

**SPECIAL MEETING  
Mayor and Council  
Borough of Harrington Park, New Jersey  
June 30, 2016**

**(PAH) Call Meeting to Order**

**Time: 6:32pm**

**Mayor's Announcement:**

In compliance with Chapter 231, Public Law 1975, adequate notice of the meeting was made. Copies have been e-mailed to the BERGEN RECORD, SUBURBANITE and THE NORTHERN VALLEY PRESS. A copy has been filed with the Borough Clerk, and copies are available individuals requesting the same.

**(ALB) Roll Call:**

	PRESENT	ABSENT
NAPOLITANO(AN)	X	
EVANELLA (GE)		X
WALKER (DW)	X	
FITZGERALD (LF)	X	
PEDERSEN (JP)		X
CHUNG (JC)	X	

**Also present:**

**Ms. Ann H. Bistriz, Borough Clerk (ALB)  
Mr. John R. Dineen, Borough Attorney (JRD)  
(Delayed-phonied in for discussion in Closed Session)**

**(PAH) Discussion of Proposed Ordinance #705 Amendment to Zoning Ordinance §350-16 (O & R District) Office/Assisted Living/Senior Residential Community District (OALSR) Addendum A**

Purpose of ordinance is to enable additional uses for the property located along Old Hook Road. Councilman Napolitano can testify that this ordinance was under review for many months by the Planning Board, their attorney and Borough Planner.

**(PAH) Motion to Introduce by Title Ordinance #705 AN  
Second JC**

AN reiterated what PAH had previously stated. Each time a review was necessary, minute details were looked at to ensure this is a fair and conclusive ordinance that will benefit the Borough as well as the environment, especially in such a sensitive location. PAH added that the Environmental Commission and their Chair, Mr. Ardito were very involved in the process. Great efforts were taken to provide environmental attention to ensure there were no detrimental effects to our water supply.

**Roll Call Vote AIF (GE and JP absent)**

**(PAH) Requested the following Resolution of Endorsement to be sent to the Planning Board:**

**RESOLUTION  
2016-120**

**WHEREAS**, that the Mayor and Council of the Borough of Harrington Park have approved the introduction of Ordinance #705 **Amendment to Zoning Ordinance §350-16 (O & R District) Office/Assisted Living/Senior Residential Community District (OALSR)** as submitted.

**WHEREAS**, in addition to approval of Introduction of Ordinance #705, the Mayor and Council of the Borough of Harrington Park endorse the Borough's Fair Share Housing Plan and Housing Element.

**WHEREAS**, second reading and public hearing for Ordinance #705 shall be advertised in the Bergen Record and is scheduled for the July 18, 2016 Regular Meeting of the Harrington Park Mayor and Council.

**Meeting Open to Public**

**Motion AN**

**Second JC**

**Vote AIF**

**Meeting Closed to Public**

**Motion AN**

**Second DW**

**Vote AIF**

**(PAH) Motion for Closed Session JC Time: 6:43pm**

**Second AN**

**Vote AIF**

**RESOLUTION**

**WHEREAS**, N.J.S.A. 10:4-12 permits a public body to conduct business in Closed Session during a public meeting; and

**WHEREAS**, the Mayor and Council deem it necessary to discuss certain matters in Closed Session as permitted by the aforesaid statute.

- 1) Contractual Negotiations and Potential Litigation-Swim Club

**BE IT FURTHER RESOLVED** that discussion of the aforementioned subjects may be made public at such time as disclosure of the discussion will not detrimentally affect the interest and Borough as to said discussion.

**Return to Open Session 7:25pm**

**Adjournment-Time: 7:25pm**

**Motion: AN**

**Second: DW**

**AIF**

## **Addendum A**

### **Proposed Ordinance #705**

#### **Amendment to Zoning Ordinance §350-16 (O & R District) Office/Assisted Living/Senior Residential Community District (OALSR)**

**A. Purpose and Intent**

For the purpose of guidance for applicants and land use reviewers only, it is the intent of this building zone for all land uses to fulfill the following objectives:

- (a) To maintain the highest standards for environmental quality;
- (b) To be compatible with their surroundings; and
- (c) To provide for and/or contribute to their fair share of affordable housing in accordance with a formula devised by the Borough. This formula may emanate from a jurisdictional NJ State agency, the courts, or a local ordinance that was prepared pursuant to State guidance and/or direction.

