratory judgment actions focused on whether the municipality's housing plan meets its Mount Laurel obligations; and

WHEREAS, the New Jersey Supreme Court provided that a trial court's evaluation of a municipality's plan that had received substantive certification, as supplemented or amended, may result in the municipality's receipt of the judicial equivalent of substantive certification and accompanying protection as provided under the Fair Housing Act of 1985; and

WHEREAS, on June 25, 2015, in accordance with the Supreme Court's decision, the Borough filed a declaratory action that is captioned In the Matter of the Application of the Borough of Haworth, a Municipal Corporation of the State of New Jersey, For Substantive Certification Docket No. BER-L-5912-15 ("Litigation"); and

WHEREAS, on May 14, 2019, the Borough Council of the Borough of Haworth adopted a Resolution Authorizing Settlement of Litigation in the Matter Entitled "In the Matter of the Application of the Borough of Haworth, a Municipal Corporation of the State of New Jersey, Docket No. BER-L-5912-15."

WHEREAS, On May 14, 2019, the Borough of Haworth ("Borough"), entered into a Settlement Agreement with the Fair Share Housing Center. Said Settlement Agreement included the Subject Property as described herein;

WHEREAS, pursuant to the terms contained in the May 14, 2019 Settlement Agreement, the Borough agreed to provide a realistic opportunity for the development of additional affordable housing on the Subject Property; and

WHEREAS, On September 18, 2019, the Borough of Haworth Planning Board adopted a 2019 Housing Element and Fair Share Plan in accordance with the 2019 Settlement Agreement with the Fair Share Housing Center. Said Housing Element and Fair Share Plan included the Subject Property as described herein;

WHEREAS, N.J.S.A. 40:55D-62 and 40:55D-65 provide that the governing body may adopt or amend a zoning ordinance related to the nature and extent of the uses of land and structures thereon and a zoning ordinance may restrict buildings and structures according to their type and the nature and extent of their use; and

WHEREAS, the following amendments to the Borough's Zoning Ordinance in accordance with the 2019 Settlement Agreement authorized pursuant to the Resolution adopted by the Borough on May 14, 2019 are recommended; and

WHEREAS, the Borough Council has determined that the recommended changes would be beneficial to the Borough; and

WHEREAS, Chapter 26 (Land Use Regulations) must be amended and supplemented to effectuate said changes.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Haworth in the County of Bergen, State of New Jersey as follows:

SECTION 1.

Chapter 26 (Land Use Regulations), Article 400 (Zoning Districts and Zoning Map) of the Municipal Code of the Borough of Haworth is hereby supplemented to read as follows [additions by **bold**]:

§26-401. Zoning Districts.

[Ord. No. 779 § 16.401; ; Ord. No. 2013-02 § 26-401; amended 7-23-2019 by Ord. No. 19-09; amended 9-26-2023 by Ordinance No. 23-22

For the purposes of this chapter, the Borough of Haworth is hereby divided into classes of districts or zones as follows:

Zone A -Residential

Zone B - Watershed/Recreation

Zone C - Residential

Zone D - Business

Zone E - Residential

Zone F - Residential/Inclusionary Multifamily (Block 1100, Lot 12)

Zone A/OZ - Residential/Overlay Zone District

Zone MU - Municipal Use

Zone G – Massachusetts Ave. Residential/Inclusionary Multifamily (2.387 parcel of Block 1800, Lot 1 as described herein)

§ 26-402. Zoning Map.

[Ord. No. 779 § 16.402; Ord. No. 928 § 1; Ord. No. 2013-02 § 26-402; Ord. No. 23-22]

The boundaries of each of the zone districts created by this chapter, and as may be thereafter amended, are hereby established as shown on the Zoning Map of the Borough of Haworth, signed by the Mayor and Borough Clerk, entitled "Zone District Map", dated April 6, 2006 (base map prepared by P. David Zimmerman, 1989; zoning information revised by Hakim Associates, 2005), as amended from time to time. The Zoning Map accompanies this chapter and is hereby declared to be a part of this chapter. Ordinance No. 23-22, to be adopted on 2nd reading scheduled for Tuesday, October 10, 2023 amends the Zoning Map to create the G Zone comprised of a 2.387 acre portion of Block 1800, Lot 1.

SECTION 2.

