



Township of River Vale
County of Bergen
State of New Jersey

ORDINANCE #469-2026

Date of 1 st Reading: March 2, 2026	Motion to Adopt: Councilman Tolomeo
Date of Public Hearing: March 16, 2026	Motion Second: Councilman Donovan

**AN ORDINANCE AMENDING CHAPTER 142, PART 9, ARTICLE LII,
OF THE MUNICIPAL CODE OF THE TOWNSHIP OF RIVER VALE TO
CREATE THE AFFORDABLE HOUSING ZONE AH-2**

WHEREAS, the Township of River Vale has the authority to regulate land uses within its municipal boundaries under the Municipal Land Use Law, N.J.S.A. 40:55D-1, et. seq.;

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024. c.2 into law, establishing a new framework for determining and enforcing a municipality's affordable housing obligation under the New Jersey Supreme Court's Mount Laurel doctrine and New Jersey's Fair Housing Act (the "FHA") (N.J.S.A. 52:27D-301, *et al.*); and

WHEREAS, the Township of River Vale pursuant to the FHA adopted a resolution on January 27, 2025, establishing the "present need" obligation and seeking a deviation from the "prospective need"; and

WHEREAS, Incandescent Development, LLC ("Incandescent") filed a challenge to the Township's calculation; and

WHEREAS, on March 31, 2025, settled with Incandescent to include their property located at Block 813, Lots 17 and 18 as identified in the municipal tax maps to contain a total of 75 units with 20% affordable housing; and

WHEREAS, the Township of River Vale adopted its Housing Plan Element and Fair Share Plan ("HEFSP") on June 30, 2025; and

WHEREAS, Fair Share Housing Center (FSHC) was the only challenger who did not formally challenge the HEFSP but identified items that need to be provided; and

WHEREAS, on October 30, 2025, the Township furnished the documentation, and

WHEREAS, on December 19, 2025, of the Township of River Vale and FSHC filed a consent order noting that Township is in compliance with the Fair Housing Act and the Mount Laurel Doctrine so long as the conditions set forth in the consent order were met; and

WHEREAS, on February 18, 2025, the Township adopted an amended HEFSP; and

WHEREAS, the Township is desirous of adopting an ordinance to rezone the property located at Block 813, Lots 17 and 18 which is referred to as the “Forcellati/Incandescent” site in the Housing Element and Fair Share Plan of the Township of River Vale; and

NOW, THEREFORE BE IT ORDAINED by the governing body of the Township of River Vale, Bergen County, New Jersey, that Chapter 142 of the Municipal Code of the Township of River Vale, is hereby amended, with this Ordinance, to create to the “Affordable Housing Zone 2 AH-2” Zone District. Section 142-236.6 entitled “**Block 813, Lots 17 and 18 Affordable Housing Zone AH-2**” is hereby created to read as follows.

§ 142-236.6 Block 813, Lots 17 and 18 Affordable Housing Zone AH-2

- A. Purpose. The AH-2 District includes the property at Block 813, Lots 17 and 18 in the Township of River Vale. The purpose of this district is to provide for redevelopment of the site with an inclusionary residential development that will address a portion of the Township’s Fourth Round affordable housing obligation in a manner consistent with the settlement agreement between the Township and property owner.
- B. Permitted Uses. In the AH-2 District no building shall be used, and no building shall be erected or altered which is arranged, intended or designed to be used, and no land shall be used, except for one or more of the following permitted uses:
 - (1) Multiple-family dwellings
 - (2) Townhouses
 - (3) Surface parking as an accessory to the inclusionary residential development.
 - (4) Private garages as an accessory to townhouses
 - (5) Accessory buildings and structures customarily incidental to any use permitted by this section, provided that such accessory building shall be on the same site with the building to which it is accessory and also provided that such accessory building shall not be used for residence purposes.
- C. Minimum lot area requirement. 5 acres
- D. Minimum lot frontage requirement. 200 feet along a public street.
- E. Minimum lot depth requirement. 700 feet.
- F. Residential Density Requirement: A maximum of 75 dwelling units are permitted in the AH-2 Zone, consisting of market rate units and affordable units.

G. Affordable Housing requirement.

- (1) A minimum of 20 percent of the units on site shall be deed restricted as “family rental” units affordable to low- and moderate-income households. Affordable units shall be allocated, restricted, marketed and controlled in accordance with Section 142-235 and Chapter 43 of the Township Code, the Uniform Housing Affordability Controls (UHAC), the Fair Housing Act, and any other applicable regulations.
- (2) The units restricted for low- and moderate-income households shall be permitted to be exclusively apartment units in multi-family buildings provided the affordable units are sized and distributed in a manner consistent with UHAC requirements at N.J.A.C. 5:80-26.1 et seq so as not to be distinguishable from market-rate units.

H. Building height requirements.

- (1) Multi-family buildings shall not exceed 3 stories and 45 feet in height
 - (a) Each building shall have its height calculated individually. Building height shall be measured from the average elevation of the existing grade measured at ten-foot intervals around the outer perimeter of the proposed building footprint, beginning at the low point to the tallest point of the roof.
- (2) Townhouse buildings shall not exceed 3 stories and 35 feet in height
 - (a) Townhouse height shall be measured for each unit individually due to the sloped nature of the property.
 - (b) Height shall be measured from the average elevation of the existing grade measured at ten-foot intervals around the outer perimeter of the proposed building footprint, beginning at the low point of each dwelling unit to the highest point of the roof of that unit.
- (3) Roof-mounted mechanical equipment shall be permitted to exceed the permitted height by up to four feet provided the following requirements are met:
 - (a) The equipment shall be setback from the building façade a distance greater than its height above the roof deck.
 - (b) The equipment shall be architecturally screened from view at the site property lines by a parapet, sloped roof, mansard, or other similar feature.
 - (c) Equipment shall not occupy an area greater than 25% of the roof surface.