**B. Uses permitted. The following uses are permitted in the OALSR district:**

(1) Housing for special use groups. Each of these housing types is permitted only where in conjunction with a blend of other of these housing types in this group, and each type may not stand alone or exceed the maximum percentage of housing for each type as herein defined:

- (a) Independent Living Age Restricted Housing; provided that (a) the residents meet the Borough's definition of "Senior Citizen", and (b) the individual dwelling units meet the Borough's definition of "Senior Citizen Dwelling Unit". All such dwellings shall be either one or two bedroom units, except that not more than 20% of the total Independent Living units may instead be efficiency units. Two bedroom dwelling units shall comprise a minimum of 50% of the total Independent Living unit count. Floor area sizes: No efficiency dwelling unit shall have fewer than 550 square feet; no single-bedroom dwelling unit shall have fewer than 700 square feet; and no two bedroom dwelling unit shall have fewer than 870 square feet. This housing type

shall not comprise more than 60% of all housing types on any individual site. The size and bedroom count requirements shall not apply to any Mt. Laurel or other affordable housing units.

(b) Assisted Living Facilities; provided that (a) the assisted living dwelling units meet the definition of “Assisted Living Residence” as defined in N.J.A.C. 8:36-1.3, and (b) the professional services provided to the residents meet or exceed the definition of “Assisted Living” as defined in N.J.A.C. 8:36-1.3. All such dwelling units shall be efficiency, one bedroom or two bedroom units, no one size of which shall comprise more than 60% of the total Assisted Living units. Floor area sizes: No efficiency dwelling unit shall have fewer than 450 square feet; no single-bedroom dwelling unit shall have fewer than 600 square feet; and no two bedroom dwelling unit shall have fewer than 900 square feet. This housing type shall not comprise more than 50% of all housing types on any individual site. The size and bedroom count requirements shall not apply to any Mt. Laurel or other affordable housing units.

(c) Memory Care Facilities; provided they offer living facilities and specialized care including licensed skilled nursing and nursing aides and programs for people diagnosed with dementias or Alzheimer’s disease. In general these facilities provide secure residential facilities specializing in memory care based on fostering trust and emotional well-being. They are characterized by formal professional care involving nursing and other supportive care. This housing type shall not comprise more than 25% of all housing types on any individual site.

(d) Nursing Homes; provided they offer licensed skilled nursing and nursing aides with coverage 24 hours a day, seven (7) days a week. Nursing homes, also known as convalescent homes, skilled nursing facilities, and rest homes, provide a type of highly skilled medical residential care. Their residents are people who require continual nursing care and have significant difficulty coping with the required activities of daily living. This housing type shall not comprise more than 20% of all housing types on any individual site.

(e) Special Needs Housing; provided they provide housing for people who meet the Borough’s definition of “individuals with special needs”; and provided the housing structure and operation meet the Borough’s definition of “permanent supportive housing” or “supportive and special needs housing”. In general, the term “special needs” describes individuals who require assistance for medical, mental, or psychological disabilities. Some examples include but are not limited to people with autism, Down syndrome, dyslexia, blindness, ADHD, cystic fibrosis, cleft lips and/or palates, port-wine stains, or missing limbs. These shall be efficiency units measuring no less than 250 square feet in floor area. This housing type shall not comprise more than 20% of all housing types on any individual site.

(f) Affordable Housing; provided it qualifies as one of the other permitted special use housing groups above, meets the State of New Jersey’s definition of “Affordable Housing”, meets the Borough’s definitions of “affordable” and “affordable housing development” and would meet enough of the State’s Mt. Laurel affordable housing requirements to qualify the Borough of

Harrington Park with credit against its affordable housing obligations. This sub-category of one of the housing types above shall not comprise more than 20% of all housing types on any individual site.

(2) Office buildings for executive, administrative, educational or medical purposes; and scientific, medical, engineering or research laboratories devoted to research, design and/or experiments or processing and fabricating incidental thereto, provided that no materials, finished products or medicines shall be manufactured, processed or fabricated on said premises for sale, at wholesale, retail or otherwise, except such as are incidental to said laboratory research, design or experiments conducted on said premises; and employee educational programs as accessory to the principal use, provided that no more than one building or structurally interconnected buildings, other than accessory buildings as herein otherwise permitted, shall be located on any one lot, which lot shall fully comply with the requirements herein specified for this district.

(3) Museums, libraries, community cultural buildings and uses related thereto.

