

# MASTER PLAN PERIODIC REEXAMINATION REPORT

## BOROUGH OF FAIR LAWN BERGEN COUNTY, NEW JERSEY



Fair Lawn  
New Jersey

Adopted: April 4, 2016

**Prepared For:**

Borough of Fair Lawn Planning Board  
8-01 Fair Lawn Avenue  
Fair Lawn, NJ 07410

**Prepared By:**

A handwritten signature in blue ink, which appears to read "Peter Van den Kooy", is written over a horizontal line.

Peter Van den Kooy, P.P., AICP #5918

Matrix New World Engineering, P.C.  
26 Columbia Turnpike  
Florham Park, NJ 07932

**BOROUGH OF FAIR LAWN  
2016**

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Deputy Mayor Amy Lefkowitz  
Deputy Mayor Daniel Dunay  
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Ken Garrison, Borough Engineer  
Peter Van den Kooy, P.P., AICP, Planner of Record  
Leah Thiel

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## INTRODUCTION

The New Jersey Municipal Land Use Law (MLUL) requires municipalities to periodically reexamine their master plan and development regulations at least once every ten years, as stated in the excerpt from N.J.S.A. 40:55D-89 of the MLUL below:

“...the governing body shall, at least every ten years, provide for a general reexamination of its master plan and development regulations by the planning board which shall prepare and adopt by resolution a report on the findings of such reexamination, a copy of which report and resolution shall be sent to the county planning board and the municipal clerk of each adjoining municipality.”

It is the intent of the Borough of Fair Lawn Master Plan and this Reexamination Report to advance the intent and purposes of the New Jersey Municipal Land Use Law which are as follows:

- a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;
- b. To secure safety from fire, flood, panic and other natural and man-made disasters;
- c. To provide adequate light, air and open space;
- d. To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole;
- e. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;
- f. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;
- g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;
- h. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;
- i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement;
- j. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land;
- k. To encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development to the particular site;
- l. To encourage senior citizen community housing construction;
- m. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;
- n. To promote utilization of renewable energy resources; and
- o. To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs.

This Reexamination Report has been prepared in accordance with N.J.S.A. 40:55D-89 of the MLUL. While the Borough of Fair Lawn Planning Board updated its Master Plan in 2014, this periodic

reexamination of the Master Plan is necessary in order to recognize the need for the zoning amendment and proposed amendment to the KEM Site/Fair Lawn Senior Housing Redevelopment Plan as noted herein. This 2016 Reexamination Report is not intended to be a comprehensive review of all of the Borough's Master Plan Elements and land development regulations. The Borough by-law does not have to perform such a reexamination until 2024.

The planning board is charged with the responsibility of preparing a report on the findings of the reexamination. N.J.S.A. 40:55D-89 states that the periodic reexamination must include the following elements:

- a. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
- b. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- c. The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.
- d. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.
- e. The recommendations of the planning board concerning the incorporation of the redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law" P.L.1992, c.79 (C.40A:12A-1 et seq.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality."

The subsequent sections of this Reexamination Report address the sections of the MLUL noted above. The adoption of this document by the Borough of Fair Lawn Planning Board and subsequent filing with the Bergen County Planning Board is important in order to provide a sound planning and policy foundation for the zoning amendment and redevelopment plan amendment recommended herein.

#### **A. THE MAJOR PROBLEMS AND OBJECTIVES RELATING TO LAND DEVELOPMENT IN THE BOROUGH OF FAIR LAWN AT THE TIME OF THE ADOPTION OF THE LAST REEXAMINATION REPORT**

Except as amended herein, the major problems and objectives relating to land development in the Borough of Fair Lawn at the time of the adoption of the 2005 Reexamination Report and the adoption of the 2014 Master Plan remain unchanged.

#### **B. THE EXTENT TO WHICH SUCH PROBLEMS AND OBJECTIVES HAVE BEEN REDUCED OR HAVE INCREASED SUBSEQUENT TO SUCH DATE**

Except as amended herein, the extent to which the major problems and objectives relating to land development in the Borough of Fair Lawn at the time of the adoption of the 2005 Reexamination Report and the most recent Master Plan update in 2014 have been reduced or increased remains unchanged.

