

**ZONING BOARD OF ADJUSTMENT  
TOWNSHIP OF TEANECK**

**APPEAL NO: ZB 2016-08**

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IN THE MATTER OF THE APPLICATION OF:

100 STATE STREET DEVELOPMENT, LLC FOR  
PRELIMINARY AND FINAL MAJOR SITE PLAN  
APPROVAL WITH VARIANCES RELATING TO  
BLOCK 5004; LOTS 3, 4 and 5, ALSO KNOWN AS  
100 STATE STREET, TEANECK, NEW JERSEY

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BE IT RESOLVED, by the Zoning Board of Adjustment (the "Board") of the Township of Teaneck that the following Procedural History, Findings of Fact, Conclusions of Law and Resolution be and are hereby adopted:

**PROCEDURAL HISTORY**

The within application was commenced by the filing of an application for preliminary and final major site plan approval, bulk variances including a density variance pursuant to *N.J.S.A. 40:55D-70(d)(4)*, height variance pursuant to *N.J.S.A. 40:55D-70(d)(6)* for building, and for height of retaining walls, and design waivers and de minimis exception relief (as more fully described in the table below and as requested as part of the application, and as further modified during the course of the hearing) for the development of a 68 unit multi-family apartment building located on the lot formally known and designated as Block 5004, Lots 3, 4 and 5 on the Tax Assessment Maps of the Township of Teaneck (the "Property"), which is commonly known as 100 State Street, Teaneck, New Jersey.

The bulk variance and design waiver/exception relief sought was as follows:

<b>Provision</b>	<b>Permitted/Required</b>	<b>Proposed</b>
Lot Area	1.5 acres	0.79 acres
Front Yard Setback	30 feet	10 feet
Side Yard Setback	30 feet	15 feet
Rear Yard Setback	30 feet	0 feet
Building Coverage	20%	65.8%
Impervious Coverage	65%	81.7%
Building Height	35 feet	73.25 feet (roof) 82 feet (parapet)
Density	12 units/acre	86.98 units/acre
Number of Parking Spaces	132	125
Parking Stall Size	9' x 18'	8' x 18' (due to columns)
Maximum Driveway Width	20 feet	25 feet
Drive Aisle Width	24 feet	0 feet (tandem spaces)
Maximum Lighting Intensity	0.5 fc average/1.0 fc max	5.8 fc avg (lower garage)/13.8 fc max (lower garage)
Maximum Height of Retaining Walls and Fences	6 feet	14.35 feet

#### **FINDINGS OF FACT**

The Board conducted public hearings on February 21, 2019, April 4, 2019, May 16, 2019, June 20, 2019, September 5, 2019, October 3, 2019, November 7, 2019 and December 5, 2019. The application was presented by 100 State Street Development, LLC (the "Applicant"), through counsel, Wendy Berger, Esq., Cole Schotz, P.C., Court Plaza North, 25 Main Street, Hackensack, New Jersey 07601.

The following documents were considered by the Board in review of this matter:

1. Variance application
2. Site plan application
3. Exhibit A-1 - Township of Teaneck Resolution 218-16 and email from William Rupp, Esq., dated December 31, 2018
4. Exhibit A-2 - Drawing A001, reference plan
5. Exhibit A-3 - Red Ironspot Modular sample red brick
6. Exhibit A-4 - Cherry velour sample red brick
7. Exhibit A-5 - Vintage black smooth sample grey brick
8. Exhibit A-6 - Ebonite velour sample grey brick
9. Exhibit A-7 - Smoke silver vitrabond sample meta
10. Exhibit A-8 - Bronze aluminum window frame sample