Chapter 26 (Land Use Regulations), Article 500 (District Regulations) of the Municipal Code of the Borough of Haworth is hereby supplemented to read as follows [additions by bold]:

§26-501 SCHEDULE OF ZONING LIMITATIONS

[Ord. No. 779 § 16.501; Ord. No. 2013-02 § 26-501; Ord. No. 23-22]

The Schedule of Zoning Limitations accompanies and is included as an attachment to this chapter. The regulations contained in the Schedule of Zoning Limitations, in conjunction with the Use and Building Regulations set forth herein, govern the use of land in the Borough of Haworth.

§26-502 SCHEDULE OF ZONING LIMITATIONS

§-26-502.10. Zone G – Massachusetts Ave. Residential/ Inclusionary Multifamily (2.387-acre Portion of Block 1800, Lot 1)

[Added 9-26-2023 by Ord. No. 23-22]

The following standards shall apply to development within Zone District G. All other zoning and land use provisions including by way of example the provisions of Chapter 26, Land Use Regulations, of the Haworth Code shall apply to development in the Residence Zone G only where specifically indicated as applicable in §26-502.10. When the standards herein conflict with other provisions of Chapter 26, the standards herein shall apply.

- a. Intent; Description. The Borough of Haworth desires to establish a residential zone that will provide opportunities for the construction of very low, low and moderate-income housing in accordance with the prospective need obligation for New Jersey's Fair Housing Act Third Round (1999-2025). A portion of existing Lot 1, consisting of approximately 2.387 acres and described via metes and bounds herein, in Block 1800 of the Official Tax Maps of the Borough of Haworth has been identified as appropriate for an inclusionary multifamily housing development in which a portion of the dwelling units therein can be set aside for low- and moderate-income households.
- The Metes and Bounds descriptions for existing Block 1800, Lot 1 and the approximately 2.387-acre portion of Block 1800, Lot 1 that is the subject of the ordinance, are contained in an undated document entitled, "Deed Description," prepared by MEGA Construction Management, Inc., and are described herein as follows:

Existing Block 1800, Lot 1

All that certain lot, piece or parcel of tract of land, situate and lying in the Borough of Haworth, County of Bergen and State of New Jersey.

Being known and designated as All those Lots and part of Lots in Block Nos. 192, 193, 194, 195, 196, 197 and 198, on map entitled "Amended Map #2 of Hollywood Park Haworth, NJ," filed in the Bergen County Clerk's Office, dated April 15, 1929, as Map No. 2516, as follows:

COMMENCING at a point formed by the tangent intersection of the easterly side line of Schraalenburgh Road (41.25' wide) and the northerly side line of Massachusetts Avenue (60' wide), said point being distant 152.00 feet easterly along said northerly side line of Massachusetts Avenue (60' wide), to the point and place of TRUE BEGINNING; and running; thence

1. North 2 degrees 41 minutes 45 seconds East, 158.21 feet, to a point, thence;
2. North 84 degrees 13 minutes 43 seconds East 556.26 feet, to a point, thence;
3. North 86 degrees 39 minutes 4 seconds East, 575.85 feet, to a point, thence;
4. South 1 degrees 57 minutes 59 seconds West, 286.44 feet, to a point on the northerly side of Massachusetts Avenue (60' wide), thence;
5. Along the said northerly side of Massachusetts Avenue (60' wide), North 88 degrees 2 minutes 1 second West, 824.78 feet, to a point, thence;
6. North 4 degrees 39 minutes 19 seconds East, 100.11 feet to a point, thence;
7. North 88 degrees 2 minutes 1 second West, 40.04 feet, to a point, thence;
8. South 4 degrees 39 minutes 19 seconds West, 100.11 feet, to a point on the northerly side of Massachusetts Avenue (60' wide), thence;
9. North 88 degrees 2 minutes 1 second West, 261.76 feet to the point or place of TRUE BEGINNING.
10. Said Parcel containing therein 252,940 Sq. Ft./ 5.807 acres more or less.

Subject Property – Portion of Lot 1 To Be Included in Zone G and Described as Follows:

All that certain lot, piece or parcel of tract of land, situate and lying in the Borough of Haworth, County of Bergen and State of New Jersey.