(4) Horticultural parks, together with related hothouses, for the growing of plant life and the exhibition thereof.

#### C. Permitted Accessory Uses

(1) A satellite antenna which complies with the following requirements:

[a] The surface area of any reflective dish shall not exceed 50 square feet.

[b] The dish shall be erected on either a [1] secure ground-mounted foundation, or [2] a roof top provided it does not exceed building height limitations; and provided it is securely mounted and fully screened from offsite views by parapet walls or otherwise.

[c] For ground-mounted satellite antennae, the overall height from the mean ground level to the highest point of the antenna or any attachments thereto when extended to their full height shall not exceed 11 feet. For roof-mounted satellite antennae the overall height from its roof mounting to the highest point of the antenna or any attachments thereto when extended to their full height shall not exceed 4 feet.

[d] The ground-mounted satellite antenna shall be located in the rear yard and shall not violate the yard and setback requirements of the main building.

[e] The antenna shall be located and screened to minimize motor noise and visibility from the street and adjacent properties. The ability of the applicant to install the dish in an unobtrusive location and to minimize the noise impact on adjacent properties shall be a major factor in determining whether or not the conditional use is approved.

[f] The antenna shall be designed for use by occupants of the main building only.

[g] There shall be no more than three antennae per building lot.

(2) Support retail shops which comply with the following conditions:

[a] This use may be approved if it is in support of independent living age-restricted housing only. Examples of conditionally permissible support retail shops include but are not limited to news/magazine shop, delicatessen, grocer, barber or hair salon, and coffee shop. Examples of support retail establishments that are prohibited include but are not limited to dry cleaners, laundromats, restaurants, fast food services, banks (except for an ATM within another shop for the convenience of on-site residents), nail salons, real estate offices, pet shops, etc.

[b] Retail facility size and number shall be limited to only that which can serve the needs of the independent living age-restricted residents. No more than one such facility per 25 qualifying dwelling units is permitted on any site. No single such facility shall have more than 500 square feet of floor area.

(3) Outdoor recreational facilities (including for example swimming pools, putting greens, and individual gardens) and outbuildings related thereto, ponding areas, lakes and streams; provided, however, that said uses shall not be operated for hire.

(4) Parking areas for passenger and service vehicles necessary to or in connection with the above permitted uses in accordance with the standards herein elsewhere established.

(5) Signs in accordance with the standards herein elsewhere established.

*Editor's Note: See § 350-43, Signs.*

(6) Tennis courts and platform tennis courts; provided, however, that said uses shall not be operated for hire. No lighting of tennis courts shall be permitted.

D. Uses and structures prohibited. Any uses other than those permitted uses or accessory uses permitted by Subsections B or C of this section shall be prohibited. Without in any way limiting the generality and prohibition of this section, nothing contained in this chapter shall be construed to permit any of the following uses in the OALSR District:

(1) No more than one building for OALSR use shall be located on any one lot, other than (a) accessory buildings as herein otherwise permitted, and (b) support retail shops in one additional building as herein otherwise permitted as accessory, and each such lot shall fully comply with the requirements herein specified for the district.

(2) Pilot plants.

(3) The erection, alteration, repurposing or adaptive reuse of a building for dwelling purposes other than those residential uses included in Subsections A or B of this section.

(4) Trailers or mobile homes; excluding marketing sales trailers for permitted uses under A.1 above, for periods not to exceed twelve months, and in locations approved by the Planning Board.

- (5) The processing of garbage by the use of an incinerator, transfer station or any other means designed to aid in the disposal of animal or vegetable matter, trash or ashes or other refuse matter, and including the use of land for the dumping of garbage for the purpose of using same as landfill in connection with a sanitary landfill plan.
- (6) Research, testing or laboratory facilities devoted to chemical, biological, nuclear or radiological use, except as incidental to a permitted use.
- (7) Zoos or animal parks.
- (8) Facilities for the manufacturing, processing, fabrication or storage of goods. This prohibition would also include all industrial facilities including warehousing and distribution centers.
- (9) Retail establishments other than the support retail shops described in Subsection B of this section.
- (10) Residential uses other than those specifically identified in Subsection A of this section.