11. Exhibit A-9 - Insulated glass sample
12. Exhibit A-10 - Blue glass sample
13. Exhibit A-11 - Aerial photograph showing the site
14. Exhibit A-12A - Photograph
15. Exhibit A-12B - Photograph
16. Exhibit A-12C - Photograph
17. Exhibit A-13 - Resolution and findings regarding Application PB218, 2018-22
18. Exhibit A-14 - Traffic impact study, was dated June 13, 2017, revised February 5, 2019
19. Exhibit A-15 - Engineering plans last revision 12/20/2018, C4.01
20. Exhibit A-16 - Neglia drainage calculations
21. Exhibit A-17 - Zoning Board of Adjustment Exhibit No. 1, dated April 3, 2019 concerning drainage
22. Exhibit A-18 - Existing site conditions photographs (2) of subject property
23. Exhibit A-19 - Existing land use photographs (3) of nearby apartment buildings
24. Exhibit A-20 - Alternate Parking Plan B (Sheet A-202B prepared by RSC Architects, dated August 20, 2019)
25. Exhibit A-21 - Alternate Parking Plan A (Sheet A-202A prepared by RSC Architects, dated August 20, 2019)
26. Exhibit B-1 - Email of Larry Robertson (Teaneck Volunteer Ambulance Corp.)
27. Exhibit B-2 - Schwanewede/Hals Engineering Report, dated February 21, 2019 (erroneously marked as B-1 on April 4, 2019)
28. Exhibit Veach-1 Township of Teaneck Resolution 66-2015
29. Exhibit Veach-2 Township of Teaneck Resolution 218-2016

Additionally, the Board received the reports of Stonefield Engineering, dated February 18, 2019, Phillips Preiss, dated February 20, 2019, and Lt. Martin Rolaf, Teaneck Fire Official dated February 3, 2019 which although not marked as exhibits during the hearing, were considered by the Board in its review of the Application.

The following witnesses appeared and offered sworn testimony on behalf of the Applicant:

1. Ralph Walker
2. Nicholas Verderese, P.E.
3. David Juzmeski, P.E.
4. Steven Lydon, P.P.

The following members of the public appeared and either asked questions or offered sworn testimony concerning the Application:

1. Juanita Brown
2. Debbie Eliyahu
3. Lilian Lewis
4. Theresa Edwards
5. James Veach
6. Paula Rogovin
7. Charles Powers
8. Tanya Raggio-Ashley
9. Carol Kron
10. Alan Sohn
11. John Santaella
12. David Selove
13. Linda DeCarlo-Burns
14. Therise Edwards
15. Arthur Vatsky
16. Steven Savitz
17. James Veach
18. Laverne Lightburn
19. Denise Belcher
20. Howard Rose
21. Sharon Beal
22. Barbara Blumberg
23. Dena Ressler
24. Paul Simpson
25. Vincent Brevetti
26. Charles Rynearson
27. Terri Jardine
28. Azam Khan
29. Gloria Wilson
30. David Watters
31. Rhonda Henderson
32. Marcia Strean
33. Vinod Persaud

During the course of the hearing, the Board was assisted in the review of the Application by its professionals, Joseph Vince, P.E.; John Corak, P.E., Charles Olivo, P.E., Elizabeth Lenehy, P.P., and Daniel Melfi and Adam Myszka, the Township Zoning Officer and Assistant Zoning Officer, respectively

The address of the Property is 100 State Street, Teaneck, NJ 07666 and is also designated as Block 5004; Lots 3, 4, and 5 on the Township of Teaneck's Tax Assessment Map

(hereinafter, the "Property"). The Property is developed with an outdated non-ADA compliant, medical office building that is a non-conforming use in the RM Zone, as professional office uses are not permitted therein.

The Applicant has demonstrated compliance with the Notice requirements of the Municipal Land Use Law and opportunity was provided for the Applicant and members of the public to be heard.

The plans for which the Applicant sought approval for are architectural drawings prepared by RSC Architects last revised December 20, 2018 (the "Architectural Plans") as further revised by the August 20, 2019 Parking Plan and a Site Plan prepared by Neglia Engineering Associates, last revised January 15, 2019 (the "Site Plan")

The Applicant, through counsel, provided an overview of the proposed development to provide context for the Application. In particular, the Applicant intends to develop the property as a permitted use with a 68-unit multifamily rental residential building, of which 10 units are to be designated as affordable units and shall comply with the applicable requirements concerning affordability, marketing and controls pursuant to the Township's ordinances and the applicable regulations governing affordable housing. In particular, this means that there will be 2 1-bedroom affordable units, 6 2-bedroom affordable units, and 2 3-bedroom affordable units. Half of the units shall be affordable to moderate income households and the other half will be affordable to low income households. The low and moderate income affordable units shall be evenly distributed amongst the bedroom types. At least two of the affordable units will be affordable to very low income households. The Applicant intends to provide off-street parking in a two-level parking garage, and the building

will have common areas such as a lobby, mail and package room, and an office on the main floor. The design proposes a total of four levels of apartments above the lobby and parking levels, one of which is to be partially below grade.