### **C. THE EXTENT TO WHICH THERE HAVE BEEN SIGNIFICANT CHANGES IN THE ASSUMPTIONS, POLICIES AND OBJECTIVES FORMING THE BASIS FOR THE MASTER PLAN OR DEVELOPMENT REGULATIONS**

Except as amended herein, the assumptions, policies, and objectives that form the basis for the Borough's Master Plan or development regulations, as last revised, with regard to density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in the State, county, and municipal policies and objectives, remain unchanged to any significant extent.

With regard to the R-5-1 Zone, it is recommended that an age-restricted townhouse use be added to that Zone in order to promote a wider variety of housing choices in the Borough. In addition, it is recommended that Block 1702, Lots 5 and 6 be rezoned from the R-1-2 Zone to the R-5-1 Zone. More detailed information about this proposed zoning amendment is included within the subsequent sections of this Report.

With regard to affordable housing, it is important to note that the current court mandated affordable housing regulatory framework may require that the Borough address additional affordable housing obligations in the future. In order to continue with the implementation of the Borough's affordable housing program in good faith, the Borough adopted the KEM Site/Fair Lawn Senior Housing Redevelopment Plan on April 28, 2015. It is important to note that the Redeveloper involved in that Redevelopment Area has requested that the Borough amend the Redevelopment Plan in order to accommodate additional affordable housing units, as the development envisioned is proposed to increase from a total of 64 affordable housing units to a total of 85 affordable housing units. This increase in the number of affordable housing units will contribute toward satisfying any additional affordable housing obligations that the Borough may be assigned by the Court in the future.

### **D. RECOMMENDED REVISIONS TO THE BOROUGH MASTER PLAN AND DEVELOPMENT REGULATIONS**

Except as amended herein, no specific changes are recommended for the Master Plan or development regulations.

Block 1702, Lots 5 and 6 in the Borough of Fair Lawn, in the County of Bergen (the "Subject Property") is currently zoned as within the "R-1-2 One-Family Residential District." The Subject Property is located at 41-29 Dunkerhook Road, Fair Lawn, New Jersey. Lot 5 is a flag lot and currently contains the historic dwelling of Jacob Vanderbeck, Jr. Lot 6 maintains 100 feet of frontage on Dunkerhook Road and contains an existing single-family home. The Vanderbeck House is listed on the National and State Registers of Historic Places (NR: 1/9/1983 Reference #: 83001566; SR: 10/3/1980). The home was built circa 1754.

In 2015 the Borough of Fair Lawn Planning Board recommended to the Borough Council that the Subject Property be rezoned from the R-1-2 Zone to the R-5-1 Zone in order to permit age-restricted townhouses for persons aged 55 and older as a permitted use on the Subject Property. Analysis, findings and recommendations as they pertain to the rezoning recommendation of the planning board noted above are included in the subsequent sections of this Report.

#### **Analysis, Findings and Recommendations**

The Borough's Zone Plan designates the Subject Property within the R-1-2, One-Family Residential Zone District. The uses permitted within this zone include one-family dwellings, residence for clergy, public

and non-profit private day schools for elementary and secondary education, home occupations, parking or storage of a boat, boat trailer, house trailer, tandem mounted trailer, snowmobile or camper, and uses and structures which are customarily accessory to permitted uses.

Prohibited uses include prohibited uses listed under Code Section 125-15, schools operated for profit except schools for preschool age children, parking of commercial vehicles in excess of three-quarter-ton truck, manufacturer's designated capacity and storage or parking of construction equipment or storage of construction materials.

The rezoning under consideration would designate the site as within the R-5-1, Townhouse Residential Zone. The uses permitted in this zone include all uses permitted in the R-1-1, R-1-2 and R-1-3 zones and townhouses.