Being known and designated as All those Lots and part of Lots in Block Nos. 192, 193, 194, 195, 196, 197 and 198, on map entitled "Amended Map #2 of Hollywood Park Haworth, NJ, filed in the Bergen County Clerk's Office, dated April 15, 1929, as Map No. 2516, as follows:

BEGINNING at a point formed by the intersection of the westerly side line of Grant Street (40.00' wide) and the northerly side line of Massachusetts Avenue (60' wide), and running; thence
North 88 degrees 2 minutes 1 second West, 334.98 feet, to a point, thence;
North 1 degrees 57 minutes 59 seconds East, 286.44 feet, to a point, thence;
North 86 degrees 39 minutes 4 seconds East, 60.28 feet, to a point, thence:
North 86 degrees 39 minutes 50 seconds East, 293.80 feet, to a point, thence;
South 5 degrees 7 minutes 16 seconds West, 319.66 feet, to the point or place of BEGINNING.

Said Parcel containing therein 103,956 Sq. Ft/ 2.387 acres more or less.

Permitted Principal Uses

Affordable housing development as defined in § 30-1.3.

As described in the Borough's Settlement Agreement with the Fair Share Housing Center and the Borough's 2019 Housing Element and Fair Share Plan, the affordable housing development in Zone G, may include multiple uses. Multiple uses are permitted both within individual buildings, as well as within the subject property.

Additionally, Zone G is exempt from §26-202.5. Multiple permitted principal structures are permitted in G Zone and on the Subject Property.

Below are the permitted principal uses that may be included in an affordable housing development in Zone G.

Attached single-family dwellings - Shall mean a single-family dwelling contained in a building with other residential units. No unit shall be located above another unit, and each unit shall be separated from any other unit by one or more common fire-resistant fire walls.

Stacked townhouses, as defined in §26-301.

Apartments - Shall mean a dwelling unit containing one or more rooms with private bath and kitchen facilities constituting an independent, self-contained dwelling unit in a building containing other dwelling units.

Alternative living arrangements, including group home units and supportive housing units, as defined in §30-1.3.

Age-restricted affordable units as defined in § 30-1.3, except that all units are available to individuals aged 55 and older.

Family affordable units- Shall mean affordable units that are not restricted to any specific population group.

Permitted Accessory Uses and Structures: indoor and outdoor community space, attached private garages, off-street parking, covered porches, patios sidewalks, walking paths, landscaping, buffering, fencing, walls, lighting, signage, stormwater detention facilities, common open space, outdoor recreational facilities or structures for the private use and enjoyment of residents and their guests, and other accessory structures and uses which are customary and incidental to the principal permitted uses.

Bulk Area and Other Dimensional Standards:

As defined in §26-301, the Subject Property located in Zone G is a Corner Lot with frontages on both Massachusetts Avenue and Grant Street. Further as defined in §26-301, the lot lines abutting both Massachusetts Avenue and Grant Street are front lot lines.

The Subject Property located in Zone G is exempt from the requirements of § 26-502.8.g.2, "Designation of Front Yard on Corner Lots." For purposes of this ordinance, the Grant Street frontage and front lot line is considered the "designated" front lot line, and the lot line opposite the Grant Street front lot line is considered the rear lot line. The lot line opposite the Massachusetts Avenue front lot line is considered the Side Lot line.

Minimum lot area: 2.3 acres.

Minimum lot depth: 300 feet.

Minimum lot width: 300 feet

Minimum setbacks:

For buildings [NOTE: Patios, covered porches and awnings that are attached to the principal building(s) are permitted to encroach up to seven feet into the required front, rear or side yard setbacks.]

Front yards: 20 feet.

Rear yards: 50 feet.

Side yards: 15 feet.

For accessory buildings and structures:

Front yards: Not permitted.

Side yards: 6 feet.

Rear yards: 6 feet.

For parking areas and drive aisles:

Front yard: 15 feet for parking areas and drive aisles.

Rear Yard: 25 feet for parking areas and drive aisles.

Side yards: 5 feet for parking areas and drive aisles.

Minimum distances between buildings: 25 feet.

Maximum height of structure: 2.5 stories, 35 feet.

Maximum building coverage: 35%

Maximum pavement coverage: 40%

Maximum impervious lot coverage: 70%

Maximum number of dwelling units: 35 units

Minimum number of total affordable units: 14 units, which shall include:

Eight (8) family units

Two (2) age-restricted units

Four (4) supportive housing units.