Initially, the Applicant proposed to construct 100 parking spaces on the Property, but during the course of the hearing, the Applicant revised its plans to propose a total of 125 spaces in the parking garage below the building. In addition, pursuant to an agreement with the Township of Teaneck, the Applicant intends to construct a new parking lot containing 44 spaces on the north side of State Street on Block 5502, Lot 23. The Applicant's plans initially indicated that 58 spaces are to be tandem parking spaces (29 pairs), but as confirmed by the Applicant, the parking spaces are to be assigned to specific tenants such that no tandem parking space pair will be assigned to occupants of separate residences. This will ensure that no resident will be blocked in his/her parking space by the vehicle of a resident of another Unit. The revision to the Architectural Plan that the Applicant presented on September 5, 2019 to increase the total parking to 125 spaces provides a total of 108 tandem spaces (contained within 54 pairs).

The Applicant's architect testified that the building is seven stories in total, but only five levels are fully above grade. The lowest level of the parking garage has no setback to the adjacent rear property, but again, is below grade, and is not visible and creates no impacts to any nearby properties. Each residential floor will have approximately 17-18 units, and will be divided between 24 1-bedroom, 38 2-bedroom, and 6 3-bedroom units. Each residential floor will comprise approximately 21,696 square feet of floor area.

With respect to operations, the building will be served by two elevators. Trash storage

is to be located on the lower parking level adjacent to the utility area. Trash is to be collected by a private hauler, and due to the clearance height, a van or pickup truck will need to be used, and for which the Applicant shall be responsible. The Applicant will install rooftop HVAC equipment, but will set back all such equipment at least 10 feet from the parapet wall and screen same to ensure no negative impacts from the units.

The building is proposed to have a height of 73.25 feet to the roof, but the height of the parapet is 82 feet and the bulkhead is 85.9 feet, but pursuant to the Township Code, is not counted for purposes of calculating building height. The maximum height permitted in the RM Zone is 35 feet. The Application also requires a density variance to authorize 68 apartment units on 0.79 acres, which results in a density of 86.07 units per acre where a maximum of 12 units per acre is permitted in the RM Zone. Because the Application requires a density variance and a height variance pursuant to *N.J.S.A. 40:55D-70(d)(6)*, it is appropriately considered by the Board.

The Applicant presented testimony and the report of its traffic consultant, Nicholas Verderese, P.E. to demonstrate that the granting of relief would not cause significant traffic impacts. Mr. Verderese testified that the development would generate 23 trips during the AM Peak Hour, and 31 trips during the PM Peak Hour. These figures represent both arrivals and departures from the building and represent the movement of one car either onto or off of the Property every 2-3 minutes during the busiest times of the day. Mr. Verderese also testified that the amount of parking proposed was sufficient. At the time Mr. Verderese testified, the Applicant intended to provide a total of 100 parking spaces on the Property, where 132 spaces were required based upon the unit mix. Mr. Verderese explained that the census data

from Teaneck indicated that multifamily apartments within the census track typically had 1.1 parking spaces per rental unit, which is substantially lower than the requirements of the Residential Site Improvement Standards, which is a Statewide standard that is designed for residential development in all corners of New Jersey. Mr. Verderese postulated that the lower parking demand in Teaneck for rental apartments likely stemmed from the availability of numerous mass-transit options and the proximity of the rental apartments in the Township to retail areas that diminished the need for personal vehicles. He offered an opinion that a 32-space de minimis exception was justified under the RSIS in light of these facts. While Mr. Verderese did not again testify after the Applicant agreed to provide an additional 125 parking spaces, it can be inferred that a 7-space de minimis exception would similarly be warranted in his opinion.