E Building height limit: 45 feet, measured as required by this Code's definition of Building Height. However, if the Applicant provides certifications from the Harrington Park Fire Department, the Harrington Park Ambulance Corps, and the Harrington Park Police Department, that provisions have been made to permit them to adequately and fully service these buildings (especially during emergencies), the building height limit shall be 70 feet measured in the same manner as described above. In the case of the Fire Department, the certification must affirmatively state that, and describe how, they can both fight a fire on the top floor of the building and rescue people from upper floors if normal means of pedestrian egress are not available. All buildings except for accessory buildings shall have a minimum height of 15 feet. All roofs shall be free of towers, portable equipment, outdoor storage, stacks and the like. All roofs shall have no accessory structures located thereon other than vents, cupolas, elevator towers, chimneys, HVAC equipment or ventilators, all of which shall be properly screened from offsite views. It is the intention of this provision to prevent the impairment of views, as well as the obstruction of the passage of light and air.

F. Required lot area: not less than five acres of contiguously owned property within the district to be used exclusively for OALS SR buildings.

G. Minimum lot dimensions -- Width: 600 feet; Depth: 300 feet; Frontage: 600 feet; Front Yard: 65 feet; Side Yard (one side): 125 feet; Rear Yard: 85 feet.

H Yards required. Each lot shall have front, side and rear yards of dimensions not less than those specified above.

I. Front Yards: Permitted uses in front yards include landscaping, conforming signs, and access and exit drives. Corner lots shall have two front yards. Prohibited uses in front yards include all other uses not mentioned above and especially loading and unloading or storage of any kind. Parking is permitted in the front yard to the extent that it is set back a minimum of 35 feet and fully screened from views from the public right-of-way. All buildings shall have a frontage on an approved and accepted public street, road or highway. All front yards shall be required to be landscaped in accordance with the following regulations: All the area not used as drives or pedestrian walks shall be devoted to the planting of grass,

trees, shrubs, flowers or other appropriate plant and landscape materials and shall be suitably landscaped to the satisfaction of the Planning Board.

J. Side Yards: All lots shall have at least two side yards, except that four sided corner lots shall have only one side yard. Side yards shall also be required between buildings in the limited cases where more than one building is permitted on a single lot, tract or parcel of land. This internal side yard shall measure at least 30 feet or a dimension at least equal to one-and-a-half times the height of the highest of the buildings which the side yard shall separate, whichever is greater. Parking is permitted to the extent that it is set back a minimum of two feet from the property line and adequately screened to the satisfaction of the Planning Board.

K. Rear Yards: Parking is permitted to the extent that it is set back a minimum of 50 feet from the property line.

L. Building area. No building shall be erected having fewer than 2,000 square feet or more than 15,000 square feet of gross floor space per acre of lot area, excluding public streets.

M. Maximum building coverage: All buildings, including accessory buildings, shall not cover more than 25% of the area of the lot.

N. Maximum improved lot coverage (as meets this code's definition of Coverage by Improvements or Improvements Coverage): 45%.

O. Minimum open space (as meets this code's definition of Open Space): 35%.

P. Parking requirements: Except for the parking requirements in the yard requirements above, all off street parking shall conform to Section 350-41 Off Street Parking of this chapter and as hereafter amended. For those permitted uses not addressed in 350-41, the following minimum parking requirements shall apply. For:

- (1) Affordable Housing: one (1) stall per bedroom, and no less than one stall per dwelling unit.
- (2) Independent Living Age Restricted Housing and Special Needs housing: one stall per dwelling unit.
- (3) Assisted Living Facilities and Memory Care Facilities: 0.5 stalls per dwelling unit.
- (4) Nursing Homes: 0.5 stalls per bed.

Q. Loading requirements: at least one loading bay per building.

R. Performance standards.

(1) The issuance of any building or occupancy permit for any use in the OALSR District is subject to the compliance at all times with all of the following regulations:

- (a) Vibration. No vibration shall be discernible at the lot lines or beyond.
- (b) Smoke; steam. No emission of processed steam and no emission of visible gray smoke of a shade equal to or darker than No. 1 on the Ringelmann Chart shall be permitted.
- (c) Odors. No odor shall be noticeable at the lot line or beyond.
- (d) Fly ash; dust. No fly ash or dust emission which can cause any damage to health, animals or vegetation or other forms of property or any excessive soiling shall be permitted.
- (e) Glare. No sky-reflected glare shall be visible at the lot line or beyond.
- (f) Liquid or solid wastes. No discharge into any disposal system, public or private, or streams or into the ground of any materials of such nature or temperature that can contaminate any water supply, including the groundwater supply, shall be permitted. Any discharge of liquid or solid wastes shall conform to the requirements of the agreement between the Borough of Harrington Park and the Bergen County Sewer Authority in effect as of the date of this chapter and as hereafter amended.
- (g) Radioactivity. No activities which emit dangerous radioactivity at any point as covered by federal government standards shall be permitted.
- (h) Noise. No continuous hum, intermittent noise or noise with any noticeable shrillness of a volume of more than 50 decibels emanating from the facilities shall be discernible at the lot line or beyond.
- (i) Fire and explosion hazard. No processing or storage of material on the premises that may unduly create hazard by fire or explosion shall be permitted.
- (j) Any electronic device that would interfere with internet, television, radio or other similar home entertainment device reception shall be prohibited.