Parking Requirements:

Parking shall be provided per New Jersey Residential Site Improvement Standards (RSIS).

For the attached single family dwellings, at least (1) parking space shall be provided in an enclosed garage; a second parking space may be provided in the driveway in front of the garage; parking for stacked townhouses, apartments, group home and supportive housing units, age-restricted units, family affordable units, and visitors may be provided in off-street spaces.

Electric Vehicle (EV) parking spaces shall be provided in accordance with NJ P.L. 2021, c.171 (C.40:55D-66.20.3.a.(1)(a)).

Signage. One double-sided ground-mounted sign shall be permitted, no taller than six feet in height, with a sign area no greater than 32 square feet. Said sign shall be set back a minimum of 10 feet from the front yard property line along Massachusetts Avenue and shall not be located within any designated sight triangle.

Patios, Covered Porches, Fences and Walls:

No wall within the development shall exceed a height of six feet.

Fences shall conform to all requirements contained within §26-902.1.

"Patio" and "Covered Porch" as used herein shall be defined as a level area covered by a hard surface that is located at grade level and attached to a principal building. Patios and covered porches may be covered by a permanent roof but shall not be enclosed.

Landscaping. The provisions of § 26-904.1 of the Haworth Code entitled "Landscaping" shall apply to the development.

Notwithstanding such provisions, and except where current vegetation provides a landscape buffer along each property line, and where no disturbance is proposed within 5 feet of a property line, a minimum of a row of evergreen trees interspersed with deciduous shade trees with a planting height of at least eight to 10 feet shall be planted along all front, rear and side yards. The spacing of such trees shall be such that, at maturity, such trees shall provide a continuous evergreen screen along such property lines. The shade deciduous shade trees interspersed with the evergreen buffer plantings shall be provided at intervals of not more than 40 feet. No tree plantings shall be permitted within the clear sight triangle at Massachusetts Avenue and Grant Street, however landscaping plantings with a mature height of no more than 2.5 feet are permitted and shall be planted in this area. All proposed landscaping and tree plantings shall be subject to the review and approval of the Haworth Planning Board at the time of Site Plan approval.

Buffering. The provisions of §26-903.5 of the Haworth Code entitled "Required Buffering Areas and Setbacks" shall apply to the development.

Lighting. The provisions of §26-905 entitled "Lighting" of the Haworth Code shall apply to the development.

Architectural Design Standards. The provisions of §26-907 of the Haworth Code, entitled "Architectural Design Standards of Structures Requiring Site Plan Review and Approval" shall apply to the development.

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Utilities. The provisions of §26-910 of the Haworth Code entitled "Utilities" shall apply to the development.

Stormwater. Development shall comply with the provisions of §26-911 of the Haworth Code, entitled "Stormwater Control," along with any applicable New Jersey State requirements.

Affordable Housing

Pursuant to the Settlement Agreement adopted May 14, 2019 between the Borough and Fair Share Housing Center, 14 affordable dwelling units shall be set aside for occupancy by low- and moderate-income households. As stipulated in the 2019 Settlement Agreement, the quantity and type of affordable units shall be provided as follows:

Eight (8) family units

Two (2) age restricted units

Four (4) supportive housing units.

The bedroom and income mix and phasing shall comply with the requirements of the Uniform Housing Affordability Controls ((UHAC); N.J.A.C. 5:80-26.1 et seq.) and the requirements of the May 14, 2019 Settlement Agreement between the Borough and Fair Share Housing Center. At least 13% of the units shall be occupied by very-low-income households.

Such low- and moderate-income units shall be dispersed throughout the development to the extent possible. Additionally, the exterior finishes and appearance shall be the same as that of the market-rate units.

Such units shall be restricted to low- and moderate-income households for a period of not less than 30 years. The developer shall be responsible for retaining a qualified administrative agent at the developer's sole cost and expense.

The provisions of § 30-1, Affordable Housing, shall apply.

SECTION 3. Inconsistent Ordinances Repealed.

All Ordinances or parts which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

SECTION 4. Severability.

If any section, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not effect, impair or invalidate the remainder of this Ordinance but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy which such judgment shall be rendered.

Section 5. Effective Date.

This Ordinance shall take effect after publication thereof and final passage as required by law.