The Applicant's planner, Steven Lydon, began his testimony by describing the shape of the lot, which he called interesting and atypical because normally, lots are deeper than they are wide. However, the Property is 300 feet wide along its frontage on State Street but only 115 feet deep. He also observed that the existing office building on the Property is totally obsolete in terms of layout and design.

Mr. Lydon opined that the development was in furtherance of the Township goals as set forth in the Master Plan to encourage the development and expansion of multifamily housing in the Township in locations where the use is permitted pursuant to the zoning ordinance and where there was no impact to single-family neighborhoods. Mr. Lydon observed that the Property, which is located in the R-M Zone and is surrounded by other apartment buildings, is exactly the location where the Master Plan envisioned multifamily



housing. He also indicated that by approving the development, it would further the goal of enhancing the vitality of Teaneck's commercial districts due to the influx of new residents near the commercial area located along Queen Anne Road to the west of its intersection with State Street. He also pointed to the 2011 Reexamination of the Master Plan, which identified a substandard housing stock, the decline in the need for office uses, and the need for more housing.

As evidence of this need for additional housing in Teaneck, Mr. Lydon identified that according to census reports Teaneck has a rental vacant rate of 0.6%. According to Mr. Lydon, a properly functioning rental market has a vacancy rate of approximately 5%, so according to Mr. Lydon, there is a severe shortage of rental housing in Teaneck. Mr. Lydon also confirmed through the NJ Dept. of Education that the Teaneck Public School Systems had experienced a decline in enrollment since the 2009/2010 school year. He therefore posited that any school age children from the proposed development could be accommodated within the existing Teaneck School System.

Mr. Lydon also testified about the height of the building within its environment. He pointed to several other buildings in the immediate vicinity of the Property that are either approved or constructed that are similar to or taller than the building proposed here. In particular, he noted the building on the corner of State Street and Teaneck road that is 66 feet tall, the Avalon Bay building that is 73 feet tall, 1475 Palisade Avenue, which is approximately 70 feet tall, and the 80-foot tall building that was approved (but not yet constructed) at 140 State Street. Mr. Lydon testified that several of these buildings were developed upon the adoption of a zoning ordinance by the Township, and in each instance the height selected was

approximately 70 feet.

With respect to density, Mr. Lydon referenced Exhibit A-1, which is the resolution of the Township Council that recognizes that the Applicant intends to develop the Property with a multifamily residential development with in excess of 60 units. Mr. Lydon noted that had the Township Council found such a density inappropriate, it could have refused to release the deed restriction on the Property until the Applicant agreed to propose fewer units.

Mr. Lydon justified the density and height variances by referencing the decisions of the Appellate Division that set out the standards for such variances. He identified that the purposes of these restrictions were to prevent overdevelopment and impacts to other properties. However, he testified that the Property could accommodate the additional building height and increased density. He reached this conclusion in part because of the recommendations the testimony of Mr. Verderese, who confirmed that there would be minimal traffic impact from the development, and because the Applicant, as part of its agreement with the Township, is to construct an off-street parking lot located across the street from the Property on Block 5502, Lot 23 that will be open to the public.

In this regard, the Board concludes that the concerns expressed by many of the residents about the lack of parking in the area will be mitigated by the provision of a significant number of off-street parking spaces in connection with (but not part of) the development of the Property. Moreover, the Board notes that a significant reason why there is a severe shortage of parking in the neighborhood is that many of the multifamily apartment buildings located nearby have either very few or no parking spaces at all, which forces the residents of those buildings to compete with each other for on-street parking spaces. Here,

the Applicant is providing 125 parking spaces within the building, which according to the unrebutted expert testimony of Mr. Verderese (which was confirmed by the Board's traffic engineer, Mr. Corak), is far more than is needed.