Accessory uses permitted in the R-5-1 zone include all uses which are customarily incidental to and located on the same lot as the principle use. These may include but are not limited to swimming pools, tennis courts and clubhouses exclusively for the use of residents and their guests.

Relevant excerpts from the 2014 Master Plan are included below:

**Goal 1 (Page 2):** To preserve the existing single-family residential character of the Borough and maintain the scale and streetscapes of residential neighborhoods while also providing for a greater mix of housing types to meet the needs of a variety of household types, incomes and lifestyles.

**Goal 2 (Page 2):** To promote a balanced variety of residential, commercial, industrial, recreational, and public land uses.

**Historic Preservation Plan Element Objective 1 (Page 3):** To preserve and enhance historic places, buildings and districts through stronger controls.

**Historic Preservation Plan Element Objective 2 (Page 3):** To promote the Borough's cultural resources through preservation.

As the Master Plan contains the above language that pertains to Historic Preservation as well as additional language that pertains to the acquisition of the Subject Property for Historic Preservation and Open Space purposes, historic and cultural resources are a key consideration when considering the rezoning of the Subject Property. Therefore, it is envisioned that any future development proposed on the Subject Property would seek to restore and retain the Vanderbeck House to the extent practicable. It is also envisioned that the Borough of Fair Lawn Planning Board would require that a condition of approval be that the applicant would allow a schedule of times that this section of the structure would be open to the public and for use by the Historic Preservation Commission. The above would constitute significant steps to "save" the Vanderbeck House, including the potential for partial restoration and limited public use, which promotes the public interest.

With regard to surrounding land uses, to the east, directly adjacent to the Subject Property, are the Naugle House and the Saddle River. Across the river is the Borough of Paramus. The Naugle House is located within the POS, Public Open Space Zone. Vacant land and single family homes in the R-1-2 zone exist to the north of the property. Single family homes exist to the west of the Subject Property, while several commercial businesses are located to the southwest. Directly south of the site across Dunkerhook Road is open space owned by the Bergen County Park Commission. An Environmental Constraints Map depicting the Subject Property is included on the next page of this Report.



As the surrounding land uses are residential, parks/open space, and commercial in nature, if the Subject Property were rezoned to permit townhouse and age-restricted townhouse uses, these uses would be

compatible with the surrounding land uses. While these newly permitted uses could alter the mix of uses in the neighborhood to a minor extent, they are in character with the surrounding land uses. In addition, the compatibility of the townhouse and age-restricted townhouse uses with all of the existing surrounding uses is anticipated to mitigate any significant negative impacts that could occur from the development of such uses.

Based upon our review of the New Jersey State Development and Redevelopment Plan (“SDRP”), the property in question is split between Planning Area (“PA”) 1 Metropolitan Planning Area and PA-6 County Park owned park. Approximately 2.4 acres of the site is within the PA-1 designation. The intent of the PA-1 is to provide for much of the State’s future growth through revitalization of cities and towns, promotion of growth in compact forms, stabilization of older suburbs, redesign of areas of sprawl, and protection of the character of existing stable communities. The remaining area of approximately 1.1 acres is located in PA-6 and fronts on the Saddle River.

As the Subject Property is comprised of approximately 3.5 acres and many of the parcels in the surrounding area and the Borough as a whole are much smaller, the Subject Property is not a small parcel. Rather the Subject Property is a large parcel that is suitable to be rezoned to contain townhouse and age-restricted townhouse uses.

As mentioned previously, the inclusion of a use for age-restricted townhouses for persons aged 55 and older is deemed to be suitable and appropriate to be added as a permitted use within the R-5-1 Zone. In order to accommodate the age-restricted townhouse use, certain modifications to the bulk standards of the Fair Lawn Borough Code are appropriate as shown below. These modifications are necessary in order to reflect the design and operation considerations inherent in age-restricted residential townhouse developments.

1. The minimum lot width is recommended to be changed from 140 feet to 120 feet for age-restricted townhouse uses.
2. The minimum front yard setback is recommended to be changed from 25 feet to 20 feet for age-restricted townhouse uses.
3. The maximum permitted building coverage is recommended to be changed from 20 percent to 25 percent for age-restricted townhouse uses.

