

**BOROUGH OF CLOSTER
ORDINANCE NO. 2026:1383**

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 200 OF THE BOROUGH OF CLOSTER TO IMPLEMENT THE HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, the New Jersey Constitution and the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. require that each municipality in the State of New Jersey exercise the zoning power delegated by the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., in a manner that provides a realistic opportunity for the development of the municipality’s fair share of the regional need for low and moderate cost housing; and

WHEREAS, the Superior Court of New Jersey entered an Order on May 5, 2025 that fixed the Borough of Closter’s Present and Prospective Need for the “Fourth Round” at 16 units and 241 units, respectively; and

WHEREAS, the Borough of Closter obtained a vacant land adjustment by Order entered on July 18, 2018 in connection with its “Third Round” affordable housing compliance plan, as it had done in prior rounds; and

WHEREAS, the Borough of Closter continues to lack sufficient land necessary for the development of its Prospective Need; and

WHEREAS, on account of the absence of sufficient vacant land to accommodate its Prospective Need during the “Fourth Round,; the Borough of Closter will continue to rely on the vacant land adjustments previously obtained;

WHEREAS, in accordance with the provisions of the Fair Housing Act, the Borough of Closter is obligated to identify parcels likely to redevelop where at least 25% of its adjusted obligation may develop; and

WHEREAS, the Borough is obligated to rezone parcels for redevelopment where at least 61 affordable units may be constructed; and

WHEREAS, the Borough Planner has prepared a Housing Element and Fair Share Plan in accordance with the provisions of the Fair Housing Act and Municipal Land Use Law; and

WHEREAS, the Borough of Closter Planning Board has adopted said Housing Element and Fair Share Plan at a public meeting held on June 26, 2025; and

WHEREAS, the Housing Element and Fair Share Plan recommends that the Borough implement overlay zoning at specified densities on properties developed with non-residential uses to accommodate at least 25% of the obligation that has been adjusted due to lack of sufficient vacant land; and

WHEREAS, the Borough of Closter deems it necessary and appropriate to adopt a zoning regulation that rezones those parcels identified in the Housing Element and Fair Share Plan to provide a realistic opportunity for the development of its fair share of the regional need for low and moderate cost housing.

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

Section 1.

Chapter 200-2 of the Zoning Code of the Borough of Closter is hereby amended as follows:

District 3A (All properties presently located in the Business District No. 3, from the western border of the Business district, to the west side of both Lewis Street and Perry Street [, and the Closter Commons Shopping Center].)

Section 2.

Chapter 200-3 of the Zoning Code of the Borough of Closter is hereby amended as follows:

Block 1607, Lots 3, and 3.01 to 3.33 are hereby rezoned into District No. 3A – Business Overlay Zone

Section 3.

Chapter 200 of the Zoning Code of the Borough of Closter is hereby amended as follows:

[NEW SECTION]

200-26.1 Conditional Uses and Standards

A. In addition to those uses permitted in District 4B – Office Area B, multifamily housing conditionally permitted in the Business Overlay Zone, subject to site plan review by the Planning Board

B. Multifamily housing shall be subject to the following conditions:

1. Construction type: Duplex, quadruplex, townhouse or apartment
2. Maximum residential density: 14 units/acre
3. Minimum lot area
 - a. Townhouse: 1 acre
 - b. Apartments: 3 acres
4. Front yard setback: 25 feet
5. Side yard setback: 10 feet, except where adjoining a lot developed with a single family dwelling, where 30 feet shall be required
6. Rear yard setback: 20 feet, except where adjoining a lot developed with a single family dwelling, where 60 feet shall be required
7. Building coverage: 30%
8. Improved lot coverage: 50%
9. Maximum permitted building height (feet): 28 feet.
10. Maximum permitted building height (stories): two-and-a-half stories.
11. All parking requirements shall conform to Chapter 173 of the Code of the Borough of Closter, as well as the New Jersey Residential Site Improvement Standards, except that the Planning Board shall consider alternative parking standards in accordance with N.J.A.C. 5:23-4.14(c).
12. Compliance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80 is required, as is compliance with the Borough of Closter Affordable Housing Ordinance.

Section 4.

Chapter 200-54.8 of the Zoning Code of the Borough of Closter is hereby amended as follows:

- A. In District Number 3A, Business Area 3A, a mix of business/commercial and housing uses will be a permitted conditional use in the zone district. Such mixed-use developments would require site plan and conditional use approvals. The residential component of the mixed use will include an affordable component in an effort to meet the Borough's unmet need obligation. At least 20% of all units, whether rental units or for-sale, shall be reserved for affordable households. Compliance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80 is required, as is compliance with the Borough of Closter Affordable Housing Ordinance.
- B. The mixed use shall be subject to the following conditions:
 - (1)-(8) unchanged
 - (9) At least 20% of all units, whether rental units or for-sale, shall be reserved for affordable households. Compliance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80 is required, as is compliance with the Borough of Closter Affordable Housing Ordinance.

Section 5.

All Ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 6.

This Ordinance shall take effect immediately upon final passage and publication as required by law.

COUNCILMEMBER	MOTION	SECOND	YES	NO	ABSENT	ABSTAIN
Councilwoman Amitai			✓			
Council President Cho					✓	
Councilwoman Chung			✓			
Councilwoman Latner	✓		✓			
Councilwoman Maroules		✓	✓			
Councilman Yammarino			✓			

**Introduced: February 25, 2026
Adopted: March 11, 2026**

ATTEST:

APPROVED BY:

Mari J. Margiotta, Borough Clerk

John C. Glidden, Jr., Mayor