

BOROUGH OF UPPER SADDLE RIVER
RESOLUTION #80-26
April 9, 2026

**RESOLUTION ENDORSING THE AMENDED HOUSING ELEMENT
AND FAIR SHARE PLAN**

WHEREAS, the Borough of Upper Saddle River, County of Bergen, State of New Jersey, (hereinafter, "Upper Saddle River") has a demonstrated history of voluntary compliance with its constitutional affordable housing obligations; and

WHEREAS, on March 20, 2024, Governor Phil Murphy signed into law P.L. 2024, c.2, an Amendment to the 1985 Fair Housing Act (hereinafter "Amended FHA" or "Act"); and

WHEREAS, among other things, the Act abolished the Council on Affordable Housing (hereinafter, "COAH"), and replaced it with seven retired, on recall judges designated as the Program and authorized the Director of the Administrative Office of the Courts, (hereinafter, respectively, "Director" and "AOC") to create a framework to process applications for affordable housing compliance certification; and

WHEREAS, pursuant to the Act and to Directive #14-24 issued by the Director on December 13, 2024, a municipality desiring to participate in the Program was obligated to take the following actions by January 31, 2025: (1) adopt a "binding resolution" determining its present and prospective need affordable housing obligations and (2) to file an action in the form of a declaratory judgment complaint in the County in which the municipality is located within 48 hours after the municipality's adoption of a binding resolution; and

WHEREAS, Upper Saddle River adopted a binding resolution on its present and prospective need affordable housing obligations and filed the required declaratory judgment action in a timely manner; and

WHEREAS, the Act also required that a Housing Element and Fair Share Plan (hereinafter, "HEFSP") be prepared and adopted by the Upper Saddle River Planning Board (hereinafter, "Planning Board"), and endorsed by the Upper Saddle River Governing Body (hereinafter, "Governing Body"), by June 30, 2025; and

WHEREAS, the Upper Saddle River Planning Board adopted the “Borough HEFSP, (“2025 HEFSP”), to address the Borough’s Fourth Round affordable housing obligations; and

WHEREAS, the Borough filed the adopted 2025 HEFSP on June 24, 2025 on eCourts; and

WHEREAS, the Governing Body endorsed 2025 HEFSP adopted by the Planning Board; and

WHEREAS, Fair Share Housing Center (“FSHC”) filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Borough’s 2025 HEFSP on August 29, 2025; and

WHEREAS, representatives of the Borough and FSHC entered into a Mediation Agreement on or about February 20, 2026, that resolved the issues raised in the challenges subject to, among other requirements, the adoption of an Amended Housing Element and Fair Share Plan consistent with the Mediation Agreement; and

WHEREAS, there was prepared an amended Housing Element and Fair Share Plan entitled “2026 Amended Housing Element and Fair Share Plan, Borough of Upper Saddle River, Bergen County, New Jersey” (“Amended HEFSP”), which is consistent with the Mediation Agreement; and

WHEREAS, the Planning Board adopted the Amended HEFSP as an amendment to Upper Saddle River’s Master Plan on March 26, 2026; and

WHEREAS, the Governing Body desires to endorse the Amended HEFSP adopted by the Planning Board on March 26, 2026.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Upper Saddle River, County of Bergen, State of New Jersey as follows:

1. The Governing Body does hereby endorse the Amended HEFSP adopted by the Planning Board on March 26, 2026.

2. The Governing Body does hereby authorize the filing of this Resolution endorsing the Amended HEFSP adopted by the Planning Board on eCourts for review by the Court.

3. The Mayor and Clerk, together with other appropriate officers and employees of Upper Saddle River, are hereby authorized to take all steps necessary to effectuate the purposes of this Resolution.

4. This Resolution shall take effect immediately.

Councilperson	Moved	Second	Ayes	Nays	Absent	Abstain
Abaid		X				
Drennan			X			
Florio	X					
Friedlander			X			
Lyons			X			
Masi			X			

I hereby certify that the above resolution was adopted by the Mayor and Council on April 9, 2026.