Based upon the analysis included above, it is recommended that “Age-Restricted Townhouses” be added as a permitted use within the “R-5-1 Townhouse Residential District” and the Subject Property be rezoned from the R-1-2 Zone to the R-5-1 Zone. The proposed rezoning is in accordance with the following MLUL purposes:

- a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare
- e. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment
- g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens
- l. To encourage senior citizen community housing construction
- m. As it pertains to the “...more efficient use of land”

The rezoning is also in accordance with Goal 1 on Page 2 of the 2014 Master Plan 1: “To preserve the existing single-family residential character of the Borough and maintain the scale and streetscapes of

residential neighborhoods while also providing for a greater mix of housing types to meet the needs of a variety of household types, incomes and lifestyles,” as the proposed age-restricted townhouse use provides an opportunity for a greater mix of housing types. Further, the recommended rezoning is in accordance with Goal 2 on page 2 of the 2014 Master Plan: “To promote a balanced variety of residential, commercial, industrial, recreational, and public land uses,” as the proposed age-restricted townhouse use increases the variety of housing in balance with other existing and zoned uses in the community.

The development of age-restricted townhouses is compatible with the land uses surrounding the Subject Property. The Subject Property is 3.5 acres in size and is of sufficiently large size to support an age-restricted townhouse use, as it exceeds the minimum lot area of 2.4 acres required within the R-5-1 Zone. The public interest of providing a variety of housing choices for residents would be advanced by the proposed rezoning.

Based upon the analyses and findings set forth above it is recommended that the Borough Council rezone the Subject Property from the R-1-2 Zone to the R-5-1 Zone and add age-restricted townhouses as a permitted use within the R-5-1 Zone. A draft Ordinance to amend Chapter 125 “Land Development” of the Code of the Borough of Fair Lawn as it pertains to the “R-5-1 Townhouse Residential District” within Code Section 125-21 to add “Age-Restricted Townhouses” as a permitted use and amend the “R-5-1 Townhouse Residential District” on the Borough’s Zoning Map to rezone Block 1702, Lots 5 and 6 from the “R-1-2 One-Family Residential District” to the “R-5-1 Townhouse Residential District” is included within Appendix A of this Plan.

#### **E. RECOMMENDATIONS CONCERNING THE INCORPORATION OF REDEVELOPMENT PLANS**

Except as amended herein, the recommendations of the planning board concerning incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," N.J.S.A. 40A:12A-1 et seq., to the land use plan element of the Master Plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality, remain unchanged.

As mentioned previously, in order to continue with the implementation of the Borough’s affordable housing program in good faith, the Borough adopted the KEM Site/Fair Lawn Senior Housing Redevelopment Plan on April 28, 2015. It is important to note that this Redevelopment Plan may be amended in order to accommodate additional affordable housing units. It is recommended that the potential development in this Redevelopment Area be permitted to increase from a total of 64 affordable housing units to a total of 85 affordable housing units through an amendment of the Redevelopment Plan. This increase in the number of affordable housing units will contribute toward satisfying additional affordable housing obligations that the Borough may be assigned by the Court in the future.

**APPENDIX A**  
**DRAFT ORDINANCE – BLOCK 1702, LOTS 5 & 6**

**ORDINANCE NO. xxxx-2016**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, SPECIFICALLY CHAPTER 125 “LAND DEVELOPMENT” AS IT PERTAINS TO AMENDING THE ESTABLISHED “R-5-1 TOWNHOUSE RESIDENTIAL DISTRICT” WITHIN CODE SECTION 125-21 TO INCLUDE “AGE-RESTRICTED TOWNHOUSES” AS A PERMITTED USE AND AMENDING THE “R-5-1 TOWNHOUSE RESIDENTIAL DISTRICT” ON THE BOROUGH’S ZONING MAP TO REZONE BLOCK 1702, LOTS 5 AND 6 FROM THE “R-1-2 ONE-FAMILY RESIDENTIAL DISTRICT” TO THE “R-5-1 TOWNHOUSE RESIDENTIAL DISTRICT.”**