Mr. Lydon testified that the proposed development advanced several purposes of the Municipal Land Use Law. He identified that the proposed design would replace a tired, outdated and nonconforming office building with a permitted use which is in furtherance of the general welfare; the development of multifamily housing would further the goal of establishing appropriate population densities; the construction of the public parking across State Street was the result of the coordinated efforts of the Township and the Applicant; the Applicant has designed an attractive building in scale with other nearby developments furthering the goal of providing a desirable visual environment.

Lydon supported the variances and waivers sought by highlighting the fact that the Property was undersized and unusually shaped because its depth was far less than its width. This resulted in a building orientation that was wider than it was deep, and also necessitated a rear yard setback to provide nearly all of the required parking within the parking garage on the Property. That rear yard abuts the parking area of the rear yard of a multifamily apartment building located on Ayers Court, and there are trees along the common property line. With respect to the coverage variances sought, Mr. Lydon referred to the other nearby new developments approved by way of rezoning and spoke in complimentary terms about the amount of building coverage and impervious coverage that the Township Council permitted for those developments and noted the consistency of this Application with those projects.

## **CONCLUSIONS OF LAW; RESOLUTION**

Based on the foregoing, the Board hereby approves the Application, including the Site Plan and the Architectural Plans as presented, subject to the conditions listed below. The use is permitted, and will eliminate an obsolete, non-ADA compliant, non-conforming use. The Property can accommodate the increased building and wall heights and density proposed by the Applicant. This is because there are numerous buildings nearby that are of similar height and density. The problems associated with extra density typically manifest themselves, at least as it relates to nearby properties, with excessive traffic and congestion. The uncontested expert testimony presented by the Applicant and confirmed by the Board's experts demonstrates that in this instance, in this location, there will not be excessive traffic generated by the development of the Property as proposed. Furthermore, the increased density will not impact the neighborhood in the manner the members of the public were most acutely concerned – loss of on-street parking. This is because the Applicant is proposing 125 parking spaces, which translates to a ratio of 1.84 spaces per unit, and far exceeds the average number of vehicles per rental unit of Teaneck.

The Board also concludes that due to the size, shape and area of the Property, the Applicant would suffer a hardship if bulk variance relief for setbacks and coverage were not granted. Many of the nearby properties also have similar setback and coverage issues. In particular, due to the shallowness of the Property, the Applicant is unable to comply with the front and rear yard setback requirements while at the same time providing a sufficient area within the building for off-street parking. Likewise, the deficient lot area is the cause of a

significant component of the Applicant's request for building and coverage variances, since if the Property were larger, the ratio of coverages would be lessened.

The Board also concludes that the grant of relief advances several purposes of the Municipal Land Use Law as outlined by the Applicant's planner, and that the benefits of granting these variances substantially outweighs any detriments associated therewith. The Board received testimony that there is a severe shortage of rental housing in Teaneck, and this Applicant is providing much needed housing in a location where it is appropriate, including much needed affordable housing. The development of the Property furthers the MLUL goal of coordinating private and public procedures given that the Applicant entered into a separate agreement with the Township of Teaneck to provide off-street parking for the neighborhood on Block 5502, Lot 23. The Board also concurs with the testimony of the Applicant's planner concerning the other reasons identified in his testimony concerning the advancement of the purposes of zoning. Furthermore, while there are several bulk variances occasioned by the development of the Property in the manner proposed by the Applicant, the Board concludes that the benefits of the overall project substantially outweigh any detriments because there are limited impacts to adjacent properties occasioned by the setback and coverage variances.

With regard to the negative criteria, the Board finds that there will not be any substantial detriment to the public good. This is because the height of the building and the number of units can be accommodated in light of the Applicant's design choices. In particular, the building will not cast shadows, interfere with the light, air and open space of nearby uses in a fashion that can be deemed to be substantial, and will not cause traffic or congestion. No

credible evidence was presented that the grant of relief sought by the Applicant would impact property values, and to the contrary, the Board notes that the provision of additional off-street parking in the area that is related to the Applicant's development (though not approved herein) will likely improve property values in the neighborhood because there will be additional parking available to the extent it is needed.