(2) The Planning Board may require submission of expert advice by and at the expense of the applicant, regarding performance standards of site plans. Where appropriate, the Planning Board, as part of its site plan review as hereinafter required, may require the installation, maintenance and operation by the applicant of continuous recording instruments to demonstrate the operation or effect of the operation of any machine or devices which create or are used to control or lessen noise, glare, odor, air pollution, water pollution, fire, safety or electronic interference hazards.

#### S Buffer strips.

(1) A twenty-five foot buffer strip measured from the front property line in the OALSR District shall be required. No buffers are required for side and rear yards, however they are encouraged. Buffer strips may be included within the setbacks as herein required.

(2) Construction of any kind except as described below and parking of vehicles shall be prohibited in all buffer strips.

(3) Within the buffer strip and subject to approval of the Planning Board in its site plan review, there shall be permitted:

- (a) Landscaping and planting sufficient to form and maintain an effective screen, reforestation plantings, one identifying sign per access drive, and fences or walls not to exceed five feet in height, provided that same shall have finish facing on both sides.
- (b) Entrance and exit drives not to exceed 30 feet in width, provided that such entrance and exit drives do not intersect the buffer strip at an angle greater than 45° from a line through the buffer strip perpendicular to the street line.

T. Supplementary regulations.

(1) The supplementary regulations applicable in Senior Citizen Dwelling Unit Districts (§ 350-12H) shall be applicable in OALSR Districts.

(2) The following additional supplementary regulations shall be applicable in OALSR Districts:

- (a) Floodlighting of OALSR buildings is permitted, provided that all such lights shall be shaded and beams so directed as not to cause glare in adjoining buildings or properties. No floodlight, spotlight or other light shall be erected in such a manner that its beam shall be directed, in whole or in part, skyward, toward a street, road or highway or toward adjoining property or in any way or manner that will cause a traffic hazard due to its glare.
- (b) All lights used for the illumination of any use of a building or the areas surrounding it shall be completely shielded from the view of the vehicular traffic using the road or roads abutting such properties. Floodlights used for the illumination of said premises in OALSR Districts or of any sign thereon, whether or not such floodlights are attached to or separate from the building, shall not project more than 18 inches above the highest elevation of the front wall of the building or more than 40 feet above the street level of the premises, whichever is less.
- (c) Any lot in a OALSR District shall consist of a single parcel of land containing not less than five contiguous acres, with title thereto in a common ownership; provided, however, that a tract consisting of several existing parcels of land may be made the subject of an application under this chapter if the owner or owners thereof shall have submitted an application to and received approval from the Planning Board to resubdivide or join said lots, tracts or parcels to form a single contiguous parcel, and provided that:

[1] The owner shall submit an affidavit that he is ready, willing and able to proceed with the development as set forth on the plan filed in all details and that all utility, parking and road improvements as set forth thereon shall be installed prior to occupancy or use of the premises, or in lieu thereof, a bond in amounts and form sufficient to ensure completion of such improvements shall be posted prior to the issuance of any building permit. The Planning Board may require, prior to the issuance of a building permit or certificate of occupancy, the posting of a bond in amounts sufficient to ensure the completion of such other details of the plan as in its judgment it deems essential.

[2] No application to use any premises for the purposes permitted under this section shall be considered by the Planning Board unless and until the owner shall have submitted a site or development plan of such use that is in compliance with all the details, standards and conditions required by this chapter without variance therefrom and, further, proof that the owner has submitted therewith all other statements, affidavits, approvals and documents as are customarily required for major subdivision and/or site plan approval and as are required under this chapter.

U. Principal building limit. Except as noted elsewhere within this chapter, not more than one principal building shall be permitted on any lot described in this section.

[Added 5-16-1988 by Ord. No. 398]