**WHEREAS**, Block 1702, Lots 5 and 6 in the Borough of Fair Lawn, in the County of Bergen (the “Subject Property”) are currently zoned “R-1-2 One-Family Residential District” and are proposed to be rezoned to the “R-5-1 Townhouse Residential District;”

**WHEREAS**, “Age-Restricted Townhouses” is proposed to be added as a permitted use within the “R-5-1 Townhouse Residential District;”

**WHEREAS**, the proposed rezoning is in accordance with Municipal Land Use Law (“MLUL”) purposes “a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare,” “e. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment,” “g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens,” “l. To encourage senior citizen community housing construction” and purpose “m” as it pertains to the “...more efficient use of land;”

**WHEREAS**, page 2 of the 2014 Master Plan sets forth Goal 1 “To preserve the existing single-family residential character of the Borough and maintain the scale and streetscapes of residential neighborhoods while also providing for a greater mix of housing types to meet the needs of a variety of

household types, incomes and lifestyles,” and the proposed age-restricted townhouse use provides an opportunity for a greater mix of housing types;

**WHEREAS**, page 2 of the 2014 Master Plan sets forth Goal 2 “To promote a balanced variety of residential, commercial, industrial, recreational, and public land uses,” and the proposed age-restricted townhouse use increases the variety of housing in balance with other existing and zoned uses in the community.

**WHEREAS**, page 3 of the 2014 Master Plan sets forth Historic Preservation Plan Element Objective 1 “To preserve and enhance historic places, buildings and districts through stronger controls” and Objective 2 “To promote the Borough’s cultural resources through preservation,” and this Ordinance seeks to strongly encourage the preservation and enhancement of historic places to the maximum extent practicable;

**WHEREAS**, Block 1702, Lot 5 contains the historic dwelling of Jacob Vanderbeck, Jr., which is listed on the National and State Registers of Historic Places (NR: 1/9/1983 Reference #: 83001566; SR: 10/3/1980);

**WHEREAS**, the Master Plan contains the above language that pertains to Historic Preservation as well as additional language that pertains specifically to the Subject Property with regard historic preservation, and acknowledging that historic and cultural resources are a key consideration when considering the rezoning of the Subject Property, it is recommended that Vanderbeck house be maintained and restored to maximum extent practicable in order to retain this important historic and cultural resource;

**WHEREAS**, historic and cultural resources that have been designated as such on the National and State Registers of Historic Places have an enhanced value and role in promoting historic and cultural heritage when they are accessible to the public, it is recommended that upon any future redevelopment of the property with townhouse and/or age-restricted townhouse uses that a portion of the Vanderbeck house be open to the public and for use by the Historic Preservation Commission for a reasonable amount of time based upon reasonable conditions to be set forth by any future decision from the Planning or Zoning Board regarding the Subject Property;

**WHEREAS**, the development of age-restricted townhouses is compatible with the land uses surrounding the Subject Property;

**WHEREAS**, the Subject Property is 3.5 acres in size and is of sufficiently large size to support an age-restricted townhouse use, as it exceeds the minimum lot area of 2.4 acres required within the R-5-1 Zone;

**WHEREAS**, the public interest of providing a variety of housing choices for residents would be advanced by the proposed rezoning;

**WHEREAS**, the Borough Council desires to adopt an Ordinance amendment to Chapter 125 “Land Development” of the Code of the Borough of Fair Lawn as it pertains to the “R-5-1 Townhouse Residential District” within Code Section 125-21 to add “Age-Restricted Townhouses” as a permitted use and amend the “R-5-1 Townhouse Residential District” on the Borough’s Zoning Map to rezone Block 1702, Lots 5 and 6 from the “R-1-2 One-Family Residential District” to the “R-5-1 Townhouse Residential District.”