The Board also concludes that there will not be substantial impairment to the zone plan and zoning ordinance through an approval of this Application. As highlighted by the testimony of the Applicant's planner, the Application is in furtherance of many of the Township's planning goals that are embodied in the Township's Master Plan. To be sure, the proposed development is taller, and more units are proposed, than permitted by the Zoning Ordinance, but the Board agrees with Mr. Lydon that where the Township Council has considered height and density of particular sites in the nearby area as part of its rezoning for affordable housing (i.e., Avalon Bay and 1500 Teaneck Road), similar heights and densities were authorized. It is for this reason that the Board takes cognizance of the Township Council's decision to release the deed restriction with full knowledge of the Applicant's intended development plan as confirmed by Exhibit A-1. Although the adoption of this resolution is not equivalent to the rezoning of the Property, it is indicative of the Township Council's intent with respect to a deviation from the density and height limitations in the RM Zone for the development of the Property. Given these facts, the Board concludes that the grant of relief will not substantially impair the intent and purposes of the zone plan and zoning ordinance for these variances. The Board reaches the same conclusion with respect to the other bulk variances, which are related to the unique shape and small size of the Property.

The Board also concludes that the design exceptions sought for driveway width and average and maximum lighting levels are justified due to the unique conditions of the Property, and absent same, the Applicant would suffer hardship. The driveway curb cut is necessary due to the need to provide sufficient width in the site driveway to allow two-way traffic to enter and exit both levels of the garage. Were the Property deeper, an alternative design could have been proposed, but to provide 125 parking spaces, two separate entrances to the garage are needed. Similarly, the maximum lighting levels are the result of the proximity of the building to State Street, and in the locations of maximum lighting levels, are actually within the building. In light of these facts, the Board concludes that the design exceptions are reasonable and within the general intent and purpose of the site plan design criteria set forth in the Township's Ordinance.

Finally, the Board concludes that de minimis exception for number of off-street parking spaces, size of parking spaces, and drive aisles is reasonable based upon the testimony of the Applicant's witnesses. The parking spaces are generally 9' x 18', but in some locations, support pillars for the building reduce a portion of the spaces to 8' x 18', which the Board acknowledges is a typical feature in parking garages for multifamily buildings. The only way to avoid this reality is to make parking spaces wider than is otherwise necessary to ensure that the area where pillars are located does not impinge upon the required width, but that would result in either an inefficient parking layout or more coverage. Likewise, the Applicant's request for tandem spaces and a 22' foot aisle width behind a portion of those spaces is caused by the lack of depth of the Property, which requires tandem spaces to accommodate the number of cars necessary. With the tandem spaces, the Applicant was required to reduce the aisle width along east side of the garage because of insufficient depth

to meet the requirements of the Residential Site Improvement Standards. Finally, a de minimis exception to reduce the number of off-street parking spaces required is authorized by *N.J.A.C. 5:21-4.14(c)* and *-4.14(f)* because the Applicant demonstrated that on account of local conditions such as a substantially lower parking demand than established by the RSIS, the availability of mass transit and on-street parking. The Board concludes that these de minimis exceptions are reasonable and within the general intent and purposes of the Residential Site Improvement Standards and that absent relief, the Applicant would suffer hardship or practical difficulties for the same reasons previously identified.

The within approval is subject to the Applicant:

1. Complying with all comment letters of Township Professionals, including but not limited to the requirements of the review letter of Schwanwede/Hals Engineering, dated February 21, 2019, which is attached as Exhibit "A" and incorporated herein by reference.
2. The Applicant shall modify the Architectural Plan by incorporating Exhibit A-21 into Sheet A-202 of the Architectural Plan to provide a total of 125 parking spaces within the garage.
3. The Applicant shall modify the Site Plan and Architectural Plan to incorporate an off-street loading area in the northern driveway, a bike rack, a motorcycle parking area.
4. The Applicant shall coordinate with the Board Engineer regarding the installation of traffic calming devices, and shall incorporate any such devices into the Site Plan and/or Architectural Plans, as appropriate, that are required by the Board Engineer.