Joy C. Convertini, R.M.C., Borough Clerk

BOROUGH OF UPPER SADDLE RIVER
ORDINANCE NO. 04-26

**AN ORDINANCE OF THE BOROUGH OF UPPER SADDLE RIVER,
COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING
CHAPTER 150, ENTITLED "ZONING," OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF UPPER SADDLE RIVER TO
AMEND THE MAXIMUM PERMITTED DENSITY IN THE OL-1
OVERLAY 1 ZONE**

WHEREAS, the Upper Saddle River Borough Planning Board has adopted, and the Upper Saddle River Borough Council has endorsed, an Amended Housing Element & Fair Share Plan addressing the Borough's Fourth Round affordable housing obligation; and

WHEREAS, the Amended Housing Element & Fair Share Plan recommends amendments to the OL-1 affordable housing overlay zone on the parcel identified as Block 1301 Lot 13 on Borough tax records; and

WHEREAS, consistent with the provisions of the Municipal Land Use Law, including N.J.S.A. 40:55D-26 and 40:55D-64, prior to the hearing on the adoption of the amendment to the Zoning Ordinance, the Upper Saddle River Borough Council has referred to the Upper Saddle River Planning Board the proposed amendments to the Land Use and Development Ordinance for review, comment and recommendation.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Upper Saddle River, County of Bergen, State of New Jersey, that the amendments set forth below are made to the Revised General Ordinances of the Borough of Upper Saddle River, Chapter 150, entitled "Zoning."

Section 1. Section 150-15.7, "OL-1 Overlay 1 Zone," Subsection A(2) shall be amended to read as follows:

- (2) Maximum (gross) density: 28 units per acre.

Section 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Upper Saddle River, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Borough of Upper Saddle River are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 4. 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 Bergen County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

Section 5. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Upper Saddle River for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough Committee, within 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 6. This Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved.

Section 7. This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Bergen County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

INTRODUCED the 5th day of March, 2026.

ADOPTED the 9th day of April, 2026.



Arman Fardanesh, Mayor

ATTEST:


Joy Convertini, RMC, Borough Clerk

BOROUGH OF UPPER SADDLE RIVER
ORDINANCE NO. 05-26

**AN ORDINANCE OF THE BOROUGH OF UPPER SADDLE RIVER,
COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING
CHAPTER 150, ENTITLED “ZONING,” OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF UPPER SADDLE RIVER TO
AMEND THE MAXIMUM PERMITTED DENSITIES IN THE OL-4
OVERLAY 4 ZONE**

WHEREAS, the Upper Saddle River Borough Planning Board has adopted, and the Upper Saddle River Borough Council has endorsed, an Amended Housing Element & Fair Share Plan addressing the Borough’s Fourth Round affordable housing obligation; and

WHEREAS, the Amended Housing Element & Fair Share Plan recommends amendments to the OL-4 affordable housing overlay zone on the parcels identified as Block 1301 Lots 1.04, 1.11, 1.15, 1.16, 1.18, 1.19, 1.20, 1.21, 1.22, 1.23, 1.24 and 1.25 on Borough tax records; and

WHEREAS, consistent with the provisions of the Municipal Land Use Law, including N.J.S.A. 40:55D-26 and 40:55D-64, prior to the hearing on the adoption of the amendment to the Zoning Ordinance, the Upper Saddle River Borough Council has referred to the Upper Saddle River Planning Board the proposed amendments to the Land Use and Development Ordinance for review, comment and recommendation.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Upper Saddle River, County of Bergen, State of New Jersey, that the amendments set forth below are made to the Revised General Ordinances of the Borough of Upper Saddle River, Chapter 150, entitled “Zoning.”

Section 1. Section 150-15.10, “OL-4 Overlay 4 Zone,” Subsection A(2) shall be amended to read as follows:

- (2) Maximum (gross) density.
 - (a) Lot 1.04: 28 units per acre.
 - (b) All other lots: 25 units per acre.

Section 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Upper Saddle River, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances

of the Borough of Upper Saddle River are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 4. 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 Bergen County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).