I. Minimum yard requirements:

- (1) Principal Structure Setbacks:
 - (a) Front yard: 40 feet
 - (b) Rear yard: 50 feet

- (c) Side yard: 30 feet
- (2) Yard Exceptions
 - (a) Patios, which shall not include permanent roofed structures but may include pergolas, awnings, etc. shall be permitted to encroach up to 8 feet in any required setback area.
 - (b) Stormwater management facilities and utilities shall be permitted in any required yard area but shall not be closer than 10 feet to any property line.
- J. Internal setback requirements:
 - (1) Principal structures shall be separated a distance of at least 30 feet from one another.
- K. Maximum coverage standards:
 - (1) Building Coverage: 30%
 - (2) Impervious Coverage: 60%
- L. Parking and Circulation. Parking, driveway, and circulation design shall be in accordance with Article LIX (Sections 142-268 through 142-279) of the Township Code with the following exceptions:
 - (a) Minimum parking spaces required shall be provided consistent with R.S.I.S. (N.J.A.C. 5:21 et seq.)
 - (b) Drive aisles for 90 degree parking stalls shall be a minimum of 24 feet.
- M. Signs. One multifamily identification sign shall be permitted in accordance with Section 142-242. of the Township Code, except that a maximum area of 32 square feet shall be permitted.
- N. Lighting. Site lighting shall comply with the design standards set forth in section 142-158 of the Township Code.
- O. Landscaping and buffer areas. Site landscaping and buffers shall comply with the design standards set forth in section 142-159 of the Township Code.
- P. Fencing. Fencing shall comply with the zoning requirements in section 142-248 of the Township Code, except that fences at least 50% open, up to 4 feet in height shall be permitted in a front yard.
- Q. Retaining Walls.
 - (1) Shall be permitted as needed to accommodate the grading of the site
 - (2) Shall be fenced as required by code
 - (3) Shall be landscaped in accordance with section 142-161.A
 - (4) Shall be permitted in any yard area and within required buffer areas

- R. Steep Slopes. Inclusionary development in the AH-2 zone shall be exempt from the steep slope disturbance restrictions in section 142-309 of the Township Code. The improvements and grading on the property at the time of the adoption of this ordinance are the result of decades of use as a garden center / landscape contractor business. The AH-2 zone does not contain any undisturbed, naturally occurring steep slopes, whose protection is the purpose of the Township's steep slope disturbance regulations.
- S. Environmental Impact Study. An inclusionary residential development in the AH-2 zone shall be exempt from the requirement to provide an Environmental Impact Study at Section 142-298 of the Township Code. The AH-2 zone encompasses property previously used for a landscaping business / garden center that occupied nearly the entire site. As the site has been disturbed and re-graded as part of the previous operations for many years, there are no naturally occurring sensitive environmental features present. Absent sensitive environmental features, requiring the submission of the study is an inappropriate cost generating requirement for the inclusionary residential development.
- T. Garbage and trash services. Garbage, refuse and trash removal and disposal services for multifamily units shall be arranged privately by or on behalf of the occupants of a development and shall conform to the standards as prescribed by the State of New Jersey and the Township of River Vale for recycling of solid waste. Unless otherwise prohibited by state law, garbage, refuse and trash removal from multifamily units shall not be an obligation of the Township. The provisions of Chapter 186, Recycling, of the Code of the Township of River Vale are incorporated herein as though set forth at length.
- (1) Refuse enclosures shall be setback a minimum of 30 feet from a side or rear lot line and shall not be permitted closer to a public right-of-way than any principal structure.
 - (2) Refuse enclosures shall be designed with a concrete pad and the enclosure walls shall be of the same colors and materials as the buildings with a vinyl fence gate. Landscaping shall be provided to screen the three sides of the enclosure.
 - (3) Refuse enclosures shall be adequately sized to provide space for trash and recycling for all site occupants, and shall be positioned throughout the site for ease of use by residents.
- U. Snow and ice removal. Every development shall conform to the standards and procedures applicable to planned residential developments set forth in § 142-117 of this chapter.
- V. Common recreation areas and open space
- (1) Design and layout of common recreation areas and open space shall be reviewed so as to provide an aesthetically pleasing design with an emphasis on health and safety.

- (2) Area required for recreation and open space shall be a total of 30% of any individual parcel. Stormwater management facilities such as bio-retention basins may be included in the open space calculation.

REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

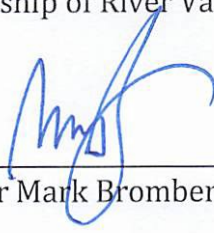
SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

EFFECTIVE DATE

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

Township of River Vale


Mayor Mark Bromberg

ATTESTED:


Karen Campanelli, Township Clerk

Date Adopted: 3/16/2020

Council Member	AYE	NAY	N.V.	A.B	Council Member	AYE	NAY	N.V.	A.B
BEN-YISHAY	☐	☐	☐	☒	SIEG	☒	☐	☐	☐
CRISCUOLO	☐	☐	☐	☒	TOLOMEO	☒	☐	☐	☐
DONOVAN	☒	☐	☐	☐					

X - Indicates Vote A.B. - Absent N.V - Not Voting (Abstained or Excused)