5. All garbage and trash removal should be undertaken by a private hauler to be coordinated by the Applicant (or any successor thereto)
6. The Applicant shall inspect the full length of the sewer line along the frontage of the Property, and if necessary, undertake any repairs deemed necessary by the Township Engineer.
7. The Applicant shall install sheathing along the entire length of the detention basin along the sanitary sewer line in State Street so that the sewer line can be excavated in the future, if necessary.
8. The Applicant shall restripe the on-street parking areas along its frontage on State Street to provide the maximum amount of on-street parking as can be reasonably supplied.
9. The Applicant shall assign parking spaces in the parking garage, and no tandem spaces shall be assigned to tenants occupying different units. All tenants of the building shall be assigned spaces within the parking garage to ensure that tenants do not utilize on-street parking.
10. The Applicant or its successor shall be prohibited from renting any of the units designated on the Architectural Plans as 2-bedroom units with den areas as 3-bedroom units.
11. The Applicant shall comply with the requirements of the Uniform Housing Affordability Controls, *N.J.A.C. 5:80* ("UHAC") and the Township of Teaneck Code, as applicable, with regard to the ten (10) affordable units to be constructed in the development.
12. The affordable units shall be Deed-restricted for a minimum of thirty (30)

years, with the Deed restriction indicating the unit number of each affordable unit, the number of bedrooms in the particular affordable unit (of which there will be 2 1-bedrooms, 6 2-bedrooms and 2 3-bedrooms), and whether the unit is designated as low, very-low or moderate income. Two (2) of the units shall be very-low income, three (3) low income, and five (5) moderate income, consistent with *N.J.S.A. 52:27D-304* or any successor statute or regulation.

13. The affordable units shall be affirmatively marketed for rental in such manner as required by the Township and applicable regulations so as to ensure that the Township receives appropriate crediting under its Housing Plan and any amendments thereto. In this regard, applicant shall use the services of the Administrative Agent as determined by the Township for the marketing and administration of the affordable units. The applicant shall be responsible for the fees incurred by the Township for the services of the Administrative Agent, and the ten (10) affordable units shall be deed-restricted, being required to be occupied by persons qualifying for affordable housing, for a minimum period of thirty (30) years. A Deed restriction in a form acceptable to the Township shall be filed with the County Clerk prior to issuance of any Certificate of Occupancy. The affirmative marketing process for available affordable units shall begin at least four (4) months prior to the expected date of occupancy of any unit in the development.
14. The Applicant shall be responsible to contribute 0.3% of the development fee for one affordable housing unit to the Township's affordable housing trust fund based upon the per-unit contribution amount established by Ordinance

because the proposed development of 10 affordable units out of a total of 68 units represents a 14.7% set-aside.

15. The Township shall have the right to request modification to the lighting plan if additional light spillage or glare beyond what is approved in this Resolution is detected, for a period of 1 year following the issuance of a Certificate of Occupancy.
16. Pursuant to State law, the stormwater management and maintenance manual shall be recorded prior to the issuance of a certificate of occupancy.
17. The Applicant shall enter into a Developers Agreement with the Township of Teaneck.
18. Submitting an as-built survey prior to the issuance of a Certificate of Occupancy.
19. All fees, costs, bonds and escrows shall be paid when due or becoming due and no building permit shall be issued until all such required payments are made.
20. Obtaining all necessary approvals of any agencies of applicable jurisdiction.

Motion was made by: Chairman Meyer

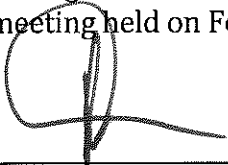
Motion was seconded by: Dr. Mulligan

Roll Call to Approve:

	Yes	No	Absent	Abstain/ Not Qualified	Recuse
Barta					X
Brown				X	
Green	X				
Honis		X			
Mermelstein	X				
Meyer	X				
Mulligan	X				
Prince				X	
Rehman	X				
Rosen	X				
Wetrin				X	

Accordingly, a majority of the Board voted to approve the application as presented.

I hereby certify that the foregoing is a true copy of the Resolution adopted by the Zoning Board of Adjustment at its meeting held on December 5, 2019 memorialized at its meeting held on February 6, 2020



~~Jan Meyer, Chair~~ Harvey Rosen, Vice-Chair

Date: 2/7/2020