

**BOROUGH OF PEAPACK AND GLADSTONE
SOMERSET COUNTY, NEW JERSEY**

ORDINANCE NO. 1094-2020

AN ORDINANCE TO AMEND CHAPTER XXIII, ARTICLE IV, TITLED "LAND DEVELOPMENT ORDINANCE" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF PEAPACK AND GLADSTONE BY AMENDING SECTION 23-39.5, AFFORDABLE HOUSING DISTRICT, AH ZONE, AND TO AMEND CHAPTER XXIII, ARTICLE XI, TITLED "MIXED USE-AFFORDABLE HOUSING ZONE" BY AMENDING SECTION 23-95.11

WHEREAS, pursuant to the New Jersey Supreme Court "Mount Laurel" decisions every municipality within the State has a constitutional obligation to provide opportunities for the development of affordable housing; and

WHEREAS, the Peapack and Gladstone Borough Land Use Board has adopted an amended Housing Element and Fair Share Plan dated August 7, 2020 pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq. (hereinafter "Fair Share Plan") to address its constitutional obligation for the Third Round which covers the time period from 1999 to 2025; and

WHEREAS, the Fair Share Plan describes how the Borough of Peapack and Gladstone shall address its fair share of low- and moderate-income housing as documented in the Fair Share Plan itself, the Settlement Agreement entered into between the Borough and Fair Share Housing Center ("FSHC") (hereinafter "FSHC Settlement Agreement"), and the Court Order approving same, after a properly noticed Fairness Hearing; and

WHEREAS, the Fair Share Plan was subsequently endorsed by the governing body; and

WHEREAS, the Fair Share Plan identifies certain properties to be zoned for inclusionary development pursuant to the FSHC Settlement Agreement; and

WHEREAS, in furtherance of the above, on September 8, 2020, the Governing Body of the Borough of Peapack and Gladstone adopted Ordinance No. 1093-2020, amending the Zoning Ordinance to accomplish the above objectives; and

WHEREAS, the Governing Body wishes to introduce supplementary amendments to the Zoning Ordinance which shall further the above objectives.

NOW THEREFORE BE IT ORDAINED by the Governing Body of the Borough of Peapack and Gladstone, Somerset County, New Jersey that it does hereby amend and supplement the Zoning Ordinance of the Borough as follows:

Note: deletions of existing ordinance requirements are indicated by ~~strikeout~~ where new sections are indicated by ***bold italics***.

Section 1. Article IV, §23-39.9 Residential Housing Community is hereby amended and supplemented as follows:

a. Purpose. The intent of permitting a residential housing community on certain lands within the ORL and RR-5 Zoning Districts is to ~~provide a~~ ***promote*** development alternatives which ~~would~~ ***will*** result in the construction of high-quality attached ***age-restricted*** residences ***without an affordable housing requirement or non age-restricted high quality attached residences with an affordable housing requirement as specified in subsections d and e hereinafter***, which will have less adverse impact upon the road network, infrastructural needs, and the environment, and contribute to the Borough's affordable housing obligation.

Section 2. Article IV, §23-39.9e(4) Residential Housing Community is hereby amended and supplemented as follows:

e(4). Each dwelling unit shall provide an attached two-car garage, and each dwelling unit shall contain at least 2,400 square feet of gross floor area excluding the garage and a maximum of 3,600 square feet of gross floor area excluding the garage ***except these requirements shall not apply to affordable housing units required to be constructed pursuant to §23-39.9 d.1. Affordable housing units may contain less gross floor area and provide for at grade parking.*** The applicant shall be required to construct 25% of the market units with master bedroom suites on the first floor.

Section 3. Article XI, §23-95.11j Mixed Use-Affordable Housing Zone, Building Height is hereby amended as follows:

j(3) Minimum setbacks from external lot lines (feet) ***(subject to §23-95.11k below)*** shall be as follows:

1. Minimum lot area (acres): 0.74
2. Minimum distance between buildings (feet):
 - a) Buildings fronting directly on Main Street (feet): 0
 - b) All other buildings (feet): 10
3. Minimum setbacks from external lot lines (feet):
 - a) Front yard: None
 - b) Side yard: None
 - c) Rear yard: From Residential 15

- 4. Maximum building lot coverage (percentage): 65
- 5. Maximum impervious lot coverage (percentage): 85

Section 4. Article XI, §23-95.11k Mixed Use-Affordable Housing Zone, Building Height is hereby amended as follows:

k. Building Height. To provide for the appropriate transition and relationship of proposed development to Main Street and the surrounding area and taking into consideration the specific topographic conditions within the zone, the regulations regarding permitted maximum building height, as provided herein, are as follows:

1. Building height shall mean the vertical distance from the average ground elevation of the building or structure to the level of the highest point measured at the building corners from the first finished floor.

2. The height limit shall not apply to roof-mounted heating, air-conditioning or other mechanical equipment, except that such equipment shall not exceed a maximum height of 10-feet and shall not occupy more than 25% of the roof area. Additionally, such equipment shall setback from the roof edge a minimum of 10 feet (***a minimum of 15 feet for buildings abutting Block 22, Lot 1***) and be screened by a wall, cover or by other means and that such screening shall be in keeping with the architectural motif of the building.

3. Building height for structures located on that portion of the development that abuts the rear lot line of properties that front on Main Street (***other than Block 22, Lot 1, which shall be governed by §23-95.11k.4 below***) shall be limited to a building height of 3-stories over below grade structured parking. The maximum building height shall not exceed 40 feet.

4. (a). Building height for structures that front directly on Main Street or on the corner of Main Street and Lackawanna Avenue shall not exceed a building height of 2-stories. ~~The maximum building elevation shall not exceed 30 feet.~~ ***or 30 feet.***

(b) (1) Buildings abutting Block 22, Lot 1, shall not exceed a building height of 2 stories or 30 feet.

(2) Any second story addition to a building existing on the date hereof abutting Block 22, Lot 1, shall be stepped back from Block 22, Lot 1 a minimum of 30 feet as measured from the outermost edge of the side roofline of the first story abutting Block 22, Lot 1.

(3). Any new building shall be set back minimally 15-feet from the property line abutting Block 22, Lot 1 and a second story, if constructed, shall be stepped back an additional 15-feet from the outermost edge of the roofline of the first story abutting Block 22, Lot 1.

Section 5. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Somerset County Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-15. The Borough Clerk shall execute any necessary Proofs of Service of the notices required by this section, and shall keep any such proofs on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

Section 6. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Land Use Board of the Borough of Peapack and Gladstone for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Land Use Board, acting in its capacity as Planning Board, is directed to make and transmit to the Borough Council, within thirty-five (35) days after referral, a report including identification of any provisions in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 7. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 8. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 9. This Ordinance shall take effect immediately upon: (i) adoption; and (ii) publication in accordance with the laws of the State of New Jersey.

Introduced: October 13, 2020
Adopted: November 10, 2020



Nancy A. Bretzger, RMC
Municipal Clerk



Gregory J. Skinner
Mayor