Section 5. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Upper Saddle River for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough Committee, within 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 6. This Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved.

Section 7. This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Bergen County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

INTRODUCED the 5th day of March, 2026.

ADOPTED the 9th day of April, 2026.



Arman Fardanesh, Mayor

ATTEST:


Joy Convertini, RMC, Borough Clerk

BOROUGH OF UPPER SADDLE RIVER
ORDINANCE NO. 06-26

**AN ORDINANCE OF THE BOROUGH OF UPPER SADDLE RIVER,
COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING
CHAPTER 150, ENTITLED “ZONING,” OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF UPPER SADDLE RIVER TO
ESTABLISH A NEW OL-5 OVERLAY 5 ZONE**

WHEREAS, the Upper Saddle River Borough Planning Board has adopted, and the Upper Saddle River Borough Council has endorsed, an Amended Housing Element & Fair Share Plan addressing the Borough’s Fourth Round affordable housing obligation; and

WHEREAS, the Amended Housing Element & Fair Share Plan recommends the establishment of a new OL-5 affordable housing overlay zone on the parcel identified as Block 601 Lot 4 on Borough tax records; and

WHEREAS, consistent with the provisions of the Municipal Land Use Law, including N.J.S.A. 40:55D-26 and 40:55D-64, prior to the hearing on the adoption of the amendment to the Zoning Ordinance, the Upper Saddle River Borough Council has referred to the Upper Saddle River Planning Board the proposed amendments to the Land Use and Development Ordinance for review, comment and recommendation.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Upper Saddle River, County of Bergen, State of New Jersey, that the amendments set forth below are made to the Revised General Ordinances of the Borough of Upper Saddle River, Chapter 150, entitled “Zoning.”

Section 1. Section 150-6, “Establishment of Districts,” shall be amended to add the following new district to the list of districts:

OL-5 Overlay 5 Zone

Section 2. Section 150-7, “District Boundaries,” Subsection H, “Overlay Zone Districts,” shall be amended to include a new subparagraph (5), which shall read as follows:

(5) OL-5 District: Block 601, Lot 4, consisting of approximately 6.42 acres as shown on the Borough of Upper Saddle River Zoning Map.

Section 3. Chapter 150, Article III “Use Regulations,” shall be amended and supplemented by the insertion of a new Section 150-10.13 entitled “OL-5 Overlay 5 Zone.” This new section shall read as follows:

§ 150-10.13. **OL-5 Overlay 5 Zone.**

- A. Purpose. The purpose of the OL-5 Overlay 5 Zone is to create a realistic opportunity for the construction of low- and moderate-income multifamily housing at maximum densities as hereinafter specified, in a suitable location of the Borough of Upper Saddle River. This Overlay 5 Zone has been created to address a portion of the Borough's fair share affordable housing obligation in accordance with the Fair Housing Act ("FHA"), applicable Council on Affordable Housing ("COAH") regulations, mediation agreement entered into between the Borough and Fair Share Housing Center on February 18, 2026, the Borough's Housing Element and Fair Share Plan, and any applicable order of the court, including a judgment of compliance and repose order. Developers shall have the option of developing in accordance with the underlying zone standards.
- B. Principal permitted uses. The following principal uses shall be permitted in the OL-5 Overlay 5 Zone:
- (1) Inclusionary multifamily development.
- C. Accessory uses. The following accessory uses shall be permitted in the OL-5 Overlay 5 Zone:
- (1) Private indoor recreation and community rooms and facilities to be used exclusively by the residents of the development.
 - (2) Leasing/management office to be used exclusively for the residential component of the development.
 - (3) Roof-mounted solar panels and equipment. Ground-mounted solar panels shall be prohibited.
 - (4) Green roofs.
 - (5) Rooftop amenities to be used exclusively by the residents of the development.
 - (6) Electric vehicle (EV) charging equipment.
 - (7) Signs as otherwise regulated in the Borough ordinances.
 - (8) Fences and walls as otherwise regulated in the Borough ordinances.
 - (9) Trash and recycling facilities as otherwise regulated in the Borough ordinances.
 - (10) Noncommercial swimming pools and associated equipment to be used exclusively by the residents of the development.
 - (11) Private garages and off-street parking for private vehicles, excluding recreational vehicles, trailers, boats and commercial vehicles.