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Fair Lawn that the following amendments be made to Chapter 125 of the Code of the Borough of Fair Lawn and the Borough of Fair Lawn Zoning Map, which is incorporated into Chapter 125 by reference:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Borough of Fair Lawn “Zoning Map” and Code Section 125-10, entitled “Official Zoning Map,” which incorporates the “Zoning Map” of the Borough of Fair Lawn by reference, is hereby amended to delete Block 1702, Lots 5 and 6 from the “R-1-2 One-Family Residential District” and add Block 1702, Lots 5 and 6 to the “R-5-1 Townhouse Residential District;”
3. Code Section 125-21 (“125-21 R-5-1 & R-5-2 Townhouse Residential Zones”) is hereby amended as shown below by addition (underline) and deletion (strikethrough):

**125-21 R-5-1 & R-5-2 Townhouse Residential Zones**

A. Permitted uses. In the R-5-1 and R-5-2 Zones, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

- (1) All uses permitted in the R-1-1, R-1-2 and R-1-3 Zones.
- (2) Townhouses as defined in § 125-8. [Amended 5-6-2003 by Ord. No. 1943-2003]

(3) Age-Restricted Townhouses for persons aged 55 and older. Ownership of each dwelling unit in the community shall be restricted to at least one person of the age of 55 years or older by deed, covenants, restrictions of records and bylaws and rules and regulations.

a. The minimum lot width shall be one-hundred twenty (120) feet for Age-Restricted Townhouse uses.

b. The minimum front yard setback shall be twenty (20) feet for Age-Restricted Townhouse uses.

c. The maximum permitted building coverage shall be twenty-five (25) percent for Age-Restricted Townhouse uses.

B. Accessory uses. Accessory uses which are customarily incidental to and located on the same lot as the principal use. These may include but shall not be limited to: swimming pools, tennis courts and clubhouses for the exclusive use of residents and their guests.

C. Bulk and area regulations. Townhouses and Age-Restricted Townhouses shall meet the area and bulk requirements of the zone where located and the following additional requirements with the following exceptions 1. The bulk and related requirements shall not be applicable to Structures listed on the New Jersey or National Registers of Historic Places preserved in whole or part as a part of any application. For purposes of Building design a Structure listed on the New Jersey or National Registers of Historic Places shall be counted as a “unit” when combined with a new structure otherwise required to consist of not less than 3 units. 2. The requirements set forth for Age-Restricted Townhouses at 125-21.A.(3)a-c shall supersede other requirements within the Borough Code with regard to the development of Age-Restricted Townhouses:

(1) Front plane: No townhouse structure shall have more than two continuous attached townhouse units with front facades in the same plane; variations shall be at least two feet.

(2) Minimum distance between buildings: There shall be at least 20 feet between the end of one building and any facade of another building. If the two buildings are parallel (i.e., front or back of one building facing front or back of another), then there must be at least 40 feet between buildings.

(3) Maximum number of units per building: six.

(4) Buffer requirements:

- (a) There shall be a buffer of evergreens not less than four feet or more than six feet in height between any common parking area and a dwelling unit, as close as practicable to the parking area.
- (b) Where there is a parking area within 50 feet of a property line, there shall be a buffer of evergreens at least five feet in height. This buffer shall be as close as practicable to the parking area.
- (c) There shall be a distance of at least 35 feet between the townhouse buildings and adjoining vacant land zoned R-1-1, R-1-2 or R-1-3 one-family residential or adjoining land on which a single-family dwelling exists.

- 4. If any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.
- 5. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.
- 6. To the extent that any portion of the above referenced amendments to the Code of the Borough of Fair Lawn conflict with or amend or modify any provision of any other of the Borough's development regulations, these amendments shall supersede or amend or modify, as applicable, such development regulations and the Zoning Map included in the Borough's Ordinance shall be deemed amended accordingly.
- 7. This Ordinance shall take effect upon passage and publication in accordance with applicable law.

Attest:

Approved:

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Joanne M. Kwasniewski, RMC/CMC/AAE

John Cosgrove, Mayor

Municipal Clerk

Introduced:

Adopted: