

BOROUGH OF ORADELL
BERGEN COUNTY, NEW JERSEY
ORDINANCE #26-02

This ordinance published herewith was introduced and passed upon first reading at a meeting of the Borough Council of the Borough of Oradell, in the County of Bergen and State of New Jersey, held on February 19, 2026 at 7:30 PM. It will be further considered for final passage after public hearing thereon, at a Public Meeting of said Borough Council to be held at 350 Prospect Avenue, in said Borough, on March 10, 2026 at 7:30 PM, and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's Office in said Borough Hall to the members of the general public who shall request the same.

**AN ORDINANCE TO AMEND THE BOROUGH CODE TO INCLUDE A NEW
INCLUSIONARY ZONE DISTRICT FOR BLOCK 716, LOTS 14 & 15 IN THE
BOROUGH OF ORADELL, BERGEN COUNTY, NEW JERSEY**

WHEREAS, the Borough Oradell is constitutionally obligated to address its affordable housing obligations pursuant to the *Mount Laurel* doctrine and the New Jersey Fair Housing Act as amended in March of 2024 ("FHA II") and other applicable law; and

WHEREAS, the Oradell Planning Board adopted a Housing Element and Fair Share Plan on June 24, 2025 and the Borough endorsed that plan on June 24, 2025; and

WHEREAS, on June 25, 2025, Oradell filed the Housing Element and Fair Share Plan with "the Program", an entity created by FHA II, in accordance with the standards established by that Legislation; and

WHEREAS, 445 Kinderkamack LLC ("445 Kinderkamack") among others filed objections to Oradell's efforts to secure approval of its Housing Element and Fair Share Plan; and

WHEREAS, the objections triggered a mediation process, which culminated in a Mediation Agreement between 445 Kinderkamack and the Borough, dated January 29, 2026; and

WHEREAS, the Mediation Agreement calls for the Borough to prepare an ordinance for the Block 716, Lots 14 and 15 to allow the construction of 25 residential units with a mandatory set-aside of 20%; and

WHEREAS, the following ordinance satisfies the requirements of the agreement between the Borough and 445 Kinderkamack.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Oradell, County of Bergen, State of New Jersey, that the Oradell Borough Code is revised as follows

SECTION 240-6.2.A is revised as follows: For the purposes of this chapter, the Borough of Oradell is divided into 18 zones, which are as follows

AH-3 Affordable Housing 3 Residential Zone

SECTION 240- 6.2. is amended to add Section 240-6.2.Q, AH-3 Zone, as follows:

- 1) The purpose of the AH-3 Zone is to implement the settlement agreement executed on January 29, 2026 between the Borough of Oradell and the property known as Block 716, Lots 14 & 15. As a result of the settlement, Lots 14 and 15 are permitted to be improved with an inclusionary development containing a maximum of 25 residential units, of which 20% will be affordable units.
- 2) This ordinance creates a new zone district, known as the AH-3 Zone, to include only the property known as Block 716, Lots 14 & 15 or 441-445 Kinderkamack Road.
- 3) The creation of the AH-3 Zone will facilitate creation of an inclusionary development that will diversify housing opportunities to partially satisfy the Borough's Round 4 affordable housing obligation.
- 4) Permitted uses. The only permitted use in the AH-3 Zone is
 - a) Multifamily Residential Development, containing:
 - (1) A maximum of 25 residential units, of which 20% or five (5) units shall be affordable to moderate, low and very low income households as described herein.
 - (2) The Ground Floor shall contain parking for the multifamily residential development, as well as an associated lobby, refuse and recycling areas, and mechanical space that is associated with the multifamily residential development.
 - (3) The Second and Third Floors shall contains multifamily residential dwelling units.
 - b) Parking on the ground floor.

- c) Accessory uses customarily incidental to the above uses and located on the same lot as the principal use to which they are accessory
- 5) Area and Bulk Requirements:
- a) Minimum lot size: 32,000 square feet
 - b) Maximum density: 35 units per acre, not to exceed the maximum number of total permitted residential units listed below.
 - c) Maximum number of dwelling units: 25 units.
 - d) Minimum Setbacks
 - (1) Front Yard Setback: 30 ft.
 - (2) Front Yard Setback from Roadway Widening Easement: 20 ft.
 - (3) Rear Yard Setback. : 10 ft.
 - (4) Side Yard Setback: 10 ft. minimum single side, but in no case shall the combined Side Yard Setback be less than 25 ft.
 - e) Parking & Loading
 - (1) 43 Parking Spaces shall be provided. The Concept Plan shows 45 spaces, but the number of parking spaces is reduced by two (2) spaces, as described herein.
 - f) Maximum principal building height: 35 ft. and three (3) stories.
 - g) Maximum Building Coverage: 50.5%
 - h) Maximum Lot Coverage: 85%
 - i) Bedroom Distribution: The 25 residential units shall contain the following bedroom distribution: One (1) three-bedroom affordable unit; 19 two-bedroom units, of which three (3) will be affordable units; four (4) one-bedroom units; one (1) affordable studio unit.
- 6) Site Design Requirements: The development shall be in conformance with the attached concept plan dated July 29, 2025 and revised to October 31, 2025 with the following exceptions:

- a) The two (2) parking spaces located in the back of the property shall be removed to create a larger buffer. This parking revision shall not impact the number of permitted residential units (25) or result in the need for a variance for insufficient onsite parking.
 - b) Brick and fieldstone will no longer be co-mingled. The brick will be removed.
 - c) Construction will be limited to three materials: hardi plank, fieldstone and metal roofing (metal roofing to be used in connection with the shed windows).
 - d) Additional grouped shed windows shall be added on the sides of the building, similar to their use of the front of the building in an effort to make them more pronounced and the break up the linear sides of the building.
- 7) Affordable Housing
- a) Not less than 20% of the total dwelling units shall be restricted to low and moderate income households, with 13% of the affordable units being available to very low income households. These households shall be available to families, and shall not be restricted to any specific demographic or population.
 - b) If the required total number of residential units does not result in a full integer, the developer shall round up to the nearest full integer. Should the developer elect to construct fewer than 25 total residential units, the required affordable set-aside will be 20%, rounded up to the nearest integer.
 - c) The affordable units shall be developed and administered in accordance with the Fair Housing Act (NJSA 52:27D-301 et. seq.), Local Planning Services regulations (N.J.A.C. 5:99), and UHAC regulations (N.J.A.C. 5:80-26.1), and as required under Chapter 61, Affordable Housing, of the Borough of Oradell. Such requirements include but are not limited to the following: income distribution, bedroom distribution, affordability controls (not less than 40 years for rental units and 30 years for sale units).

Repealer

All ordinances or code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Severability

If any section, subsection, paragraph, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

Effective Date

This ordinance shall take effect upon its passage and publication, as required by law.

***Proposed Affordable Housing Site
445 Kinderkamack Road
Block 716, Lot 14 and 15
Borough of Oradell, NJ***