- (12) Accessory uses customarily incidental and subordinate to multifamily development.

Section 4. Chapter 150, Article IV “Bulk and Parking Regulations,” shall be amended and supplemented by the insertion of a new Section 150-15.11 entitled “OL-5 Overlay 5 Zone.” This new section shall read as follows:

§ 150-15.11. OL-5 Overlay 5 Zone.

A. OL-5 Zone bulk requirements. The area and bulk requirements for development built in accordance with the OL-5 Overlay 5 Zone standards are set forth below. All other development shall comply with the underlying zone's area and bulk regulations, which shall remain in full force and effect.

- (1) Minimum lot area: 6.0 acres.
- (2) Maximum (gross) density: 6 units per acre.
- (3) Minimum setbacks from external lot lines:
 - (a) Front yard: 40 feet.
 - (b) Side yard: 30 feet.
 - (c) Rear yard: 30 feet.
- (4) Maximum building lot coverage: 20%.
- (5) Maximum impervious lot coverage: 45%.
- (6) Maximum principal building height: 2 1/2 stories/35 feet.
 - (a) Appurtenances attached to the principal building, including, but not limited to, antennas, chimneys, bulkheads, mechanical equipment, penthouses (not for human occupancy) and similar-type features shall not exceed 12 feet in height and shall not occupy more than 15% of the total roof area. Pergolas for rooftop amenity spaces shall not exceed 10 feet in height. All roof-mounted appurtenances shall have a minimum ten-foot setback from the parapet. Flat roofs shall have parapets of not less than 42 inches and not more than 48 inches or as may otherwise be required.
- (7) Minimum landscaped buffer areas:
 - (a) Front yard: 25 feet.
 - (b) Side yard: 20 feet.

- (c) Rear yard: 20 feet.
- (8) Accessory building setbacks and height limitations:
 - (a) Minimum distance from principal building: 20 feet.
 - (b) Minimum distance to external lot lines: 30 feet.
 - (c) No accessory buildings or structures are permitted in any front yard.
 - (d) Maximum accessory building height: 15 feet.
- B. OL-5 Zone parking and loading requirements.
 - (1) The minimum number of required off-street parking spaces in the OL-5 Zone shall be in accordance with Residential Site Improvement Standards (RSIS).
 - (2) A minimum of one loading space shall be provided in accordance with § 126-34 of the Borough Code.

Section 5. Chapter 150, Article V “Supplementary Regulations,” shall be amended and supplemented by the insertion of a new Section 150-19.7 entitled “OL-5 Overlay 5 Zone.” This new section shall read as follows:

§ 150-19.7. OL-5 Overlay 5 Zone.

- A. Affordable housing requirements.
 - (1) All development constructed in accordance with the OL-5 Zone standards shall be required to provide a minimum affordable housing set-aside of 20%, regardless of whether units are for sale or for rent. When calculating the required number of affordable units, any computation resulting in a fraction of a unit shall be rounded upwards to the next whole number.
 - (2) All affordable units to be produced pursuant to this section shall comply with Chapter 63, Housing, Affordable, of the Borough Code, as may be amended and supplemented, the Uniform Housing Affordability Controls (“UHAC”) (N.J.A.C. 5:80-26.1 et seq.) or any successor regulation, the Borough's Housing Element and Fair Share Plan, as may be amended from time to time, and any applicable order of the court, including a judgment of compliance and repose order. This shall include, but is not limited to, the following:

- (a) The requirement that at least thirteen percent (13%) of the affordable units within each bedroom distribution shall be required to be for very-low-income households earning thirty percent (30%) or less of median income,
- (b) Appropriate bedroom distribution of 1-, 2-, and 3-bedroom units,
- (c) Recording of appropriate affordability controls of not less than forty (40) years for rental units and not less than thirty (30) years for sale units, and
- (d) Minimum unit sizes by square footage for affordable housing units.
- (e) The affordable units shall be affirmatively marketed in accordance with UHAC and applicable law. The affirmative marketing shall include the community and regional organizations identified by the Borough, and it shall also include posting of all affordable units on the New Jersey Housing Resource Center website in accordance with applicable law.
- (f) The affordable units shall be integrated with the market-rate units, and the affordable units shall not be concentrated in separate building(s) or in separate area(s) or floor(s) from the market-rate units. In buildings with multiple dwelling units of similar tenure, this shall mean that the affordable units shall be generally distributed within each building with market units. The residents of the affordable units shall have full and equal access to all of the amenities, common areas, and recreation areas and facilities as the residents of the market-rate units. The affordable units shall be the same type of housing unit as the market rate units, meaning that a market rate building available to families shall not be developed to provide age-restricted housing units.

B. Design requirements.

- (1) Building design.
 - (a) Architectural design shall be compatible and consistent with existing development in the Borough of Upper Saddle River.
 - (b) Buildings with expansive blank walls are prohibited.
 - (c) Side and rear building elevations shall receive architectural treatments comparable to front building facades.
 - (d) Each facade shall be designed to have a delineated floor line between the first level and upper floors.
 - (e) Each building facade facing a public right-of-way shall have elements of vertical articulation no greater than 50 feet apart, minimally one foot deep.

Such features may project a maximum of 18 inches into any required yard setback having a width not to exceed 10 feet.

- (f) Balconies above the first floor are encouraged and may extend a maximum of four feet into any required yard setback.
 - (g) Flat roof areas not occupied by appurtenances or amenity space shall be constructed as a cool roof with solar reflectivity of 50% or greater as certified by the Cool Roof Rating Council.
 - (h) Fire escapes are prohibited on front building facades, except where required by the Borough Fire Official.
 - (i) Primary building entrances for multifamily uses shall be oriented facing a public right-of-way. Secondary side and rear entrances may also be provided.
- (2) Parking.
- (a) Off-street parking shall be prohibited in required front yards.
 - (b) Surface parking outside of the principal building footprint shall have year-round screening with landscaping of minimally three feet in height where visible from the public right-of-way.
 - (c) Parking areas within the principal building footprint shall have screening and architectural treatment consistent with the front building facade on all sides.
- (3) Trash and recycling. Trash and recycling shall be stored in a designated location within the principal building or enclosed accessory structure. Dumpster enclosures shall be prohibited in front yards and shall be screened with minimally six-foot-high solid fencing and/or walls with materials and colors that are consistent with the principal building.
- (4) Equipment.
- (a) All roof-mounted equipment such as HVAC, air conditioning and ventilation units shall be screened from public view and located at least 10 feet from external building walls.
 - (b) Any ground-mounted equipment shall be enclosed with solid fencing and/or landscaping of at least the height of the equipment to provide year-round screening. All equipment shall be prohibited in the front yard except as may be required by a utility.

- (5) Landscaping.
- (a) Landscaping shall be provided to promote a desirable visual environment, to accentuate building design, define entranceways, screen parking areas, mitigate adverse visual impacts and provide windbreaks from winter winds and summer cooling subject to review and approval by the Borough.
 - (b) A landscape plan shall be prepared by a licensed professional, including a mix of ornamental, shade and/or evergreen trees, shrubs, perennials, grasses, perennials and/or annuals subject to the review and approval of the Borough.
 - (c) Foundation plantings and landscape beds shall be installed around the principal building.
 - (d) Shade trees shall be installed at regular intervals in the front yard with a maximum spacing of 50 feet on center to function as street trees.
 - (e) Parking rows longer than 15 parking spaces shall be divided by a landscape island not less than six feet in width with a shade tree installed.
 - (f) Native and deer-resistant plant species are encouraged, where appropriate.
 - (g) Trees shall be installed with a minimum caliper of 2.5 to three inches.
 - (h) A minimum twenty-foot-wide landscape buffer area shall be provided along lot lines where the site abuts residential development. No buildings, structures, accessory structures, parking, driveways or storage shall be permitted in a required buffer area.
- (6) Lighting.
- (a) Site lighting shall be provided in accordance with § 126-33 and all other applicable sections of the Borough Code.
 - (b) Lighting shall include shielding to minimize glare from surrounding residential uses and public rights-of-way and to minimize sky glow.
 - (c) Exterior site lighting shall not exceed a lighting intensity or color temperature of 3,500 Kelvin (K).
- (7) Signs.
- (a) Development in the OL-5 Zone shall be permitted to have one freestanding sign not to exceed 30 square feet, inclusive of any supporting sign or based components not to exceed a maximum height of four feet. Such sign may

be illuminated and shall have landscape plants installed around the sign base or supports.

- (b) Signs in the OL-5 Zone shall otherwise be in accordance with § 150-21A of the Borough Code for signs in the R-1 and R-2 Districts.
- (8) Other provisions. Except as noted above, development in the OL-5 Zone shall comply with all other Borough zoning, site plan and subdivision regulations as provided in Chapters 150 and 126 of the Borough Code. In any instances where the requirements of this section are in conflict with another provision of the Borough Code, the requirements of this section shall supersede.

Section 6. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 7. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Upper Saddle River, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Borough of Upper Saddle River are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 8. 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 Bergen County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).


Section 9. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Upper Saddle River for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough Committee, within 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 10. This Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved.

Section 11. This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Bergen County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

INTRODUCED the 5th day of March, 2026.

ADOPTED the 9th day of April, 2026.



Arman Fardanesh, Mayor

ATTEST:



Joy Convertini, RMC, Borough Clerk

BOROUGH OF UPPER SADDLE RIVER
ORDINANCE NO. 07-26

**AN ORDINANCE AMENDING CHAPTER 63, "HOUSING, AFFORDABLE", OF
THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER**

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Upper Saddle River, in the County of Bergen, and State of New Jersey as follows:

Section 1. Chapter 63, "Housing, Affordable," of the Code of the Borough of Upper Saddle River is hereby deleted in its entirety and replaced with the following.

§ 63-1 Purpose, Applicability & Interpretation

- a. This Chapter sets forth regulations regarding the creation, use, occupancy, administration and preservation of very low-, low- and moderate-income affordable housing units in the Borough of Upper Saddle River consistent with the Mount Laurel doctrine; the New Jersey Fair Housing Act, as amended by P.L. 2024, c.2, N.J.S.A. 52:27D-301 et seq., (hereinafter the "Act," "FHA" or FHA-2"); the regulations promulgated pursuant thereto by the New Jersey Department of Community Affairs, Division of Local Planning Services ("LPS") at N.J.A.C. 5:99 et seq., ("Affordable Housing Rules"), and the Housing and Mortgage Finance Agency's (HMFA) Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 et seq.; and the municipality's Fourth Round Housing Element and Fair Share Plan ("HEFSP").
- b. This Chapter is intended to ensure that very low-, low- and moderate-income units ("affordable units") are created with controls on affordability over time and that very low-, low- and moderate-income households shall occupy these units in accordance with applicable statutory and regulatory requirements. This Chapter shall apply to all inclusionary developments, individual affordable units, and 100% affordable housing developments except where inconsistent with applicable law. Low Income Housing Tax Credit-financed developments shall adhere to the provisions set forth below in item 5.c. below.
- c. The Borough of Upper Saddle River Planning Board has adopted a HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan describes the ways the municipality shall address its fair share of very low-, low- and moderate-income housing as approved by the Superior Court and documented in the Housing Element.
- d. This Chapter implements and incorporates the relevant provisions of the HEFSP and addresses the requirements of the Mt. Laurel doctrine, the FHA, N.J.A.C. 5:99, NJ Supreme Court upheld COAH regulations at N.J.A.C. 5:93 and 5:97, and UHAC at N.J.A.C. 5:80-26.1, et seq., as may be amended and supplemented.

e. Applicability

1. Except where specifically exempted hereinafter, the provisions of this Chapter shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created pursuant to the municipality's most recently adopted HEFSP.
2. Except where specifically exempted hereinafter, this Chapter shall apply to all developments that contain very low-, low- and moderate-income housing units included in the Municipal HEFSP, as well as any unanticipated future development or redevelopment projects that will include, are proposed to provide or required by the municipality to provide very low-, low- and moderate-income housing units.
3. Projects receiving federal Low Income Housing Tax Credit financing shall be required to follow the UHAC unless exempt pursuant to N.J.A.C. 5:80-26.1, including but not limited to developments with anticipated funding from the Federal Low-Income Housing Tax Credit (LIHTC) pursuant to Section 42 of the Internal Revenue Code. Developers, landlords and program sponsors shall be required to comply with administration and affirmative marketing of the affordable units within such developments.
4. A waiver from any provision of this Chapter may be granted by the County-level Mount Laurel Judge, the Program or any trial court if it would advance the interests of low- and moderate-income households or if strict compliance would cause an unreasonable result.

f. Interpretation

1. In the event of any ambiguity, the provisions of this Chapter shall be interpreted and liberally construed in favor of the Municipality.
2. For any subject matter that is not otherwise addressed hereinafter, or is not otherwise covered by the Act, the Affordable Housing Rules or the UHAC, the Municipality may rely upon the provisions of COAH's prior round regulations at N.J.A.C. 5:93 and 5:97 that were deemed valid by binding Court precedent and that are most favorable to the municipality.
3. The provisions of the Mount Laurel doctrine; the Act; the regulations promulgated pursuant thereto by the New Jersey Department of Community Affairs, LPS; the Affordable Housing Rules; the HMFA Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 et seq.; and the municipality's Fourth Round HEFSP, as set forth in Subsection A 1 above, shall supersede and take precedence over the provisions of this Chapter.

g. Reservation of Rights

1. The Borough of Upper Saddle River reserves the right at any time to add to, remove from, or modify any provision of this Chapter provided that such addition, removal or modification is not inconsistent with the Mount Laurel doctrine; the Act; the regulations promulgated pursuant thereto by the New Jersey Department of Community Affairs, LPS; the Affordable Housing Rules; the HMFA Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 et seq.; or the municipality's Fourth Round HEFSP, as set forth in Subsection A 1 above.

§ 63-2 Definitions

As used herein the following terms shall have the following meanings:

"Accessory apartments" means a residential dwelling unit that provides complete independent living facilities with a private entrance for one or more persons, consisting of provisions for living, sleeping, eating, sanitation, and cooking, including a stove and refrigerator, and is located within a proposed preexisting primary dwelling, within an existing or proposed structure that is an accessory to a dwelling on the same lot, constructed in whole or part as an extension to a proposed or existing primary dwelling, or constructed as a separate detached structure on the same lot as the existing or proposed primary dwelling. Accessory apartments are also referred to as "accessory dwelling units".

"Act" means P.L. 2024, c. 2.

"Adaptable" means constructed in compliance with the technical design standards of the barrier free subcode adopted by the Commissioner of Community Affairs pursuant to the "State Uniform Construction Code Act," P.L.1975, c. 217 (C.52:27D-119 et seq.) and in accordance with the provisions of section 5 of P.L.2005, c. 350 (C.52:27D-123.15).

"Administrative agent" means the entity approved by the Division responsible for the administration of affordable units, in accordance with N.J.A.C. 5:99-7, and UHAC at N.J.A.C. 5:80-26.15.

"Affirmative marketing" means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.16.

"Affirmative Marketing Plan" means the municipally adopted plan of strategies from which the administrative agent will choose to implement as part of the Affirmative Marketing requirements.

"Affirmative Marketing Process" or "Program" means the actual undertaking of Affirmative Marketing activities in furtherance of each project with very low- low- and moderate-income units.

"Affordability assistance" means the use of funds to render housing units more affordable to low- and moderate-income households and includes, but is not limited to, down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowner's association or condominium fees and special assessments, common maintenance expenses, and assistance with