

**Curt S. Dahl, Council President**  
Christine B. Ead, Council Member  
Paul Fischer, Council Member  
Paolo Marano, Council Member  
Sonia Abi-Habib, Council Member  
Robert Gibbs, Council Member



**Ronald Jubin, Ph.D. Mayor**

James J. Damato, Business Administrator  
Joseph V. Sordillo, Esq., Borough Attorney  
Edith G. Gil, Borough Clerk

15 Mountain Blvd  
Watchung, NJ  
07069

**Mayor & Council Meeting  
AGENDA**

**March 5, 2026  
7:30 PM**

**MAYOR'S STATEMENT**

This meeting is being held in compliance with the Open Public Meetings Act. Under the provisions of N.J.S.A.10:4-6 et seq., notice of the time and place of this meeting was given by way of the Annual Meeting Notice to the Courier News and TAPinto, posted at Borough Hall and on the Borough's website.

**SALUTE TO THE FLAG and MOMENT OF SILENCE FOR OUR SERVICE MEN AND WOMEN,  
SERVING HOME AND ABROAD**

**ROLL CALL**

**PROCLAMATION**

Autoimmune Awareness Month

**SPECIAL RESOLUTION**

R1: Authorizing the Appointment of Thomas J. Caswell, Jr. as Patrol Officer to the Watchung Police Department

**ADMINISTRATION OF OATH OF OFFICE**

**REPORTS OF STANDING COMMITTEES**

Administration & Finance

Police

Public Works / Buildings and Grounds

Public Affairs:

Environmental

Recreation

Historical

Board of Health

**BOROUGH OF WATCHUNG  
Mayor & Council Meeting Agenda**

**March 5, 2026 - 7:30 PM**

Green Team

Fire

Laws/Ordinances

**REPORTS OF BOROUGH OFFICERS**

Engineer

Police Chief

Fire Official

Rescue Squad

Emergency Management

Attorney

Finance

Clerk

Administrator

Youth Services

Planning Board

Municipal Alliance

Library Advisory Committee

Traffic and Beautification

**PUBLIC PORTION / AGENDA ITEMS ONLY**

Each speaker is limited to one 5-minute comment.

**UNFINISHED BUSINESS**

**ORD 26/02:** AN ORDINANCE AMENDING CHAPTER 28, LAND DEVELOPMENT, TO REVISE THE ROUTE 22 AFFORDABLE HOUSING OVERLAY ZONE DISTRICT IN COMPLIANCE WITH THE BOROUGH'S AMENDED HOUSING ELEMENT AND FAIR SHARE PLAN AND ITS 4TH ROUND AFFORDABLE HOUSING OBLIGATIONS

**BOROUGH OF WATCHUNG**  
**Mayor & Council Meeting Agenda**

**March 5, 2026 - 7:30 PM**

**ORD 26/03:** AN ORDINANCE AMENDING CHAPTER 28, LAND DEVELOPMENT, TO REVISE THE S-W SOMERSET STREET / WATCHUNG AVENUE AFFORDABLE HOUSING OVERLAY ZONE DISTRICT IN COMPLIANCE WITH THE BOROUGH'S AMENDED HOUSING ELEMENT AND FAIR SHARE PLAN AND ITS 4TH ROUND AFFORDABLE HOUSING OBLIGATIONS.

**ORD 26/04:** AN ORDINANCE AMENDING CHAPTER 28, LAND DEVELOPMENT, ESTABLISHING A NEW ROUTE 22 AFFORDABLE HOUSING OVERLAY ZONE DISTRICT – 2 IN COMPLIANCE WITH THE BOROUGH'S AMENDED HOUSING ELEMENT AND FAIR SHARE PLAN AND ITS 4TH ROUND AFFORDABLE HOUSING OBLIGATIONS.

**NEW BUSINESS**

**REPORTS & CORRESPONDENCE**

These items will be approved by a single motion unless a Member requests separate consideration

Acknowledging Receipt of the following Borough Reports:

Annual Financial Statement	2025
Board of Adjustment Annual Report	2025
Board of Health Minutes	November 19, 2025
CERT Minutes	February 17, 2026
Construction Office	February 2026
Historical Meeting Minutes	January 28, 2026
Mayor & Council Executive Session Minutes	December 18, 2025
Planning Board Minutes	October 14, 2025 January 20, 2026
Planning Board Executive Session Minutes	October 14, 2025

Correspondence 4: Notice of Introduced Ordinances (4) Affecting Zoning & Master Plan, Township of Warren, Public Hearing 3/12/26

Correspondence 5: Notice of Resignation from Joseph Pizzigoni

Correspondence #6: Notice of Introduced Ordinances (2) re Affordable Housing Zones, Boro of North Plainfield, Public Hearing 3/9/26

**CONSENT**

The items listed below are considered routine and moved under one motion.

R2: Authorizing Appointment of Melanie Savulich to the Historical Committee

R3: Authorizing the Submission of an Application for the NJDOT FY26 Local Aid Infrastructure Fund Program

**BOROUGH OF WATCHUNG  
Mayor & Council Meeting Agenda**

**March 5, 2026 - 7:30 PM**

R4: Authorizing a Tax Lien Redemption of Certificate #25-00025 for 18 Schmidt Circle, Block 4001/Lot 4, Qual. C0018

**NON-CONSENT**

R5: Endorsing the Amended Housing Element & Fair Share Plan Adopted by the Planning Board in Connection with the Borough's 4th Round Affordable Housing Compliance

**PUBLIC PORTION - GENERAL DISCUSSION**

Each speaker is limited to one 5-minute comment.

**ADJOURNMENT**

The next meeting of the Mayor and Council will be March 19, 2026

**BOROUGH OF WATCHUNG  
RESOLUTION: R1**

**WHEREAS**, the Borough of Watchung (“Watchung” or “Borough”) has determined, after consultation with the Chief of Police, that there is a need to hire an additional patrol officer for the Borough’s Police Department (“PD”); and

**WHEREAS**, the Borough has conducted interviews and reviews of interested applicants for the position of Patrol Officer; and

**WHEREAS**, as authorized by Borough Code, Section 3-2.5, the Police Committee Chair has submitted to the Mayor, his recommendation for the appointment of **Thomas J. Caswell, Jr.** to the position of Patrol Officer for the Police Department; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey that:

1. The Mayor and Council hereby authorize a conditional offer of employment to **Thomas J. Caswell, Jr.**, as a Patrol Officer with the Borough Police Department effective March 1, 2026.
2. The appointment to a full-time patrol officer is contingent and conditioned upon the successful completion and approval of a background check, along with physical and psychological evaluations.
3. **Thomas J. Caswell, Jr.**, shall be compensated in accordance with the terms and conditions set forth in the Collective Bargaining Agreement between the Borough and PBA Local 193.

\_\_\_\_\_  
Curt S. Dahl, Council President

\_\_\_\_\_  
Ronald Jubin, Ph.D., Mayor

ADOPTED: MARCH 5, 2026  
INDEX: POLICE, PERSONNEL  
C: FINANCE, POLICE DEPT.,

# BOROUGH OF WATCHUNG

## ADMINISTRATION AND FINANCE COMMITTEE

Chair: Fischer

Ead

Gibbs



The Committee met on March 2<sup>nd</sup> with Administrator Damato, CFO Hance, and Borough Clerk Gil and discussed the following matters:

- i. Stipend request from Rescue Squad
- ii. Petition from Borough Hall staff
- iii. Scanning contract
- iv. Quote for new camera system at borough hall
- v. In dept review of the draft 2026 budget

# BOROUGH OF WATCHUNG



## Police Committee

Chair: Dahl  
Marano  
Ead

The Committee met with the Police Chief and Administrator on March 2<sup>nd</sup> and discussed the following:

- The appointment of Thomas Caslow, Jr.
- On March 8<sup>th</sup>, the Department will be honoring Officer Matthew Melchionda's 20<sup>th</sup> Anniversary of End of Watch. Doors will open at 10am.
- The department will be having an Open House on March 22<sup>nd</sup> from 1-2pm, PD is working on a video of the force in action, patch giveaway, drone display and will be conducting tours.
- At the upcoming March 19<sup>th</sup> council meeting, all are invited to attend and celebrate the awards of Watchung Police Officers

# BOROUGH OF WATCHUNG



## Public Works Committee

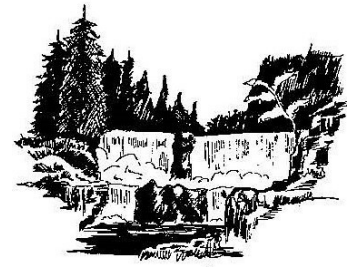
Chair: Ead  
Abi-Habib  
Dahl

### REPORT FOR THURSDAY, MARCH 5, 2026

*\*Continued work with County on Somerset St. and other county property for flood damage and related repairs.*

- 1) **PSE&G Updates (all noted online)/Day Work:**  
3/2/26-3/13/26: Knollwood to Deer Run (services)
- 2) **Continued cleanup of the large snow/ice storms**
- 3) **Repairs to Arts Center front stairs**
- 4) **Borough Hall side entrance, upper flight of cement stairs completed**
- 5) **2025 DOT Road Project:**  
**Skyline Drive Completed**  
**Brook Drive/sidewalk** undergoing prep work on various areas and paving is slated for spring/summer 2026
- 6) **2026 DOT Road grant imitative received and working on plans for paving:**  
-Anderson Rd., Johanna Dr., and the other portion of Ridge Road
- 7) **Shared Service for road paving slated for 2026:**  
-Kappeleman and Charles Lane
- 8) **Shared Service for road paving slated for 2026:**  
-Raymond Ave.
- 9) **Second Grant “RECEIVED” \$300,000- from Somerset County**  
**This grant combined with the 2025 grant \$66,000 will be used to construct the perimeter walk path, Pavilion, parking, and other upgrades slated for 2026**
- 10) **Sherwood Road section damaged by July 14th storm 2025 is slated for that**  
**That section to be paved spring/summer 2026**
- 11) **Library Bridge:**  
-Main construction complete, temp. rails planned during the library  
Construction and final rails and clean-up once library completed

# BOROUGH OF WATCHUNG



## **12) Community Connection and new Library:**

- Groundbreaking Ceremony took place 4/4/2025
- Builder: West End KBLLC
- Work continues with marked progress & updated reports

## **13) Phase Two Sidewalk Project**

Unfortunately, the grant was not received but the team remains focused on other grants and opportunities to move this project forward including the upcoming CPF "Community Project Funding" grant

## **14) Watchung Lake and Best Lake Dredge/other**

- Constant review of Grant Options and critical funding, looking at options for Partial work 2025 budget pending
- Hydro-raking options for consideration and all based on funding and Grant Options which are ongoing

## **15) I & I Study/repairs in review using grant funds/plan in works**

### **16) Ness Farm:**

- Grant I. submitted for "claw-back" of testing \$ spent
- Grant II. In review for submission, response from the grant holder in Review and discussion on next steps ongoing with advice from appropriate Departments. Also reviewing additional grant opportunities slated for 2026

## **17) NJ DEP MS4 Permit Requirements: New update from State 3-Phases**

On schedule and in compliance

### **18) Cement work:**

#### **Upper level/side of Borough Hall in progress (Top Set of Stairs)**

- Borough Hall, Police Station in budget review and looking for grant opportunities

## BOROUGH OF WATCHUNG ENGINEERING & INSPECTION STATUS REPORT

### FEBRUARY 2026

#### MATTERS FOR GENERAL DISCUSSION & FOLLOW UP

1. PSE&G distributed a plan for the proposed next two weeks (3/2/2025 to 3/13/2026) of work on gas utilities in the Borough and surrounding area.
  - i. Nighttime work (8:00 PM to 6:00 AM) on **PI-714 Roads** expected over the next two weeks according to the table below.
  - ii. Notice will be provided by PSE&G as well as Borough channels.

Foreman	Date	Street	1 <sup>st</sup> Xst	2 <sup>nd</sup> Xst	Type of work
<b>Manny Dos Santos</b> <b>PI-714</b> <b>Day Work</b>		TBD			
		TBD			
		TBD			
		TBD			
		TBD			
		TBD			
		TBD			
		TBD			
		TBD			
		TBD			
<b>Dino Andre</b>	3/2/2026	Knollwood Dr	Deer Rn	Deer Rn	Services
	3/3/2026	Knollwood Dr	Deer Rn	Deer Rn	Services
	3/4/2026	Knollwood Dr	Deer Rn	Deer Rn	Services
	3/5/2026	Knollwood Dr	Deer Rn	Deer Rn	Services
	3/6/2026	Knollwood Dr	Deer Rn	Deer Rn	Services
	3/9/2026	Knollwood Dr	Deer Rn	Deer Rn	Services
	3/10/2026	Knollwood Dr	Deer Rn	Deer Rn	Services
	3/11/2026	Knollwood Dr	Deer Rn	Deer Rn	Services
	3/12/2026	Knollwood Dr	Deer Rn	Deer Rn	Services
	3/13/2026	Knollwood Dr	Deer Rn	Deer Rn	Services

2. Borough of Watchung Received an offer from PSEG to enter a Memorandum of Understanding (MOU) in which PSE&G Gas pays the Borough directly in lieu of completing the actual paving that is scheduled for Spring 2026 (Table below)

Town	Street	Between Street 1	Between Street 2
Watchung Boro	Stanie Brae Dr	Anderson Rd	Deer Run
Watchung Boro	Stanie Brae Dr	Deer Run	Anderson Rd
Watchung Boro	Deer Run	Stanie Brae Dr	Knollwood Dr E
Watchung Boro	Knollwood Dr W	Deer Run	1060' N/O Deer Run
Watchung Boro	Knollwood Dr E	Deer Run	355' N/O Deer Run
Watchung Boro	Rock Ave	Mountain Blvd	Heather Ln
Watchung Boro	Maple St	Rock Ave	End
Watchung Boro	Gildersleeve Pl	Rock Ave	425' W/O Rock Ave
Watchung Boro	Beechwood Pl	Brookdale Rd	595' NW/O Brookdale Rd
Watchung Boro	Valleyview Rd	Stirling Rd	105' E/O Hillside Ave
Watchung Boro	Hillside Ave	Valleyview Rd	300' N/O Valleyview Rd
Watchung Boro	Spencer Ln / Fawn Ln	Hillcrest Ln	End
Watchung Boro	Pine Ln	Fawn Ln	605' N/O Fawn Ln
Watchung Boro	PRW 4	Hillcrest Ln	End
Watchung Boro	Crestwood Dr	470' N/O Ridge Rd	875' N/O Ridge Rd
Watchung Boro	Parlin Ln	Ridge Rd	585' N/O Ridge Rd
Watchung Boro	Ridge Rd	485' E/O Parlin Ln	750' E/O High Tor Dr
Watchung Boro	Mountain Dr	95' W/O Edgemont Rd	End
Watchung Boro	Edgemont Rd	740' N/O Mountain Dr	1700' N/O Mountain Dr
Watchung Boro	Edgemont Rd	Mountain Dr	740' N/O Mountain Dr

- i. PSEG initially proposed to perform half-road paving. On December 16, 2025, the Borough Engineer and Borough Administrator conducted a site inspection of all proposed public roads. As a result of the PSEG work, it was determined that 50% of the roadways will require full curb-to-curb pavement restoration. The Borough requested additional funding from PSEG to cover this scope. Ultimately, PSEG elected to perform the roadways restoration using its own contractors, with construction anticipated in spring 2026.
- ii. A pre-construction meeting will be held at Borough Hall prior to the commencement of the work.

## **STUDIES, ENGINEERING INVESTIGATIONS, GRANT APPLICATIONS**

### **FY 2026 NJDOT TRUST FUND “MUNICIPAL AID” PROGRAM**

Three roads below have been selected for NJDOT-FY26 Municipal Aid Program.

- ***Johanna Lane (~600ft).***
- ***Ridge Road (485 ft east of Parlin Lane up to the end of the road).***
- ***Anderson Road, from Mountain Blvd to end (~3600ft).***

RVE prepared FY26 grant application documents and Bruno Associates submitted the application to NJDOT early June 2025. ***The grant application was submitted to NJDOT on June 10<sup>th</sup> and the***

review and selection was completed. We were informed by NJDOT that the Borough has received \$252,952.00 grant for the 2026 road works.

RVE has prepared a scope of work and proposal and was submitted to the Borough for consideration.

Borough is due to adopt complete street policy that will make the Borough eligible to receive additional funding from NJDOT to perform additional paving works each year.

### **FY 2025 NJDOT TRUST FUND “MUNICIPAL AID” PROGRAM**

RVE submitted the FY 2025 grant application on June 27, 2024, for improvements to the following three roads, in priority order:

- Brookdale Road from Stirling to Mountain Blvd.
- Skyline Drive, full length.
- Anderson Road, from Mountain Blvd to end.

Notification was received November 13, 2024, that the Borough was awarded \$291,609.00. RVE has prepared several draft proposals and discussed the various design and construction options with the borough. RVE proposal for design and inspection of Brookdale Road and Skyline Drive is on the Mayor and Council meeting Agenda of 4/10 for authorization. The Mayor and Council authorized RVE to proceed with the design of this project. RVE finished the two roads design and the plans were submitted to NJDOT for review and approval. The NJDOT approved the plans. The project was advertised for construction on 9/29 and the bid opening will be on 10/16 @ 10:00 AM at the Watchung Borough Hall. This project was awarded to Riverview Paving Inc. A preconstruction meeting has been scheduled for 11/6 at 10:00 AM at the Borough Hall. A preconstruction meeting was held on November 6<sup>th</sup>. The contractor has already completed the mill and pave of the Skyline Road. Due to the weather conditions and the required concrete works for Brookdale, this project was scheduled for springtime (March 2026). Borough Engineer reached out to Riverview Paving to get update on the commencement of Brookdale Road paving. We were informed that the contractor will inform the Borough with the potential dates even before the spring. TDB.

### **FY 2024 LOCAL RECREATION IMPROVEMENT GRANT (LRIG)**

RVE is preparing a FY 2024 Local Recreation Improvement Grant (LRIG) application to the Department of Community Affairs (DCA) to be submitted in March 2024. The engineer’s estimate of cost is \$306,887.50.00. The application is requesting \$100,000 in funding for proposed work at Camp Endeavor, consisting of the following:

- Resurfacing the 400' Gravel Access Road
- Construction of a 60'x100' Paved Parking Lot with ADA parking.
- 20' x 30' Concrete Pavilion Area with picnic tables.
- The sidewalk as needed between the pavilion and parking.
- Reconnection of electrical service.
- Landscaping

DCA issued a press release on May 31, 2024 of LRIG Awards. The Borough received \$66,000.00 in funding for improvements to Camp Endeavor. The second grant application was submitted to DCA in 2025 by the borough’s grant writer. As per Camp Endeavor future sewer connection, approval

from PARSA is required. Due to the elevation difference, pumping is required for sewer connection. As per contract, four progress reports shall be submitted to DCA during the life of the project. We have reached out to the supplier to get a cost estimate for an enclosure, picnic tables and a bathroom. We were informed by Bruno Associates that the second grant was unsuccessful. The grant application was submitted to Somerset County on 8/25 and comments were received from the County. A revised concept plan and cost estimates to include the two phases of the projects was resubmitted to Somerset County's recreational grant program for reconsideration. The County requested the Borough to give a presentation on November 13<sup>th</sup> @ 5:30 PM in Engineering Department of the Somerset County. A presentation has been prepared and is under review by the Borough Officials. Mayor Jubin, Mr. Damato and the borough Engineer attended the meeting and gave presentation at the Open Space Advisory Committee November 13<sup>th</sup> meeting. The meeting went very well and we have been informed that the Borough has received \$300,000.00 for phase I of the proposed concept plan. In total the Borough has \$366,000.00 for the design and construction of the camp walking trail and parking spaces. RVE is preparing a proposal for design and construction inspection services and will be submitted to the Borough shortly.

The Borough is intending to apply for NJDCA Local Recreation Improvement Grant (LRIG) for the amount of \$75,000.00 to perform Phase II of the camp endeavor project. Bruno Associates submitted the grant application on February 12<sup>th</sup> 2026.

### **NEW GRANT- NJDOT FY26 LOCAL FREIGHT IMPACT FUND FOR SIDEWALK PROJECT- KNIGHTSBRIDGE TO BAYBERRY LANE**

RVE is revising the concept plan and the cost estimate from previous grant application for NJDOT for TA Set-Aside Grant and the proposed sidewalk extended to be 1.30 miles from Knightsbridge to Bayberry Lane. This grant requires traffic study to show the 10% truck traffic across the study site. RVE will perform a traffic study to collect the traffic data to support the application soon. The deadline for this application is 12/31/2025. The traffic study was completed. A concept plan and a cost estimation was prepared in the amount of \$1,772,937.75. The grant application was submitted by Bruno Associates in December 2025 and it is currently under review by NJDOT. As requested by NJDOT, the resolution was uploaded to PMRS and was signed by the Mayor and the Borough Clerk. The application is under review.

### **PHILLIPS FIELD BRIDGE REPLACEMENT**

RVE prepared a concept plan and a cost estimate for engineering design, permitting, and construction of a new Philips Field Bridge. Bruno Associates submitted the grant application through FY26 NJDOT Local Aid Infrastructure Fund (LAIF) Grant Program on February 20<sup>th</sup> 2026. The application is in process in PMRS.

## **CAPITAL IMPROVEMENT & GENERAL ENGINEERING PROJECTS**

### **Share Paving Projects**

- **Shared with Greenbrook for Kappelman and Charles Lane**

The borough's estimated construction share is \$32,352.

- **Shared with North Plainfield for Rayman Avenue**

The borough's estimated construction share is \$34,500.

**Floodplain Management- Responding to Damages of Flooding of 7/14**

- We have performed borough infrastructure inspection
- Inspected many residential building
- Road, culvert, sidewalk repairs-still ongoing
- Stream cleaning- Ongoing projects (required agreements with the owners, easement search, plan and contracting.)- **A 40ft wide drainage easement was flagged out from Hill Hollow through Templar Ln.**
- Looking for grant (Talked with IBank, FEMA, NJDEP and etc.)- Ongoing.
- Looking for Dam Removal grant through FY25 National Fish Passage Program (NFPP) [USFWS] – Due 12/31

**The Borough is still addressing the remaining flooding issues across the Borough. The Borough Engineer advised the Public Work Committee to consider the grant opportunity below to address some of the existing flooding issues across the Borough.**

**The Resilient NJ program, administered through DEP's Office Climate Resilience, is providing another opportunity for New Jersey municipalities to apply to participate in collaborative regional planning efforts that support the development of regional resilience action plans.**

**This Resilient NJ opportunity is open to municipalities in all twenty-one counties. As many as four regional teams will receive grants of up to \$300,000 each to improve climate resilience in their communities. Regional teams must be made up of at least three contiguous municipalities and at least one community-based organization; and will be paired with multidisciplinary consulting teams to participate in a comprehensive planning process to develop regional resilience action plans. We encourage Borough of Watchung to join with neighboring communities including Warren Township, Berkeley Heights, Plainfield/North Plainfield or Green Brook to apply for this opportunity.**

**Watchung New Fire House (Corner of Valley Road and Plainfield Ave)**

Borough of Watchung reached out to RVE to provide a site plan for the new fire house. RVE is working on providing the survey proposal for this project. **A proposal for a topographical and outbound for 1.8 Acres was submitted to the Borough for consideration. Revised proposal was submitted for consideration. The Borough authorized RVE to perform the lot survey and RVE is planning to perform as soon as possible. The lot survey work was completed and a copy of the survey plan was submitted to the borough review. The design work will start shortly. RVE has submitted several concept plan to the Borough for Review.**

**SANITARY SEWER SCOUR PROTECTION 636 VALLEY ROAD**

RVE has designed gabion basket scour protection for the existing manhole at the rear of 636 Valley Road. RVE has prepared Flood Hazard Area Individual Permit and NJDEP Freshwater Wetlands General Permit 20 (Bank Stabilization) applications. Permit applications have been submitted to NJDEP on October 28, 2024. Review comments were received on November 26, 2024 and January 8

2025. The third round of comments received on 2/20. RVE responded to the comments. NJDEP approved this project and individual permits for freshwater wetlands and flood hazard areas were granted. Bid and specs were submitted to the Borough for bidding and finding a contractor, the bid opening will be Wednesday 8/27. Bids were opened on 8/27 and the contractor was selected. Pre-construction meeting was held on 9/9 at the borough. We have received the submittals and those were reviewed and re-submitted to the contractor. The start date of construction is pending. The construction has started and the stabilization in front of the exposed manhole has been completed. The contractor will start working on the right bank soon when the materials are received. The contractor has started installing the required mattresses according to the plan. This project is completed. The final payment shall be processes.

### **STORMWATER MAPPING SERVICES**

The Borough received a 2023 Municipal Stormwater Assistance grant for \$25,000.00 to upgrade their MS4 Stormwater Programs to better align with the 2023 Tier A MS4 Permit renewal requirements. RVE's \$55,100.00 proposal for stormwater mapping services was authorized at the January 18<sup>th</sup> 2024 Council meeting. Field work for the manholes has been completed. After reviewing in GIS, still there are miscellaneous pipes and some minor areas to be completed one-man crew work was completed. RVE is still working to complete the shapefiles. Once field work is completed, the data will be finalized and it will be ready for submission to Borough and NJDEP. A MS4 Area Map was prepared and was submitted to the Borough for review and approval before submission to NJDEP. The MS4 Map has been submitted to NJDEP for review. RVE has prepared a new proposal for the next phase of the MS4 work which includes Watershed Implementation Plan (WIP) and was submitted to the Borough for consideration on 9/9/2025. The Borough authorized RVE to perform this project. RVE informed the Borough that a public hearing needs to be scheduled during one of the upcoming Mayor and Council meetings. Additionally, RVE requested that the submitted WIP report to NJDEP should be posted on the Borough's stormwater webpage.

### **NESS FARM**

Recent actions include:

- A draft remedial action report has been completed and submitted to the Borough in the week of January 24, 2023.
- RVE submitted the signed Exemption from Spill Act Liability Certification form to NJDEP on July 24, 2023, making the site eligible to apply for funding. Spill Act Exemption was approved by NJDEP on November 13, 2024. Based on the approved exemption status, the LSRP completed the LSRP retention for the activity and terminated the annual remediation fee billing associated with the environmental case until such time when the remediation resumes.
- RVE's \$30,900 proposal was authorized at the April 4, 2024 Council meeting, including the following tasks:
  - Complete additional sampling to further classify AOC-5 (historic fill) in an attempt to reduce the 3-4-acre footprint that requires remediation, reducing cost. The sampling was performed April 25, 2024. The memo summarizing the results has been submitted to the Borough.

- Prepare applications for Hazardous Discharge Site Remediation Fund (HDSRF) funding.
- RVE forwarded the draft grant application to the Borough for review November 27<sup>th</sup>, 2024. HDSRF Grant application for retroactive funding for past completed environmental investigations submitted to the NJDEP December 13<sup>th</sup>, 2024. This application was to fund project expenses already incurred by other consultants, and RVE after 2022. NJDEP has started reviewing this grant application and RVE received a RFI from NJDEP. RVE responded to the RFI. NJDEP has asked regarding the status of the \$1 million escrow for this site. RVE expects to get this approval soon.
- RVE grant proposal for the second HDSRF that will cover 75% of the associated cost (generally excavation of soils at Area of Concern #2 and capping or fencing of Area of Concern #5, including reporting to the NJDEP) was authorized on the Mayor and Council meeting of 2/13.

RVE has been developing/modifying the remedial action plan, which will include the following:

- Excavation and relocation of contaminated material for the 6 delineated hotspots. Clearing and installation of 4-6' tall fencing & signage surrounding the contaminated historic fill area this will include approximately 1700 LF of fencing, signs, and some form of sediment erosion control (coir logs) to inhibit stormwater runoff from the fill area. Some level of Land Use Permitting anticipated (TBD). Abandonment of 2 monitoring wells. Preparation & filing of deed notice and Virtual Classification Exception Area for this fill area. Remedial Action Reporting & Soil Remedial Action Permit Application. Issuance of Response Action Outcome for the Entire Site which will complete the project.
- Borough held a meeting with RVE regarding the progress of the remediation works.  
  
RVE is working to incorporate the wetlands map to the proposed plan and revised the scope of this work to perform more cut and fill. **A meeting was held between the Borough and NJDEP regarding the new scope and what grant option to pursue, RVE prepared the second HDSRF application scope and the cost estimate. The Borough DPW committee are working to value engineering the project. The Borough has received a change of a licensed LSRP professional and the required actions that needs to be taken.**

### **LIBRARY ADDITIONS**

RVE provided a scope of services and associated cost proposal for test pits, geotechnical investigation, and civil / site design in support of the proposed construction of multiple additions to the existing library. The proposal total of \$91,480.00 was authorized at the March 7<sup>th</sup>, 2024 Council meeting. Test pits and the soil boring have been completed, topographic survey was completed July 12<sup>th</sup>, 2024. Teams meeting held at the site on November 5, 2024 to finalize and coordinate a number of design questions. Design has been completed. There have been a number of coordination among the architectural group, MEP and the site designers. The site plan has been revised several times to address the borough and the architectural and MEP groups. An onsite meeting was held with PSEG for electricity connection. An additional survey was carried out by RVE for the existing sewer pipes

and the sewer connection. Bid documents and specifications were submitted to the architectural group. All team members are working hard to finalize the plans and preparing the bid documents for the near future bidding.

The bid opening for the project will be on 3/11 (10:00 AM) at the Borough Hall. We were informed that 14 prime contractors and 4 sub-contractors picked up the bidding documents.

RVE performed a site survey and the location of the existing 20ft wide emergency and utility access easement on the back of the library up to Galloway was stacked on field. The Somerset Union Soil Conservation District approved the soil erosion and sedimentation control plan.

**Land disturbance was issued for the library. We have been attending the biweekly meetings with the contractor and the architect. The contractor has started submitting the construction submittals, RVE teamed with Potter Architects with civil and site elements of the project construction management and construction inspections. The site has been secured and soil erosion and sedimentation control measures are installed. Contractors have been done most of the electrical conduit's demolition and some timber work has been performed. RVE performed a survey and flagging of the building additions and the storm pipes and scour hole locations. The following tasks are ongoing:**

- *Fabrication of steel structures*
- *Excavation*
- *Underpinning*
- *Footing and foundation*
- *Utility connection (gas,*
- *Carpentry (temporary shoring and framing)*
- *Duct work*
- *Sanitary drain connection*
- *Pour footing (Library addition, entrance, ...*
- *HVAC*
- *Concrete pouring (Pads for generator*

### **PHILLIPS FIELD BRIDGE**

The bridge has been re-opened with some limitations. The limitations consist of a single vehicle moving slowly. The Department of Public Works has taken over the routine maintenance cleaning of the bridge bearings. Minor maintenance work on the bridge has been completed.

We have prepared revised scope of services and cost proposals for further repairs and upgrade of the bridge using FEMA funds stemming from Hurricane Ida on February 16, 2023. Base maps for gabion basket protection of the shoulders of the bridge are completed. RVE was prepared for the Flood Hazard Area Individual Permit and NJDEP Freshwater Wetlands General Permit 20 (Bank Stabilization) applications. RVE has designed gabion basket around the bridge abutment and the stream embankment to stabilize the bridge current condition. The permitting documents were submitted to NJDEP and it is under review. The first set of comments was received on 2/19/25 and RVE addressed the comments and the revised plan and the response document was submitted to NJDEP on 3/13. Currently it is under review by NJDEP.

We have been following up with NJDEP reviewers to expedite the review process for this application. NJDEP has 24 days to complete the review for this application. RVE has started preparing bid materials and technical specifications. FEMA followed up with the status and we responded regarding the status on Monday 6/2. The project was approved by NJDEP, Bid and specs were advertised and the bid opening extended to 8/27. Bids were opened on 8/27 and the contractor was selected. Pre-construction meeting was held on 9/9 at the borough. We have received the submittals and those were reviewed and re-submitted to the contractor. The start date of construction is pending. The construction has started and the stabilization of the bridge abutments. The stabilization of two downstream abutments area is completed and the work is in progress. The contractor has started installing the required mattresses according to the plan. **This project is completed.**

### **WATCHUNG LAKE AND BEST LAKE DREDGING**

We contacted Westfield Township and the information about the hydro-racking contractor was received for consideration by the Borough. The contractor will provide some cost estimates for performing these tasks. The Borough **The Borough is going to re-apply for Congressional Grant for both lakes dredging through Bruno Associates. Under process.**

### **TAX MAP MAINTENANCE AND REVISIONS FOR TAX YEAR 2018-2025**

Scope of Services & Cost Proposal for the Tax Map Maintenance and Revisions for Tax Year 2018-2025 for Borough of Watchung as per your request was submitted on January 27<sup>th</sup> for consideration. The Borough Authorized RVE for this project at the meeting of 2/13. RVE had a meeting with the Borough Tax Officer and the project has started and it is in progress. RVE received the tax assessor's property list on 5/12. **RVE is comparing the list against the Tax Map for preparing a list of missing information. The tax map has been reviewed and the works are being progressed as direction received by the tax assessor.**

## **CAPITAL IMPROVEMENT PROJECTS UNDER CONSTRUCTION**

### **FY 2024 NJDOT TRUST FUND "MUNICIPAL AID" PROGRAM**

RVE submitted the FY 2024 grant application on June 27, 2023, for improvements to the following three roads, in priority order:

- Vail Lane, full length.
- Wolford Court, full length.
- Drift Road, from Dale Road to ending cul-de-sac.

We received NJDOT notification on November 1, 2023, of the grant award of \$337,210.00. The Council awarded the contract to Reivax Contracting Corp for the base bid of \$243,835.75 at the June 20<sup>th</sup> meeting. Construction completed, NJDOT has inspected and submitted comments, responses filed with NJDOT December 3, 2024. RVE has been following up with the contractors to get a schedule for completing the punch lists and the project closing. **All construction works and punch lists have been completed. The final payment was processed and NJDOT shall close the project. Still under NJDOT Review.**

### **FY 2023 NJDOT TRUST FUND "MUNICIPAL AID" PROGRAM**

RVE was authorized on May 24, 2023 to proceed with the design of improvements to the following three roads, in priority order:

- Meadowlark Road
- Washington Rock Road / Rock Road East from approximately #69 to the Warren Township municipal boundary
- Reynolds Drive

We received NJDOT notification on November 23, 2022 of the grant in the amount of \$368,400.00. The project was awarded to Reivax Construction Corp. at the September 21, 2023 Council meeting for \$398,622.75. Construction complete. DOT final inspection has been completed. The contractor is scheduling two small Meadowlark items to be completed prior to closing out. Meadowlark final work may be moved to spring. RVE has been following up with the contractors to get a schedule for completing the punch lists and the project closing. **All construction works and punch lists have been completed. The final payment was processed and NJDOT shall close the project. Still under NJDOT Review.**

## **PLANNING and / or ZONING BOARD INSPECTION PROJECTS**

### **Raising Cane's Restaurant**

The Engineering Department is reviewing the Land Disturbance application for this project.

### **BJ's Wholesale Club in Watchung (Block 64.02, Lot 2.05) - New Fuel Facility**

Pre-construction meeting held September 5, 2024. RVE provided construction observation services. The project was completed recently and BJ's Wholesale Club is open.

### **SERITAGE aka STARBUCKS**

Construction at the site has completed, RVE issued a recommendation for the Certificate of Occupancy and the Starbucks is open. Applicant inquiries on bond release are pending.

### **1375 Plainfield Avenue**

The planning board review was completed and it will be signed off soon. The project will be ready for inspection.

### **Bonnie Burn Road Development**

A land disturbance permit was issued for this project. RVE has started reviewing the retaining wall plan and calculations. RVE will work on LSRP works review and inspection of sewer pipe installation along the Bonnie Burn Road. **RVE completed the LSRP review and retaining wall plan. Review letters were submitted to Bright View Engineering and the contractor. New retaining walls were proposed around the club house.**

## **SOMERSET COUNTY AND OUTSIDE AGENCIES RELATED WORKS**

### **Somerset County Engineering Department**

We have contacted the Somerset County Engineering Department (SCED) regarding drainage issues at the intersection of Hillcrest Road and Guinard. SCED responded they are working on the issue. Borough met with SCED onsite and discussed the flooding issues of Hillcrest-Guinard & Stirling Road-Valley View intersections. The county is going to add a new inlet in front of Guinard Dr in order to make the situation better. This work was completed.

### **Somerset County Hazard Mitigation Plan 2025 Update**

The plan was prepared and submitted to the county's consultant for review. A meeting was held on 3/5 and the plan is currently ready to be reviewed by the public. Chapter 23- Watchung Annex was reviewed and submitted to the Somerset County for review. The Borough's 2025 mitigation project has been completed and incorporated into the Somerset County Mitigation Plan. Borough will need to pass a resolution formally adopting the 2025 Mitigation Plan. The plan was adopted by the Borough.

### **Somerset County Local Safety Action Plan Municipal Meeting**

We attended this meeting. The purpose of the meeting was to inform the municipalities on what a LSAP is; how it can make a municipality eligible for future road safety funding; for the municipalities to give them feedback on the developing Somerset County LSAP plan, as well as ask general questions about LSAP's. Two representatives from the borough shall be nominated to serve on the committee. The County sent a document to the committee member for a strategic survey. The project team is seeking feedback on strategies and actions that the plan will recommend. The received survey spreadsheet includes a variety of infrastructure, educational, and enforcement strategies that have been proven to reduce traffic fatalities and serious injuries in New Jersey. The county is requesting that you provide feedback on each group of strategies to the best of your knowledge and experience, even if the particular strategy is not within your professional expertise. Your knowledge of Somerset County makes your input critical to the future implementation of this LSAP. The LSAP strategy survey spreadsheet was completed and submitted to Somerset County and NJTPA on 5/17. We attended a meeting on 4/22 to hear the results of the survey and the future of the committee. Public Workshop was held on May 22<sup>nd</sup> for Local Safety Action Plans

### **Green Brook Flood Control Commission**

The meeting was held on February 5<sup>th</sup> virtually. There was a briefing from the Army Corps of Engineers on the work that was done. Currently the Corps is performing modelling works on the lower basin and the results will be submitted to NJDEP by early March. No work has been performed on the upper basin due to the lack of staffing and funding. We have been attending the quarterly commission meetings. The next meeting will be held on November 3<sup>rd</sup>.

### **New Jersey Department of Transportation**

Pre-Construction DP25109 - Route 78 WB, From Drift Road/Dale Road to Route 124 was held on July 15th.

### **Federal Eligibility for Sub-Regions**

Local Aid is transitioning the Federal Eligibility process to the PMRS platform. To ensure a seamless transition, NJDOT Local Aid Resource Center is scheduling online training sessions for local government personnel involved in the eligibility process. *A virtual meeting was held regarding this topic on November 3<sup>rd</sup>.*

## **COMPLETED CAPITAL IMPROVEMENT PROJECTS UNDER TWO YEAR MAINTENANCE BOND**

### **SIDEWALK FROM WATCHUNG CIRCLE/VALLEY ROAD TO LIBRARY PARKING LOT**

RVE has prepared a sidewalk design and obtained County approval. The Borough has awarded the work and held a preconstruction meeting on September 5, 2024. Construction completed.

### **REPAIRS TO VARIOUS STORM CULVERTS**

Funding Source(s): FEMA and Borough funding

Contractor: CMS Construction, Inc.

Contract Amount: \$193,785.00

Notice to Proceed issued: March 10, 2023

We determined that four (4) locations required significant repairs.

Our office issued a declaration for the need of repairs to the Borough for the following four (4) culverts located in the vicinities of:

- 160 Hill Hollow Road
- 90 Glen Eagle Drive
- 20 Glen Eagle Drive
- 48 Brook Drive

Project is complete. The contractor had not requested a final inspection from the Soil Conservation District. RVE requested the inspection and received a final report of compliance on March 5, 2024. The project is complete.

### **FY 2020 & 2021 NJDOT TRUST FUND “RESURFACING OF VARIOUS ROADWAYS”**

Funding Source(s): FY 2020 Trust Fund in the amount of \$300,000, and FY 2021 Trust Fund in the amount of \$375,000

Contractor: J.A. Alexander, Inc.

Contract “A” Amount: \$309,960.39

Contract “B” Amount: \$275,035.66

Notice to Proceed issued: June 17, 2022

This project was advertised and awarded as one project with two (2) separate construction contracts as follows:

#### **“Contract A”:**

This contract consisted of the resurfacing of the following roadways utilizing FY’ 2020 NJDOT Trust Fund grant funds:

1. Hill Hollow Road (from Valley Road to Johnston Drive)

2. Nottingham Drive (from Hill Hollow Road to end)

**“Contract B”:**

This contract consisted of the resurfacing of the following roadways utilizing FY’ 2021 NJDOT Trust Fund grant funds:

1. Elsinore Drive (entire extent from Valley Road (CR 527) to Sherwood Drive)
2. Friar Lane (entire extent from the NW Terminus to SE Terminus)
3. Sherwood Drive (Elsinore Drive to a point approximately 800' south)
4. Johnston Drive (Woodledge Road to Valley Drive)

RVE closed out the project on February 23, 2023.

**FY 2022 NJDOT TRUST FUND “MUNICIPAL AID” PROGRAM**

Funding Source(s): FY 2022 Trust Fund in the amount of \$348,000  
Contractor: J.A. Alexander, Inc.  
Contract Amount:  
Notice to Proceed issued: October 18, 2022

This contract consists of the resurfacing of the following roadways utilizing FY’ 2020 NJDOT Trust Fund grant funds:

- Johnston Drive (from Valley Drive to Camp Endeavor)
- Scott Drive (from Washington Drive to Winter Lane)

RVE closed out the project on February 6, 2023.

**“MORRIS COUNTY COOPERATIVE PRICING COUNCIL” ROAD PROJECT**

Tilcon is the vendor for the Co-op’s “Road Resurfacing” contract for 2022. The Borough awarded a contract to Tilcon for resurfacing the following roads under the co-op:

Corey Lane (full length)  
Old Somerset Road (from Corey Lane to Orchard Road)

RVE closed out the project in October 2022.

**LIBRARY BRIDGE**

The bridge is open as a pedestrian bridge. RVE supplied requested information to FEMA Hazard Mitigation, completed on November 18, 2022. The project was awarded to Tracks Unlimited, LLC, with a bid of \$83,176.00 and the Notice to Proceed was issued March 5, 2024. The contractor has completed their portion of the bridge replacement, the wooden timbers and railings will be installed by a combination of Public Works and local subcontractors.



**BOROUGH OF WATCHUNG  
ORDINANCE 26/02**

**AN ORDINANCE AMENDING CHAPTER 28, LAND DEVELOPMENT,  
TO REVISE THE ROUTE 22 AFFORDABLE HOUSING OVERLAY ZONE  
DISTRICT IN COMPLIANCE WITH THE BOROUGH'S AMENDED  
HOUSING ELEMENT AND FAIR SHARE PLAN AND ITS 4<sup>TH</sup> ROUND  
AFFORDABLE HOUSING OBLIGATIONS.**

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law an Amendment to the Fair Housing Act (N.J.S.A. 52:27D-301 *et seq.*) (hereinafter "Amended FHA"); and

**WHEREAS**, the Amended FHA requires the New Jersey Department of Community Affairs ("DCA") to produce non-binding estimates of fair share obligations for municipalities throughout the State on or before October 20, 2024, and provides for municipalities to demonstrate that the Amended FHA would support modified or corrected calculations of the Round 4 affordable housing obligations; and

**WHEREAS**, through the adoption of adopted Resolution No. R2 on January 30, 2025, the Borough determined its fair share of 35 units present need and 92 units prospective need, subject to any vacant land and/or durational adjustments it may seek as part of the Housing Element and Fair Share Plan ("HE&FSP") it subsequently submits in accordance with the Amended FHA; and

**WHEREAS**, the Borough filed its Resolution of participation before the Affordable Housing Dispute Resolution Program (the "Program") on January 31, 2025, in accordance with the requirements of N.J.S.A. 52:27D-301, *et seq.*, and the timeframes set forth in Administrative Directive #14-24, bearing Docket No. SOM-L-183-25; and

**WHEREAS**, the New Jersey Builders Association ("NJBA") filed a timely objection to Watchung's Resolution establishing its 4<sup>th</sup> Round obligations; and

**WHEREAS**, through the mediation process provided by the Program, the Borough and NJBA entered into a Mediation Agreement settling the dispute over the Borough's prospective

**BOROUGH OF WATCHUNG  
ORDINANCE 26/02**

need obligation, agreeing to a Prospective Need obligation of 111 units for the Borough's 4<sup>th</sup> Round affordable housing compliance; and

**WHEREAS**, the Court entered an order on April 8, 2025 setting the Borough's Fourth Round fair share obligations as a Present Need of thirty-five (35) units and a Prospective Need of one hundred eleven (111) units, which no party appealed, and ordering the Borough to file a HE&FSP by June 30, 2025, as required pursuant to the Amended FHA and Administrative Directive #14-24; and

**WHEREAS**, the Watchung Borough Planning Board held the public hearing on the HE&FSP on June 9, 2025, with a memorializing Resolution adopting the HE&FSP on June 17, 2025, and the HE&FSP having been filed with the Program on June 18, 2025; and

**WHEREAS**, the Borough Council adopted Resolution No. R7 on June 19, 2025, endorsing the adopted HE&FSP, with same being filed with the Program on June 23, 2025; and

**WHEREAS**, on August 31, 2025, Fair Share Housing Center ("FSHC") filed a challenge to the Borough's HE&FSP pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b); and

**WHEREAS**, through the mediation process provided by the Program, the Borough and FSHC entered into a Mediation Agreement settling the dispute over the Borough's HE&FSP, which resulted in amendments to the HE&FSP for the Borough's satisfaction of its 4<sup>th</sup> Round affordable housing obligations, inclusive of the Borough's vacant land adjustment identified therein, which was presented to the Program for review and approval, and referral to the Mount Laurel Judge; and

**WHEREAS**, the Court entered an order on February 3, 2026, confirming the terms and conditions of the Mediation Agreement between the Borough and FSHC with regard to the Borough's amended HE&FSP, which amended HE&FSP is to be adopted by the Borough Planning

**BOROUGH OF WATCHUNG  
ORDINANCE 26/02**

Board by March 15, 2026, as required pursuant to the Amended FHA and Administrative Directive #14-24; and

**WHEREAS**, in expectation of the Planning Board’s adoption of the amended HE&FSP, certain amendments are to be made to the Borough’s existing affordable housing overlay zone districts, as well as the establishment of new affordable housing overlay zone districts throughout the Borough; and

**WHEREAS**, in light of the above, the Mayor and Borough Council of the Borough of Watchung find that it is in the best interest of the Borough to amend the provisions of the Route 22 Affordable Housing Overlay District in compliance with the amended HE&FSP pursuant to the Mediation Agreement with FSHC and the Court’s February 3, 2026 Order; and

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Watchung, in the County of Somerset and State of New Jersey as follows:

**Section 1.** Subsection 28-401(AC) entitled “Route 22 Affordable Housing Overlay District” of Section 28-401 entitled “General Zoning District Regulations” of Article 28-400 entitled “Zoning District Regulations” of Chapter 28 entitled “Land Development” of The Code of the Borough of Watchung is hereby re-codified to new Section 28-421 to be entitled “Route 22 Affordable Housing Overlay District,” and to be supplemented and amended to read as follows:

[Note to Codifier: New language in **bold and underlined**, deleted language in ~~double strike through~~; and amended language from original Subsection 28-401(AC) in red.]

**Chapter 28. Land Development**

**Article 28-400 Zoning District Regulations**

**§28-401. General Zoning District Regulations.**

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**BOROUGH OF WATCHUNG  
ORDINANCE 26/02**

**AC. ~~Route 22 Affordable Housing Overlay Zone~~ Reserved.**

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**§28-421. Route 22 Affordable Housing Overlay Zone.**

**Route 22 Affordable Housing Overlay District is established as follows:**

**A. Purpose: The purpose of the Route 22 Affordable Housing Overlay District is to create a realistic opportunity for the creation of low and moderate-income housing as land becomes available for development or redevelopment in the Borough.**

**B. Area of the Borough to be included in the Overlay District: Block 64.02, Lot 3 and a portion of Block 64.02, Lot 5 as shown on the Route 22 Affordable Housing Overlay District Map.**

**C. Principal Permitted Uses: Multifamily dwelling units in one or more buildings as an inclusionary affordable residential development, provided that the provisions of subsections E. through H. below are met.**

**D. Permitted Accessory Uses:**

**1. Uses and structures customary to the principal permitted use including, but not limited to private residential garages, parking areas, refuse and recycling areas, swimming pools, tennis courts, club houses for residents, management offices, leasing offices, walking/jogging trails, and dog runs.**

**2. Subsection 28-401B shall apply except as modified in this Section 28-421.**

**3. All accessory uses except permitted fences, signs, bus shelters shall be located at least twenty (20) feet from the property line.**

**4. Fences and walls, in accordance with §28-502.**

**5. Signs may be provided in accordance with §28-504, and further regulated as follows:**

**a. Permitted signs shall include one project identification sign per development, residential unit and residential building identification signs, traffic and pedestrian directional signs and other public safety signs.**

**b. A project identification monument sign shall be permitted at the driveway entrance to the project not exceeding thirty-two (32) square feet in area and eight (8) feet in height including the monument base.**

**BOROUGH OF WATCHUNG  
ORDINANCE 26/02**

- c. A monument base constructed of stone or similar material and landscaped shall be provided.
  - d. Building mounted identification signs or free-standing informational signs shall not exceed four (4) square feet.
  - e. Signs shall be constructed of stone, wood or similar materials and shall not be internally illuminated.
  - f. An overall sign plan shall be submitted for review as part of the site plan application.
6. All accessory uses except permitted fences, signs, bus shelters shall be located at least twenty five (25) feet from the property line.

E. Maximum Gross Density:

- 1. For-sale units. Multifamily residential development with units for-sale shall be permitted to have a maximum gross density of ~~fourteen (14)~~ **eighteen (18)** units per acre.
- 2. For-rent units. Multifamily residential development with units for-rent shall be permitted to have a maximum gross density of **eighteen (18)** units per acre.

F. Affordable Housing Requirements.

- 1. For-sale units. Multi-family residential development with units for-sale shall include a minimum of twenty (20%) percent of the total number of units for low-and moderate- income households, with at least 13 percent of these affordable units available for households earning 30 percent or less of the median income limit for the Council on Affordable Housing Region 3 or as provided by Order of the Superior Court of New Jersey.
- 2. For-rent units. Multi-family residential development with units for-rent shall include at least ~~15~~ **twenty (20%)** percent of the total number of units for low-and moderate-income households, with at least 13 percent of these affordable units available for households earning 30 percent or less of the median income limit for the COAH Region 3 or as provided by Order of the Superior Court of New Jersey.
- 3. The low- and moderate-income units shall be distributed throughout the development, not concentrated in any one building.
- 4. The §28-1000 Affordable Housing Ordinance provisions shall apply.

**BOROUGH OF WATCHUNG  
ORDINANCE 26/02**

**G. Area, Yard and Other Bulk Requirements:**

- 1. No principal building or structure shall be located closer than one hundred (100) feet from the Route 22 right-of-way line or closer than twenty-five (25) feet from any side or rear lot line.**
- 2. The minimum distance between structures shall be one-half (1/2) the sum of the height of the adjacent structures, except that a minimum of fifteen (15) feet shall be maintained when structures abut end to end.**
- 3. The maximum building length shall be two hundred (200) feet.**
- 4. The minimum number of dwelling units in a building shall be four (4) units and the maximum number of dwelling units in a building shall be thirty-six (36) units.**
- 5. The maximum building coverage shall be thirty percent (30%).**
- 6. The maximum lot impervious coverage shall be seventy percent (70%).**

**H. Maximum Building Height:**

- 1. No building shall exceed thirty-eight (38) feet in height and three (3) stories.**
- 2. Building height in feet shall be the vertical distance measured from the average finished grade at the perimeter of the foundation calculated at 20-foot increments to the highest point of the building in the case of flat roofs or to the mean level between the eaves and the highest point of the roof in the case of pitched roofs.**
- 3. Building height in stories shall be measured counting as a story the space between the upper surface of any floor and the upper surface of the next floor above it or, if there is no floor above it, then the surface between the floor and the ceiling next above it. Space under a sloped roof that is not habitable and space partially or fully below grade that is not habitable under the State Uniform Construction Code shall not be considered a story or part of a story.**

**I. Roadways, Off-street Parking and Private Residential Garages:**

- 1. On-street parking shall be permitted within the development tract.**
- 2. Off-street parking may be permitted under or within a building structure, provided that the building shall not exceed the maximum building height.**
- 3. The number of required parking spaces shall be in accordance with the New Jersey Residential Site Improvement Standards (RSIS).**

**BOROUGH OF WATCHUNG  
ORDINANCE 26/02**

- 4. No parking area or driveway shall be located within twenty (20) feet of any property line, excluding intersecting driveways with US Route 22.**
- 5. Parking spaces shall be located at least fifteen (15) feet from a residential building, except where a parking space also provides access to an enclosed garage, no such setback shall be required.**

**J. Other requirements.**

- 1. Section 28-505, Recreation Required for Multi-Family Development standards shall apply and include:**
  - a. A minimum of five percent (5%) of the lot shall be developed as open space and recreation areas, including both active and passive recreation facilities.**
  - b. Recreation facilities shall include play areas for children of all ages.**
- 2. Section 28-600 Development Requirements and Standards shall apply unless overridden by provisions in this subsection .**
- 3. Building Design Standards.**
  - a. All residential buildings shall have similar facade treatments so that they are compatible with one another. Additionally, all sides of any one residential building shall have similar facade treatments.**
  - b. Long buildings shall be broken into facade segments. Any building with a length of over one hundred (100) feet shall have off-set facades at least every thirty (30) feet created with set-back or bump-out sections being one and one-half (1.5) feet or more in depth.**
  - c. A variety of quality materials and architectural features are encouraged to, for example, distinguish the first floor from higher floors, to distinguish top floors from lower floors, and to highlight building entrances.**
  - d. Rooftop HV AC units, if employed, shall be shielded by parapet walls or roof insets if a sloped roof is utilized.**
  - e. Foundation plantings shall be utilized to soften the appearance of first floor and lower walls.**

**BOROUGH OF WATCHUNG  
ORDINANCE 26/02**

**BE IT FURTHER ORDAINED** by the Council of the Borough of Watchung that should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this Ordinance are hereby declared to be severable; and

**BE IT FURTHER ORDAINED** by the Council of the Borough of Watchung that in the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Watchung, the provisions hereof shall be determined to govern, and the inconsistencies of the prior ordinance are hereby repealed. All other parts, portions and provisions of the Ordinances of the Borough of Watchung are hereby ratified and confirmed, except where inconsistent with the terms hereof; and

**BE IT FURTHER ORDAINED** that the Borough Clerk is directed to give notice at least ten days prior to a hearing on the adoption of this ordinance to the Somerset 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); and

**BE IT FURTHER ORDAINED** that after introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Watchung 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 Council, 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; and

**BOROUGH OF WATCHUNG  
ORDINANCE 26/02**

**BE IT FURTHER ORDAINED** by the Council of the Borough of Watchung that within five (5) days after its adoption by the Council, 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. 40A:60-5(d). 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; and

**BE IT FURTHER ORDAINED** by the Council of the Borough of Watchung that this Ordinance shall take effect upon final passage and publication according to law; and approval by the Mayor pursuant to N.J.S.A. 40A:60-5(d).

INTRODUCED BY: GIBBS  
PASSED: FEBRUARY 19, 2026  
PUBLISHED: FEBRUARY 20, 2026  
ADOPTED:  
C: GENERAL CODE, ZONING OFFICER  
BOARD CLERK.

**ATTEST: BOROUGH OF WATCHUNG**

\_\_\_\_\_  
Edith G. Gil, Borough Clerk

By: \_\_\_\_\_  
Ronald Jubin, Ph.D., Mayor

**BOROUGH OF WATCHUNG  
ORDINANCE 26/03**

**AN ORDINANCE AMENDING CHAPTER 28, LAND DEVELOPMENT,  
TO REVISE THE S-W SOMERSET STREET / WATCHUNG AVENUE  
AFFORDABLE HOUSING OVERLAY ZONE DISTRICT IN  
COMPLIANCE WITH THE BOROUGH'S AMENDED HOUSING  
ELEMENT AND FAIR SHARE PLAN AND ITS 4<sup>TH</sup> ROUND  
AFFORDABLE HOUSING OBLIGATIONS.**

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law an Amendment to the Fair Housing Act (N.J.S.A. 52:27D-301 *et seq.*) (hereinafter "Amended FHA"); and

**WHEREAS**, the Amended FHA requires the New Jersey Department of Community Affairs ("DCA") to produce non-binding estimates of fair share obligations for municipalities throughout the State on or before October 20, 2024, and provides for municipalities to demonstrate that the Amended FHA would support modified or corrected calculations of the Round 4 affordable housing obligations; and

**WHEREAS**, through the adoption of adopted Resolution No. R2 on January 30, 2025, the Borough determined its fair share of 35 units present need and 92 units prospective need, subject to any vacant land and/or durational adjustments it may seek as part of the Housing Element and Fair Share Plan ("HE&FSP") it subsequently submits in accordance with the Amended FHA; and

**WHEREAS**, the Borough filed its Resolution of participation before the Affordable Housing Dispute Resolution Program (the "Program") on January 31, 2025, in accordance with the requirements of N.J.S.A. 52:27D-301, *et seq.*, and the timeframes set forth in Administrative Directive #14-24, bearing Docket No. SOM-L-183-25; and

**WHEREAS**, the New Jersey Builders Association ("NJBA") filed a timely objection to Watchung's Resolution establishing its 4<sup>th</sup> Round obligations; and

**BOROUGH OF WATCHUNG  
ORDINANCE 26/03**

**WHEREAS**, through the mediation process provided by the Program, the Borough and NJBA entered into a Mediation Agreement settling the dispute over the Borough's prospective need obligation, agreeing to a Prospective Need obligation of 111 units for the Borough's 4<sup>th</sup> Round affordable housing compliance; and

**WHEREAS**, the Court entered an order on April 8, 2025 setting the Borough's Fourth Round fair share obligations as a Present Need of thirty-five (35) units and a Prospective Need of one hundred eleven (111) units, which no party appealed, and ordering the Borough to file a HE&FSP by June 30, 2025, as required pursuant to the Amended FHA and Administrative Directive #14-24; and

**WHEREAS**, the Watchung Borough Planning Board held the public hearing on the HE&FSP on June 9, 2025, with a memorializing Resolution adopting the HE&FSP on June 17, 2025, and the HE&FSP having been filed with the Program on June 18, 2025; and

**WHEREAS**, the Borough Council adopted Resolution No. R7 on June 19, 2025, endorsing the adopted HE&FSP, with same being filed with the Program on June 23, 2025; and

**WHEREAS**, on August 31, 2025, Fair Share Housing Center ("FSHC") filed a challenge to the Borough's HE&FSP pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b); and

**WHEREAS**, through the mediation process provided by the Program, the Borough and FSHC entered into a Mediation Agreement settling the dispute over the Borough's HE&FSP, which resulted in amendments to the HE&FSP for the Borough's satisfaction of its 4<sup>th</sup> Round affordable housing obligations, inclusive of the Borough's vacant land adjustment identified therein, which was presented to the Program for review and approval, and referral to the Mount Laurel Judge; and

**BOROUGH OF WATCHUNG  
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**WHEREAS**, the Court entered an order on February 3, 2026, confirming the terms and conditions of the Mediation Agreement between the Borough and FSHC with regard to the Borough’s amended HE&FSP, which amended HE&FSP is to be adopted by the Borough Planning Board by March 15, 2026, as required pursuant to the Amended FHA and Administrative Directive #14-24; and

**WHEREAS**, in expectation of the Planning Board’s adoption of the amended HE&FSP, certain amendments are to be made to the Borough’s existing affordable housing overlay zone districts, as well as the establishment of new affordable housing overlay zone districts throughout the Borough; and

**WHEREAS**, in light of the above, the Mayor and Borough Council of the Borough of Watchung find that it is in the best interest of the Borough to amend the provisions of the S-W Somerset Street / Watchung Avenue Affordable Housing Overlay District in compliance with the amended HE&FSP pursuant to the Mediation Agreement with FSHC and the Court’s February 3, 2026 Order; and

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Watchung, in the County of Somerset and State of New Jersey as follows:

**Section 1.** Section 28-419 entitled “S-W Somerset Street / Watchung Avenue Affordable Housing Overlay District” of Article 28-400 entitled “Zoning District Regulations” of Chapter 28 entitled “Land Development” of The Code of the Borough of Watchung is hereby supplemented and amended to read as follows: [Note to codifier: New language in **bold and underlined**; deleted language in ~~double strikethrough~~.]

**Chapter 28.           Land Development**

**Article 28-400       Zoning District Regulations**

**BOROUGH OF WATCHUNG  
ORDINANCE 26/03**

**§28-419. S-W Somerset Street / Watchung Avenue Affordable Housing Overlay District.**

A. Purpose and Application.

1. Purpose. The purpose of the Somerset Street/Watchung Avenue Affordable Housing Overlay District is to create a realistic opportunity for the development of affordable housing in accordance with the June 7, 2018, Settlement Agreement between the Borough of Watchung and the Fair Share Housing Center (“FSHC”), ~~Inc.~~, and the September 19, 2018, Order on Fairness and Preliminary Compliance Hearing by the Superior Court of New Jersey Law Division Somerset County, Docket No. SOM-L-902-15; **and amended in compliance with the December 19, 2025 Mediation Agreement between the Borough and FSHC, and the February 3, 2026 Order issued in the Docket No. SOM-L-183-25.**
2. Application of Requirements. The Somerset Street/Watchung Avenue Affordable Housing Overlay District permits mixed-use redevelopment consisting of first-floor commercial uses and residential units above within the "Triangle" area bounded by Watchung Avenue, Somerset Street and Johnston Drive. Consistent with the purpose of the district, such mixed-use development shall only be permitted in conjunction with the provision of affordable housing pursuant to § 28-419D, Affordable Housing Requirements. The requirements of the underlying Neighborhood Business (B-A) Zoning District shall remain in full effect in the area encompassed by this overlay district unless an application is proposed consistent with the requirements of this overlay district. The requirements of this overlay district shall only be applicable to the lands involved in such a mixed-use development application. Lands not included in such a mixed-use development application shall continue to be subject to the requirements of the underlying zoning district.

B. Permitted Uses.

1. Principal Permitted Uses. Mixed-use development consisting of commercial development on the first floor and residential units above. Permitted commercial uses on the first floor shall consist of the permitted uses specified in § 28-406.A with respect to the B-A District.
  - a. Such mixed-use development shall only be permitted in conjunction with the provision of affordable housing pursuant to § 28-419D.
2. Accessory Uses Permitted.
  - a. Off-street loading and parking and private nonresidential garages, either attached or detached.
  - b. Storage buildings not exceeding 200 square feet in size and 15 feet in height.

**BOROUGH OF WATCHUNG  
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- c. Fences and walls in accordance with § 28-502.
  - d. Signs in accordance with § 28-504, generally, and the requirements of § 28-504G specifically with respect to sign height, sign area, setback and other such bulk and dimensional requirements.
- C. Maximum Gross Density. Residential use is permitted at a maximum gross density of **ten (10)** ~~six~~ units per acre for for-sale units and **ten (10)** units per acre for rental units.
- D. Affordable Housing Requirements.
- 1. For-Sale Units. Where for-sale units are provided, a minimum of **twenty (20%) percent** of the total number of units shall be affordable to low- and moderate-income households, with at least 50% of the affordable units available for households earning 30% or less of the applicable median income limit and 13% of the affordable units available for households earning 30% or less of the applicable median income limit. For the purpose of this section, fractional results shall be rounded to the nearest whole number (e.g., 2.4 would equal a requirement for two affordable units, while 2.5 would result in a requirement for three affordable units).
  - 2. For-Rent Units. Where rental units are provided, a minimum of **twenty (20%) percent** ~~15%~~ of the total number of units shall be affordable to low- and moderate-income households, with at least 50% of the affordable units available for households earning 30% or less of the applicable median income limit and 13% of the affordable units available for households earning 30% or less of the applicable median income limit. For the purpose of this section, fractional results shall be rounded to the nearest whole number (e.g., 2.4 would equal a requirement for two affordable units, while 2.5 would result in a requirement for three affordable units).
  - 3. The low- and moderate-income units shall be distributed throughout the development, not concentrated in any one building.
  - 4. Section 28-1000, Affordable Housing, shall apply.
- E. Maximum Building Height.
- 1. No principal building shall exceed 35 feet in height and 2 1/2 stories.
  - 2. No accessory building located within the principal building envelope shall exceed 25 feet in height and two stories.
  - 3. No accessory building located outside the principal building envelope shall exceed 15 feet in height and one story.
- F. Area and Yard Requirements for the S-W District.

**BOROUGH OF WATCHUNG  
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<b>Principal Building</b>	<b>Requirement</b>
Minimum	
Lot area	10,000 square feet
Lot frontage	100 feet
Lot width	100 feet
Principal Building	
Lot Depth	75 feet
Front yard	30 feet
Side yard - one (both)	5 feet (15 feet)
Rear yard	25 feet
Accessory Building	
Minimum	
Distance to side line	5 feet
Distance to rear line	10 feet
Distance to other building	20 feet
Maximum	
Building coverage	30%
Lot coverage	70%

G. General Requirements.

1. Unless otherwise specifically approved by the Board as part of a site plan application, no merchandise, product, equipment or similar material or objects shall be displayed or stored outside. Where merchandise, products, equipment or similar material or objects are approved by the Board to be displayed or stored outside, the materials shall be suitably screened to be obscured from view from adjacent residential uses and must be situated within the property lines of the principal use.
2. All areas not utilized for buildings, parking, loading, access aisles and driveways or pedestrian walkways shall be suitably landscaped with shrubs, ground cover, seeding or plantings and maintained in good condition.
3. All buildings shall be compatibly designed whether constructed all at one time or in stages over a period of time. All building walls facing any street or residential use or district shall be suitably finished for aesthetic purposes and shall be compatible in design and scale to the surrounding residential areas.
4. At least the first five feet adjacent to any lot line shall not be used for parking and loading and shall be planted and maintained in lawn areas or ground cover and landscaped with evergreen shrubbery.

H. Off-Street Parking and Loading. Parking spaces and loading areas shall be provided for each use in accordance with the requirements of § 28-503 and the design standards in Article 28-600.

**BOROUGH OF WATCHUNG  
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**BE IT FURTHER ORDAINED** by the Council of the Borough of Watchung that should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this Ordinance are hereby declared to be severable; and

**BE IT FURTHER ORDAINED** by the Council of the Borough of Watchung that in the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Watchung, the provisions hereof shall be determined to govern, and the inconsistencies of the prior ordinance are hereby repealed. All other parts, portions and provisions of the Ordinances of the Borough of Watchung are hereby ratified and confirmed, except where inconsistent with the terms hereof; and

**BE IT FURTHER ORDAINED** that the Borough Clerk is directed to give notice at least ten days prior to a hearing on the adoption of this ordinance to the Somerset 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); and

**BE IT FURTHER ORDAINED** that after introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Watchung 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 Council, 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; and

**BOROUGH OF WATCHUNG  
ORDINANCE 26/03**

**BE IT FURTHER ORDAINED** by the Council of the Borough of Watchung that within five (5) days after its adoption by the Council, 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. 40A:60-5(d). 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; and

**BE IT FURTHER ORDAINED** by the Council of the Borough of Watchung that this Ordinance shall take effect upon final passage and publication according to law; and approval by the Mayor pursuant to N.J.S.A. 40A:60-5(d).

INTRODUCED BY: GIBBS  
PASSED: FEBRUARY 19, 2026  
PUBLISHED: FEBRUARY 20, 2026  
ADOPTED:  
C: GENERAL CODE,  
BOARD CLERK

ATTEST: BOROUGH OF WATCHUNG

\_\_\_\_\_  
Edith G. Gil, Borough Clerk

By: \_\_\_\_\_  
Ronald Jubin, Ph.D., Mayor

**BOROUGH OF WATCHUNG  
ORDINANCE 26/04**

**AN ORDINANCE AMENDING CHAPTER 28, LAND DEVELOPMENT,  
ESTABLISHING A NEW ROUTE 22 AFFORDABLE HOUSING  
OVERLAY ZONE DISTRICT – 2 IN COMPLIANCE WITH THE  
BOROUGH’S AMENDED HOUSING ELEMENT AND FAIR SHARE  
PLAN AND ITS 4<sup>TH</sup> ROUND AFFORDABLE HOUSING OBLIGATIONS.**

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law an Amendment to the Fair Housing Act (N.J.S.A. 52:27D-301 *et seq.*) (hereinafter “Amended FHA”); and

**WHEREAS**, the Amended FHA requires the New Jersey Department of Community Affairs (“DCA”) to produce non-binding estimates of fair share obligations for municipalities throughout the State on or before October 20, 2024, and provides for municipalities to demonstrate that the Amended FHA would support modified or corrected calculations of the Round 4 affordable housing obligations; and

**WHEREAS**, through the adoption of adopted Resolution No. R2 on January 30, 2025, the Borough determined its fair share of 35 units present need and 92 units prospective need, subject to any vacant land and/or durational adjustments it may seek as part of the Housing Element and Fair Share Plan (“HE&FSP”) it subsequently submits in accordance with the Amended FHA; and

**WHEREAS**, the Borough filed its Resolution of participation before the Affordable Housing Dispute Resolution Program (the “Program”) on January 31, 2025, in accordance with the requirements of N.J.S.A. 52:27D-301, *et seq.*, and the timeframes set forth in Administrative Directive #14-24, bearing Docket No. SOM-L-183-25; and

**WHEREAS**, the New Jersey Builders Association (“NJBA”) filed a timely objection to Watchung’s Resolution establishing its 4<sup>th</sup> Round obligations; and

**WHEREAS**, through the mediation process provided by the Program, the Borough and NJBA entered into a Mediation Agreement settling the dispute over the Borough’s prospective

**BOROUGH OF WATCHUNG  
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need obligation, agreeing to a Prospective Need obligation of 111 units for the Borough's 4<sup>th</sup> Round affordable housing compliance; and

**WHEREAS**, the Court entered an order on April 8, 2025 setting the Borough's Fourth Round fair share obligations as a Present Need of thirty-five (35) units and a Prospective Need of one hundred eleven (111) units, which no party appealed, and ordering the Borough to file a HE&FSP by June 30, 2025, as required pursuant to the Amended FHA and Administrative Directive #14-24; and

**WHEREAS**, the Watchung Borough Planning Board held the public hearing on the HE&FSP on June 9, 2025, with a memorializing Resolution adopting the HE&FSP on June 17, 2025, and the HE&FSP having been filed with the Program on June 18, 2025; and

**WHEREAS**, the Borough Council adopted Resolution No. R7 on June 19, 2025, endorsing the adopted HE&FSP, with same being filed with the Program on June 23, 2025; and

**WHEREAS**, on August 31, 2025, Fair Share Housing Center ("FSHC") filed a challenge to the Borough's HE&FSP pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b); and

**WHEREAS**, through the mediation process provided by the Program, the Borough and FSHC entered into a Mediation Agreement settling the dispute over the Borough's HE&FSP, which resulted in amendments to the HE&FSP for the Borough's satisfaction of its 4<sup>th</sup> Round affordable housing obligations, inclusive of the Borough's vacant land adjustment identified therein, which was presented to the Program for review and approval, and referral to the Mount Laurel Judge; and

**WHEREAS**, the Court entered an order on February 3, 2026, confirming the terms and conditions of the Mediation Agreement between the Borough and FSHC with regard to the Borough's amended HE&FSP, which amended HE&FSP is to be adopted by the Borough Planning

**BOROUGH OF WATCHUNG  
ORDINANCE 26/04**

Board by March 15, 2026, as required pursuant to the Amended FHA and Administrative Directive #14-24; and

**WHEREAS**, in expectation of the Planning Board’s adoption of the amended HE&FSP, certain amendments are to be made to the Borough’s existing affordable housing overlay zone districts, as well as the establishment of new affordable housing overlay zone districts throughout the Borough; and

**WHEREAS**, in light of the above, the Mayor and Borough Council of the Borough of Watchung find that it is in the best interest of the Borough to establish a new Route 22 Affordable Housing Overlay District - 2 in compliance with the amended HE&FSP pursuant to the Mediation Agreement with FSHC and the Court’s February 3, 2026 Order; and

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Watchung, in the County of Somerset and State of New Jersey as follows:

**Section 1.** Article 28-400 entitled “Zoning District Regulations” of Chapter 28 entitled “Land Development” of The Code of the Borough of Watchung is hereby supplemented and amended to add a new Section 28-422 to be entitled “Route 22 Affordable Housing Overlay District – 2” to read as follows: [Note to codifier: New language in **bold and underlined**; deleted language in ~~double strikethrough~~.]

**Chapter 28. Land Development**

**Article 28-400. Zoning District Regulations**

**§28-422. Route 22 Affordable Housing Overlay District - 2.**

**A. Purpose: The purpose of the “Route 22 Affordable Housing Overlay District - 2” zone is to create a realistic opportunity for the creation of very-, low- and moderate-income housing in the Borough.**

**BOROUGH OF WATCHUNG  
ORDINANCE 26/04**

**B. Area of the Borough to be included in the Overlay District: The area shown on Exhibit 1 (Block 6201, Lots 1, 4, 5.01, 5.02 and 6), as well as the paper street in this area) shall be placed within the “Route 22 Affordable Housing Overlay District - 2” on the Borough Zoning Map.**

**C. Principal Permitted Uses: Multifamily dwelling units in one or more buildings as an inclusionary affordable residential development, provided that the provisions of subsections E. through J. below are met.**

**D. Permitted Accessory Uses:**

**1. Uses and structures customary to the principal permitted use including, but not limited to private residential garages, parking areas, refuse and recycling areas, swimming pools, tennis courts, club houses for residents, management offices, leasing offices, walking/jogging trails, and dog runs.**

**2. Section 28-401.B. shall apply except as modified in this Section 28-401.AC.**

**3. All accessory uses except permitted fences, signs, bus shelters shall be located at least 10' from the property line.**

**4. Fences and walls, in accordance with Section 28-502.**

**5. Signs may be provided in accordance with Section 28-504, and further regulated as follows:**

**a. Permitted signs shall include one project identification sign per development, residential unit and residential building identification signs, traffic and pedestrian directional signs and other public safety signs.**

**b. A project identification monument sign shall be permitted at the driveway entrance to the project not exceeding 32 square feet in area and 8 feet in height including the monument base.**

**c. A monument base constructed of stone or similar material and landscaped shall be provided.**

**d. Building mounted identification signs or free-standing informational signs shall not exceed 4 square feet.**

**e. Signs shall be constructed of stone, wood or similar materials and shall not be internally illuminated.**

**f. An overall sign plan shall be submitted for review as part of the site plan application.**

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**E. Maximum Gross Density: Multifamily residential development shall be permitted to have a maximum gross density of 18 units per acre.**

**F. Affordable Housing Requirements:**

- 1. The number of affordable units (i.e., available to very-low, low- and moderate-income households) shall equal at least 20% of the total units in the development. The number of low-income units shall equal at least fifty percent (50%) of the affordable units. The number of units available to very-low income households (i.e., households earning 30 percent or less of the median income limit for the Housing Region 3) shall equal thirteen percent (13%) of the number of affordable units or two (2) units, whichever is greater.**
- 2. The low- and moderate-income units shall be distributed throughout the development, not concentrated in any one building or area of a building.**
- 3. The development shall be rental and shall not be age-restricted.**
- 4. Section 28-1000 Affordable Housing Ordinance provisions shall apply.**

**G. Area, Yard and Other Bulk Requirements:**

- 1. No principal building or structure shall be located closer than seventy-five (75) from the Route 22 right-of-way line or closer than fifteen (15) from any side lot line or twenty-five (25) feet from any rear lot line.**
- 2. The maximum building coverage shall be forty percent (40%).**
- 3. The maximum lot impervious coverage shall be eighty percent (80%).**

**H. Maximum Building Height:**

- 1. No building shall exceed thirty-eight (38) feet in height and three (3) stories.**
- 2. Building height in feet shall be the vertical distance measured from the average finished grade at the perimeter of the foundation calculated at 20-foot increments to the highest point of the building in the case of flat roofs or to the mean level between the eaves and the highest point of the roof in the case of pitched roofs.**
- 3. Building height in stories shall be measured counting as a story the space between the upper surface of any floor and the upper surface of the next floor above it or, if there is no floor above it, then the surface between the floor and the ceiling next above it. Space under a sloped roof that is not habitable and**

**BOROUGH OF WATCHUNG  
ORDINANCE 26/04**

space partially or fully below grade that is not habitable under the State Uniform Construction Code shall not be considered a story or part of a story.

**I. Roadways, Off-street Parking and Private Residential Garages:**

- 1. Off-street parking may be permitted under or within a building structure, provided that the building shall not exceed the maximum building height.**
- 2. The number of required parking spaces shall be in accordance with the New Jersey Residential Site Improvement Standards (RSIS).**
- 3. At least the first twenty-five (25) feet adjacent to any street line and fifteen (15) feet adjacent to any lot line shall not be used for parking or loading and shall be planted and maintained in lawn area or ground cover and landscaped.**

**J. Other requirements.**

- 1. Section 28-505. Multi-Family Development standards shall include:**
  - a. A minimum of five percent (5%) of the lot shall be developed as open space and recreation areas, including both active and passive recreation facilities.**
  - b. Recreation facilities shall include play areas for children of all ages.**
- 2. Section 28-600 Development Requirements and Standards shall apply unless overridden by provisions in this Ordinance.**
- 3. Building Design Standards.**
  - a. All residential buildings shall have similar facade treatments so that they are compatible with one another. Additionally, all sides of any one residential building shall have similar facade treatments.**
  - b. Long buildings shall be broken into facade segments. Any building with a length of over 100 feet shall have off-set facades at least every 30 feet created with set-back or bump-out sections being 1.5 feet or more in depth.**
  - c. A variety of quality materials and architectural features are encouraged to, for example, distinguish the first floor from higher floors, to distinguish top floors from lower floors, and to highlight building entrances.**
  - d. Rooftop HVAC units, if employed, shall be shielded by parapet walls or roof insets if a sloped roof is utilized.**

**BOROUGH OF WATCHUNG  
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- e. Foundation plantings shall be utilized to soften the appearance of first floor and lower walls.

2nd Reading & Public Hearing

BOROUGH OF WATCHUNG  
ORDINANCE 26/04

EXHIBIT 1



**BOROUGH OF WATCHUNG  
ORDINANCE 26/04**

**Section 2.** The Borough of Watchung Zoning Map shall be amended to show the “Route 22 Affordable Housing Overlay District -2” as described herein.

**BE IT FURTHER ORDAINED** by the Council of the Borough of Watchung that should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this Ordinance are hereby declared to be severable; and

**BE IT FURTHER ORDAINED** by the Council of the Borough of Watchung that in the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Watchung, the provisions hereof shall be determined to govern, and the inconsistencies of the prior ordinance are hereby repealed. All other parts, portions and provisions of the Ordinances of the Borough of Watchung are hereby ratified and confirmed, except where inconsistent with the terms hereof; and

**BE IT FURTHER ORDAINED** that the Borough Clerk is directed to give notice at least ten days prior to a hearing on the adoption of this ordinance to the Somerset 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); and

**BE IT FURTHER ORDAINED** that after introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Watchung 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 Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are

**BOROUGH OF WATCHUNG  
ORDINANCE 26/04**

inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate; and

**BE IT FURTHER ORDAINED** by the Council of the Borough of Watchung that within five (5) days after its adoption by the Council, 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. 40A:60-5(d). 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; and

**BE IT FURTHER ORDAINED** by the Council of the Borough of Watchung that this Ordinance shall take effect upon final passage and publication according to law; and approval by the Mayor pursuant to N.J.S.A. 40A:60-5(d).

INTRODUCED BY: GIBBS  
PASSED: FEBRUARY 19, 2026  
PUBLISHED: FEBRUARY 20, 2026  
ADOPTED:  
C: BOARD CLERK, COURTS,  
GENERAL CODE.

**ATTEST:**

**BOROUGH OF WATCHUNG**

\_\_\_\_\_  
Edith G. Gil, Borough Clerk

By: \_\_\_\_\_  
Ronald Jubin, Ph.D., Mayor

# ANNUAL FINANCIAL STATEMENT FOR THE YEAR 2025 (UNAUDITED)

POPULATION LAST CENSUS 6,449  
 NET VALUATION TAXABLE 2025 2,346,484,000  
 MUNICODE 1821

**FIVE DOLLARS PER DAY PENALTY IF NOT FILED BY:**  
**COUNTIES - JANUARY 26, 2026**  
**MUNICIPALITIES - FEBRUARY 10, 2026**

**ANNUAL FINANCIAL STATEMENT REQUIRED TO BE FILED UNDER NEW JERSEY STATUTES ANNOTATED 40A:5-12, AS AMENDED, COMBINED WITH INFORMATION REQUIRED PRIOR TO CERTIFICATION OF BUDGETS BY THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES.**

                    BOROUGH                     of                     WATCHUNG                    , County of                     SOMERSET                    

**DO NOT USE THESE SPACES**

	Date	Examined By:	
1			Preliminary Check
2			Examined

I hereby certify that the debt shown on Sheets 31 to 34, 49 to 51 and 63 to 65a are complete, were computed by me and can be supported upon demand by a register or other detailed analysis.

Signature                     bhance@watchungnj.gov                      
 Title                     Chief Financial Officer                    

(This MUST be signed by Chief Financial Officer, Comptroller, Auditor or Registered Municipal Accountant.)

**REQUIRED CERTIFICATION BY THE CHIEF FINANCIAL OFFICER:**

I hereby certify that I am responsible for filing this verified Annual Financial Statement, ~~(which I have prepared)~~ or (which I have not prepared) ~~[eliminate one]~~ and information required also included herein and that this Statement is an exact copy of the original on file with the clerk of the governing body, that all calculations, extensions and additions are correct, that no transfers have been made to or from emergency appropriations and all statements contained herein are in proof; I further certify that this statement is correct insofar as I can determine from all the books and records kept and maintained in the Local Unit.

Further, I do hereby certify that I,                     WILLIAM J. HANCE                    , am the Chief Financial Officer, License #                     N0431                    , of the                     BOROUGH                     of                     WATCHUNG                    , County of                     SOMERSET                     and that the statements annexed hereto and made a part hereof are true statements of the financial condition of the Local Unit as at December 31, 2025, completely in compliance with N.J.S.A. 40A:5-12, as amended. I also give complete assurance as to the veracity of required information included herein, needed prior to certification by the Director of Local Government Services, including the verification of cash balances as of December 31, 2025.

Signature                     bhance@watchungnj.gov                      
 Title                     Chief Financial Officer                      
 Address                     15 MOUNTAIN BOULEVARD                      
 Phone Number                     908-756-0080                      
 Fax Number                     908-757-7027                    

IT IS HEREBY INCUMBENT UPON THE CHIEF FINANCIAL OFFICER, WHEN NOT PREPARED BY SAID, AT A MINIMUM MUST REVIEW THE CONTENTS OF THIS ANNUAL FINANCIAL STATEMENT WITH THE PREPARER, SO AS TO BE FAMILIAR WITH THE REPRESENTATIONS AND ASSERTIONS MADE HEREIN.

**THE REQUIRED CERTIFICATION BY AN RMA IS AS FOLLOWS:**

Preparation by Registered Municipal Account (Statement of Statutory Auditor Only)

I have prepared the post-closing trial balances, related statement and analyses included in the accompanying Annual Financial Statement from the books of account and records made available to me by the **BOROUGH** of **WATCHUNG** as of as of December 31, 2025 and have applied certain agreed-upon procedures thereon as promulgated by the Division of Local Government Services, solely to assist the Chief Financial Officer in connection with the filing of the Annual Financial Statement for the year then ended as required by N.J.S.A. 40A:5-12, as amended.

Because the agreed-upon procedures do not constitute an examination of accounts made in accordance with generally accepted auditing standards, I do not express an opinion on any of the post-closing trial balances, related statements and analyses. In connection with the agreed-upon procedures, ~~(except for circumstances as set forth below, no matters)~~ or (no matters) ~~[eliminate one]~~ came to my attention that caused me to believe that the Annual Financial Statement for the year ended December 31, 2025 is not in substantial compliance with the requirements of the State of New Jersey, Department of Community Affairs, Division of Local Government Services. Had I performed additional procedures or had I made an examination of the financial statements in accordance with generally accepted auditing standards, other matters might have come to my attention that would have been reported to the governing body and Division. This Annual Financial Statement relates only to the accounts and items prescribed by the Division and does not extend to the financial statements of the municipality/county taken as a whole.

Listing of agreed-upon procedures not performed and/or matters coming to my attention of which the Director should be informed:

**ROBERT W. SWISHER**  
(Registered Municipal Accountant)

**Suplee, Clooney & Company**  
(Firm Name)

**308 East Broad Street**  
(Address)

**Westfield, NJ 07090**  
(Address)

**908-789-9300**  
(Phone Number)

**908-789-8535**  
(Fax Number)

Certified by me

this 9th day February, 2026

**MUNICIPAL BUDGET LOCAL EXAMINATION QUALIFICATION CERTIFICATION  
BY  
CHIEF FINANCIAL OFFICER**

*One of the following Certifications must be signed by the Chief Financial Officer if your municipality is eligible for local examination.*

**CERTIFICATION OF QUALIFYING MUNICIPALITY**

1. The outstanding indebtedness of the previous fiscal year **is not in excess of 3.5%**;
2. All emergencies approved for the previous fiscal year **did not exceed 3%** of total appropriations;
3. The tax collection rate **exceeded 90%**;
4. Total deferred charges **did not equal or exceed 4%** of the total tax levy;
5. There were **no "procedural deficiencies" noted** by the registered municipal accountant on Sheet 1a of the Annual Financial Statement; and
6. There was **no operating deficit** for the previous fiscal year.
7. The municipality **did not** conduct an accelerated tax sale for less than 3 consecutive years.
8. The municipality **did not** conduct a tax levy sale the previous fiscal year and does not plan to conduct one in the current year.
9. The current year budget **does not** contain a Levy or Appropriation "CAP" waiver.
10. The municipality has not applied for Transitional Aid for 2026.
11. The municipality **did not** adopt a Special Emergency ordinance for COVID-related expenses or loss of revenue (N.J.S.A. 40A:4-53 (l) and (m)).

The undersigned certifies that this municipality has complied in full in meeting ALL of the above criteria in determining its qualification for local examination of its Budget in accordance with N.J.A.C. 5:30-7.5.

<b>Municipality:</b>	BOROUGH OF WATCHUNG
<b>Chief Financial Officer:</b>	William J. Hance
<b>Signature:</b>	bhance@watchungnj.gov
<b>Certificate #:</b>	N0431
<b>Date:</b>	2/10/2026

**CERTIFICATION OF NON-QUALIFYING MUNICIPALITY**

The undersigned certifies that this municipality does not meet item(s) \_\_\_\_\_  
\_\_\_\_\_ of the criteria above and therefore does not qualify for local  
examination of its Budget in accordance with N.J.A.C. 5:30-7.5.

<b>Municipality:</b>	BOROUGH OF WATCHUNG
<b>Chief Financial Officer:</b>	
<b>Signature:</b>	
<b>Certificate #:</b>	
<b>Date:</b>	

22-6002382

Fed I.D. #

BOROUGH OF WATCHUNG

Municipality

SOMERSET

County

**Report of Federal and State Financial Assistance  
Expenditures of Awards**

Fiscal Year Ending: December 31, 2025

	(1) Federal programs Expended (administered by the state)	(2) State Programs Expended	(3) Other Federal Programs Expended
TOTAL	\$ <u>                    </u>	\$ <u>          46,501.31          </u>	\$ <u>                    </u>

Type of Audit required by Title 2 U.S. Code of Federal Regulations (CFR) (Uniform Requirements) and OMB 15-08.

- Single Audit
- Program Specific Audit
- Financial Statement Audit Performed in Accordance With Government Auditing Standards (Yellow Book)

Note: All local governments, who are recipients of federal and state awards (financial assistance), must report the total amount of federal and state funds expended during its fiscal year and the type of audit required to comply with Title 2 U.S. Code of Federal Regulations (CFR) OMB 15-08. (Uniform Guidance) and OMB 15-08. The single audit threshold has been increased to \$750,000 beginning with Fiscal Year ending after 1/1/15. Expenditures are defined in Title 2 U.S. Code of Federal Regulations (CFR) (Uniform Guidance).

- (1) Report expenditures from federal pass-through programs received directly from state government. Federal pass-through funds can be identified by the Catalog of Federal Domestic Assistance (CFDA) number reported in the State's grant/contract agreements.
- (2) Report expenditures from state programs received directly from state government or indirectly from pass-through entities. **Exclude state aid (i.e., CMPTRA, Energy Receipts tax, etc.) since there are no compliance requirements.**
- (3) Report expenditures from federal programs received directly from the federal government or indirectly from entities other than state government.

bhance@watchungnj.gov  
Signature of Chief Financial Officer

2/9/26  
Date

**IMPORTANT !**  
**READ INSTRUCTIONS**

**INSTRUCTIONS**

The following certification is to be used ONLY in the event there is NO municipality operated utility.

If there is a utility operated by the municipality or if a "utility fund" existed on the books of account, do not sign this statement and do not remove any of the UTILITY sheets from the document.

**CERTIFICATION**

I hereby certify that there was no "utility fund" on the books of account and there was no utility owned and operated by the           **BOROUGH**           of           **WATCHUNG**          , County of           **SOMERSET**           during the year 2025 and that sheets 40 to 68 are unnecessary.

I have therefore removed from this statement the sheets pertaining only to utilities.

Name	<u>          bhanca@watchungnj.gov          </u>
Title	<u>          Chief Financial Officer          </u>

(This must be signed by the Chief Financial Officer, Comptroller, Auditor or Registered Municipal Accountant.)

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**MUNICIPAL CERTIFICATION OF TAXABLE PROPERTY AS OF OCTOBER 1, 2025**

Certification is hereby made that the Net Valuation Taxable of property liable to taxation for the tax year 2026 and filed with the County Board of Taxation on January 10, 2026 in accordance with the requirement of N.J.S.A. 54:4-35, was in the amount of \$           2,578,717,900.00          

<u>          ekerwin@watchungnj.gov          </u>
SIGNATURE OF TAX ASSESSOR
<u>          <b>BOROUGH OF WATCHUNG</b>          </u>
MUNICIPALITY
<u>          <b>SOMERSET</b>          </u>
COUNTY











**POST CLOSING  
TRIAL BALANCE - TRUST FUNDS  
(Assessment Section Must Be Separately Stated)  
AS AT DECEMBER 31, 2025**

Title of Account	Debit	Credit
<b>ANIMAL CONTROL TRUST FUND</b>		
CASH	1,095.60	
DUE TO -		
DUE TO STATE OF NJ		
RESERVE FOR ANIMAL CONTROL TRUST FUND		1,095.60
<b>FUND TOTALS</b>	<b>1,095.60</b>	<b>1,095.60</b>
<b>ASSESSMENT TRUST FUND</b>		
CASH	40,089.46	
DUE FROM-CURRENT FUND	29,579.07	
ASSESSMENTS RECEIVABLE	252,832.12	
ASSESSMENT LOANS RECEIVABLE		260,100.94
RESERVE FOR:		
ASSESSMENTS		14,785.04
FUND BALANCE		47,614.67
<b>FUND TOTALS</b>	<b>322,500.65</b>	<b>322,500.65</b>
<b>MUNICIPAL OPEN SPACE TRUST FUND</b>		
CASH	812,999.43	
RESERVE FOR OPEN SPACE TRUST DEPOSITS		812,999.43
<b>FUND TOTALS</b>	<b>812,999.43</b>	<b>812,999.43</b>
<b>LOSAP TRUST FUND</b>		
CASH	-	
<b>FUND TOTALS</b>	<b>-</b>	<b>-</b>

(Do not crowd - add additional sheets)











## ANALYSIS OF TRUST ASSESSMENT CASH AND INVESTMENTS PLEDGED TO LIABILITIES AND SURPLUS

Title of Liability to which Cash and Investments are Pledged	Audit Balance Dec. 31, 2024	RECEIPTS					Disbursements	Balance Dec. 31, 2025
		Assessments and Liens	Current Budget					
Assessment Serial Bond Issues:	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
NJ Environmental Infrastructure Loan:								-
#13-4	290,851.10					30,750.16		260,100.94
								-
Assessments Receivable, net of Reserve	(286,338.90)					(48,291.82)		(238,047.08)
								-
Assessment Bond Anticipation Note Issues:	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
								-
Due (from)/to Current Fund	(12,037.41)					17,541.66		(29,579.07)
								-
								-
Other Liabilities								-
Trust Surplus	47,614.67							47,614.67
*Less Assets "Unfinanced"	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
								-
								-
								-
								-
	40,089.46	-	-	-	-	-	-	40,089.46

\*Show as red figure











**MUNICIPALITIES AND COUNTIES  
FEDERAL AND STATE GRANTS RECEIVABLE**

Grant	Balance Jan. 1, 2025	2025 Budget Revenue Realized	Received	Other	Cancelled	Balance Dec. 31, 2025
NJ Safe and Secure Communities Program	27,000.00	18,150.00	45,150.00			-
Somerset County Youth Services	5,000.00	6,000.00	6,000.00			5,000.00
Sustainable Jersey Grant		2,500.00	2,500.00			-
Body Armor Grant		2,580.78		(2,580.78)		-
NJ Clean Fleet Grant		58,000.00				58,000.00
Clean Communities Grant		39,293.54	19,566.01	(19,727.53)		(0.00)
Municipal Alcohol Education and Rehabilitation Fund		2,785.49	2,785.49			-
Recycling Tonnage Grant		21,454.30	7,204.57	(14,249.73)		-
American Water Fire Grant		2,498.00	2,498.00			-
NJDOT - NJ State Road Aid		291,609.00				291,609.00
						-
						-
						-
						-
						-
						-
						-
						-
						-
						-
						-
						-
						-
						-
PAGE TOTALS	32,000.00	444,871.11	85,704.07	(36,558.04)	-	354,609.00

Sheet 10

**MUNICIPALITIES AND COUNTIES  
FEDERAL AND STATE GRANTS RECEIVABLE (cont'd)**

Grant	Balance Jan. 1, 2025	2025 Budget Revenue Realized	Received	Other	Cancelled	Balance Dec. 31, 2025
PREVIOUS PAGE TOTALS	32,000.00	444,871.11	85,704.07	(36,558.04)	-	354,609.00
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	-					-
	-					-
PAGE TOTALS	32,000.00	444,871.11	85,704.07	(36,558.04)	-	354,609.00

Sheet  
10.1

**MUNICIPALITIES AND COUNTIES  
FEDERAL AND STATE GRANTS RECEIVABLE (cont'd)**

Grant	Balance Jan. 1, 2025	2025 Budget Revenue Realized	Received	Other	Cancelled	Balance Dec. 31, 2025
PREVIOUS PAGE TOTALS	32,000.00	444,871.11	85,704.07	(36,558.04)	-	354,609.00
	-					-
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	-					-
<b>TOTALS</b>	<b>32,000.00</b>	<b>444,871.11</b>	<b>85,704.07</b>	<b>(36,558.04)</b>	<b>-</b>	<b>354,609.00</b>

Sheet 10  
Totals

**SCHEDULE OF APPROPRIATED RESERVES FOR  
FEDERAL AND STATE GRANTS**

Grant	Balance Jan. 1, 2025	Transferred from 2025 Budget Appropriations		Expended	Other	Cancelled	Balance Dec. 31, 2025
		Budget	Appropriation By 40A:4-87				
Drunk Driving Enforcement Fund	151.35						151.35
Safe and Secure Communities	-						-
Local Share - 2020	100,000.00						100,000.00
Local Share - 2024	210,000.00			100,929.40			109,070.60
Local Share - 2025		215,000.00	18,150.00	100,000.00			133,150.00
Alcohol Education Rehabilitation Fund- 2014	14,979.58		2,785.49				17,765.07
Clean Communities	93,099.03	19,727.53	19,566.01	10,061.65			122,330.92
Recycling Tonnage Grant	13,913.16	14,249.73	7,204.57	14,238.52			21,128.94
Somerset County Block Grant- Historic Grant- 2019	1,000.00						1,000.00
Somerset Historic Grant	435.00						435.00
Body Armor Replacement Fund	2,419.64	2,580.78					5,000.42
Somerset County Youth Services	6,545.47		6,000.00	6,545.47			6,000.00
Sustainable Jersey Grant	-	2,500.00		2,500.00			-
Lead Grant Assistance Program	350.00						350.00
NJ Clean Fleet Grant	-		58,000.00				58,000.00
American Water Fire Grant	-		2,498.00				2,498.00
NJDOT - NJ State Road Aid	-		291,609.00				291,609.00
Stormwater Grant				15,000.00	15,000.00		-
							-
<b>PAGE TOTALS</b>	<b>442,893.23</b>	<b>254,058.04</b>	<b>405,813.07</b>	<b>249,275.04</b>	<b>15,000.00</b>	<b>-</b>	<b>868,489.30</b>

Sheet  
11

**SCHEDULE OF APPROPRIATED RESERVES FOR  
FEDERAL AND STATE GRANTS**

Grant	Balance Jan. 1, 2025	Transferred from 2025 Budget Appropriations		Expended	Other	Cancelled	Balance Dec. 31, 2025
		Budget	Appropriation By 40A:4-87				
PREVIOUS PAGE TOTALS	442,893.23	254,058.04	405,813.07	249,275.04	15,000.00	-	868,489.30
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PAGE TOTALS	442,893.23	254,058.04	405,813.07	249,275.04	15,000.00	-	868,489.30

Sheet  
11.1

## SCHEDULE OF APPROPRIATED RESERVES FOR FEDERAL AND STATE GRANTS

Grant	Balance Jan. 1, 2025	Transferred from 2025 Budget Appropriations		Expended	Other	Cancelled	Balance Dec. 31, 2025
		Budget	Appropriation By 40A:4-87				
PREVIOUS PAGE TOTALS	442,893.23	254,058.04	405,813.07	249,275.04	15,000.00	-	868,489.30
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PAGE TOTALS	442,893.23	254,058.04	405,813.07	249,275.04	15,000.00	-	868,489.30

Sheet  
11.2

## SCHEDULE OF APPROPRIATED RESERVES FOR FEDERAL AND STATE GRANTS

Grant	Balance Jan. 1, 2025	Transferred from 2025 Budget Appropriations		Expended	Other	Cancelled	Balance Dec. 31, 2025
		Budget	Appropriation By 40A:4-87				
PREVIOUS PAGE TOTALS	442,893.23	254,058.04	405,813.07	249,275.04	15,000.00	-	868,489.30
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	-						-
TOTALS	442,893.23	254,058.04	405,813.07	249,275.04	15,000.00	-	868,489.30

Sheet 11  
Totals



## \*LOCAL DISTRICT SCHOOL TAX

	Debit	Credit
Balance - January 1, 2025	XXXXXXXXXX	XXXXXXXXXX
School Tax Payable #	XXXXXXXXXX	(160,002.00)
School Tax Deferred (Not in excess of 50% of Levy - 2024 - 2025)	XXXXXXXXXX	
Levy School Year July 1, 2025 - June 30, 2026	XXXXXXXXXX	
Levy Calendar Year 2025	XXXXXXXXXX	15,485,124.00
Paid	15,516,605.00	XXXXXXXXXX
Balance - December 31, 2025	XXXXXXXXXX	XXXXXXXXXX
School Tax Payable #	(191,483.00)	XXXXXXXXXX
School Tax Deferred (Not in excess of 50% of Levy - 2025 - 2026)		XXXXXXXXXX
	15,325,122.00	15,325,122.00

\* Not including Type 1 school debt service, emergency authorizations-schools, transfer to Board of Education for use of local schools.

# Must include unpaid requisitions.

# REGIONAL SCHOOL TAX

(Provide a separate statement for each Regional District involved)

	Debit	Credit
Balance - January 1, 2025	XXXXXXXXXXXX	XXXXXXXXXXXX
School Tax Payable #	XXXXXXXXXXXX	
School Tax Deferred (Not in excess of 50% of Levy - 2024 - 2025)	XXXXXXXXXXXX	
Levy School Year July 1, 2025 - June 30, 2026	XXXXXXXXXXXX	
Levy Calendar Year 2025	XXXXXXXXXXXX	
Paid		XXXXXXXXXXXX
Balance - December 31, 2025	XXXXXXXXXXXX	XXXXXXXXXXXX
School Tax Payable #	-	XXXXXXXXXXXX
School Tax Deferred (Not in excess of 50% of Levy - 2025 - 2026)		XXXXXXXXXXXX
# Must include unpaid requisitions.	-	-

# REGIONAL HIGH SCHOOL TAX

	Debit	Credit
Balance - January 1, 2025	XXXXXXXXXXXX	XXXXXXXXXXXX
School Tax Payable #	XXXXXXXXXXXX	
School Tax Deferred (Not in excess of 50% of Levy - 2024 - 2025)	XXXXXXXXXXXX	
Levy School Year July 1, 2025 - June 30, 2026	XXXXXXXXXXXX	
Levy Calendar Year 2025	XXXXXXXXXXXX	8,245,401.00
Paid	8,245,401.00	XXXXXXXXXXXX
Balance - December 31, 2025	XXXXXXXXXXXX	XXXXXXXXXXXX
School Tax Payable #	-	XXXXXXXXXXXX
School Tax Deferred (Not in excess of 50% of Levy - 2025 - 2026)		XXXXXXXXXXXX
# Must include unpaid requisitions.	8,245,401.00	8,245,401.00

## COUNTY TAXES PAYABLE

	Debit	Credit
Balance - January 1, 2025	XXXXXXXXXX	XXXXXXXXXX
County Taxes	XXXXXXXXXX	
Due County for Added and Omitted Taxes	XXXXXXXXXX	
2025 Levy:	XXXXXXXXXX	XXXXXXXXXX
General County	XXXXXXXXXX	6,356,091.72
County Library	XXXXXXXXXX	854,651.13
County Health	XXXXXXXXXX	
County Open Space Preservation	XXXXXXXXXX	676,254.03
Due County for Added and Omitted Taxes	XXXXXXXXXX	152,211.82
Paid	8,039,208.70	XXXXXXXXXX
Balance - December 31, 2025	XXXXXXXXXX	XXXXXXXXXX
County Taxes		XXXXXXXXXX
Due County for Added and Omitted Taxes	-	XXXXXXXXXX
	8,039,208.70	8,039,208.70

## SPECIAL DISTRICT TAXES

	Debit	Credit
Balance - January 1, 2025	XXXXXXXXXX	
2025 Levy: (List Each Type of District Tax Separately - See Footnote)	XXXXXXXXXX	XXXXXXXXXX
Fire -	XXXXXXXXXX	XXXXXXXXXX
Sewer -	XXXXXXXXXX	XXXXXXXXXX
Water -	XXXXXXXXXX	XXXXXXXXXX
Garbage -	XXXXXXXXXX	XXXXXXXXXX
	XXXXXXXXXX	XXXXXXXXXX
	XXXXXXXXXX	XXXXXXXXXX
	XXXXXXXXXX	XXXXXXXXXX
Total 2025 Levy	XXXXXXXXXX	-
Paid		XXXXXXXXXX
Balance - December 31, 2025	-	XXXXXXXXXX
	-	-

Footnote: Please state the number of districts in each instance.

# STATEMENT OF GENERAL BUDGET REVENUES 2025

Source	Budget -01	Realized -02	Excess or Deficit* -03
Surplus Anticipated	2,400,000.00	2,400,000.00	-
Surplus Anticipated with Prior Written Consent of Director of Local Government Services			-
Miscellaneous Revenue Anticipated:	xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx
Adopted Budget	3,433,017.51	3,948,585.78	515,568.27
Added by N.J.S.A. 40A:4-87 (List on 17a)	405,813.07	405,813.07	-
			-
			-
<b>Total Miscellaneous Revenue Anticipated</b>	<b>3,838,830.58</b>	<b>4,354,398.85</b>	<b>515,568.27</b>
Receipts from Delinquent Taxes	201,000.00	246,737.67	45,737.67
Amount to be Raised by Taxation:	xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx
(a) Local Tax for Municipal Purposes	13,698,482.43	xxxxxxxxxx	xxxxxxxxxx
(b) Addition to Local District School Tax		xxxxxxxxxx	xxxxxxxxxx
(c) Minimum Library Tax		xxxxxxxxxx	xxxxxxxxxx
Total Amount to be Raised by Taxation	13,698,482.43	14,807,899.22	1,109,416.79
	<b>20,138,313.01</b>	<b>21,809,035.74</b>	<b>1,670,722.73</b>

## ALLOCATION OF CURRENT TAX COLLECTIONS

	Debit	Credit
Current Taxes Realized in Cash (Total of Item 10 or 14 on Sheet 22)	xxxxxxxxxx	46,546,929.72
Amount to be Raised by Taxation	xxxxxxxxxx	xxxxxxxxxx
Local District School Tax	15,485,124.00	xxxxxxxxxx
Regional School Tax	-	xxxxxxxxxx
Regional High School Tax	8,245,401.00	xxxxxxxxxx
County Taxes	7,886,996.88	xxxxxxxxxx
Due County for Added and Omitted Taxes	152,211.82	xxxxxxxxxx
Special District Taxes	-	xxxxxxxxxx
Municipal Open Space Tax	469,296.80	xxxxxxxxxx
Municipal Arts and Culture Tax		xxxxxxxxxx
Reserve for Uncollected Taxes	xxxxxxxxxx	500,000.00
Deficit in Required Collection of Current Taxes (or)	xxxxxxxxxx	-
Balance for Support of Municipal Budget (or)	14,807,899.22	xxxxxxxxxx
*Excess Non-Budget Revenue (see footnote)		xxxxxxxxxx
*Deficit Non-Budget Revenue (see footnote)	xxxxxxxxxx	
*These items are applicable only when there is no "Amount to be Raised by Taxation" in the "Budget" column of the statement at the top of this sheet. In such instances, any excess or deficit in the above allocation would apply to "Non-Budget Revenue" only.	<b>47,046,929.72</b>	<b>47,046,929.72</b>





## STATEMENT OF GENERAL BUDGET APPROPRIATIONS 2025

2025 Budget As Adopted		19,732,499.94
2025 Budget - Added by N.J.S.A. 40A:4-87		405,813.07
Appropriated for 2025 (Budget Statement Item 9)		20,138,313.01
Appropriated for 2025 by Emergency Appropriation (Budget Statement Item 9)		
Total General Appropriations (Budget Statement Item 9)		20,138,313.01
Add: Overexpenditures (see footnote)		
Total Appropriations and Overexpenditures		20,138,313.01
Deduct Expenditures:		
Paid or Charged [Budget Statement Item (L)]	18,974,410.65	
Paid or Charged - Reserve for Uncollected Taxes	500,000.00	
Reserved	662,615.14	
Total Expenditures		20,137,025.79
Unexpended Balances Canceled (see footnote)		1,287.22

**FOOTNOTES - RE: OVEREXPENDITURES**

Every appropriation overexpended in the budget document must be marked with an \* and must agree in the aggregate with this item.

**RE: UNEXPENDED BALANCES CANCELED**

Are not to be shown as "Paid or Charged" in the budget document. In all instances "Total Appropriations" and "Overexpenditures" must equal the sum of "Total Expenditures" and "Unexpended Balances Canceled".

## SCHEDULE OF EMERGENCY APPROPRIATIONS FOR LOCAL DISTRICT SCHOOL PURPOSES

(EXCEPT FOR TYPE I SCHOOL DEBT SERVICE)

2025 Authorizations		
N.J.S.A. 40A:4-46 (After adoption of Budget)		
N.J.S.A. 40A:4-20 (Prior to adoption of Budget)		
Total Authorizations		-
Deduct Expenditures:		
Paid or Charged		
Reserved		
Total Expenditures		-

# RESULTS OF 2025 OPERATIONS

## CURRENT FUND

	Debit	Credit
Excess of Anticipated Revenues:	XXXXXXXXXX	XXXXXXXXXX
Miscellaneous Revenues anticipated	XXXXXXXXXX	515,568.27
Delinquent Tax Collections	XXXXXXXXXX	45,737.67
	XXXXXXXXXX	
Required Collection of Current Taxes	XXXXXXXXXX	1,109,416.79
Unexpended Balances of 2025 Budget Appropriations	XXXXXXXXXX	1,287.22
Miscellaneous Revenue Not Anticipated	XXXXXXXXXX	333,147.66
Miscellaneous Revenue Not Anticipated:		
Proceeds of Sale of Foreclosed Property (Sheet 27)	XXXXXXXXXX	-
Payments in Lieu of Taxes on Real Property	XXXXXXXXXX	
Sale of Municipal Assets	XXXXXXXXXX	
Unexpended Balances of 2024 Appropriation Reserves	XXXXXXXXXX	914,854.21
Prior Years Interfunds Returned in 2025	XXXXXXXXXX	5,705.47
Deferred School Tax Revenue: (See School Taxes, Sheets 13 & 14)	XXXXXXXXXX	XXXXXXXXXX
Balance - January 1, 2025	-	XXXXXXXXXX
Balance - December 31, 2025	XXXXXXXXXX	-
Deficit in Anticipated Revenues:	XXXXXXXXXX	XXXXXXXXXX
Miscellaneous Revenues Anticipated	-	XXXXXXXXXX
Delinquent Tax Collections	-	XXXXXXXXXX
		XXXXXXXXXX
Required Collection on Current Taxes	-	XXXXXXXXXX
Interfund Advances Originating in 2025		XXXXXXXXXX
Prepaid Local District School Tax	31,481.00	
Refund of Prior Year Revenue	8,152.32	
Deficit Balance - To Trial Balance (Sheet 3)	XXXXXXXXXX	-
Surplus Balance - To Surplus (Sheet 21)	2,886,083.97	XXXXXXXXXX
	2,925,717.29	2,925,717.29



## SURPLUS - CURRENT FUND YEAR 2025

	Debit	Credit
1. Balance - January 1, 2025	xxxxxxxxxx	5,648,721.62
2.	xxxxxxxxxx	
3. Excess Resulting from 2025 Operations	xxxxxxxxxx	2,886,083.97
4. Amount Appropriated in the 2025 Budget - Cash	2,400,000.00	xxxxxxxxxx
5. Amount Appropriated in 2025 Budget - with Prior Written Consent of Director of Local Government Services	-	xxxxxxxxxx
6.		xxxxxxxxxx
7. Balance - December 31, 2025	6,134,805.59	xxxxxxxxxx
	8,534,805.59	8,534,805.59

### ANALYSIS OF BALANCE AS AT DECEMBER 31, 2025 (FROM CURRENT FUND - TRIAL BALANCE)

Cash		8,781,042.04
Investments		
Change Fund		250.00
Sub Total		8,781,292.04
Deduct Cash Liabilities Marked with "C" on Trial Balance		2,649,628.24
Cash Surplus		6,131,663.80
Deficit in Cash Surplus		
Other Assets Pledged to Surplus:*		
(1) Due from State of N.J. Senior Citizens and Veterans Deduction	3,141.79	
Deferred Charges #		
Cash Deficit #		
Total Other Assets		3,141.79
		6,134,805.59

\* IN THE CASE OF A "DEFICIT IN CASH SURPLUS", "OTHER ASSETS"

WOULD ALSO BE PLEDGED TO CASH LIABILITIES.

# MAY NOT BE ANTICIPATED AS NON-CASH SURPLUS IN 2026 BUDGET.

(1) MAY BE ALLOWED UNDER CERTAIN CONDITIONS.

NOTE: Deferred charges for authorizations under N.J.S.A. 40A:4-55 (Tax Map, etc.), N.J.S.A. 40A:4-55 (Flood Damage, etc.), N.J. 40A:4-55.1 (Roads and Bridges, etc.) and N.J.S.A. 40A:4-55.13 (Public Exigencies, etc.) to the extent of emergency notes issued and outstanding for such purposes, together with such emergency notes, may be omitted from this analysis.

**(FOR MUNICIPALITIES ONLY)**  
**CURRENT TAXES - 2025 LEVY**

1. Amount of Levy as per Duplicate (Analysis) #		\$ 45,803,367.60
or		
(Abstract of Ratables)		\$ _____
2. Amount of Levy - Special District Taxes		\$ _____
3. Amount Levied for Omitted Taxes under N.J.S.A. 54:4-63.12 et seq.		\$ _____
4. Amount Levied for Added Taxes under N.J.S.A. 54:4-63.1 et seq.		\$ 868,535.30
5a. Subtotal 2025 Levy	\$ 46,671,902.90	
5b. Reductions Due to Tax Appeals**	\$ _____	
5c. Total 2025 Tax Levy		\$ 46,671,902.90
6. Transferred to Tax Title Liens		\$ _____
7. Transferred to Foreclosed Property		\$ _____
8. Remitted, Abated or Canceled		\$ (92,271.74)
9. Discount Allowed		\$ _____
10. Collected in Cash: In 2024	\$ 298,749.42	
In 2025*	\$ 46,233,430.30	
Homestead Benefit Credit	\$ _____	
State's Share of 2025 Senior Citizens and Veterans Deductions Allowed	\$ 14,750.00	
Total To Line 14	\$ 46,546,929.72	
11. Total Credits		\$ 46,454,657.98
12. Amount Outstanding December 31, 2025		\$ 217,244.92
13. Percentage of Cash Collections to Total 2025 Levy, (Item 10 divided by Item 5c) is <b>99.73%</b>		

**Note:** If municipality conducted Accelerated Tax Sale or Tax Levy Sale check here  and complete sheet 22

14. Calculation of Current Taxes Realized in Cash:

Total of Line 10		\$ 46,546,929.72
Less: Reserve for Tax Appeals Pending State Division of Tax Appeals		\$ _____
To Current Taxes Realized in Cash (Sheet 17)		\$ 46,546,929.72

Note A: In showing the above percentage the following should be noted:  
Where Item 5 shows \$1,500,000.00, and Item 10 shows \$1,049,977.50,  
the percentage represented by the cash collections would be  
\$1,049,977.50 divided by \$1,500,000, or .699985. The correct percentage to  
be shown as Item 13 is 69.99% and not 70.00%, nor 69.999%.

# Note: On Item 1 if Duplicate (Analysis) Figure is used; be sure to include  
Senior Citizens and Veterans Deductions.

\* Include overpayments applied as part of 2025 collections.

\*\* Tax appeals pursuant to R.S. 54:3-21 et seq and/or R.S. 54:48-1 et seq approved by resolution of the governing  
body prior to introduction of municipal budget

**ACCELERATED TAX SALE / TAX LEVY SALE - CHAPTER 99**

**To Calculate Underlying Tax Collection Rate for 2025**

Utilize this sheet only if you conducted an Accelerated Tax Sale or Tax Levy Sale pursuant to Chapter 99, P.L. 1997.

**(1) Utilizing Accelerated Tax Sale**

Total of Line 10 Collected in Cash (sheet 22)	\$ 46,546,929.72
<i>LESS</i> : Proceeds from Accelerated Tax Sale	
<b>Net Cash Collected</b>	<b>\$ 46,546,929.72</b>
Line 5c (sheet 22) Total 2025 Tax Levy	\$ 46,671,902.90
Percentage of Collection Excluding Accelerated Tax Sale Proceeds (Net Cash Collected divided by Item 5c) is	<u>99.73%</u>

---

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**(2) Utilizing Tax Levy Sale**

Total of Line 10 Collected in Cash (sheet 22)	\$ 46,546,929.72
<i>LESS</i> : Proceeds from Tax Levy Sale (excluding premium)	
<b>Net Cash Collected</b>	<b>\$ 46,546,929.72</b>
Line 5c (sheet 22) Total 2025 Tax Levy	\$ 46,671,902.90
Percentage of Collection Excluding Tax Levy Sale Proceeds (Net Cash Collected divided by Item 5c) is	<u>99.73%</u>

## SCHEDULE OF DUE FROM / TO STATE OF NEW JERSEY FOR SENIOR CITIZENS AND VETERANS DEDUCTIONS

	Debit	Credit
1. Balance - January 1, 2025	XXXXXXXXXX	XXXXXXXXXX
Due From State of New Jersey	3,141.79	XXXXXXXXXX
Due To State of New Jersey	XXXXXXXXXX	
2. Senior Citizens Deductions Per Tax Billings	2,000.00	XXXXXXXXXX
3. Veterans Deductions Per Tax Billings	14,750.00	XXXXXXXXXX
4. Deductions Allowed By Tax Collector		XXXXXXXXXX
5. Deductions Allowed By Tax Collector - Prior Year Taxes (2024)		
6.		
7. Deductions Disallowed By Tax Collector	XXXXXXXXXX	2,000.00
8. Deductions Disallowed By Tax Collector - Prior Year Taxes (2024)	XXXXXXXXXX	
9. Received in Cash from State	XXXXXXXXXX	14,750.00
10.		
11.		
12. Balance - December 31, 2025	XXXXXXXXXX	XXXXXXXXXX
Due From State of New Jersey	XXXXXXXXXX	3,141.79
Due To State of New Jersey	-	XXXXXXXXXX
	19,891.79	19,891.79

Calculation of Amount to be included on Sheet 22, Item 10 -  
2025 Senior Citizens and Veterans Deductions Allowed

Line 2	2,000.00	
Line 3	14,750.00	
Line 4	-	
Sub - Total	16,750.00	
Less: Line 7	2,000.00	
To Item 10, Sheet 22	14,750.00	



# SCHEDULE OF DELINQUENT TAXES AND TAX TITLE LIENS

		Debit	Credit
1. Balance - January 1, 2025		227,439.57	XXXXXXXXXX
A. Taxes	227,439.57	XXXXXXXXXX	XXXXXXXXXX
B. Tax Title Liens		XXXXXXXXXX	XXXXXXXXXX
2. Canceled:		XXXXXXXXXX	XXXXXXXXXX
A. Taxes		XXXXXXXXXX	494.41
B. Tax Title Liens		XXXXXXXXXX	
3. Transferred to Foreclosed Tax Title Liens:		XXXXXXXXXX	XXXXXXXXXX
A. Taxes		XXXXXXXXXX	
B. Tax Title Liens		XXXXXXXXXX	
4. Added Taxes		19,792.51	XXXXXXXXXX
5. Added Tax Title Liens			XXXXXXXXXX
6. Adjustment between Taxes (Other than Current Year) and Tax Title Liens;		XXXXXXXXXX	
A. Taxes - Transfers to Tax Title Liens		XXXXXXXXXX	(1)
B. Tax Title Liens - Transfers from Taxes		(1) -	XXXXXXXXXX
7. Balance Before Cash Payments		XXXXXXXXXX	246,737.67
8. Totals		247,232.08	247,232.08
9. Balance Brought Down		246,737.67	XXXXXXXXXX
10. Collected:		XXXXXXXXXX	246,737.67
A. Taxes	246,737.67	XXXXXXXXXX	XXXXXXXXXX
B. Tax Title Liens		XXXXXXXXXX	XXXXXXXXXX
11. Interest and Costs - 2025 Tax Sale			XXXXXXXXXX
12. 2025 Taxes Transferred to Liens			XXXXXXXXXX
13. 2025 Taxes		217,244.92	XXXXXXXXXX
14. Balance - December 31, 2025		XXXXXXXXXX	217,244.92
A. Taxes	217,244.92	XXXXXXXXXX	XXXXXXXXXX
B. Tax Title Liens	-	XXXXXXXXXX	XXXXXXXXXX
15. Totals		463,982.59	463,982.59

16. Percentage of Cash Collections to Adjusted Amount Outstanding  
(Item No. 10 divided by Item No. 9) is 100.00%

17. Item No.14 multiplied by percentage shown above is 217,244.92 and represents the maximum amount that may be anticipated in 2026.

(See Note A on Sheet 22 - Current Taxes)

(1) These amounts will always be the same.

**SCHEDULE OF FORECLOSED PROPERTY  
(PROPERTY ACQUIRED BY TAX TITLE LIEN LIQUIDATION)**

	Debit	Credit
1. Balance - January 1, 2025		XXXXXXXXXX
2. Foreclosed or Deeded in 2025	XXXXXXXXXX	XXXXXXXXXX
3. Tax Title Liens	-	XXXXXXXXXX
4. Taxes Receivable	-	XXXXXXXXXX
5A.		XXXXXXXXXX
5B.	XXXXXXXXXX	
6. Adjustment to Assessed Valuation		XXXXXXXXXX
7. Adjustment to Assessed Valuation	XXXXXXXXXX	
8. Sales	XXXXXXXXXX	XXXXXXXXXX
9. Cash *	XXXXXXXXXX	
10. Contract	XXXXXXXXXX	
11. Mortgage	XXXXXXXXXX	
12. Loss on Sales	XXXXXXXXXX	
13. Gain on Sales		XXXXXXXXXX
14. Balance - December 31, 2025	XXXXXXXXXX	-
	-	-

**CONTRACT SALES**

	Debit	Credit
15. Balance - January 1, 2025		XXXXXXXXXX
16. 2025 Sales from Foreclosed Property		XXXXXXXXXX
17. Collected*	XXXXXXXXXX	
18.	XXXXXXXXXX	
19. Balance - December 31, 2025	XXXXXXXXXX	-
	-	-

**MORTGAGE SALES**

	Debit	Credit
20. Balance - January 1, 2025		XXXXXXXXXX
21. 2025 Sales from Foreclosed Property		XXXXXXXXXX
22. Collected*	XXXXXXXXXX	
23.	XXXXXXXXXX	
24. Balance - December 31, 2025	XXXXXXXXXX	-
	-	-

Analysis of Sale of Property:      \$      \_\_\_\_\_ -  
 \*Total Cash Collected in 2025  
 Realized in 2025 Budget              \_\_\_\_\_  
 To Results of Operation (Sheet 19)      \_\_\_\_\_ -

**DEFERRED CHARGES**  
**- MANDATORY CHARGES ONLY -**  
**CURRENT, TRUST, AND GENERAL CAPITAL FUNDS**  
(Do not include the emergency authorizations pursuant to N.J.S.A. 40A:4-55,  
N.J.S.A. 40A:4-55.1 or N.J.S.A. 40A:4-55.13 listed on Sheets 29 and 30.)

<u>Caused By</u>	Amount Dec. 31, 2024 per Audit <u>Report</u>	Amount in 2025 <u>Budget</u>	Amount Resulting from <u>2025</u>	Balance as at <u>Dec. 31, 2025</u>
Emergency Authorization - Municipal*	\$ _____	\$ _____	\$ _____	\$ _____
Emergency Authorization - Schools	\$ _____	\$ _____	\$ _____	\$ _____
Overexpenditure of Appropriations	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
<b>TOTAL DEFERRED CHARGES</b>	\$ _____	\$ _____	\$ _____	\$ _____

\*Do not include items funded or refunded as listed below.

**EMERGENCY AUTHORIZATIONS UNDER N.J.S.A. 40A:4-47 WHICH HAVE BEEN  
FUNDED OR REFUNDED UNDER N.J.S.A. 40A:2-3 OR N.J.S.A. 40A:2-51**

	<u>Date</u>	<u>Purpose</u>	<u>Amount</u>
1.	_____	_____	\$ _____
2.	_____	_____	\$ _____
3.	_____	_____	\$ _____
4.	_____	_____	\$ _____
5.	_____	_____	\$ _____

**JUDGMENTS ENTERED AGAINST MUNICIPALITY AND NOT SATISFIED**

	<u>In Favor of</u>	<u>On Account of</u>	<u>Date Entered</u>	<u>Amount</u>	<u>Appropriated for in Budget of Year 2025</u>
1.	_____	_____	_____	\$ _____	_____
2.	_____	_____	_____	\$ _____	_____
3.	_____	_____	_____	\$ _____	_____
4.	_____	_____	_____	\$ _____	_____



**N.J.S.A. 40A:4-55.1, ET SEQ., SPECIAL EMERGENCY - DAMAGE CAUSED TO ROADS OR BRIDGES BY SNOW, ICE, FROST OR FLOODS**  
**N.J.S.A. 40A:4-55.13, ET SEQ., SPECIAL EMERGENCY - PUBLIC EXIGENCIES CAUSED BY CIVIL DISTURBANCES**

Date	Purpose	Amount Authorized	Not Less Than 1/3 of Amount Authorized*	Balance Dec. 31, 2024	REDUCED IN 2025		Balance Dec. 31, 2025
					By 2025 Budget	Canceled By Resolution	
							-
							-
							-
							-
							-
							-
							-
							-
							-
							-
							-
							-
							-
							-
							-
							-
							-
							-
							-
							-
		Totals	-	-	-	-	-

Sheet 30

It is hereby certified that all outstanding "Special Emergency" appropriations have been adopted by the governing body in full compliance with N.J.S.A. 40A:4-55.1 et seq. and N.J.S.A. 40A:4-55.13 et seq. and are recorded on this page

\_\_\_\_\_  
 Chief Financial Officer

\* Not less than one-third (1/3) of amount authorized but not more than the amount in the column 'Balance Dec. 31, 2025' must be entered here and then raised in the 2026 budget.

**SCHEDULE OF BONDS ISSUED AND OUTSTANDING  
AND 2026 DEBT SERVICE FOR BONDS  
GENERAL CAPITAL BONDS**

	Debit	Credit	2026 Debt Service
Outstanding - January 1, 2025	xxxxxxxxxx	11,895,000.00	
Issued	xxxxxxxxxx		
Paid	1,880,000.00	xxxxxxxxxx	
Outstanding - December 31, 2025	10,015,000.00	xxxxxxxxxx	
	11,895,000.00	11,895,000.00	
2026 Bond Maturities - General Capital Bonds			\$ 1,930,000.00
2026 Interest on Bonds*		\$ 369,125.00	
<b>ASSESSMENT SERIAL BONDS</b>			
Outstanding - January 1, 2025	xxxxxxxxxx		
Issued	xxxxxxxxxx		
Paid		xxxxxxxxxx	
Outstanding - December 31, 2025	-	xxxxxxxxxx	
	-	-	
2026 Bond Maturities - Assessment Bonds			\$
2026 Interest on Bonds*		\$	
Total "Interest on Bonds - Debt Service" (*Items)			\$ 369,125.00

**LIST OF BONDS ISSUED DURING 2025**

Purpose	2026 Maturity	Amount Issued	Date of Issue	Interest Rate
Total	-	-		

**SCHEDULE OF LOANS ISSUED AND OUTSTANDING  
AND 2026 DEBT SERVICE FOR LOANS  
MUNICIPAL GREEN ACRES TRUST LOAN**

	Debit	Credit	2026 Debt Service
Outstanding - January 1, 2025	xxxxxxxxxx	199,748.37	
Issued	xxxxxxxxxx		
Paid	42,855.63	xxxxxxxxxx	
Refunded			
Outstanding - December 31, 2025	156,892.74	xxxxxxxxxx	
	199,748.37	199,748.37	
2026 Loan Maturities			\$ 43,717.04
2026 Interest on Loans			\$ 2,920.36
Total 2026 Debt Service for MUNICIPAL GREEN ACRES TRUST Loan			\$ 46,637.40
<b>LOAN</b>			
Outstanding - January 1, 2025	xxxxxxxxxx		
Issued	xxxxxxxxxx		
Paid		xxxxxxxxxx	
Outstanding - December 31, 2025	-	xxxxxxxxxx	
	-	-	
2026 Loan Maturities			\$
2026 Interest on Loans			\$
Total 2026 Debt Service for Loan			\$ -

**LIST OF LOANS ISSUED DURING 2025**

Purpose	2026 Maturity	Amount Issued	Date of Issue	Interest Rate
Total	-	-		

**SCHEDULE OF LOANS ISSUED AND OUTSTANDING  
AND 2026 DEBT SERVICE FOR LOANS  
NJ ENVIRONMENTAL INFRASTRUCTURE LOAN**

	Debit	Credit	2026 Debt Service
Outstanding - January 1, 2025	xxxxxxxxxx	290,851.14	
Issued	xxxxxxxxxx		
Paid	30,750.18	xxxxxxxxxx	
Refunded			
Outstanding - December 31, 2025	260,100.96	xxxxxxxxxx	
	290,851.14	290,851.14	
2026 Loan Maturities			\$ 30,750.18
2026 Interest on Loans			\$ 2,362.50
Total 2026 Debt Service for NJ ENVIRONMENTAL INFRASTRUCTURE Loan			\$ 33,112.68
<b>LOAN</b>			
Outstanding - January 1, 2025	xxxxxxxxxx		
Issued	xxxxxxxxxx		
Paid		xxxxxxxxxx	
Outstanding - December 31, 2025	-	xxxxxxxxxx	
	-	-	
2026 Loan Maturities			\$
2026 Interest on Loans			\$
Total 2026 Debt Service for Loan			\$ -

**LIST OF LOANS ISSUED DURING 2025**

Purpose	2026 Maturity	Amount Issued	Date of Issue	Interest Rate
Total	-	-		

**SCHEDULE OF LOANS ISSUED AND OUTSTANDING  
AND 2026 DEBT SERVICE FOR LOANS  
LOAN**

	Debit	Credit	2026 Debt Service
Outstanding - January 1, 2025	XXXXXXXXXX		
Issued	XXXXXXXXXX		
Paid		XXXXXXXXXX	
Refunded			
Outstanding - December 31, 2025	-	XXXXXXXXXX	
	-	-	
2026 Loan Maturities			\$
2026 Interest on Loans			\$
Total 2026 Debt Service for Loan			\$ -
<b>LOAN</b>			
Outstanding - January 1, 2025	XXXXXXXXXX		
Issued	XXXXXXXXXX		
Paid		XXXXXXXXXX	
Outstanding - December 31, 2025	-	XXXXXXXXXX	
	-	-	
2026 Loan Maturities			\$
2026 Interest on Loans			\$
Total 2026 Debt Service for Loan			\$ -

**LIST OF LOANS ISSUED DURING 2025**

Purpose	2026 Maturity	Amount Issued	Date of Issue	Interest Rate
Total	-	-		

**SCHEDULE OF BONDS ISSUED AND OUTSTANDING  
AND 2026 DEBT SERVICE FOR BONDS  
TYPE I SCHOOL TERM BONDS**

	Debit	Credit	2026 Debt Service
Outstanding - January 1, 2025	XXXXXXXXXX		
Paid		XXXXXXXXXX	
Outstanding - December 31, 2025	-	XXXXXXXXXX	
	-	-	
2026 Bond Maturities - Term Bonds		\$	
2026 Interest on Bonds		\$	
<b>TYPE I SCHOOL SERIAL BONDS</b>			
Outstanding - January 1, 2025	XXXXXXXXXX		
Issued	XXXXXXXXXX		
Paid		XXXXXXXXXX	
Outstanding - December 31, 2025	-	XXXXXXXXXX	
	-	-	
2026 Interest on Bonds		\$	
2026 Bond Maturities - Term Bonds			\$
Total "Interest on Bonds - Type I School Debt Service" (*Items)			\$ -

**LIST OF BONDS ISSUED DURING 2025**

Purpose	2026 Maturity -01	Amount Issued -02	Date of Issue	Interest Rate
Total	-	-		

**2026 INTEREST REQUIREMENT - CURRENT FUND DEBT ONLY**

	Outstanding Dec. 31, 2025	2026 Interest Requirement
1. Emergency Notes	\$	\$
2. Special Emergency Notes	\$	\$
3. Tax Anticipation Notes	\$	\$
4. Interest on Unpaid State & County Taxes	\$	\$
5. <span style="background-color: #cccccc; display: inline-block; width: 100px; height: 1em;"></span>	\$	\$
6. <span style="background-color: #cccccc; display: inline-block; width: 100px; height: 1em;"></span>	\$	\$

**DEBT SERVICE FOR NOTES (OTHER THAN ASSESSMENT NOTES)**

Title or Purpose of Issue	Original Amount Issued	Original Date of Issue*	Amount of Note Outstanding Dec. 31, 2025	Date of Maturity	Rate of Interest	2026 Budget Requirements		Interest Computed to (Insert Date)
						For Principal	For Interest**	
Ord 2024-03 Var 2024 Cap Imps	5,379,000.00	11/12/2025	5,379,000.00	11/10/26	4.0000%		213,964.67	11/10/26
Page Totals	5,379,000.00		5,379,000.00			-	213,964.67	

Sheet 33

Memo: Designate all "Capital Notes" issued under N.J.S.A. 40A:2-8(b) with "C". Such notes must be retired at the rate of 20% of the original amount issued annually.

Memo: Type 1 School Notes should be separately listed and totaled.

\*\*\*Original Date of Issue" refers to the date when the first money was borrowed for a particular improvement, not the renewal date of subsequent notes which were issued.

All notes with an original date of issue of 2023 or prior require one legally payable installment to be budgeted if it is contemplated that such notes will be renewed in 2026 or written intent of permanent financing submitted with statement.

**(Do not crowd - add additional sheets)**

\*\* If interest on notes is financed by ordinance, designate same, otherwise an amount must be included in this column.

**DEBT SERVICE FOR NOTES (OTHER THAN ASSESSMENT NOTES)**

Title or Purpose of Issue	Original Amount Issued	Original Date of Issue*	Amount of Note Outstanding Dec. 31, 2025	Date of Maturity	Rate of Interest	2026 Budget Requirements		Interest Computed to (Insert Date)
						For Principal	For Interest**	
PREVIOUS PAGE TOTALS	5,379,000.00		5,379,000.00			-	213,964.67	
PAGE TOTALS	5,379,000.00		5,379,000.00			-	213,964.67	

Sheet 33.1

Memo: Designate all "Capital Notes" issued under N.J.S.A. 40A:2-8(b) with "C". Such notes must be retired at the rate of 20% of the original amount issued annually.

Memo: Type 1 School Notes should be separately listed and totaled.

\*\*\*Original Date of Issue" refers to the date when the first money was borrowed for a particular improvement, not the renewal date of subsequent notes which were issued.

All notes with an original date of issue of 2023 or prior require one legally payable installment to be budgeted if it is contemplated that such notes will be renewed in 2026 or written intent of permanent financing submitted with statement.

**(Do not crowd - add additional sheets)**

\*\* If interest on notes is financed by ordinance, designate same, otherwise an amount must be included in this column.

**DEBT SERVICE FOR NOTES (OTHER THAN ASSESSMENT NOTES)**

Title or Purpose of Issue	Original Amount Issued	Original Date of Issue*	Amount of Note Outstanding Dec. 31, 2025	Date of Maturity	Rate of Interest	2026 Budget Requirements		Interest Computed to (Insert Date)
						For Principal	For Interest**	
PREVIOUS PAGE TOTALS	5,379,000.00		5,379,000.00			-	213,964.67	
PAGE TOTALS	5,379,000.00		5,379,000.00			-	213,964.67	

Sheet 33  
Totals

Memo: Designate all "Capital Notes" issued under N.J.S.A. 40A:2-8(b) with "C". Such notes must be retired at the rate of 20% of the original amount issued annually.

Memo: Type 1 School Notes should be separately listed and totaled.

\*\*\*Original Date of Issue" refers to the date when the first money was borrowed for a particular improvement, not the renewal date of subsequent notes which were issued.

All notes with an original date of issue of 2023 or prior require one legally payable installment to be budgeted if it is contemplated that such notes will be renewed in 2026 or written intent of permanent financing submitted with statement.

**(Do not crowd - add additional sheets)**

\*\* If interest on notes is financed by ordinance, designate same, otherwise an amount must be included in this column.

## DEBT SERVICE SCHEDULE FOR ASSESSMENT NOTES

Title or Purpose of Issue	Original Amount Issued	Original Date of Issue*	Amount of Note Outstanding Dec. 31, 2025	Date of Maturity	Rate of Interest	2026 Budget Requirements		Interest Computed to (Insert Date)
						For Principal	For Interest**	
1.								
2.								
3.								
4.								
5.								
6.								
7.								
8.								
9.								
10.								
11.								
12.								
13.								
14.								
<b>Total</b>			-	-		-	-	

Sheet 34

MEMO: \*See Sheet 33 for clarification of "Original Date of Issue"

Assessment Notes with an original date of issue of 2023 or prior must be appropriated in full in the 2026 Dedicated Assessment Budget or written intent of permanent financing submitted with statement.

\*\*Interest on Assessment Notes must be included in the Current Fund Budget appropriation "Interest on Notes".

**(Do not crowd - add additional sheets)**

## SCHEDULE OF CAPITAL LEASE PROGRAM OBLIGATIONS

Purpose	Amount Lease Obligation Outstanding Dec. 31, 2025	2026 Budget Requirements	
		For Principal	For Interest/Fees
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
Total	-	-	-

Sheet 34a

(Do not crowd - add additional sheets)

## SCHEDULE OF IMPROVEMENT AUTHORIZATIONS (GENERAL CAPITAL FUND)

IMPROVEMENTS Specify each authorization by purpose. Do not merely designate by a code number.	Balance - January 1, 2025		2025 Authorizations	Other	Expended	Authorizations Canceled	Balance - December 31, 2025	
	Funded	Unfunded					Funded	Unfunded
#01-10/02-29 Various 2001 Capital Improvements	240,903.08				240,903.08		-	
#16-07 Various Public Improvements	-			2,557.12	2,557.12		-	
#18-15 Various Public Improvements & Equipment	422,447.77				284.26		422,163.51	
#19-14 Various Property Improvements	32,424.00				18,025.02		14,398.98	
#19-15 Various Public Improvements	98,328.00			10,690.00	108,588.64		429.36	
#21-04 Improvements to Various Roadway	-			15,336.25	15,336.25		-	
#21-11 Var Capital Acquisitions and Improvements	-			12,061.12	12,061.12		-	
#24-04 Various Capital Improvements	990,652.34	5,379,000.00		440,595.00	6,496,312.30			313,935.04
<b>Page Total</b>	1,784,755.19	5,379,000.00	-	481,239.49	6,894,067.79	-	436,991.85	313,935.04

Sheet 35

Place an \* before each item of "Improvement" which represents a funding or refunding of an emergency authorization.

**SCHEDULE OF IMPROVEMENT AUTHORIZATIONS (GENERAL CAPITAL FUND) (cont.)**

IMPROVEMENTS Specify each authorization by purpose. Do not merely designate by a code number.	Balance - January 1, 2025		2025 Authorizations	Other	Expended	Authorizations Canceled	Balance - December 31, 2025	
	Funded	Unfunded					Funded	Unfunded
<b>PREVIOUS PAGE TOTALS</b>	1,784,755.19	5,379,000.00	-	481,239.49	6,894,067.79	-	436,991.85	313,935.04
<b>PAGE TOTALS</b>	1,784,755.19	5,379,000.00	-	481,239.49	6,894,067.79	-	436,991.85	313,935.04

Sheet 35.1

Place an \* before each item of "Improvement" which represents a funding or refunding of an emergency authorization.

## SCHEDULE OF IMPROVEMENT AUTHORIZATIONS (GENERAL CAPITAL FUND) (cont.)

IMPROVEMENTS Specify each authorization by purpose. Do not merely designate by a code number.	Balance - January 1, 2025		2025 Authorizations	Other	Expended	Authorizations Canceled	Balance - December 31, 2025	
	Funded	Unfunded					Funded	Unfunded
<b>PREVIOUS PAGE TOTALS</b>	1,784,755.19	5,379,000.00	-	481,239.49	6,894,067.79	-	436,991.85	313,935.04
<b>PAGE TOTALS</b>	1,784,755.19	5,379,000.00	-	481,239.49	6,894,067.79	-	436,991.85	313,935.04

Sheet 35.2

Place an \* before each item of "Improvement" which represents a funding or refunding of an emergency authorization.

**SCHEDULE OF IMPROVEMENT AUTHORIZATIONS (GENERAL CAPITAL FUND) (cont.)**

IMPROVEMENTS Specify each authorization by purpose. Do not merely designate by a code number.	Balance - January 1, 2025		2025 Authorizations	Other	Expended	Authorizations Canceled	Balance - December 31, 2025	
	Funded	Unfunded					Funded	Unfunded
<b>PREVIOUS PAGE TOTALS</b>	1,784,755.19	5,379,000.00	-	481,239.49	6,894,067.79	-	436,991.85	313,935.04
<b>GRAND TOTALS</b>	1,784,755.19	5,379,000.00	-	481,239.49	6,894,067.79	-	436,991.85	313,935.04

Sheet 35 Totals

Place an \* before each item of "Improvement" which represents a funding or refunding of an emergency authorization.

# GENERAL CAPITAL FUND

## SCHEDULE OF CAPITAL IMPROVEMENT FUND

	Debit	Credit
Balance - January 1, 2025	XXXXXXXXXX	608,866.72
Received from 2025 Budget Appropriation*	XXXXXXXXXX	350,000.00
	XXXXXXXXXX	
Improvement Authorizations Canceled (financed in whole by the Capital Improvement Fund)	XXXXXXXXXX	
List by Improvements - Direct Charges Made for Preliminary Costs:	XXXXXXXXXX	XXXXXXXXXX
		XXXXXXXXXX
		XXXXXXXXXX
		XXXXXXXXXX
		XXXXXXXXXX
		XXXXXXXXXX
		XXXXXXXXXX
		XXXXXXXXXX
		XXXXXXXXXX
		XXXXXXXXXX
		XXXXXXXXXX
		XXXXXXXXXX
		XXXXXXXXXX
		XXXXXXXXXX
		XXXXXXXXXX
		XXXXXXXXXX
		XXXXXXXXXX
		XXXXXXXXXX
Appropriated to Finance Improvement Authorizations		XXXXXXXXXX
		XXXXXXXXXX
Balance - December 31, 2025	958,866.72	XXXXXXXXXX
	958,866.72	958,866.72

\*The full amount of the 2025 budget appropriation should be transferred to this account unless the balance of the appropriation is to be permitted to lapse.

# GENERAL CAPITAL FUND

## SCHEDULE OF DOWN PAYMENTS ON IMPROVEMENTS

	Debit	Credit
Balance - January 1, 2025	XXXXXXXXXX	
Received from 2025 Budget Appropriation*	XXXXXXXXXX	
Received from 2025 Emergency Appropriation*	XXXXXXXXXX	
		XXXXXXXXXX
Appropriated to Finance Improvement Authorizations		XXXXXXXXXX
		XXXXXXXXXX
Balance - December 31, 2025	-	XXXXXXXXXX
	-	-

\*The full amount of the 2025 budget appropriation should be transferred to this account unless the balance of the appropriation is to be permitted to lapse.

### CAPITAL IMPROVEMENTS AUTHORIZED IN 2025 AND DOWN PAYMENTS (N.J.S.A. 40A:2-11)

Purpose	Amount Appropriated	Total Obligations Authorized	Down Payment Provided by Ordinance	Additional Funding Sources
Total	-	-	-	-

NOTE - Where amount in column "Down Payment Provided by Ordinance" is LESS than 5% of amount in column "Total Obligations Authorized", explanation must be made part of or attached to this sheet.

# GENERAL CAPITAL FUND

## STATEMENT OF CAPITAL SURPLUS YEAR - 2025

	Debit	Credit
Balance - January 1, 2025	xxxxxxxxxx	297,782.77
Premium on Sale of Bonds	xxxxxxxxxx	
Funded Improvement Authorizations Canceled	xxxxxxxxxx	
Premium on Sale of Bond Anticipation Notes		65,731.38
Appropriated to Finance Improvement Authorizations		xxxxxxxxxx
Appropriated to 2025 Budget Revenue		xxxxxxxxxx
Balance - December 31, 2025	363,514.15	xxxxxxxxxx
	363,514.15	363,514.15



# **UTILITIES ONLY**

**Note:**

If no "utility fund" existed on the books of account and if no utility was owned and operated by the municipality during the year Year 2025, please observe instructions of Sheet 2.



BOROUGH OF WATCHUNG  
LAND USE DEPARTMENT  
BOARD OF ADJUSTMENT

## 2025 ANNUAL REPORT

Section 40:55D-70.1 entitled “Report on variance applications, amendment recommendations” of the Municipal Land Use Law (MLUL) Chapter 201, Laws of N.J. 1975 with amendments through the 1993 Legislative Session states:

“The Board of Adjustment shall, at least once a year, review its decisions on applications and appeals for variances and prepare and adopt by resolution a report of its findings on zoning ordinance provisions which were the subject of variance requests and its recommendations for zoning ordinance amendment or revision, if any. The Board of Adjustment shall send copies of the report and resolution to the Governing Body and Planning Board.” Adopted. L. 1985, c.516, Section 16.

The Borough of Watchung Board of Adjustment has used the period of January 1, 2025 through December 31, 2025 as the reporting period.

A total of 6 variance applications were heard and approved and or denied.

### APPLICATIONS

The following applications were heard and decided on during the 2025 year by the Board of Adjustment.

1. **CASE NO.:** BA24-05; Rozario/Paul  
1040 Johnston Drive  
Block 6402, Lot 13  
Represented By: Stephen F. Hehl, Esq.  
RR Zone  
*Denied* Memorialized 1/09/2025  
*Approved 11/13/2025*

Summary: Applicant proposed a new single-family home requiring bulk C variance for Front Yard Setback, Building Coverage, Lot Coverage, Driveway Side Yard, Parking in Front Yard and Wall Height and a D variance for Building Height. Property contained steep slopes and plans proposed the house to be constructed on 50-foot concrete pedestals resulting in 90 feet in elevation. Application was denied. Applicant filed suit represented by Mr. Hehl esq against the Borough and board, citing it acted arbitrarily,

capricious and unreasonable in denying the variances. Out of the settlement came the Whispering Woods hearing and the Applicant returned with revised plans and presented them to the board and public for review. The board approved the new revised plans.

**2. CASE NO.: BA 23-02; BJ's Wholesale Club**

1601 US Hwy 22

BLOCK: 5801 LOT: 3; BLOCK 5901 LOT 3

BLOCK 6001, LOT 1, 2 AND 3; BLOCK 6401 LOT 1.02 and

BLOCK 6402, LOT 2.01, 2.03, 2.04, and 2.05

Represented By: Stephen F. Hehl, Esq.

HD ZONE

Approved and memorialized 2/06/2025

Summary: The Applicant was initially approved for the installation of external fuel dispensers (12 bays) for automobiles with attendant kiosk, lighted canopies, and re-configured parking and drive aisles. Applicant revised previous site plan to relocate a cart corral, the generator and several ADA parking spaces. The board granted the requested relief.

**3. CASE NO. BA24-03; Carvajal**

10 Watchung Crest Drive

Block 4304, Lot 17.01

Represented by Erica Edwards

RMLIII Zone

*Denied:* 6/12/2025 and memorialized 9/11/2025

Summary: The Applicant requested relief for the front yard setback. The driveway extended to 16.06 feet from the property line where 35 feet is required, a variance is required. Homeowner also removed trees and extended the driveway into an environmental conservation easement and on the neighboring property. In all, a basketball hoop, pillar, driveway and fence were constructed in an environmental conservation easement. The board denied the application and Applicant asked for reconsideration. The board reconsidered, but memorialized the denial and the Applicant filed suit against the board representing himself citing the Board acted arbitrarily, capricious and unreasonable in denying the variances. There is pending litigation in the courts now.

**4. CASE NO.: BA 25-01; Betancourth**

45 Dug Way

BLOCK 4006 LOT 35

ZONE: RR

Approved 5/15/2025

Summary: The Applicant was approved to install an inground pool to the north and behind the dwelling and patio area. The allowable maximum lot coverage for the R-R

Board of Adjustment

Annual Report 2025

Page 2

District is 25% (section 28-404 d of the LDO). Due to the steep slopes, the developable lot area is reduced to 39,020 SF (net) from 60,996 SF (gross). The lot coverage proposed is 37.5% and requires a variance (section 23A-3.2 a (9) of the Municipal Code). Applicant is also responsible for installing and maintaining a drywell as a condition of approval.

**5. CASE No.: BA 25-02; Msallem**

46 Orchard  
Block 4307 Lot 10.02  
ZONE: RR  
Approved 7/10/2025

Summary: Applicant applied and was granted relief for accessory pool structures that were too close to the neighbor's property line. The Applicant's pool equipment was located along the rear (west) of the property and is 1.8 feet from the property line. The ordinance requires a rear yard setback of 20 feet for accessory pool structures (section 28-404 B-2). In addition, the pool fence (section 28-502) follows the rear lot line but does slightly traverse onto the neighbors (Lot 12.01). The board asked the Applicant to remove the fence from the neighboring property and ensure it was on his property as a condition of approval. The board also requested additional landscaping to buffer the equipment from neighboring properties.

**6. CASE NO.: BA 25-04; Crown Cadillac**

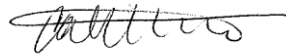
1584 US Rt 22  
BLOCK 6101 LOT 1  
Represented By: Jay B. Bohn, Esq.  
BC ZONE  
Approved: 8/14/2025

Summary: The subject property is located on the westbound side of Route 22 and at the southeast corner of the intersection of Route 22 and Raymond Avenue. The southern border of the property borders the Green Brook and the City of Plainfield municipal border. The property is in the B-C zoning district. The application received an approval from the Board of Adjustment in 2023 to do upgrades to the site including installation of EV charger infrastructure, façade changes, canopies were proposed over the showroom and service entrances and renovations to the interior of the building and replacement of all signage. In 1981, this board approved a use variance to permit automobile use and subsequently approved Preliminary and Final Site Plan for the improvements. In 1992, the board granted approval to replace a prior sign with a 42-foot-high freed standing illuminated sign. Work has subsequently proceeded on the Dealership and is near completion. During the course of construction, the applicant requested several modifications to the approved plan. As such, they are now coming back to the board for amended Site Plan approval. The board approved the modifications; being a curb cut on Raymond Ave, reconfiguring of paved areas and a French drain on the northwestern wall.

RECOMMENDATIONS

NONE.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Catherine Furlan", with a long horizontal flourish extending to the right.

Catherine Furlan  
Board Clerk



## **Borough of Watchung Board of Health**

### **MINUTES**

**November 19, 2025 – 6:30 PM**

#### **CALL TO ORDER**

The meeting was called to order at 6:31 pm.

#### **PRESIDENT'S STATEMENT**

Under the provisions of N.J.S.A 10:4-6 et seq., notice of time and place of this meeting has been posted and sent to the official newspapers.

#### **SALUTE TO THE FLAG**

#### **ROLL CALL**

Present: Bruce Ruck-President, Diane Logan-Vice President, Francesca Escaleira, Marybeth Lijo, Emma Jubin and Mitchell Jablon

Absent: Charlene Vergilio, Robert Riedinger and Kimberly Brown

Also present: Robyn Key, Senior Environmental Health Specialist of Middle-Brook Regional Health Commission. (in place of Kevin Sumner, Health Officer)

#### **INTRODUCTION OF NEW MEMBER**

Bruce Ruck and Francesca Escaleira and Robyn Key introduced themselves to new Alternate Member Mitchell Jablon. Bruce Ruck explained Middle-Brook's role as the "Health Department" for the Borough.

#### **CONSENT AGENDA**

A motion to approve the Minutes of the September 17, 2025 meeting was made by Diane Logan and seconded by Marybeth Lijo. All were in favor with the following exceptions:

Abstain due to absence from September 17th meeting: Bruce Ruck and Francesca Escaleira

Absent: Charlene Virgilio, Robert Riedinger and Kimberly Brown

#### **MIDDLE-BROOK REGIONAL HEALTH COMMISSION REPORT**

Robyn Key gave a summary of the unofficial minutes of the last Commission's meeting and informed that the Commission approved the financial audit.

#### **MIDDLE-BROOK REGIONAL HEALTH COMMISSION - STAFF REPORTS**

September and October – Mitchell Jablon had a question regarding an Essex County resident reporting of Salmonella case at the Watchung Stop & Shop. Robyn Key explained that she was notified and is handling the investigation.

Bruce Ruck inquired about 131 Cedar Road. He stated that this property has been a health issue for years. Robyn Key stated that there were no rodents at the last inspection and that there is nothing further the Health Department can do besides issuing fines and taking the owner to court.

Bruce Ruck questioned the disposal of syringes and suggested that information on proper disposal methods be shared out by Middle-Brook and the Borough.

#### **ANIMAL CONTROL SOLUTIONS MONTHLY REPORTS**

September and October – no inquiries were made.

Robyn Key reported that the Commission vaccinated 86 pets (67 dogs & 19 cats) at the rabies clinic held in Bridgewater. Rabies Clinic will be held in Watchung on December 6, 2025.

**BOH 2025-5 - MEETING SCHEDULE FOR 2026**

Ord. No. 2018-04 § 3]

a. Schedule of Meetings. The Chairman of the Board of Health of the Borough of Watchung shall annually, within the first two weeks of January, schedule a minimum of four quarterly meetings which will be posted on the Borough Website. Such meetings may be cancelled by the Chairman, within one week thereof. Notice of any cancellation must be posted on the Borough's Website.

March 18<sup>th</sup>  
May 20<sup>th</sup>  
September 16<sup>th</sup>  
November 18<sup>th</sup>

The Re-Organization meeting will be held January 20, 2027.

A motion to defer this resolution was made by Bruce Ruck and seconded by Diane Logan. All were in favor with the following exceptions:

Absent: Charlene Virgilio, Robert Riedinger and Kimberly Brown

**OLD BUSINESS**

Bruce Ruck updated the BOH on the sale of Cannabis products containing THC outside of dispensaries and the ongoing battle in the NJ Legislation to regulate the sale of these items which are not considered food products by FDA but are still available in small grocery stores.

**NEW BUSINESS**

Syringe Disposal announcements on website, social media and email blasts.

Robyn Key handed out the November Newsletter detailing information regarding the Recall of ByHeart Whole Nutrition Infant Formula. She stated the Middle-Brook is planning out the programs for next year and Watchung is on their calendar for March 2026. Programs for Watchung Seniors will include Maximize Memories and Chair Yoga.

**ADJOURNMENT**

A motion to adjourn the meeting at 7:04pm was made by Bruce Ruck and seconded by Marybeth Lijo. All were in favor with the following exceptions:

Absent: Charlene Virgilio, Robert Riedinger and Kimberly Brown

The next meeting is scheduled to be held January 21, 2026 (Re-Organization) at 6:30pm, in-person at Borough Hall, 15 Mountain Boulevard.

Respectfully submitted,

*Dámaris Quiñones-Gray*

Secretary, Board of Health

Accepted: 1/21/2026

# Meeting Minutes

## CERT Meeting 2/17/2026

### Attendance

---

Carolyn Solon, President  
Charlie Neiss  
Lynn Stahl  
Denise Soppas  
Mary Ann Weber  
Maria Fitipaldi  
Peg Ponzio  
Tony Mirenda  
Jennifer Agugliaro

### Agenda

---

Re-org  
Welcome new members  
Announcements  
Training  
Upcoming drills/activities  
Select day and time for monthly meetings  
New Business

### Call to Order

---

7:00 pm by President Solon

### Re-Org

---

Officers elected:  
President: Carolyn Solon  
Vice President: Charlie Neiss  
Secretary: Mary Ann Weber

Treasurer (not elected): Bill Hance, CFO

### Welcome new members

---

Tony Mirenda  
Lynn Ferrante (on leave)

### Announcements

---

Telegram has replaced GroupMe. All members should load the app.

## Training

---

CERT intro training will be held in late April or early May. No date has been set yet.  
Spring CERT workshop to be scheduled once government shutdown ends  
Online courses are offered through the FEMA website, but the website is offline due to the shutdown

## Upcoming drills/activities

---

N/A

## Select day and time for monthly meeting

---

4<sup>th</sup> Tuesday of each month at 7:00 pm

## Next Meetings

---

- March 24 @ 7:00 pm
- April 28 @ 7:00 pm
- May 26 @ 7:00 pm
- June 23 @ 7:00 pm
- July 28 @ 7:00 pm
- August 25 @ 7:00 pm
- September 22 @ 7:00 pm
- October 27 @ 7:00 pm
- November 24 @ 7:00 pm
- December 22 @ 7:00 pm

## Meeting Adjournment

---

Motion: Mary Ann  
Second: Denise  
Vote: Unanimous  
Time: 8:24 pm

**Watchung Historical Committee  
Minutes of the January 28th, 2026 Meeting**

**In Attendance:** Don Monetti, Karen Jubin, Stephen Pote, Michael DeParto, Chris Vander Fliet, Frank Lazzaro, and Borough Historian, Sue Tucker. Council liaison Mayor Ron Jubin

**Absent:** Emily White, Tim Logan, and Maureen Greenbaum

**CALL MEETING TO ORDER:** 7:14 p.m.

**OATH OF OFFICE – Mayor Jubin**

Reorganization

**ELECTION OF OFFICERS**

- Chair – Karen Jubin (nominate by Chris, second by Steve)
- Vice Chair – Chris Vander Fliet (nominate by Don, second by Steve)
- Secretary – Steve Pote (nominate by Chris, second by Karen)

One nomination entered per Officer position; each nominee was approved by vote.

**APPROVAL OF MINUTES:** Minutes from the 11/19/2025 meeting; motion by Karen, seconded by Mike. Motion has passed. Minutes were approved. There is room for two alternates. There might be some interest in others joining.

**Announcement of the 2026 Meeting Dates**

**January 28<sup>th</sup>**

**February 18th**

**March 18th**

**April 15th**

**May 20th**

**June 17th**

**July - No Meeting**

**August - Tentative**

**September 16th**

**October 14th**

**November 18th**

**December 16th**

**CHAIRPERSON'S REPORT**

**New Computer/Scanner Hookup**

Bill Hance managed the receipt of the new computer and scanner. Bill is working to coordinate set up of the scanner. These pieces of equipment will get heavy usage as the Committee continues to digitize documents.

### **New Song from Mark Schlotterbeck**

Mark wrote a new song for Watchung's 100<sup>th</sup> Anniversary called “Where High Hills Look to Valley Views”. Chris Vander Fliet will share this with the committee. Mark has given us permission to use the song whenever and in favor of using it to promote 100<sup>th</sup> Anniversary Events.

### **Foveonics – OCR Readable**

Foveonics was kind enough to make all documents they scanned and categorized by the historical committee OCR readable with no cost to the committee. This includes description of documents, as well as articles scanned. It is okay to permit use of documents, given that most documents have been in the general public for many years.

### **High School Ornaments**

The High School students made different designed ornaments of the Texier House Museum and provided them to the committee for distribution.

### **Trivia Questions for Watchung Digital Sign**

New questions have been posted on the Watchung Digital Sign. There is a need to keep these questions “fresh” and rotate them more frequently than has been the case.

### **Reflections of Watchung: A Historical Journey (Film/Lecture Series)**

Chris Vander Fliet has been working with the 100<sup>th</sup> Anniversary Committee and Mayor Ron Jubin on a new lecture series that will be part of the 100<sup>th</sup> Anniversary. The program will be two parts. Films will be shown during the first part and then during the second part; the event will be opened up to the community to share their stories on that particular themed night. Refreshments will be served.

### **VICE CHAIRPERSON’S REPORT**

No Report.

### **LIASION’S REPORT – Mayor Ron Jubin**

#### **100<sup>th</sup> Anniversary Events Discussion**

The mayor discussed several events for 2026.

Key dates for new events that will involve historical are:

- **5/30** 100<sup>th</sup> Celebration event: Benefit Concert Philip’s field including a fireworks event at the conclusion of the concert.

- **6/13 Founders Day:** Events include the Mayor’s Regatta, Parade, Opening of the 1976-time capsule.

These 3 events will be this year but due to construction schedules exact dates are tbd.

- Benefit event Texier carriage house repairs (tbd)
- Opening of nature trails at the Camp Endeavor location (tbd)
- Opening of the Watchung Community Connection (tbd)

### **OTHER PROJECTS/NEW BUSINESS**

**Watchung Ornament Program** – Sue Tucker has been in touch with Watchung artist Laurie Wood to discuss this year’s ornament which was decided upon to focus on the Tree of Lights with Fireworks. Approximately half of the ornaments had been sold to date. They will remain on sale at Borough Hall throughout the year.

**Folk Art Rug** – Sue Tucker coordinated the receipt of the Folk Art Rug, constructed during the 1990s and depicting points of interest in Watchung. She reported that she coordinated with Bruce Heymen from Fabricland to have a sleeve sewed to the back of the rug, and that the rug will be installed at the Texier House at no cost to the committee. A wooden bar will be used to hang the rug from the wall.

### **SCHEDULE FOR TEXIER HOUSE OPENINGS**

**February 1<sup>st</sup>**

**March 1<sup>st</sup>**

**March 15<sup>th</sup>**

**The Meeting was adjourned at 9:07 PM**

**Submitted by Steve Pote (Secretary)**

**Next Meeting: February 18<sup>th</sup> at 7PM**

### **Attachments:**

1. **No attachments**

**BOROUGH OF WATCHUNG  
PLANNING BOARD MINUTES  
REGULAR MEETING  
October 14th, 2025 | 7:30 PM  
15 Mountain Blvd., Watchung, NJ 07069  
Adopted On: 1/20/2026**

**CALL TO ORDER:** Madam Chair called the Regular Meeting to order at 7:30 pm. and read the opening statement indicating the meeting was being held in compliance with N.J.S.A.10:4-6 of the Open Public Meetings Act, the Municipal Land Use Law requirements, and the recording of the minutes as required by law and proper notice had been published in the Echoes Sentinel and Courier News. The Chair led the group in saluting the American flag and the Pledge of Allegiance.

ROLL CALL:

Ms. Tracee Schaefer, Chairwoman- present	Mr. Dustin Antonio – present
Mr. Donald Speeney, Vice Chairman – present	Mr. Troy Sims – present
Mr. Ronald Jubin, Mayor – present	
Mr. Robert Gibbs, Councilman - <b>(Absent)</b>	Mr. Francis P. Linnus, Esq. - present
Ms. Ellen Spingler, Secretary – present	Mr. Mark Healey, PP – <b>(Absent)</b>
Ms. Karen Pennett – <b>(Absent)</b>	Mr. John Jahr, Board Traffic Engineer BE - present
Mr. Stephen Pote – present	Jamie Guarantano, Board Engineer BVE - present
Ms. Jackie Bodnar – present	Ms. Catherine Furlan Board Clerk- present

Madam Chair opened the meeting, noting a quorum was present and asked for waiving of the minutes to be read and for a motion to accept the Regular and Executive Meeting Minutes from September 16th, 2025. On motion by Mr. Speeney and seconded by Mayor Jubin. Followed by a unanimous voice vote, all were in favor.

Next, Ms. Spingler read Resolution PB25-R12 into the record.

**PB25-02; Village Supermarkets (Shoprte)**

1701 Rt. 22

Block: 6404 Lots: 2.01, 2.02, 2.03, 2.04

Represented by: Michael P. O’Grodnick, Esq.

HD Zone

Expiration Date: December 12<sup>th</sup>, 2025

Click [Here](#) for Plans. The Applicant proposes two (2) shopping cart storage areas, two (2) floral display areas and a bike rack along the building frontage. Additionally, the applicant seeks to amend a prior variance for 1,668 parking stalls to a new value of 1,666 parking stalls in order to facilitate the construction of four (4) additional handicap accessible parking stalls.

On motion to accept the resolution by Mr. Pote and seconded by Ms. Spingler.

**ROLL CALL:**

Ms. Tracee Schaefer, Chairwoman- Aye	Mr. Dustin Antonio – not voting
Mr. Donald Speeney, Vice Chairman – Aye	Mr. Troy Sims – not elidable
Mr. Ronald Jubin, Mayor – Aye	Ms. Jackie Bodnar – Aye
Mr. Robert Gibbs, Councilman - <b>absent</b>	Ms. Karen Pennett – <b>absent</b>
Ms. Ellen Spingler, Secretary – Aye	Mr. Stephen Pote - Aye

Mr. Linnus clarified that we are a nine member board and only need 7 votes and alternates step in as needed otherwise they are not called to vote.

Next up, Ms. Spingler called Application PB25-01.

**APPLICATION:**

**PB25-01; AMERICAN RECYCLING TECHNOLOGIES (Adjourned 10/14/2025)**

1640 Route 22

Block 6101 Lot 5

Zone: HD

Expiration: November 4<sup>th</sup>, 2025

The Applicant seeks to place a clothing bin in the parking lot of City MD. The proposal would appear to remove two parking spaces. Since the site was the subject of a prior parking variance(s) the removal of these spaces would require a new parking variance. Click Access [Plans Here](#)

Mr. Linnus asked if anyone was present from the application, none were present. Mr. Linnus went on to say we received a letter from the Applicant’s attorney asking to withdraw and not proceed.

Madam Chair opened it up to the public for comment, hearing none, public portion was closed. Ms. Spingler read Resolution PB25-R13 for Executive Session into the record. Chair sought a motion to accept the resolution. On motion by Mr. Speeney seconded by Mayor Jubin.

**ROLL CALL**

Ms. Tracee Schaefer, Chairwoman- Aye	Mr. Dustin Antonio – Aye
Mr. Donald Speeney, Vice Chairman – Aye	Mr. Troy Sims – Aye
Mr. Ronald Jubin, Mayor – Aye	Ms. Jackie Bodnar – Aye
Mr. Robert Gibbs, Councilman - <b>absent</b>	Ms. Karen Pennett – <b>Absent</b>
Ms. Ellen Spingler, Secretary – Aye	Mr. Stephen Pote - Aye

The Board went into Executive Session at 7:43pm and came out at 8:01pm.

ROLL CALL:

Ms. Tracee Schaefer, Chairwoman- present	Mr. Dustin Antonio – present
Mr. Donald Speeney, Vice Chairman – present	Mr. Troy Sims – present
Mr. Ronald Jubin, Mayor – present	
Mr. Robert Gibbs, Councilman - (Absent)	Mr. Francis P. Linnus, Esq. - present
Ms. Ellen Spingler, Secretary – present	Mr. Mark Healey, PP – (Absent)
Ms. Karen Pennett – (Absent)	Mr. John Jahr, Board Traffic Engineer BE - present
Mr. Stephen Pote – present	Jamie Guarantano, Board Engineer BVE - present
Ms. Jackie Bodnar – present	Ms. Catherine Furlan Board Clerk- present

Madam chair noted the next meeting date and time changed to Monday, November 10th 2025 at 7:00pm. She mentioned there is nothing on the agenda so keep an eye out for any emails.

Mr. Speeney noted the Applicant PB25-02; Village Supermarkets was not present and neither was their attorney. The board discussed why this occurred and the ramifications of not showing up for the resolution memorialization.

The meeting adjourned at 8:01pm.

**ADJOURNMENT**

Respectfully Submitted,



Catherine Furlan  
Board Clerk

**BOROUGH OF WATCHUNG  
PLANNING BOARD MINUTES  
REORGANIZATIONAL & REGULAR MEETING**

**January 20th 2026 | 7:00 PM**  
15 Mountain Blvd., Watchung, NJ 07069

**Adopted On: 2/17/2026**

**CALL TO ORDER:** Acting Pro-tem Chairwoman Schaefer called the Reorganizational and Regular Meeting to order at 7:01pm. and read the statement indicating the meeting was being held in compliance with N.J.S.A.10:4-6 of the Open Public Meetings Act, the Municipal Land Use Law requirements, and the recording of the Minutes as required by law and proper notice has been given. Ms. Schaefer led the group in saluting the American flag and the Pledge of Allegiance.

Next, Mr. Linnus, Board Attorney, led the Oath of Office. The following candidates were sworn in; Robert Gibbs, Don Speeney, and Jackie Bodnar along with new member Robert Weck,

ROLL CALL:

Ms. Tracee Schaefer, Chairwoman- present	Mr. Dustin Antonio - present
Mr. Donald Speeney, Vice Chairman – present	Mr. Troy Sims – <b>Absent</b>
Mr. Ronald Jubin, Mayor – <b>Absent</b>	Ms. Jackie Bodnar – present
Mr. Robert Gibbs, Councilman – present	Mr. Francis P. Linnus, Esq. - present
Ms. Ellen Spingler, Secretary – present	Mr. Mark Healey, PP – present
Mr. Robert Weck - present	Mr. James Giurintano Board Engineer - present
Ms. Karen Pennett – <b>Absent</b>	Mr. John Jahr, Board Traffic Engineer - present
Mr. Stephen Pote - present	Ms. Catherine Furlan Board Clerk- present

A quorum was present for the meeting. Chairwoman Schaefer welcomed new board member, Robert Weck.

**REORGANIZATION 2026**

**Election of Officers**

Tracee Schaefer asked for nominations for **Chair** and was nominated by Councilman Gibbs, seconded by Mr. Speeney who closed nominations. Ms. Schaefer accepted nomination as Chair.

Ms. Tracee Schaefer, Chairwoman- Aye	Mr. Dustin Antonio - Aye
Mr. Donald Speeney, Vice Chairman - Aye	Mr. Troy Sims – <b>Absent</b>
Mr. Ronald Jubin, Mayor – <b>Absent</b>	Ms. Jackie Bodnar – Aye
Mr. Robert Gibbs, Councilman – Aye	Mr. Robert Weck - Aye
Ms. Ellen Spingler, Secretary – Aye	Ms. Karen Pennett – <b>Absent</b>
	Mr. Stephen Pote - Aye

Chairwoman Schaefer nominated Don Speeney as **Vice-Chairperson** seconded by Ms. Spingler. Mr. Speeney accepted the nomination.

Ms. Tracee Schaefer, Chairwoman- Aye	Mr. Dustin Antonio - Aye
Mr. Donald Speeney, Vice Chairman - Aye	Mr. Troy Sims – <b>Absent</b>
Mr. Ronald Jubin, Mayor – <b>Absent</b>	Ms. Jackie Bodnar – Aye
Mr. Robert Gibbs, Councilman – Aye	Mr. Robert Weck - Aye
Ms. Ellen Spingler, Secretary – Aye	Ms. Karen Pennett – <b>Absent</b>
	Mr. Stephen Pote - Aye

Madam Chair asked for nominations for **Secretary**. Don Speeney nominated Ellen Spingler, seconded by Councilman Gibbs. Ms. Spingler accepted nomination.

Ms. Tracee Schaefer, Chairwoman- Aye	Mr. Dustin Antonio - Aye
Mr. Donald Speeney, Vice Chairman - Aye	Mr. Troy Sims – <b>Absent</b>
Mr. Ronald Jubin, Mayor – <b>Absent</b>	Ms. Jackie Bodnar – Aye
Mr. Robert Gibbs, Councilman – Aye	Mr. Robert Weck - Aye
Ms. Ellen Spingler, Secretary – Aye	Ms. Karen Pennett – <b>Absent</b>
	Mr. Stephen Pote - Aye

**RESOLUTIONS**

**PB 26-R1**; Calendar of Regular Meetings

Ms. Spingler read the resolution aloud and Chairwoman Schaefer accepted the reading and made a motion to approved, seconded by Councilman Gibbs.

Ms. Tracee Schaefer, Chairwoman- Aye	Mr. Dustin Antonio - Aye
Mr. Donald Speeney, Vice Chairman - Aye	Mr. Troy Sims – <b>Absent</b>
Mr. Ronald Jubin, Mayor – <b>Absent</b>	Ms. Jackie Bodnar – Aye
Mr. Robert Gibbs, Councilman – Aye	Mr. Robert Weck - Aye
Ms. Ellen Spingler, Secretary – Aye	Ms. Karen Pennett – <b>Absent</b>
	Mr. Stephen Pote - Aye

**PB 26-R2**; Adoption of By-Laws

Chair accepted the motion to approve the By-Laws for 2026 as they stood in 2025., seconded by Councilman Gibbs.

Ms. Tracee Schaefer, Chairwoman- Aye	Mr. Dustin Antonio - Aye
Mr. Donald Speeney, Vice Chairman - Aye	Mr. Troy Sims – <b>Absent</b>
Mr. Ronald Jubin, Mayor – <b>Absent</b>	Ms. Jackie Bodnar – Aye
Mr. Robert Gibbs, Councilman – Aye	Mr. Robert Weck - Aye
Ms. Ellen Spingler, Secretary – Aye	Ms. Karen Pennett – <b>Absent</b>
	Mr. Stephen Pote - Aye

**PB 26-R3**; Designation of Official Newspapers. Ms. Spingler read the resolution designating the Courier News and TAP into Watchung as official newspapers for the Borough for 2026. Chair accepted the motion for approval and was seconded by Mr. Pote.

Ms. Tracee Schaefer, Chairwoman- Aye	Mr. Dustin Antonio - Aye
Mr. Donald Speeney, Vice Chairman - Aye	Mr. Troy Sims – <b>Absent</b>
Mr. Ronald Jubin, Mayor – <b>Absent</b>	Ms. Jackie Bodnar – Aye
Mr. Robert Gibbs, Councilman – Aye	Mr. Robert Weck - Aye
Ms. Ellen Spingler, Secretary – Aye	Ms. Karen Pennett – <b>Absent</b>
	Mr. Stephen Pote - Aye

**26-R4**; Appointment of Board Professionals for year 2026. Ms. Spingler read the resolution appointing Mr. Linnus the Board Attorney, Catherine Furlan the Board Clerk, Bright View Engineering and Mark Healey as Board professionals. Chairwoman accepted the reading on motion and was seconded by Mr. Speeney. Mr. Linnus thanked the board for reappointing him another year.

Ms. Tracee Schaefer, Chairwoman- Aye	Mr. Dustin Antonio - Aye
Mr. Donald Speeney, Vice Chairman - Aye	Mr. Troy Sims – <b>Absent</b>
Mr. Ronald Jubin, Mayor – <b>Absent</b>	Ms. Jackie Bodnar – Aye
Mr. Robert Gibbs, Councilman – Aye	Mr. Robert Weck - Aye
Ms. Ellen Spingler, Secretary – Aye	Ms. Karen Pennett – <b>Absent</b>
	Mr. Stephen Pote - Aye

Mr. Linnus swore in the professionals present from Bright View Engineering and Mark Healey. The Chair thanked the professionals for all of their work thus far.

Chairwoman Schaefer reviewed the **Committee Appointments**

- A. **Site Plan and Subdivision Committee**; Tracee Schaefer, Don Speeney, Ellen Spingler, Troy Sims, Steve Pote (Alt), Dustin Antonio (Alt)
- B. **Ordinance Committee**; Tracee Schaefer, Don Speeney, Robert Gibbs, Frank Linnus, Mark Healey, Jackie Bodnar (Alt), Robert Weck (Alt)
- C. **County Planning Liaison**; Tracee Schaefer, Don Speeney, Steve Pote, Mayor Jubin
- D. **Environmental Committee**; Karen Pennett
- E. **Finance Committee**; Tracee Schaefer, Catherine Furlan

-----Adjourn to the Regular Meeting at 7:19pm on motion by Councilman Gibbs and seconded by Ms. Bodnar followed by a unanimous voice vote. -----

**REGULAR MEETING**

Chair waived the reading of the Regular Minutes from October 14th, 2025. It was motioned by Ms. Spingler and seconded by Mr. Speeney and carried unanimously by voice vote. Not voting; Councilman Gibbs and Robert Weck.

Chair sought a motion to approve Executive Meeting Minutes from October 14<sup>th</sup>, 2025. On motion by Mr. Speeney seconded by Ms. Spingler. Not voting; Robert Weck and Councilman Gibbs. Mr. Speeney asked to have the Annual Report on the agenda next month for comment.

Chair announced the board reviewed the 2025 Annual Report from the Board of Adjustment. Mr. Pote commented on how important it is to look at the applications that were denied and why.

### **PUBLIC COMMENT**

Chair opened it up to the public for comment, hearing none, the public session was closed. Mr. Linnus said no Executive Session was needed tonight.

Mr. Healey approached the podium, thanked the board for reappointing him and provided a process update for the 4<sup>th</sup> round of affordable housing obligations. No developers challenged the plans. Mr. Healey suggested we adopt a new, revised Fair Share Plan next month as council needs to adopt it before March 15<sup>th</sup>. Chairwoman Schaefer advised the board that a special meeting might be required in addition to the monthly meeting if needed to get this done on time and some ordinances will be coming too.

Chairwoman Schaefer thanked everyone for another year and for everyone's cooperation and professionalism. Chairwoman moved to adjourn the meeting, seconded by Councilman Gibbs followed by unanimous voice vote. The meeting concluded at 7:29pm.

The next Regular Meeting will be February 17<sup>th</sup>, 2026 at 7:30pm.

### **ADJOURNMENT**

Respectfully Submitted,



Catherine Furlan  
Board Clerk

**TOWNSHIP OF WARREN, SOMERSET COUNTY, NEW JERSEY  
NOTICE OF INTRODUCTION OF ORDINANCES AND PUBLIC HEARINGS**

Notice is hereby given that the following Ordinances were introduced and passed on first reading at a meeting of the Township Committee of the Township of Warren, County of Somerset, State of New Jersey, on February 19, 2026, and the second reading/public hearing will be held on March 12, 2026 at 7:00 pm, or at any time and place to which the meeting may be adjourned, at the Municipal Complex, Susie B. Boyce Meeting Room, 44 Mountain Boulevard, Warren, New Jersey. All persons interested will be given the opportunity to be heard concerning these Ordinances. Copies of these Ordinances are available at no cost during regular business hours in the office of the Township Clerk currently located in the Susie B. Boyce Meeting Room and are available on the Township's website at <https://warrennj.org/331/Ordinances-Pending-Adoption>.

**ORDINANCE NO. 26-06 ORDINANCE REPEALING AND REPLACING SECTION 15-5.4  
“DEVELOPMENT FEES TO FUND AFFORDABLE HOUSING” AND SECTION 16-6  
“AFFORDABLE HOUSING UNIT REGULATIONS” OF THE MUNICIPAL CODE OF THE  
TOWNSHIP OF WARREN, COUNTY OF SOMERSET, STATE OF NEW JERSEY**

*Summary: This Ordinance repeals and replaces Section 15-5.4 “Development Fees to Fund Affordable Housing” and Section 16-6 “Affordable Housing Unit Regulations” of the Municipal Code of the Township of Warren to update these provisions in accordance with the recently adopted Uniform Housing Affordability Control Regulations, N.J.A.C. 5:80-26.1 et seq., and Fourth Round Affordable Housing Regulations, N.J.A.C. 5:99-1.1 et seq.*

**ORDINANCE NO. 26-07 ORDINANCE AMENDING CHAPTER 16 “ZONING” OF THE  
MUNICIPAL CODE OF THE TOWNSHIP OF WARREN, COUNTY OF SOMERSET, STATE OF  
NEW JERSEY, TO CREATE A NEW AH-10 AFFORDABLE HOUSING DISTRICT**

*Summary: This Ordinance amends Chapter 16 “Zoning” to create a new AH-10 Affordable Housing District (Washington Valley Road, Block 75, Lot 1) rezoning the property currently located in the BR-40 zone to provide a realistic opportunity for development of inclusionary housing within the District to address the Township's Fourth Round Affordable Housing Obligation.*

**ORDINANCE NO. 26-08 ORDINANCE AMENDING CHAPTER 16 “ZONING” OF THE  
MUNICIPAL CODE OF THE TOWNSHIP OF WARREN, COUNTY OF SOMERSET, STATE OF  
NEW JERSEY, TO CREATE A NEW AH-11 AFFORDABLE HOUSING DISTRICT**

*Summary: This Ordinance amends Chapter 16 “Zoning” to create a new AH-11 Affordable Housing District (Washington Valley Road/North Road, Block 70.03, Lots 24, 25.01) rezoning the property currently located in the BR-40 zone to provide a realistic opportunity for development of inclusionary housing within the District to address the Township's Fourth Round Affordable Housing Obligation.*

**ORDINANCE NO. 26-09 ORDINANCE AMENDING CHAPTER 16 “ZONING” OF THE MUNICIPAL CODE OF THE TOWNSHIP OF WARREN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, TO CREATE A NEW AH-12 AFFORDABLE HOUSING DISTRICT**

*Summary: This Ordinance amends Chapter 16 “Zoning” to create a new AH-12 Affordable Housing District (Mountain Boulevard, Block 88.08, Lot 4) rezoning the property currently located in the RBLR zone to provide a realistic opportunity for development of inclusionary housing within the District to address the Township’s Fourth Round Affordable Housing Obligation.*

**ORDINANCE NO. 26-10 ORDINANCE AMENDING CHAPTER 16 “ZONING”, SECTION 16-22A “AH-4 AFFORDABLE HOUSING DISTRICT” OF THE MUNICIPAL CODE OF THE TOWNSHIP OF WARREN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, TO REMOVE HOTEL AREA AS A PERMITTED USE IN THE DISTRICT AND PROVIDE FOR AGE RESTRICTED INCLUSIONARY HOUSING**

*Summary: This Ordinance amends Chapter 16 “Zoning”, Section 16-22A “AH-4 Affordable Housing District” (King George Road, Block 85.01, Lots 1, 2, 3 and 4) to remove hotel as a principal permitted use and provide a realistic opportunity for development of age restricted inclusionary housing within the District to address the Township’s Fourth Round Affordable Housing Obligation.*

**ORDINANCE NO. 26-11 ORDINANCE AMENDING CHAPTER 16 “ZONING” OF THE MUNICIPAL CODE OF THE TOWNSHIP OF WARREN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, TO CREATE A NEW AH-9 AFFORDABLE HOUSING DISTRICT**

*Summary: This Ordinance amends Chapter 16 “Zoning” to create a new AH-9 Affordable Housing District (Mountain Avenue, Block 82, Lot 12.02) rezoning the property currently located in the CR-130/65 zone to provide a realistic opportunity for development of inclusionary housing within the District to address the Township’s Fourth Round Affordable Housing Obligation.*

Donna Hands, RMC  
Township Clerk

Edith Gil

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**From:** Michele Irby-Garry <mgarry@northplainfieldnj.gov>  
**Sent:** Monday, March 2, 2026 10:48 AM  
**To:** Kelly Cupit  
**Cc:** planningbd; ajalloh.clerk; Edith Gil; Idarr; bwtclerk; dhands; Kmeixner  
**Subject:** [EXTERNAL] Re: Public Notice - Borough of North Plainfield Zoning Ordinances  
**Attachments:** 26-02 Amending Section 22-113 of the Borough Code260218.pdf; 26-03 Amending Section 22-131, Section 22-132 and Section 22-133 of the Borough Code260218.pdf

Good morning, Clerks,

Pursuant to requirements of the Municipal Land Use Law, attached please find copies of ordinances #26-02, #26-03, introduced February 23, 2026. The public hearing is scheduled for **March 9, 2026, at 7:00 pm** at the Borough of North Plainfield Municipal Building, 263 Somerset Street North Plainfield, NJ 07060.

Michele Irby-Garry, RMC, CMR

**Borough of North Plainfield**

263 Somerset Street

North Plainfield, NJ 07060

908-769-2904

[mgarry@northplainfieldnj.gov](mailto:mgarry@northplainfieldnj.gov)



Deletions shown by ~~strikethrough~~; additions shown by underline.

**BOROUGH OF NORTH PLAINFIELD  
COUNTY OF SOMERSET  
STATE OF NEW JERSEY**

**ORDINANCE NO. 26-02**

**AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 22 OF THE BOROUGH CODE, ENTITLED “LAND DEVELOPMENT” MOST NOTABLY SECTION 22-113B, ENTITLED “AHO AFFORDABLE HOUSING OVERLAY ZONE”, AND TO ADD NEW SECTION 22-113C, ENTITLED “AHO-1 AFFORDABLE HOUSING OVERLAY ZONE” AND NEW SECTION 22-113D ENTITLED “AHO-2 AGE-RESTRICTED AFFORDABLE HOUSING OVERLAY ZONE”**

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey that the Borough Code of the Borough of North Plainfield be amended, revised and supplemented as to Chapter 22, entitled “Land Development”, most notably Section 22-113B, entitled “AHO Affordable Housing Overlay Zone”, and to add new Section 22-113C, entitled “AHO-1 Affordable Housing Overlay Zone” and new Section 22-113D, “AHO-2 Affordable Housing Overlay Zone” as follows:

**§ 22-113B AHO AFFORDABLE HOUSING OVERLAY ZONE**

**§ 22-113B.1 Uses.**

In the AHO Affordable Housing Overlay Zone, in addition to any use permitted in the underlying zoning district, multifamily residential development is permitted with development incentives for the provision of affordable housing.

**§ 22-113B.2 Required Conditions.**

- a. Height. No building shall exceed a height of five (5) stories or sixty (60) feet.
- b. Minimum Lot Area. There shall be a minimum lot area of forty thousand (40,000) square feet.
- c. Front Yard. There shall be a front yard of not less than ten (10) feet along any street.
- d. Rear Yard. There shall be a rear yard of not less than ten (10) ~~twenty-five (25)~~ feet.
- e. Side Yards. The minimum side yard width shall be fifteen (15) feet.

**Deletions shown by ~~strikethrough~~; additions shown by underline**

**Deletions shown by ~~strikethrough~~; additions shown by underline.**

- f. Maximum Building Coverage. The total ground floor area of all buildings shall not exceed forty (40%) percent of the total lot area.
- g. Maximum Impervious Coverage. The total area of all impervious surfaces shall not exceed ninety (90%) ~~eighty-five (85%)~~ percent of the total lot area.
- h. Maximum Gross Residential Density. The maximum gross residential density shall be forty two (42) ~~thirty five (35)~~ dwelling units/acre, which shall be considered a “compensatory benefit” in exchange for the required provision of low- and moderate-income dwelling units as required by Subsection 22-113B.3.
- i. Off-Street Parking and Loading Requirements. Off-street parking and loading shall be provided in accordance with Section 22-117 of the Borough Code, except that the minimum off-street parking requirements shall be as follows:

<b>Bedrooms</b>	<b>Spaces (Parking)</b>
0	1.00
1	1.50
2	1.75
3 or more	2.00

- i. Landscaping. All portions of the property surrounding the principal building not used for off-street parking or loading shall be landscaped with ornamental trees, shrubs and grass lawn area, subject to approval by the Approving Authority.
- j. Lighting. All on-site lighting in connection with off-street parking, pedestrian walkways and/or building lighting shall be so arranged and shielded as to reflect the light downward and away from adjoining streets or properties.
- k. Signs. Signs shall comply with the requirements of Section 22-119 of the Borough Code.

**§ 22-113B.3 Affordable Housing Requirements.**

Multifamily residential development shall be required to provide low- and moderate-income dwelling units in accordance with the subsection. The maximum affordable housing set-aside shall be 20% of the dwelling units in the development, ~~except that the minimum set-aside shall be 15% where affordable rental units are provided. Of these, at least 50% must be reserved for, and affordable to, low-income households. A minimum of 13% of the affordable units in each bedroom distribution shall be affordable to households earning 30% or less of the area median~~

**Deletions shown by ~~strikethrough~~; additions shown by underline**

**Deletions shown by ~~strikethrough~~; additions shown by underline.**

~~income for the Council on Affordable Housing (COAH) region.~~ Low- and moderate-income housing units shall be governed by the standards set forth in the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et seq., and shall comply with ~~the applicable rules of the Council on Affordable Housing (COAH)~~ and any other relevant state statutes and regulations. All development including affordable dwelling units shall also be subject to Section 22-131, Affordable Housing Regulations, of the Land Development Regulations of the Borough of North Plainfield.

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**§ 22-113C AHO-1 AFFORDABLE HOUSING OVERLAY ZONE**

**§ 22-113C.1 Properties Included.**

The AHO-1 Affordable Housing Overlay Zone shall include the following properties:

Block 58, Lots 21, 22, and 23

Block 59, Lots 1 and 12

Block 159, Lot 6.01

Block 161.01, Lot 2 and 3

**§ 22-113C.2 Uses.**

In the AHO-1 Affordable Housing Overlay Zone, in addition to any use permitted in the underlying zoning district, multifamily residential development is permitted with development incentives for the provision of affordable housing.

**§ 22-113C.3 Required Conditions.**

- a. Height. No building shall exceed a height of three (3) stories or forty-five (45) feet.
- b. Minimum Lot Area. There shall be a minimum lot area of twenty-four thousand (24,000) square feet.
- c. Front Yard. There shall be a front yard of not less than twenty-five (25) feet along any street.
- d. Rear Yard. There shall be a rear yard of not less than twenty-five (25) feet.
- e. Side Yards. The minimum side yard width shall be fifteen (15) feet.

**Deletions shown by ~~strikethrough~~; additions shown by underline**

**Deletions shown by ~~strikethrough~~; additions shown by underline.**

- f. Maximum Building Coverage. The total ground floor area of all buildings shall not exceed forty (40%) percent of the total lot area.
- g. Maximum Impervious Coverage. The total area of all impervious surfaces shall not exceed eighty-five (85%) percent of the total lot area.
- h. Maximum Gross Residential Density. The maximum gross residential density shall be twenty (20) dwelling units/acre.
- i. Off-Street Parking and Loading Requirements. Off-street parking and loading shall be provided in accordance with Section 22-117 of the Borough Code, except that the minimum off-street parking requirements shall be provided at a ratio of one parking space for every two dwelling units.
- j. Landscaping. All portions of the property surrounding the principal building not used for off-street parking or loading shall be landscaped with ornamental trees, shrubs and grass lawn area, subject to approval by the Approving Authority.
- k. Lighting. All on-site lighting in connection with off-street parking, pedestrian walkways and/or building lighting shall be so arranged and shielded as to reflect the light downward and away from adjoining streets or properties.
- l. Signs. Signs shall comply with the requirements of Section 22-119 of the Borough Code.

**§ 22-113C.4 Affordable Housing Requirements.**

Multifamily residential development shall be required to provide low- and moderate-income dwelling units in accordance with the subsection. The minimum affordable housing set-aside shall be 20% of the dwelling units in the development. Low- and moderate-income housing units shall be governed by the standards set forth in the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., and shall comply with any other relevant state statutes and regulations. All development including affordable dwelling units shall also be subject to Section 22-131, Affordable Housing Regulations, of the Land Development Regulations of the Borough of North Plainfield.

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**§ 22-113D AHO-2 AGE-RESTRICTED AFFORDABLE HOUSING OVERLAY ZONE**

**§ 22-113D.1 Properties Included.**

The AHO-2 Affordable Housing Overlay Zone shall include the following property:

Block 46, Lot 1.01

**Deletions shown by ~~strikethrough~~; additions shown by underline**

Deletions shown by ~~strikethrough~~; additions shown by underline.

**§ 22-113D.2 Uses.**

In the AHO-2 Affordable Housing Overlay Zone, in addition to any use permitted in the underlying zoning district, age-restricted affordable multifamily residential development is permitted.

**§ 22-113D.3 Required Conditions.**

- a. Height. No building shall exceed a height of four (4) stories or fifty (50) feet.
- b. Minimum Lot Area. There shall be a minimum lot area of twenty-four thousand (24,000) square feet.
- c. Front Yard. There shall be a front yard of not less than twenty (20) feet along any street.
- d. Rear Yard. There shall be a rear yard of not less than twenty (20) feet.
- e. Side Yards. The minimum side yard width shall be fifteen (15) feet.
- f. Maximum Building Coverage. The total ground floor area of all buildings shall not exceed forty (40%) percent of the total lot area.
- g. Maximum Impervious Coverage. The total area of all impervious surfaces shall not exceed eighty-five (85%) percent of the total lot area.
- h. Maximum Number of Units. The maximum number of dwelling units shall be forty-nine (49) age-restricted units. One (1) additional unit may be provided for a on-site staff.
- i. Off-Street Parking and Loading Requirements. Off-street parking and loading shall be provided in accordance with Section 22-117 of the Borough Code, except that the minimum off-street parking requirements shall be as follows:

<u>Bedrooms</u>	<u>Spaces (Parking)</u>
<u>0</u>	<u>1.0</u>
<u>1</u>	<u>1.8</u>
<u>2</u>	<u>2.0</u>
<u>3 or more</u>	<u>2.1</u>

Deletions shown by ~~strikethrough~~; additions shown by underline

Deletions shown by ~~strikethrough~~; additions shown by underline.

- j. Landscaping. All portions of the property surrounding the principal building not used for off-street parking or loading shall be landscaped with ornamental trees, shrubs and grass lawn area, subject to approval by the Approving Authority.
- k. Lighting. All on-site lighting in connection with off-street parking, pedestrian walkways and/or building lighting shall be so arranged and shielded as to reflect the light downward and away from adjoining streets or properties.
- l. Signs. Signs shall comply with the requirements of Section 22-119 of the Borough Code.

**§ 22-113D.4 Affordable Housing Requirements.**

Multifamily residential development shall be required to provide low- and moderate-income dwelling units in accordance with the subsection. The minimum affordable housing set-aside shall be 20% of the dwelling units in the development. Low- and moderate-income housing units shall be governed by the standards set forth in the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., and shall comply with any other relevant state statutes and regulations. All development including affordable dwelling units shall also be subject to Section 22-131, Affordable Housing Regulations, of the Land Development Regulations of the Borough of North Plainfield.

**NOW, THEREFORE, BE IT FURTHER ORDAINED** that this Ordinance shall take effect, after final passage, twenty (20) days following action or inaction by the Mayor as provided by law or an override of a mayoral veto by the Borough Council, whichever is applicable and publication in accordance with law, unless a resolution is adopted, pursuant to *N.J.S.A. 40:69A-181(b)*, declaring an emergency and providing that this Ordinance shall take effect at an earlier date.

INTRODUCED:  
PASSED:  
PUBLISHED:  
ADOPTED:

ROLL CALL:       AYES:  
                      NAYS:  
                      ABSTAIN:  
                      ABSENT:

APPROVED BY THE MAYOR:   Yes \_\_\_\_\_ No \_\_\_\_\_

The above is a true copy of the Ordinance adopted by the Borough of North Plainfield on \_\_\_\_\_, 2026

Deletions shown by ~~strikethrough~~; additions shown by underline

**Deletions shown by ~~strikethrough~~; additions shown by underline.**

ATTEST:

BOROUGH OF NORTH PLAINFIELD

\_\_\_\_\_  
Michele Irby-Garry  
Acting Borough Clerk  
Borough of North Plainfield

\_\_\_\_\_  
Frank A. "Skip" Stabile, Jr., Council President

Date signed: \_\_\_\_\_, 2026

Date signed: \_\_\_\_\_, 2026

\_\_\_\_\_  
Lawrence LaRonde, Mayor

Date signed: \_\_\_\_\_, 2026

**Deletions shown by ~~strikethrough~~; additions shown by underline**

Deletions shown by ~~strikethrough~~; additions shown by underline.

**BOROUGH OF NORTH PLAINFIELD  
COUNTY OF SOMERSET  
STATE OF NEW JERSEY**

**ORDINANCE NO. 26-03**

**AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 22 OF THE BOROUGH CODE, ENTITLED “LAND DEVELOPMENT” MOST NOTABLY SECTION 22-131, ENTITLED “AFFORDABLE HOUSING REGULATIONS”, SECTION 22-132, ENTITLED “DEVELOPMENT FEES” AND SECTION 22-133 ENTITLED “INCLUSIONARY HOUSING REQUIREMENTS FOR REZONING AND VARIANCES”**

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey that the Borough Code of the Borough of North Plainfield be amended, revised and supplemented as to Chapter 22, entitled “Land Development”, most notably Section 22-131, entitled “Affordable Housing Regulations”, Section 22-132, entitled “Development Fees” and Section 22-133, “Inclusionary Housing Requirement for Rezoning and Variances” as follows:

**22-131 AFFORDABLE HOUSING REGULATIONS**

**22-131.1. Purpose and applicability.**

The purpose of this chapter is to include provisions addressing the Borough of North Plainfield’s constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Administrative Office of the Courts and as stipulated by P.L.2024, c. 2 and N.J.S.A. 52:27D-301 *et seq.* (the amended Fair Housing Act). *N.J.A.C. 5:99-1 et seq.*, as amended and supplemented, establishes procedures to be used by municipalities in addressing and implementing the requirements set forth in the Amended Fair Housing Act. P.L. 2024, c.2 also established the Affordable Housing Dispute Resolution Program (“Dispute Resolution Program”), which provides a new process for municipalities to come into constitutional compliance with their affordable housing obligations. This chapter is intended to assure compliance with the foregoing provisions and with the regulations of the Uniform Housing Affordability Controls, *N.J.A.C. 5:80-26.1 et seq.*, as amended and supplemented, including provisions for unit affordability controls as well as eligibility for low- and moderate-income households. This chapter shall apply except where inconsistent with applicable law.

The provisions of this section shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Borough of North Plainfield pursuant to the Borough’s most recently adopted Housing Element and Fair Share Plan.

**22-131.2. Intent.**

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It is the intent of this chapter to regulate the development and management of low- and moderate-income units constructed in compliance with the Housing Plan Element and Fair Share Plan of the Borough of North Plainfield.

**22-131.3. Reporting requirements.**

- a. Trust fund activity. North Plainfield shall comply with the reporting requirements set forth in N.J.S.A. 52:27D-329.2 and N.J.A.C. 5:99-5.
- b. Affordable housing activity. North Plainfield shall comply with the reporting requirements set forth in N.J.S.A. 52:27D-329.4 and N.J.A.C. 5:99-5.

**22-131.4. Definitions.**

The following terms when used in this chapter shall have the meanings given in this Section:

**ACT**

The Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.), as amended through P.L. 2024, c.2.

**ADAPTABLE**

Constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

**ADMINISTRATIVE AGENT**

The individual or entity designated by the Borough and approved by the Division as pursuant to N.J.A.C. 5:99-7, to administer affordable units in accordance with this chapter, as set forth within N.J.S.A. 52:27D-321, and in accordance with the Uniform Housing Affordability Controls set forth at N.J.A.C. 5:80-26 et seq.

**AFFIRMATIVE MARKETING**

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

**AFFORDABILITY AVERAGE**

The average percentage of regional median income at which restricted units in an affordable housing development are affordable to low- and moderate-income households.

**AFFORDABLE**

A sales price or rent level that is within the means of a low- or moderate-income household as defined within N.J.S.A. 52:27D-301 et seq., and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.7, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit

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conforms to the standards set forth in N.J.A.C. 5:80-26.13, as may be amended and supplemented.

**AFFORDABLE HOUSING DEVELOPMENT**

A development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Borough's fair share obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a one hundred (100%) percent affordable housing development.

**AFFORDABLE HOUSING PROGRAM(S)**

Any method of creating or preserving actual housing units available to low- and moderate-income households or creating a realistic opportunity for the construction of such units, and any mechanism in a municipal fair share plan prepared or implemented to address a municipality's fair share obligation.

**AFFORDABLE HOUSING MONITORING SYSTEM or AHMS**

The Department of Community Affairs (DCA) or Department's cloud-based software application, which shall be the central repository for municipalities to use for reporting detailed information regarding affordable housing developments, affordable housing unit completions, and the collection and expenditures of funds deposited into the municipal affordable housing trust fund.

**AFFORDABLE UNIT**

A housing unit proposed or created pursuant to the Fair Housing Act and approved for crediting by the court and/or funded through an affordable housing trust fund.

**AGENCY**

The New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1 et seq.).

**AGE-RESTRICTED UNIT**

A housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population where the adult member of the family who is the head of the household for the purposes of determining income eligibility and rent is a minimum age of either 62 years, or 55 years and meets the provisions of 42 U.S.C. §§ 3601 through 3619, except that due to death, a surviving spouse of less than 55 years of age is permitted to continue to reside in the unit.

**ALTERNATIVE LIVING ARRANGEMENTS**

A structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to: transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the State of New Jersey, Department of Community Affairs; residential health care facilities as regulated by the State of New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or

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regulated by the New Jersey Department of Human Services; and, congregate living arrangements.

**ASSISTED LIVING RESIDENCE**

A facility that is licensed by the State of New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four (4) or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one (1) unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

**BARRIER-FREE ESCROW**

The holding of funds collected to adapt affordable unit entrances to be accessible in accordance with N.J.S.A. 52:27D-311a et seq. Such funds shall be held in a municipal affordable housing trust fund pursuant to N.J.A.C. 5:99-2.6.

**BOROUGH**

The Borough of North Plainfield, in Somerset County, New Jersey.

**CERTIFIED HOUSEHOLD**

A household that has been certified by an administrative agent as a very-low-income, low-income household or moderate-income household.

**CHOICE**

The no-longer-active Choices in Homeownership Incentives for Everyone Program, as it was authorized by the Agency.

**COAH or THE COUNCIL**

The Council on Affordable Housing, as previously established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), abolished effective March 20, 2024, pursuant to Section 3 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1).

**COMPLIANCE CERTIFICATION**

The certification issued to a municipality by a county-level housing judge pursuant to section 3 at P.L. 2024, c. 2, that protects the municipality from exclusionary zoning litigation during the current round of present and prospective need and through July 1 of the year the next affordable housing round begins, which is also known as a "judgment of compliance" resulting in an "order for repose." The term "compliance certification" includes a judgment of repose granted in an action filed pursuant to section 13 at P.L. 1985, c. 222 (N.J.S.A. 52:27D-313).

**CONSTRUCTION**

New construction and additions, but does not include alterations, reconstruction, renovations, conversion, relocation, or repairs, as those terms are defined in the State

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Uniform Construction Code promulgated pursuant to the State Uniform Construction Code Act, P.L. 1975, c. 217 (N.J.S.A. 52:27D-119 et seq.).

**CONTINUUM OF CARE or CoC**

One of the 16 local planning bodies in New Jersey that coordinate service providers and other interested parties to prevent and end homelessness, as authorized by subtitle C of Title IV of the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11431 through 11435.

**COUNTY-LEVEL HOUSING JUDGE**

A judge appointed pursuant to section 5 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-313.2), to resolve disputes over the compliance of municipal fair share affordable housing obligations and municipal fair share plans and housing elements with the Act.

**DCA or DEPARTMENT**

The State of New Jersey, Department of Community Affairs.

**DISPUTE RESOLUTION PROGRAM**

The Affordable Housing Dispute Resolution Program, established pursuant to section 5 of P.L. 2024, c.2 (N.J.S.A. 52:27D-313.2). The Dispute Resolution Program is established within the Executive Branch of the State, for the purpose of resolving disputes associated with the Fair Housing Act with respect to municipalities seeking to obtain a certification of compliance of their adopted Housing Element & Fair Share Plan.

**DEFICIENT HOUSING UNIT**

A housing unit with health and safety code violations that requires the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

**DEVELOPER**

Any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land included in a proposed development including the holder of an option to contract to purchase, or other person having an enforceable proprietary interest in such land.

**DEVELOPMENT**

The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required, pursuant to N.J.S.A. 40:55D-1 et seq.

**DIVISION**

Means the Division of Local Planning Services in DCA.

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**EMERGENT OPPORTUNITY**

A circumstance that has arisen whereby affordable housing will be able to be produced through a delivery mechanism not originally contemplated by or included in a fair share plan that has been the subject of a compliance certification.

**EQUALIZED ASSESSED VALUE OR EAV**

The assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 at P.L. 1973, c. 123 (N.J.S.A. 54:1-35a, 54:1-35b, and 54:1-35c). Estimates at the time of building permit may be obtained by the tax assessor using construction cost estimates. Final EAV shall be determined at project completion by the municipal assessor.

**EXCLUSIONARY ZONING LITIGATION**

Litigation challenging the fair share plan, housing element, ordinances, or resolutions that implement the fair share plan or housing element of a municipality based on alleged noncompliance with the Act or the Mount Laurel doctrine, which litigation shall include, but shall not be limited to, litigation seeking a builder's remedy.

**EXTENSION OF EXPIRING CONTROLS**

Extending the deed restriction period on units where the controls will expire in the current round of a housing obligation, so that the total years of a deed restriction is at least 60 years.

**FAIR SHARE OBLIGATION or AFFORDABLE HOUSING OBLIGATION**

The total of the present need and prospective need as determined by a court of competent jurisdiction.

**FAIR SHARE PLAN**

The plan that describes the mechanisms, strategies and the funding sources, if any, by which the Borough proposes to address its affordable housing obligation as established in the Housing Element, including the draft ordinances necessary to implement that plan, and addresses the requirements of P.L.1985, c.222 (N.J.S.A. 52:27D-301 et seq.).

**HOUSEHOLD INCOME**

A household's gross annual income calculated in a manner consistent with the determination of annual income pursuant to section 8 of the United States Housing Act of 1937 (Section 8), not in accordance with the determination of gross income for Federal income tax liability.

**HOUSING ELEMENT**

The portion of the Borough's Master Plan, required by the Municipal Land Use Law ("MLUL"), N.J.S.A. 40:55D-28b(3) and the Act, that includes the information required by N.J.S.A. 52:27D-301 et seq., and establishes the Borough's fair share obligation.

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**HOUSING PROJECT**

A project, or distinct portion of a project, which is designed and intended to provide decent, safe, and sanitary dwellings, apartments, or other living accommodations for persons of low- and moderate-income; such work or undertaking may include buildings, land, equipment, facilities, and other real or personal property for necessary, convenient, or desirable appurtenances, streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, educational, welfare, or other purposes. The term "housing project" may also be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration, and repair of the improvements, and all other work in connection therewith.

**HOUSING REGION**

A geographic area established pursuant to N.J.S.A. 52:27D-304.2b.

**INCLUSIONARY DEVELOPMENT**

A development containing both affordable units and market rate units, in which a substantial percentage of the housing units are provided for a reasonable income range of low- and moderate- income households. This term includes, but is not limited to: new construction, the conversion of a non-residential structure to residential use and the creation of new affordable units through the gut rehabilitation or reconstruction of a vacant residential structure.

**JUDGMENT OF COMPLIANCE OR JUDGMENT FOR REPOSE**

A determination issued by the Superior Court approving a municipality's fair share plan to satisfy its affordable housing obligation for a particular 10-year round.

**LOW-INCOME HOUSEHOLD**

A household with a household income equal to fifty (50%) percent or less of the regional median income.

**LOW-INCOME UNIT**

A restricted unit that is affordable to a low-income household.

**MAJOR SYSTEM**

The primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and load bearing structural systems.

**MARKET-RATE UNITS**

Housing not restricted to low- and moderate-income households that may sell or rent at any price.

**MODERATE-INCOME HOUSEHOLD**

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A household with a household income in excess of fifty (50%) percent but less than or equal to eighty (80%) percent of the regional median income.

**MODERATE-INCOME UNIT**

A restricted unit that is affordable to a moderate-income household.

**MONI**

The no-longer-active Market Oriented Neighborhood Investment Program, as it was authorized by the Agency.

**MULTIFAMILY UNIT**

A structure containing five (5) or more dwelling units.

**MUNICIPAL HOUSING LIAISON or MHL**

An appointed municipal employee who is, pursuant to N.J.A.C. 5:99-6, responsible for oversight and/or administration of the affordable units created within the municipality, and oversight of the authorization of individuals being provided access to the AHMS.

**MUNICIPAL HOUSING TRUST FUND**

A separate, interest-bearing, account held by a municipality for the deposit of development fees, payments in lieu of constructing affordable units on sites zoned for affordable housing, barrier-free escrow funds, recapture funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines, unexpended RCA funds remaining from a completed RCA project, application fees, and any other funds collected by the municipality in connection with its affordable housing programs, which shall be used to address municipal low- and moderate-income housing obligations within the time frames established by the Legislature and as governed at N.J.A.C. 5:99-2.

**NEW CONSTRUCTION**

The creation of a new housing unit under regulation by a code enforcement official regardless of the means by which the unit is created. Newly constructed units are evidenced by the issuance of a certificate of occupancy and may include new residences created through additions and alterations, adaptive reuse, subdivision, or conversion of existing space, and moving a structure from one location to another.

**NON-EXEMPT SALE**

Any sale or transfer of ownership of a restricted unit to one's self or to another individual other than the transfer of ownership between spouses or civil union partners; the transfer of ownership between former spouses or civil union partners ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a class A beneficiary; and the transfer of ownership by court order.

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**ORDER FOR REPOSE**

The protection a municipality has from a builder's remedy lawsuit for a period of time from the entry of a judgment of compliance by the Superior Court. A judgment of compliance often results in an order for repose.

**PAYMENT IN LIEU OF CONSTRUCTING AFFORDABLE UNITS**

The payment of funds to the municipality by a developer when affordable units are not produced on a site zoned for an inclusionary development.

**PRESENT NEED**

The number of substandard existing deficient housing units in the municipality currently occupied by low- and moderate-income households, which is calculated pursuant to N.J.S.A. 52:27D-329.1 et seq. Also known as the "rehabilitation obligation."

**PRICE DIFFERENTIAL**

The difference between the controlled sale price of a restricted unit and the contract price at the exit sale of the unit, determined as of the date of a proposed contract of sale for the unit. If there is no proposed contract of sale, the price differential is the difference between the controlled sale price of a restricted unit and the appraised value of the unit as if it were not subject to UHAC, determined as of the date of the appraisal. If the controlled sale price exceeds the contract price or, in the absence of a contract price, the appraised value, the price differential is zero dollars.

**PRIOR ROUND UNIT**

A housing unit that addresses a municipality's fair share obligation from a round prior to the fourth round of affordable housing obligations, including any unit that: (1) received substantive certification from COAH; (2) is part of a third-round settlement agreement or judgment of compliance approved by a court of competent jurisdiction, inclusive of units created pursuant to a zoning designation adopted as part of the settlement agreement or judgment of compliance to create a realistic opportunity for development; (3) is subject to a grant agreement or other contract with either the State or a political subdivision thereof entered into prior to July 1, 2025, pursuant to either item (1) or (2) above; or (4) otherwise addresses a municipality's fair share obligation from a round prior to the fourth round of affordable housing obligations. A unit created after the enactment of P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1) on March 20, 2024, is not a prior round unit unless: (1) it is created pursuant to a prior round development plan or zoning designation that received COAH or court approval on or before the cutoff date of June 30, 2025, or the date that the municipality adopts the implementing ordinances and resolutions for the fourth round of affordable housing obligations, whichever occurs sooner; and (2) its siting and creation are consistent with the form of the prior round development plan or zoning designation in effect as of the cutoff date, without any amendment or variance.

**RANDOM SELECTION PROCESS**

A lottery process by which currently income-eligible households are selected, at random, for placement in affordable housing units such that no preference is given to one applicant

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over another, except in the case of a veterans' preference where such an agreement exists; for purposes of matching household income and size with an appropriately priced and sized affordable unit; or another purpose allowed pursuant to *N.J.A.C. 5:80-26.7(k)3*. This definition excludes any practices that would allow affordable housing units to be leased or sold on a first-come, first-served basis.

**REGIONAL ASSET LIMIT**

The maximum housing value in each housing region affordable to a four-person household with an income at eighty (80%) percent of the regional median as defined by duly adopted Regional Income Limits published annually by the Affordable Housing Professionals of New Jersey or other entity approved by the court.

**REGIONAL CONTRIBUTION AGREEMENT or RCA**

A contractual agreement, pursuant to the Act, into which two municipalities voluntarily entered into prior to July 18, 2008, to transfer a portion of a municipality's affordable housing obligation to another municipality within its housing region.

**REGIONAL MEDIAN INCOME**

The median income by household size for an applicable housing region, as calculated annually in accordance with *N.J.A.C. 5:80-26.3*.

**REHABILITATION**

The repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, *N.J.A.C. 5:23-6*.

**RENT**

The gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

**RESTRICTED UNIT**

A dwelling unit, whether a rental unit or an ownership unit, that is subject to the affordability controls of *N.J.A.C. 5:80-26.1*, as amended and supplemented, but does not include a market-rate unit that was financed pursuant to UHORP, MONI, or CHOICE.

**UHAC**

The Uniform Housing Affordability Controls, as set forth in *N.J.A.C. 5:80-26 et seq*, as amended and supplemented.

**UHORP**

The Agency's Urban Homeownership Recovery Program, as it was authorized by the Agency Board.

**VERY LOW-INCOME HOUSEHOLD**

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A household with a household income less than or equal to thirty (30%) percent of the regional median income.

**VERY LOW-INCOME UNIT**

A restricted unit that is affordable to a very low-income household.

**VETERAN**

A veteran as defined at N.J.S.A. 54:4-8.10.

**VETERANS' PREFERENCE**

The agreement between a municipality and a developer or residential development owner that allows for low- to moderate-income veterans to be given preference for up to fifty (50%) percent of rental units in relevant projects, as provided for at N.J.S.A. 52:27D-311j.

**WEATHERIZATION**

Building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for purposes of a rehabilitation program.

**95/5 RESTRICTION** — A deed restriction governing a restricted ownership unit that is part of a housing element that received substantive certification from COAH pursuant to N.J.A.C. 5:93, as it was in effect at the time of the receipt of substantive certification, before October 1, 2001, or any other deed restriction governing a restricted ownership unit with a seller repayment option requiring ninety-five (95%) percent of the price differential to be paid to the municipality or an instrument of the municipality at the first non-exempt sale following the expiration of the deed restriction.

The definitions in the Uniform Housing Affordability Controls (UHAC) at N.J.A.C 5:80-26.2 shall be applicable where a term is not defined. In the event of a discrepancy between a definition in this section and UHAC, the current UHAC definition shall be applicable.

**22-131.5. Municipality-wide Mandatory Set-Aside.**

- a. A development, other than single-family family detached, providing a minimum of five new housing units created through any municipal rezoning or Zoning Board action, use or density variance, redevelopment plan, or rehabilitation plan that provides for densities at or above six units per acre, is required to include an affordable housing set-aside of 20 percent.
- b. Any affordable units generated through such mandatory set-aside shall be subject to all other provisions of this ordinance.
- c. All such affordable units shall be governed by this ordinance the controls on affordability, including bedroom distribution, and affirmatively marketed to the

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housing region in conformance with UHAC at N.J.A.C. 5:80-26.1 et seq., any successor regulation, and all other applicable laws.

- d. No subdivision shall be permitted or approved for the purpose of avoiding compliance with this requirement. Developers cannot, for example, subdivide a project into two lots and then make each of them a number of units just below the threshold.
- e. The mandatory set-aside requirements of this section do not give any developer the right to any rezoning, variance or other relief, or establish any obligation on the part of the municipality to grant such rezoning, variance or other relief.
- f. This municipality-wide mandatory set-aside requirement does not apply to any sites or specific zones otherwise identified in the HEFSP, for which density and set-aside requirements shall be governed by the specific standards as set forth therein.
- g. In the event that the inclusionary set-aside of 20 percent of the total number of residential units does not result in a full integer, the developer shall choose one of two options for addressing the fractional unit:

- 1. The developer may round the set-aside upward to construct a whole additional affordable unit; or
- 2. If the set-aside includes a fractional unit equal to 0.49 or less, the developer may round the set-aside downward and construct the lesser whole number of affordable units and shall also contribute the fractional subsidy payment ("fractional subsidy payment") to be made to the municipality and deposited in the municipal Affordable Housing Trust Fund. The fractional subsidy payment amount shall be calculated as the fractional unit multiplied by the base subsidy payment amount currently established by the municipality as the average subsidy reflected in financial pro formas for 100 percent affordable housing or subsidized developments in the municipality or region on file with the municipality. For example, if seven total units are developed at an inclusionary site, a 20 percent set-aside would require 1.4 affordable units. Per the requirements above:

The developer shall round up the 0.4 unit to one whole affordable unit so as to construct a total of two (2) affordable housing units; or The developer shall round the set-aside downward so as to construct only one affordable unit AND shall pay into the municipal affordable housing trust fund a fractional subsidy payment equal to the dollar amount established by the municipality multiplied by 0.4.

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**22-131.6. New construction**

The required income and bedroom distributions of affordable housing units, as well as additional applicable standards, shall be as set forth in UHAC, N.J.A.C. 5:80-26.1 et seq., as amended and supplemented.

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- a. Low/moderate split and bedroom distribution of affordable housing units:
1. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.
  2. At least thirteen (13%) percent of all restricted units within each bedroom distribution shall be very low-income units (affordable to a household earning thirty (30%) percent or less of regional median income). The very low-income units shall be counted as part of the required number of low income units within the development.
  3. At least twenty five (25%) percent of the obligation shall be met through rental units, including at least half in rental units available to families.
  4. A maximum of thirty (30%) percent of the Borough's obligation may be met with age restricted units. At least half of all affordable units in the Borough's Plan shall be available to families.
  5. Unless otherwise approved pursuant to 8, below, affordable developments that are not age-restricted or supportive housing shall be structured in conjunction with realistic market demands such that:
    - (a) At a minimum, the number of bedrooms within the restricted units equals twice the number of restricted units;
    - (b) Two-bedroom and/or three-bedroom units compose at least fifty (50%) percent of all restricted units;
    - (c) The combined number of efficiency and one-bedroom units, rounded up or down to the nearest whole number in either direction, shall be no greater than twenty (20%) percent of the total low- and moderate-income units;
    - (d) At least thirty (30%) percent of all low- and moderate-income units, rounded up or down to the nearest whole number in either direction, shall be two-bedroom units;
    - (e) At least twenty (20%) percent of all low- and moderate-income units, rounded up or down to the nearest whole number in either direction, shall be three-bedroom units; and,
    - (f) The remaining units may be allocated at the discretion of the developer in accordance with the Borough's housing element and fair share plan.
  6. Unless otherwise approved pursuant to 8, below, affordable developments that are age-restricted or supportive housing, except those supportive housing units whose sponsoring program determines the unit arrangement, shall be structured such that, at a minimum, the number of bedrooms within the restricted units shall equal the number of restricted units. This standard may be met by having

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a two (2)-bedroom unit for each efficiency unit. In affordable developments with 20 or more restricted units that are age-restricted or supportive housing, two-bedroom units must compose at least five (5%) percent of those restricted units.

7. Unless otherwise approved pursuant to 8, below, in each affordable development, the following income distribution requirements must be independently satisfied by the restricted units that are age-restricted, the restricted units that are supportive housing, and the restricted units that are neither age-restricted nor supportive housing, as well as by all of the restricted units in the development, considered in the aggregate:
    - (a) At least fifty (50%) percent of all restricted units are low-income or very-low-income units;
    - (b) At least fifty (50%) percent of all restricted efficiency or one-bedroom units, rounded up or down to the nearest whole number in either direction, are low-income units or very-low-income units;
    - (c) At least fifty (50%) percent of all restricted two-bedroom units, rounded up or down to the nearest whole number in either direction, are low-income units or very-low-income units;
    - (d) At least fifty (50%) percent of all restricted three-bedroom units are low-income units or very-low-income units;
    - (e) At least fifty (50%) percent of all restricted units with four or more bedrooms, rounded up or down to the nearest whole number in either direction, are low-income units or very-low-income units; and
    - (f) Any very-low-income units are distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count. For example, if half of the restricted units are two-bedroom units, then half of the very-low-income units should be two-bedroom units.
  8. The requirements at 5, 6, and 7 above must be satisfied by all restricted units in the Borough, considered in the aggregate. The individual requirements at 5, 6, and 7 above may be waived or altered for a specific affordable development with written approval from the Division if such waiver or alteration would not result in a material deviation from the municipal housing element and fair share plan. Any waiver or alteration that would result in a material deviation from the municipal housing element and fair share plan must receive written approval from a county-level housing judge.
- b. Accessibility requirements:
1. The first (1<sup>st</sup>) floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

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2. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least (1) one other dwelling unit shall have the following features:
  - (a) An adaptable toilet and bathing facility on the first (1<sup>st</sup>) floor; and,
  - (b) An adaptable kitchen on the first (1<sup>st</sup>) floor; and,
  - (c) An interior accessible route of travel on the (1<sup>st</sup>) first floor; and,
  - (d) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first (1<sup>st</sup>) floor; and,
  - (e) If not all of the foregoing requirements in 2.(a) through 2.(d) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs 2.(a) through 2.(d) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and,
  - (f) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the Borough has collected funds from the developer sufficient to make ten (10%) percent of the adaptable entrances in the development accessible:
    - (1) Where a unit has been constructed with an adaptable entrance, upon the request of a person with disabilities who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
    - (2) To this end, the builder of restricted units shall deposit funds within the Borough affordable housing trust fund sufficient to install accessible entrances in ten (10%) percent of the affordable units that have been constructed with adaptable entrances.
    - (3) The funds deposited under paragraph (f)(2) above shall be used by the Borough for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
    - (4) The developer of the restricted units shall submit a design plan and cost estimate to the Borough Construction Official for the conversion of adaptable to accessible entrances.
    - (5) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is

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reasonable, payment shall be made to the Borough's affordable housing trust fund in care of the Borough's Chief Financial Officer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.

- (6) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7.

c. Maximum rents and sales prices:

1. In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC utilizing the most recently published regional weighted average of the uncapped Section 8 income limits published by HUD.
2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than sixty (60%) percent of regional median income; however, municipalities may permit a maximum rent affordable to households earning no more than seventy (70%) percent of regional median income for moderate-income units within affordable developments where very-low-income units compose at least thirteen (13%) percent of the restricted units. In such developments, the number of units with rent affordable to households earning seventy (70%) percent of regional median income may not exceed the number of very-low-income units in excess of thirteen (13%) percent of the restricted units. The average rent for restricted rental units shall be affordable to households earning no more than fifty two (52%) percent of regional median income.
3. The developers and/or municipal sponsors of restricted rental units shall establish at least one (1) rent for each bedroom type for very-low-income, low-income, and moderate-income units, provided that at least thirteen (13%) percent of all restricted rental units shall be affordable to very low-income households, (earning thirty (30%) percent or less of the regional median household income), with at least half of such units made available for very-low-income families with children. Such very low-income units shall be counted toward the minimum fifty (50%) percent low-income housing requirement to address the Borough's prospective need obligation. Nothing in this subsection precludes the Borough from requiring affordable developments to have at least thirteen (13%) percent of restricted units be affordable to and reserved for very-low-income households.
4. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than seventy (70%) percent of regional median income, and each affordable development must achieve an affordability average of fifty five (55%) percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be

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available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two (2) different sales prices for each bedroom type.

5. In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:
  - (a) A studio or efficiency unit shall be affordable to a one (1)-person household;
  - (b) A one (1)-bedroom unit shall be affordable to a one and one-half (1 ½)-person household;
  - (c) A two (2)-bedroom unit shall be affordable to a three (3)-person household;
  - (d) A three-(3) bedroom unit shall be affordable to a four and one-half (4 ½)-person household; and
  - (e) A four (4)-bedroom unit shall be affordable to a six (6)-person household.
6. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:
  - (a) A studio or efficiency unit shall be affordable to a one (1)-person household;
  - (b) A one (1)-bedroom unit shall be affordable to a one and one-half (1 ½)-person household; and,
  - (c) A two (2)-bedroom unit shall be affordable to a two (2)-person household or to two (2) one (1)-person households.
7. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to ninety-five (95%) percent of the purchase price and the FreddieMac 30-Year Fixed Rate-Mortgage rate of interest), taxes, homeowner and private mortgage insurance and realistic condominium or homeowner association fees do not exceed thirty (30%) percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented.
8. The administrative agent shall set the initial rent for a restricted rental unit. The initial rent for a restricted rental unit shall be calculated so as not to exceed thirty (30%) percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented;

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provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented. For assisted living units, the combined cost of rent, food, and services may not exceed eighty (80%) percent of the eligible monthly income of the appropriate household size as determined pursuant to N.J.A.C. 5:80-26.4.

9. The maximum resale price for a restricted ownership unit, if the resale occurs prior to the one-year anniversary of the date on which title to the unit was first transferred to a certified household, is the initial purchase price. If the resale occurs on or after such anniversary date, the maximum resale price is the most recent non-exempt purchase price increased to reflect the cumulative annual percentage increases to the regional median income, effective as of the same date as the regional median income calculated pursuant to N.J.A.C. 5:80-26.3. At the anniversary date of the tenancy of the certified household occupying a restricted rental unit, following proper notice provided to the occupant household pursuant to N.J.S.A. 2A:18-61.1.f, the rent may be increased to an amount commensurate with the annual percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U), specifically U.S. Bureau of Labor Statistics Series CUUR0100SAH, titled "Housing in Northeast urban, all urban consumers, not seasonally adjusted." The maximum allowable rent increase for the year will be effective as of the same date as the regional median income limits determined pursuant to N.J.A.C. 5:80-26.3. This rent increase may not exceed five (5%) percent in any one year and notice thereof must be filed with the administrative agent. Rents for units constructed pursuant to low-income housing tax credit regulations shall be indexed pursuant to the regulations governing low-income housing tax credits.

**22-131.7. Utilities.**

- a. Affordable units shall utilize the same type of cooling and heating sources as market units within an inclusionary development.
- b. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program. For units constructed with State funding, an alternate utility allowance approved by DCA or the Agency must be used. For units that receive ENERGYSTAR certification, a utility allowance calculated according to an energy consumption model provided by an energy consultant with an active registration with the New Jersey Board of Public Utilities must be used, subject to approval by the administrative agent.

**22-131.8. Occupancy Standards.**

The occupancy standards set forth at N.J.A.C. 5:80-26.5 shall be applicable.

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- a. In referring certified households to specific restricted units, the administrative agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:
  1. Provide at least one (1) occupant for each bedroom, except for age-restricted units;
  2. Provide a bedroom for every two (2) adult occupants;
  3. With regard to occupants under the age of 18, accommodate the household's requested arrangement, except that such arrangement may not result in more than two occupants under the age of 18 occupying any bedroom; and
  4. Avoid placing a one-person household into a unit with more than one bedroom.

**22-131.9. Control periods for restricted ownership units and enforcement mechanisms.**

- a. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.6, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this chapter for a deed-restricted control period. The minimum duration of the control period is:
  - (1) Thirty years for any ownership unit created on or after December 20, 2024.
  - (2) Thirty years for any ownership unit receiving an extension of affordability controls on or after December 20, 2024, unless the original term of affordability exceeds 30 years, in which case, the minimum control period for the extension is the number of years, not less than 20 years, that in combination with the original term results in 60 years of affordability.
  - (3) Governed by the grant of substantive certification, judgment of compliance, grant agreement, or other contract for any prior round ownership unit, including all units governed by 95/5 restrictions, sold before December 20, 2024.
  - (4) Governed by the form of UHAC in effect as of December 20, 2024, for any unit sold between December 20, 2004 and December 20, 2024, that is not the subject of a grant of substantive certification, judgment of compliance, grant agreement, or other contract.
- b. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit or, if existing affordability controls are being extended, on the effective date of the extension. The date of commencement must be identified in the deed restriction.
- c. For each restricted ownership unit, at initial sale, the administrative agent shall determine a preliminary recapture amount equal to the price differential between the restricted price for the unit, based on the requirements at N.J.A.C. 5:80-26.7, and the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value.

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- d. The initial purchaser and each successive purchaser during the control period shall execute and deliver to the administrative agent a recapture note, secured by a recapture lien evidenced by a duly recorded mortgage on the unit, obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay a recapture amount at the time of the exit sale. The recapture note and lien must be determined upon exit sale and will be equal to the price differential minus the equity share amount, or another amount determined by an ordinance of the municipal governing body, which must be less than the price differential minus the equity share amount.
- e. The affordability controls set forth in this chapter and within N.J.A.C. 5:80-26.1 et seq shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- f. A restricted ownership unit shall be required to obtain a continuing certificate of occupancy or a certified statement from the municipal building inspector stating that the unit meets all code standards upon the first transfer of title following the expiration of the deed-restricted control period provided pursuant to N.J.A.C. 5:80-26.6, as may be amended and supplemented.

**22-131.10. Price restrictions for restricted ownership units, homeowner association fees and resale prices.**

- a. Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.7, as may be amended and supplemented, including:
  - 1. The initial purchase price for a restricted ownership unit shall be set by the administrative agent.
  - 2. The administrative agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
  - 3. The master deeds and declarations of covenants and restrictions of affordable developments shall provide no distinction between restricted units and market-rate units in the calculation of the condominium or homeowner association fees and special assessments to be paid by low- and moderate-income purchasers and those paid by market purchasers. Notwithstanding the foregoing sentence, condominium units subject to a municipal ordinance adopted before December 20, 2004, which ordinance provides for condominium or homeowner association fees and/or assessments different from those provided for in this subsection are governed by the ordinance.
  - 4. The owners of restricted ownership units may apply to the administrative agent to increase the maximum sales price for the unit to reflect eligible capital improvements completed since they purchased the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household, that is, the addition of a bedroom and/or bathroom.

**22-131.11. Buyer Income Eligibility.**

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- a. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.8, as may be amended and supplemented. Very-low-income ownership units are reserved for households with a household income less than or equal to thirty (30%) percent of regional median income. Low-income ownership units shall be reserved for households with a household income less than or equal to fifty (50%) percent of regional median income and moderate-income ownership units shall be reserved for households with a household income less than or equal to eighty (80%) percent of regional median income.
- b. Notwithstanding the foregoing, however, the administrative agent may, upon approval by the Mayor and Borough Council, permit moderate-income purchasers to buy low-income units in housing markets where, as determined by the Division, units are reserved for low-income purchasers, but there is an insufficient number of eligible low-income purchasers to permit prompt occupancy of the units. All such low-income units to be sold to moderate-income households shall retain the required pricing and pricing restrictions for low-income units. Similarly, the administrative agent may permit low-income purchasers to buy very-low-income units in housing markets where, as determined by the Division, units are reserved for very-low-income purchasers, but there is an insufficient number of very-low-income purchasers to permit prompt occupancy of the units. Again, all such very-low-income units to be sold to low-income households shall retain the required pricing and pricing restrictions for very-low-income units.
- c. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the administrative agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one (1) year.
- d. The administrative agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and realistic condominium or homeowner association fees, as applicable) does not exceed thirty-five (35%) percent of the household's eligible monthly income.

**22-131.12. Limitations on indebtedness secured by ownership unit; subordination.**

- a. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall submit to the administrative agent a notice of intent to incur such indebtedness (for example, a home equity loan or solar loan), in such form and with such documentary support as determined by the administrative agent, for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the administrative agent shall issue such determination prior to the owner incurring such indebtedness.

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- b. With the exception of original purchase money mortgages, during a control period, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed ninety five (95%) percent of the maximum allowable resale price of the unit, as such price is determined by the administrative agent in accordance with N.J.A.C. 5:80-26.7(c).

**22-131.13. Capital improvements to ownership units.**

- a. The owners of restricted ownership units may apply to the administrative agent to recalculate the maximum sales price for the unit to reflect eligible capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household, that is, the addition of a bedroom and/or bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.
- b. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, or flooring) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the administrative agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to ten (10)-year, straight-line depreciation, has been approved by the administrative agent. Unless otherwise approved by the administrative agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at resale.

**22-131.14. Control periods for restricted rental units.**

- a. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.12, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this chapter for a deed-restricted control period. The minimum duration of the control period is set forth below. LIHTC units are not governed by the provisions of this section, but rather by the provisions of the State's Qualified Allocation Plan, N.J.A.C. 5:80-33.1 through 33.40.
  - (1) Forty years for any rental unit created on or after December 20, 2024;
  - (2) Thirty years for any rental unit in a one-hundred (100%) percent affordable property that, on or after December 20, 2024, elects to extinguish its existing deed restriction to enter into a new deed restriction and commence refinancing and/or rehabilitation for the purpose of preservation;
  - (3) Thirty years for any other rental unit that, on or after December 20, 2024, extends its affordability controls for a new term of affordability, unless the original term of

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affordability exceeds 30 years, in which case, the minimum control period for the extension is the number of years, not less than 20, that in combination with the original term results in 60 years of affordability;

- (4) Governed by the grant of substantive certification, judgment of compliance, grant agreement, or other contract for any prior round rental unit that was issued its certificate of occupancy before December 20, 2024; and
  - (5) Governed by the form of UHAC in effect as of December 20, 2004, for any prior round rental unit that was issued its certificate of occupancy between December 20, 2004 and December 20, 2024, and that is not the subject of a grant of substantive certification, judgment of compliance, grant agreement, or other contract.
- b. The control period for the restricted rental unit(s) in a development commences on the first date that a unit is issued a certificate of occupancy following the execution of the deed restriction or, if affordability controls are being extended, on the effective date of the extension. The control period for the restricted rental unit(s) in a development continues until the end date identified in the deed restriction, or until the minimum duration has elapsed if a specific end date cannot be determined according to the terms of the deed restriction. After the end of the control period, each restricted rental unit in the development remains subject to the affordability controls of this subchapter until:
- (1) The occupant household vacates the unit, at which point affordability controls terminate; or
  - (2) The occupant household's household income is found to exceed eighty (80%) percent of the regional median income for the relevant household size, after which affordability controls terminate at the later of either the next scheduled lease renewal or in 60 days.
- c. Deeds of all real property that include restricted rental units created or extended pursuant to the existing rules shall contain deed restriction language that conforms with the requirements of this subchapter and is substantially in the form set forth at N.J.A.C. 5:80-26 Appendix E. The deed restriction must meet the following requirements:
- (1) Is to be read in accordance with the requirements of this subchapter, such that any term that directly conflicts with or circumvents the requirements of this subchapter, regardless of intention, is unenforceable, of no legal effect, and contrary to the public policy of the State;
  - (2) Is governed by the requirements of this subchapter regardless of the language ultimately utilized in the recorded deed restriction document;
  - (3) Is severable, such that invalidation of any provision due to inconsistency with these regulations will not terminate the deed restriction, but, rather, will result in the deed restriction being read to include the provision of these regulations with which the original language was inconsistent;
  - (4) Has priority over all mortgages on the property; and

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- (5) Must be filed with the records office of the county in which the unit is located by the developer or owner of the restricted rental units, who then must, no later than 30 days after the commencement of the control period, provide to the administrative agent:
- (i) A copy of the filed deed restriction; and
  - (ii) Certification by the preparer of the deed restriction that the deed restriction conforms with all requirements of this subchapter, and that the deed restriction language at N.J.A.C. 5:80-26 Appendix E, has been included therein.
- d. Failure to record a deed restriction does not, under any circumstances, excuse a property from the requirements of this subchapter. If a development is sold by a developer prior to recording the deed restriction, the buyer is not excused from adhering to the requirements of this subchapter and any recourse shall be to recover from the seller rather than seeking to extinguish any affordability controls of the development. Prior to the issuance of any building permit for the construction/rehabilitation of restricted rental units, the developer/owner and the Borough shall record a preliminary instrument in the form set forth at N.J.A.C. 5:80-26 Appendix P-2, incorporated herein by reference that specifies, at a minimum, the total number of rental units to be constructed/rehabilitated, the number of restricted rental units to be constructed/rehabilitated, the anticipated numbers of restricted rental units that will be very-low-income, low-income, and moderate-income, the address(es) and parcel(s) of the property, and the anticipated timeline for completion, including projected phasing. The preliminary instrument must provide that it will be replaced by the recording of a full deed restriction prior to the issuance of the certificate of occupancy, at which point the preliminary instrument will be extinguished. The full deed restriction must be recorded prior to receiving a certificate of occupancy.
- e. A restricted rental unit shall remain subject to the affordability controls of this chapter and N.J.A.C. 5:80-26.1 et seq. despite the occurrence of any of the following events:
- 1. Sublease or assignment of the lease of the unit;
  - 2. Sale or other voluntary transfer of the ownership of the unit; or
  - 3. The entry and enforcement of any judgment of foreclosure or grant of a deed in lieu of foreclosure on the property containing the unit; or
  - 4. The end of the control period, until the occupant household vacates the unit or is found to be income-ineligible (found to exceed eighty (80%) percent of the regional median income for the relevant household size, after which affordability controls terminate at the later of either the next scheduled lease renewal or in 60 days).

**22-131.15. Rent restrictions for rental units; leases.**

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- a. A written lease shall be required for all restricted rental units (except for units in assisted living residences), and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. Final lease agreements are the responsibility of the landlord and the prospective tenant and all lease provisions must comply with applicable law. The landlord shall provide the administrative agent with sufficient information for preparation of a unit inventory form for entry into the centralized affordable housing unit inventory system. A copy each lease entered into with a certified household shall be provided to the administrative agent within 10 business days after the execution of each lease.
- b. No additional fees, operating costs, or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the administrative agent.
- c. Application fees (including the charge for any credit check) shall not exceed five (5%) percent of the monthly rent of the applicable restricted unit and shall be payable to the administrative agent to be applied to the costs of administering the controls applicable to the unit as set forth in this chapter and N.J.A.C. 5:80-26.1 et seq.

**22-131.16. Tenant income eligibility.**

- a. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.14, as may be amended and supplemented, and shall be determined as follows:
  1. Very low-income rental units shall be reserved for households with a household income less than or equal to thirty (30%) percent of regional median income.
  2. Low-income rental units shall be reserved for households with a household income less than or equal to fifty (50%) percent of regional median income.
  3. Moderate-income rental units shall be reserved for households with a household income less than or equal to eighty (80%) percent of regional median income.
- b. The administrative agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed thirty-five (35%) percent (forty (40%) percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented; provided, however, that this limit may be exceeded if one (1) or more of the following circumstances exists:
  1. The household currently pays more than thirty-five (35%) percent (forty (40%) percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
  2. The household has consistently paid more than thirty-five (35%) percent (forty (40%) percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;

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3. The household is currently in substandard or overcrowded living conditions;
  4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or,
  5. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the administrative agent and the owner of the unit.
- c. The applicant shall file documentation sufficient to establish the existence of the circumstances in b.1 through 5 above with the administrative agent, who shall counsel the household on budgeting.

**22-131.17. Municipal housing liaison.**

- a. The Borough shall adopt an ordinance creating the position of municipal housing liaison. Subject to the approval of the Division, the Borough shall appoint a municipal employee by resolution of the governing body or letter from the chief executive, and shall identify the municipal housing liaison by name and title on the municipal website. The Municipal housing liaison is responsible for the creation, preservation and administration of the affordable housing programs, affordable units, monitoring and reporting, and, where applicable, supervising any contracted administrative agent to ensure that they execute the practices, procedures, and standards set forth in this subchapter and within N.J.A.C. 5:80-26.1 et seq. The municipal housing liaison shall successfully complete the Division's Education Program as described at N.J.A.C. 5:99-9 within the timeframes specified by the Division before assuming the duties of municipal housing liaison.
- b. The municipal housing liaison shall be responsible for oversight and administration of the affordable housing program for the Borough, including the following responsibilities which may not be contracted out to the administrative agent:
  1. Serving as the Borough's primary point of contact for all inquiries from the State, affordable housing providers, administrative agents and interested households;
  2. Overseeing the monitoring of and reporting on the status of all proposed and completed affordable housing programs and affordable units in the Borough's Fair Share Plan and ensuring compliance with the requirements of the Amended Fair Housing Act;
  3. Overseeing and monitoring administrative agents within the Borough's jurisdiction to ensure compliance with the UHAC;
  4. Ensuring that an administrative agent is assigned to administer the sales, rentals, re-sales, and re-rentals of all deed-restricted affordable units in the Borough at all times. For units at the end of their deed-restricted control period, an administrative agent shall be available to administer the sale of all properties until such time of the first authorized non-exempt sale after controls on affordability have been in effect on the unit;

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5. Verifying, certifying, and providing monitoring and reporting information within the AHMS at such time and in such form as the Division requires. Access to AHMS shall be authorized only by the municipal housing liaison, or their designee, which shall be a municipal employee. Information regarding specific characteristics of municipal affordable housing projects or programs and the resulting unit completions may be entered into AHMS by a contracted entity other than the municipal housing liaison with the written approval of the Borough and pursuant to the oversight of the municipal housing liaison. Monitoring reports shall include the information described at N.J.A.C. 5:99-5.2 and N.J.A.C 5:99-5.3. Monitoring reports for each calendar year shall be in the form of a certification specifying that all information provided in the AHMS is complete, accurate, and current through the most recent calendar year and shall be accompanied by a year-end bank or other financial institution statement that will be used to reconcile municipal reporting. Municipal monitoring information certifications shall be submitted by the municipal housing liaison, or their designee, which shall be a municipal employee, through the AHMS, by February 15 of each year for trust fund activity through December 31 of the previous year;
  6. Listing, on the municipal website, contact information for the administrative agent for each completed project with an affordable component within the Borough;
  7. Overseeing the coordination of meetings with affordable housing providers, developers, municipal officials, and administrative agents, as needed; and
  8. Where applicable, providing to an administrative agent a copy of the adopted municipal operating manual(s), housing element and fair share plan, and ordinances relating to the creation and administration of the Borough's affordable housing programs and/or affordable units.
- c. The municipal housing liaison may also serve as the administrative agent pursuant to N.J.A.C. 5:99-7 for some or all of the affordable units in the Borough, subject to the submission of qualifications to the Division, successful completion of the Division's Education Program as described at N.J.A.C. 5:99-9, and approval by the Division. These duties of the municipal housing liaison shall be outlined in the municipal ordinance establishing the position of the municipal housing liaison. All applicable tasks not performed by the municipal housing liaison, shall be contracted to an administrative agent pursuant to N.J.A.C. 5:99-7.
- d. The Division shall monitor the performance of any approved municipal housing liaison and may revoke said approval, should the Division find that the municipal housing liaison has failed to administer the Borough's affordable housing programs and/or affordable units in accordance with the rules of the Division pursuant to N.J.A.C. 5:99-5.6.

**22-131.18. Administrative agent.**

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- a. The Borough shall designate or approve, for each affordable housing project or program within its fair share plan, an administrative agent to administer the affordable housing program and/or affordable units in accordance with the requirements of the Amended Fair Housing Act, the Program, this chapter, and the UHAC. The administrative agent may be the municipal housing liaison, the RCA administrator, other municipal employee, or a person or entity selected pursuant to the UHAC.. Administrative agents shall be approved through the municipal housing liaison (if the prospective administrative agent is an individual other than the current municipal housing liaison), and designation of administrative agents is also subject to approval by the Division.
- b. Qualified administrative agents shall have been certified as required pursuant to N.J.S.A. 52:27D-321, shall have evidence of satisfactory completion of the Division's Education Program as described at N.J.A.C. 5:99-9; and shall have submitted all other required information to the Division.
- c. The administrative agent shall perform the duties and responsibilities of an administrative agent as set forth at N.J.A.C. 5:99-7 and set forth in UHAC, and in accordance with the requirements of the Amended Fair Housing Act and the Dispute Resolution Program. The Division and the municipal housing liaison shall monitor the performance of all approved administrative agents for compliance with this chapter. In the event the administrative agent does not administer the Borough's affordable housing program and/or affordable units in accordance with the certificate of compliance, municipal ordinance, or the Division's rules, the Division may revoke its approval and/or require the Borough to retain a different administrative agent. The Division reserves the right to revoke approval of an administrative agent for other compelling circumstances.
- d. The primary responsibility of the administrative agent is to ensure that the restricted units under administration are sold or rented, as applicable, only to very-low, low-, and moderate-income households in accordance with the provisions of the UHAC. The administrative agent is also responsible for the following:
  1. Affirmative marketing:
    - a) Conducting an outreach process to affirmatively market affordable housing units in accordance with the Borough's affirmative marketing plan and the provisions of N.J.A.C. 5:80-26.16; and,
    - b) Designate an experienced staff person to provide counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
  2. Household certification:
    - a) Soliciting, scheduling, conducting and following up on applications and/or interviews with interested households;

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- b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income household;
  - c) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
  - d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
  - e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and,
  - f) Employing a random selection process as provided in the affirmative marketing plan of the Borough when referring households for certification to affordable units. It is noted that supportive housing units, including group homes, must also comply with the selection processes of their respective sponsoring programs, where applicable.
  - g) Notifying the following entities of the availability of affordable housing units in the Borough of North Plainfield: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Supportive Housing Association, and the New Jersey Housing Resource Center.
  - h) Subject to the approval of the municipal housing liaison, administrative agents may grant a waiver of the income qualification requirement for units where a buyer has not been identified for an extended period of time and where the administrative agent has developed a set of criteria to determine that a waiver is necessary due to a lack of qualified applicants. This waiver shall not change the deed restriction in any way on the unit and the next sale shall be conducted according to the applicable rules.
3. Affordability controls:
- a) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
  - b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded recapture mortgage and note, as appropriate;
  - c) Subject to prior written approval from the municipal housing liaison, ensuring that the removal of the deed restrictions and cancellation of the mortgages are effectuated and properly filed with the Somerset County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit as set forth in N.J.A.C. 5:80-26.1 et seq.;
  - d) Communicating with lenders regarding foreclosures; and

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- e) Ensuring the issuance of continuing certificates of occupancy or certifications from municipal building inspectors, pursuant to N.J.A.C. 5:80-26.11.
  - f) Exercising appropriate authority to discharge and release any or all instruments, as set forth in the UHAC appendices establishing affordability controls;
4. Resales and rentals:
- a) Instituting and maintaining an effective means of communicating information between owners of affordable units and the administrative agent regarding the availability of their restricted units for resale or rental; and,
  - b) Instituting, maintaining, and documenting an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or re-rental, inclusive of listings on the New Jersey Housing Resource Center pursuant to N.J.S.A. 52:27D-321.6;
  - c) Sending annual mailings to owners as prescribed for in the UHAC at N.J.A.C. 5:80-26.19;
5. Processing requests from unit owners:
- a) Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Chapter;
  - b) Reviewing and approving requests to increase the maximum sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems installed subsequent to the initial sale of the unit;
  - c) Notifying the Borough of an owner's intent to sell a restricted 95/5 unit, as defined in the UHAC at N.J.A.C. 5:80-26.2; and,
  - d) Making determinations on requests by owners of restricted units for hardship waivers.
6. Enforcement:
- a) Securing annually from the Borough a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
  - b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the administrative agent;

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- c) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.19(d)4;
  - d) Establishing a program for diverting unlawful rent payments to the Borough's affordable housing trust fund; and,
  - e) Creating and publishing a written operating manual as set forth at N.J.A.C. 5:99-7.2 in plain English and in such other languages as may be appropriate to serving the respective client base for each affordable housing program, to be approved by the municipal housing liaison. The operating manual, administered by the administrative agent and to be approved by the Mayor and Borough Council, shall set forth procedures for administering the affordability controls, including procedures for long-term control of restricted units; for enforcing the covenants set forth in the UHAC appendices, consistent with the provisions at N.J.A.C. 5:80-26.19; and for releasing restricted units promptly at the conclusion of applicable control periods. The operating manual shall have a separate and distinct chapter or section setting forth the process for identifying applicant households seeking certification to restricted units, for reviewing applicant household eligibility, and for certifying applicant households in accordance with the household certification and referral requirements set forth at N.J.A.C. 5:80-26.17.
7. Additional responsibilities:
- a) The administrative agent shall have the authority to take all actions necessary and appropriate, as permitted by law, to carry out its responsibilities as set forth in this chapter, N.J.A.C. 5:99-7, and N.J.A.C. 5:80-26.1 et seq.
  - b) The administrative agent shall prepare annual reports for submission to the municipal housing liaison and the Division by February 15 of each calendar year, including a detailed description of completed units and any other information necessary for the Borough to produce its status report as required pursuant to N.J.S.A. 52:27D-329.4.
  - c) The administrative agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

**22-131.19. Affirmative marketing requirements.**

- a. The Borough shall adopt by resolution an affirmative marketing plan, subject to review by the Division, that is compliant with N.J.A.C. 5:80-26.16, as may be amended and supplemented.
- b. The affirmative marketing process is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, English-speaking ability, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age (except for "housing for older

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- persons” as defined at N.J.S.A. 10:5.1 et seq. and age-restricted units as permitted by 42 U.S.C. § 3601 et seq.), number of children, source of lawful income, or any other characteristic described in the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 through 5.50, to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing process is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. In addition, the affirmative marketing plan shall maintain certain notification requirements. It is a continuing program that directs marketing activities toward Housing Region 3 and is required to be followed throughout the period of restriction.
- c. The affirmative marketing plan shall provide a regional preference for all households that live and/or work in Housing Region 3, comprised of Hunterdon, Middlesex and Somerset Counties.
  - d. The Borough has the ultimate responsibility for adopting the affirmative marketing plan and for the proper administration of the affirmative marketing program, including initial sales and rentals and resales and rerentals. The administrative agent designated by the Borough shall implement the affirmative marketing plan to assure the affirmative marketing of all affordable units, including accepting applications and maintaining a list of applicants for each affordable development. The administrative agent shall document and report the affirmative marketing plan for the Borough and the affirmative marketing activities undertaken for each of the units within their purview to the municipal housing liaison, who shall ensure that developers and administrative agents are marketing units in accordance with the provisions in this section. The marketing of restricted units must be consistent with the affirmative marketing plan adopted by the Borough. Unless stated otherwise, supportive housing units, including group homes, must comply with the affirmative marketing requirements of their respective sponsoring programs, where applicable.
  - e. In implementing the affirmative marketing plan, the administrative agent shall designate an experienced staff person to provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law. Implementation of the affirmative marketing plan by the administrative agent shall also include all other required provisions set forth at N.J.A.C. 5:80-26.16(f).
  - f. The affirmative marketing plan shall contain all the components (i.e. housing project information, eligibility/selection criteria, strategies and mediums of advertising, timelines) required as set forth within N.J.A.C. 5:80-26.16, subsections (d) and (e) in particular. In implementing the affirmative marketing plan, the administrative agent shall consider the use of language translations where appropriate.
  - g. The affirmative marketing process for available affordable units shall begin at least four (4) months (120 calendar days) prior to the expected date of occupancy and may begin before construction commences. All affirmative marketing advertising and outreach activities utilized must be employed at the start of the marketing program.

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- h. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and the municipal library in the Borough; and, the developer's office. The Borough shall post the application links and/or notices of affordable housing either directly on the home page of the Borough's official website or on a landing page directly, clearly, and conspicuously linked to from the home page of the Borough's official website. Pre-applications shall be emailed or mailed to prospective applicants upon request.
- i. In addition to other affirmative marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units in North Plainfield, and copies of the applications forms, to the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Supportive Housing Association; and, the New Jersey Housing Resource Center.
- j. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, which shall be a condition of approval for any such affordable housing application before the Borough's Planning/Zoning Boards.

**22-131.20. Enforcement of affordable housing regulations.**

- a. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant; the Borough, administrative agent, and the State shall have all remedies provided at law or equity, including but not limited to forfeiture, foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, divestment of rent proceeds from illegal rentals, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- b. It is the responsibility of the municipal housing liaison and the administrative agent(s) to ensure that affordable housing units are administered properly. All affordable units must be occupied within a reasonable amount of time and be re-leased within a reasonable amount of time upon the vacating of the unit by a tenant. If an administrative agent or municipal housing liaison becomes aware of or suspects that a developer, landlord, or property manager has not complied with these regulations, it shall report this activity to the Division. The Division must notify the developer, landlord, or property manager, in writing, of any violation of these regulations and provide a 30-day cure period. If, after the 30-day cure period, the developer, landlord, or property manager remains in violation of any terms of this subchapter, including by keeping a unit vacant, the developer, landlord, or property manager may be fined up to the amount required to construct a comparable affordable unit of the same size and the deed-restricted control period will be extended for the length of the time the unit was out of compliance, in addition to the remedies provided for in this section. For the purposes

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of this subsection, a reasonable amount of time shall presumptively be 60 days, unless a longer period of time is required due to demonstrable market conditions and/or failure of the municipal housing liaison or the administrative agent to refer a certified tenant.

**22-131.21. Appeals.**

Appeals from all decisions of an administrative agent appointed pursuant to this Chapter and N.J.A.C. 5:80-26.1 et seq. shall be filed in writing with the municipal housing liaison. A decision by the municipal housing liaison may be appealed to the Division. A written decision of the Division Director upholding, modifying, or reversing an administrative agent's decision is a final administrative action.

**22-132 DEVELOPMENT FEES.**

**22-132.1 Purpose.**

- a. In Holmdel Builder's Association v. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the then functioning Council on Affordable Housing's (COAH's) adoption of rules.
- b. Pursuant to P.L. 2008, c. 46, § 8 (N.J.S.A. 52:27D-329.2), COAH was authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that were under the jurisdiction of the Council or court of competent jurisdiction and had a COAH-approved spending plan were able to retain fees collected from nonresidential development.
- c. In Re: Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015), also known as the Mount Laurel IV decision, the Supreme Court remanded COAH's duties to the Superior Court. As a result, affordable housing development fee collections and expenditures from the municipal affordable housing trust funds to implement municipal Third Round Fair Share Plans through July 1, 2025 were under the Court's jurisdiction and were subject to approval by the Court.
- d. Pursuant to P.L.2024, c. 2, the authority relating to rulemaking on the collection of residential and non-residential development fees is appropriately delegated to the Department of Community Affairs, following the abolition of COAH, effective March 20, 2024. As such, municipalities which have obtained or are in the process of seeking compliance certification may retain and expend these development fees.
- e. This Part 2 establishes standards for the collection, maintenance, and expenditure of development fees pursuant to the regulations set forth in P.L.2024, c. 2, N.J.S.A. 52:27D-301 et seq., N.J.A.C. 5:99-1 et seq., and as previously established in accordance with P.L. 2008, c. 46, §§ 8 and 32 through 38. Fees collected pursuant to

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this article shall be used for the sole purpose of providing low- and moderate-income housing.

**22-132.2 Basic requirements.**

This §22-132 shall become effective at such time that the Dispute Resolution Program approves the Borough's development fee ordinance, as enforced by the Division of Local Planning Services, in accordance with P.L.2024, c. 2, N.J.S.A. 52:27D-301 et seq, and N.J.A.C. 5:99-1 et seq.

**22-132.3 Definitions.**

The following terms, as used in this article, shall have the following meanings:

**ACT**

The Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.), as amended through P.L. 2024, c.2.

**ADMINISTRATIVE AGENT**

The individual or entity designated by the Borough and approved by the Division to administer affordable units in accordance with this chapter, the regulations of the amended Fair Housing Act (P.L.1985, c. (N.J.S.A. 52:27D-301 et seq.)), as designated pursuant to N.J.A.C. 5:99-7, and the Uniform Housing Affordability Controls set forth at N.J.A.C. 5:80-26 et seq.

**AFFORDABLE**

A sales price or rent level that is within the means of a low- or moderate-income household as defined within N.J.S.A. 52:27D-301 et seq., and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.7, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.13, as may be amended and supplemented.

**AFFORDABLE HOUSING DEVELOPMENT**

A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a one-hundred-(100%) percent-affordable development.

**AFFORDABLE HOUSING PROGRAM(S)**

Any method of creating or preserving actual housing units available to low- and moderate-income households or creating a realistic opportunity for the construction of such units, and any mechanism in a municipal fair share plan prepared or implemented to address a municipality's fair share obligation.

**AFFORDABLE HOUSING MONITORING SYSTEM or AHMS**

The Department of Community Affairs (DCA) or Department's cloud-based software application, which shall be the central repository for municipalities to use for reporting detailed information regarding affordable housing developments, affordable housing unit

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completions, and the collection and expenditures of funds deposited into the municipal affordable housing trust fund.

**AFFORDABLE UNIT**

A housing unit proposed or created pursuant to the Fair Housing Act and approved for crediting by the court and/or funded through an affordable housing trust fund.

**BOROUGH**

The Borough of North Plainfield, in Somerset County, New Jersey.

**COAH or THE COUNCIL**

The New Jersey Council on Affordable Housing, as previously established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), prior to its abolition effective March 20, 2024 through P.L.2024, c.2.

**COMPLIANCE CERTIFICATION**

The certification issued to a municipality by a county-level housing judge pursuant to section 3 at P.L. 2024, c. 2, that protects the municipality from exclusionary zoning litigation during the current round of present and prospective need and through July 1 of the year the next affordable housing round begins, which is also known as a "judgment of compliance" resulting in an "order for repose." The term "compliance certification" includes a judgment of repose granted in an action filed pursuant to section 13 at P.L. 1985, c. 222 (N.J.S.A. 52:27D-313).

**CONSTRUCTION**

New construction and additions, but does not include alterations, reconstruction, renovations, conversion, relocation, or repairs, as those terms are defined in the State Uniform Construction Code promulgated pursuant to the State Uniform Construction Code Act, P.L. 1975, c. 217 (N.J.S.A. 52:27D-119 et seq.).

**DCA or DEPARTMENT**

The State of New Jersey, Department of Community Affairs.

**DEVELOPMENT FEES**

Funds paid by a developer for the improvement of residential and non-residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and 40:55D-8.1 through 40:55D-8.7 and N.J.A.C. 5:99-3..

**DEVELOPER**

Any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.

**DISPUTE RESOLUTION PROGRAM**

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The Affordable Housing Dispute Resolution Program, established pursuant to section 5 of P.L. 2024, c.2 (N.J.S.A. 52:27D-313.2). The Dispute Resolution Program is established within the Executive Branch of the State, for the purpose of resolving disputes associated with the Fair Housing Act with respect to municipalities seeking to obtain a certification of compliance of their adopted Housing Element & Fair Share Plan.

**DIVISION**

The Division of Local Planning Services within the Department of Community Affairs.

**EMERGENT OPPORTUNITY**

A circumstance that has arisen whereby affordable housing will be able to be produced through a delivery mechanism not originally contemplated by or included in a fair share plan that has been the subject of a compliance certification.

**EQUALIZED ASSESSED VALUE or EAV**

The assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with §§ 1, 5, and 6 of P.L. 1973, c. 123 (N.J.S.A. 54:1-35a through 54:1-35c). Estimates at the time of issuance of a building permit may be obtained by the Tax Assessor utilizing estimates for construction cost. Final equalized assessed value will be determined at project completion by the Municipal Tax Assessor.

**FAIR SHARE OBLIGATION**

The total of the present need and prospective need as determined by a court of competent jurisdiction.

**GREEN BUILDING STRATEGIES**

Those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

**HOUSING PROJECT**

A project, or distinct portion of a project, which is designed and intended to provide decent, safe, and sanitary dwellings, apartments, or other living accommodations for persons of low- and moderate-income; such work or undertaking may include buildings, land, equipment, facilities, and other real or personal property for necessary, convenient, or desirable appurtenances, streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, educational, welfare, or other purposes. The term "housing project" may also be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration, and repair of the improvements, and all other work in connection therewith.

**MIXED USE DEVELOPMENT**

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Any development that includes both a non-residential development component and a residential development component, and shall include developments for which: (1) there is a common developer for both the residential development component and the non-residential development component, provided that for purposes of this definition, multiple persons and entities may be considered a common developer if there is a contractual relationship among them obligating each entity to develop at least a portion of the residential or non-residential development, or both, or otherwise to contribute resources to the development; and (2) the residential and non-residential developments are located on the same lot or adjoining lots, including, but not limited to, lots separated by a street, a river, or another geographical feature.

**MUNICIPAL AFFORDABLE HOUSING TRUST FUND**

A separate, interest-bearing account held by a municipality for the deposit of development fees, payments in lieu of constructing affordable units on sites zoned for affordable housing, barrier-free escrow funds, recapture funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines, unexpended RCA funds remaining from a completed RCA project, application fees, and any other funds collected by the municipality in connection with its affordable housing programs, which shall be used to address municipal low- and moderate-income housing obligations within the time frames established by the Legislature and this chapter.

**NEW JERSEY AFFORDABLE HOUSING TRUST FUND**

An account established pursuant to N.J.S.A. 52:27D-320.

**NON-RESIDENTIAL DEVELOPMENT**

1. Any building or structure, or portion thereof, including, but not limited to, any appurtenant improvements, which is designated to a use group other than a residential use group according to the State Uniform Construction Code, N.J.A.C. 5:23, promulgated to effectuate the State Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., including any subsequent amendments or revisions thereto;
2. Hotels, motels, vacation timeshares, and child-care facilities; and
3. The entirety of all continuing care facilities within a continuing care retirement community which is subject to the Continuing Care Retirement Community Regulation and Financial Disclosure Act, N.J.S.A. 52:27D-330 et seq.

**NON-RESIDENTIAL DEVELOPMENT FEE**

The fee authorized to be imposed pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 40:55D-8.7.)

**PAYMENT IN LIEU OF CONSTRUCTING AFFORDABLE UNITS** — The payment of funds to the municipality by a developer when affordable units are not produced on a site zoned for an inclusionary development.

**REHABILITATION**

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The repair, renovation, alteration, or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

**RESIDENTIAL DEVELOPMENT FEE**

Money paid by a developer for the improvement of residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and N.J.A.C. 5:99-3.2.

**SPENDING PLAN**

A plan to predict funds that will be paid into a municipality's affordable housing trust fund and to allocate how those funds will be spent to advance the interest of low and moderate income households subject to limitations required by law.

The definitions in the Uniform Housing Affordability Controls (UHAC) at N.J.A.C 5:80-26.2 and N.J.A.C. 5:99 shall be applicable where a term is not defined. In the event of a discrepancy between a definition in this section and UHAC and N.J.A.C. 5:99, the current UHAC or N.J.A.C. 5:99 definition shall be applicable.

**22-132.4 Residential development fees.**

Development fees assessed on new construction shall be based on the equalized assessed value of land and improvements. Development fees assessed on additions and alterations shall be based only on the increase in equalized assessed value that results from the addition or alteration, the expansion, change to a more intense use, or replacement.

- a. Imposed fees.
  1. Within all zone districts, residential developers, except for developers of the types of development specifically exempted below at §22-131.25b , shall pay a fee of one and one-half (1.5%) percent of the equalized assessed value for residential development, provided no increased density is permitted.
  2. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers shall be required to pay a development fee of six (6%) percent of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two (2)-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two (2)-year period preceding the filing of the variance application.
- b. Eligible exactions, ineligible exactions and exemptions for residential development.
  1. Affordable housing developments, affordable housing developments where the affordable units are being provided elsewhere in the Borough, and developments where the developer has made a payment in lieu of on-site construction for all the units in the project shall be exempt from residential

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- development fees. All other forms of new construction shall be subject to development fees unless exempted below.
2. Developments that have received preliminary or final approval prior to the effective date of the Borough's amended development fee ordinance shall be subject to the law in effect at the time of such approval, unless the developer seeks a substantial change in the approval.
  3. All single-family residential additions, renovations and accessory structures shall be exempt; however, all new residential dwelling units shall be subject to a development fee.
  4. All multi-family additions, renovations and accessory structures not requiring site plan approval shall be exempt; however, all new residential dwelling units shall be subject to a development fee.
  5. Residential structures demolished and replaced as a result of a natural disaster (such as fire or flood) or catastrophe shall be exempted from the payment of a residential development fee, even if the new structure has an increased EAV as compared to the previous structure.
  6. Non-profit organizations that have received tax exempt status pursuant to the Internal Revenue Code, providing current evidence of that status is submitted to the municipal clerk, together with a certification that services of the organization are provided at reduced rates to those who establish an inability to pay existing charges, shall be exempted from paying a development fee; and
  7. Federal, State, county, and local governments shall be exempt from paying a development fee.

**22-132.5 Nonresidential development fees.**

The Borough shall impose, collect, retain, and expend fees collected from non-residential development in accordance with the Statewide Non-Residential Development Fee Act, N.J.S.A. 40:55D-8.1 through 40:55D-8.7 and this chapter.

- a. Imposed fees.
  1. Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half (2.5%) percent of the equalized assessed value of the land and improvements, for all new nonresidential construction on an unimproved lot or lots.
  2. Nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half (2.5%) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.

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3. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and one-half (2.5%) percent shall be calculated on the difference between the equalized assessed value of the preexisting land and improvement and the equalized assessed value of the newly improved structure, i.e., land and improvement at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero (0).
  4. Non-residential construction connected with the relocation of the facilities of a for-profit hospital shall be subject to the fee authorized to be imposed pursuant to this section to the extent of the increase in equalized assessed valuation.
  5. In the event of any conflict between this ordinance and the Statewide Non-Residential Development Fee Act (SNDFA), the SNDFA shall apply.
- b. Eligible exactions, ineligible exactions and exemptions for nonresidential development.
1. The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to the two and one-half (2.5%) percent development fee, subject to the provisions at N.J.S.A. 52:27D-329.1 et seq., unless otherwise exempted below.
  2. The two and one-half (2.5%) percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
  3. All non-residential construction of buildings or structures on property used by churches, synagogues, mosques, and other houses of worship, and property used for educational purposes, that are tax-exempt pursuant to N.J.S.A. 54:4-3.6, shall be exempt from the imposition of a non-residential development fee pursuant to this section, provided that the property continues to maintain its tax exempt status pursuant to that statute for a period of at least three years from the date of issuance of the certificate of occupancy.
  4. Parking lots and parking structures, regardless of whether the parking lot or parking structure is constructed in conjunction with a non-residential development, or whether the parking lot is developed as an independent non-residential development;
  5. Any non-residential development that is an amenity to be made available to the public, including, but not limited to, recreational facilities, community centers, and senior centers that are developed in conjunction with, or funded by, a non-residential developer;
  6. Non-residential construction resulting from a relocation of, or an on-site improvement to, a nonprofit hospital or a nursing home facility;

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7. Projects that are located within a specifically delineated urban transit hub, as defined pursuant to N.J.S.A. 34:1B-208;
8. Projects that are located within an eligible municipality, as defined pursuant to N.J.S.A. 34:1B-208, the Urban Transit Hub Tax Credit Act, when a majority of the project is located within a one-half mile radius of the midpoint of a platform area for a light rail system; and
9. Projects determined by the New Jersey Transit Corporation to be consistent with a transit village plan developed by a transit village designated by the New Jersey Department of Transportation.
10. A developer of a nonresidential development exempted from the nonresidential development fee pursuant to P.L. 2024, c. 2 and P.L. 2008, c. 46, as amended and supplemented, shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the nonresidential development fee, in that event, within three (3) years after that event or after the issuance of the final certificate of occupancy of the nonresidential development, whichever is later.
11. If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within forty five (45) calendar days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by the Borough as a lien against the real property of the owner.

**22-132.6 Collection of fees.**

- a. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the Construction Official responsible for the issuance of a building permit.
- b. For nonresidential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption," to be completed as per the instructions provided. The Developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- c. The Construction Official responsible for the issuance of a building permit shall notify the local Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.

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- d. Within ninety (90) calendar days of receipt of that notice, the Municipal Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- e. The Construction Official responsible for the issuance of a final certificate of occupancy notifies the local Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- f. Within ten (10) business days of a request for the scheduling of a final inspection, the Municipal Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- g. Should the Borough fail to determine or notify the developer of the amount of the development fee within ten (10) business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b of § 37 of P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.6), as amended and supplemented.
- h. The Borough shall collect one-hundred (100%) percent of the development fee for residential and non-residential development at or prior to the issuance of the certificate of occupancy. Fifty percent (50%) of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at, or prior to, the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the building permit and that determined at issuance of the certificate of occupancy. Developers shall be notified of the fee by the Borough, including when payment is required to be made, at the time of land use board approval or application for a construction permit.
- i. Appeal of development fees.
  - 1. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the Borough. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within ninety (90) calendar days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
  - 2. A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within forty-five (45) days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by Borough. The local code enforcement official shall thereafter issue the certificate of occupancy provided that the construction is otherwise eligible for a certificate of occupancy. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions

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of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within ninety (90) calendar days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

**22-132.7 Affordable Housing Trust Fund.**

- a. There is hereby created a separate, interest-bearing affordable housing trust fund to be maintained by the Chief Financial Officer for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls. The Borough shall provide written authorization, in the form of a three-party escrow agreement between the Borough, the bank or other financial institution, and the Division, to permit the Division to direct the disbursement of the funds, as provided for at N.J.A.C. 5:99-5.6, shall be maintained at all times. This authorization shall be submitted to the Division within 21 days from the opening of the trust fund account and/or within 21 days of any change in banks or other financial institutions in which trust funds are deposited. The Borough's affordable housing trust fund shall be used to address municipal low- and moderate-income housing obligations within the time frames established by the Act and N.J.A.C 5:99-1 et seq. All development fees paid by developers pursuant to this chapter shall be deposited into this fund. The Borough shall identify the funds on its monitoring report pursuant to N.J.A.C. 5:99-5 and include a plan for the use of the funds in its spending plan.
- b. The following additional funds shall be deposited in the affordable housing trust fund and shall at all times be identifiable by source and amount:
  1. Payments in lieu of on-site construction of affordable units;
  2. Developer-contributed funds to make ten (10%) percent of the adaptable entrances in a townhouse or other multistory attached development accessible (barrier-free escrow funds);
  3. Rental income from municipally operated units;
  4. Repayments from affordable housing program loans;
  5. Recapture funds;
  6. Proceeds from the sale of affordable units; and,
  7. Enforcement fines
  8. Unexpended RCA funds remaining from a completed RCA project
  9. Any other funds collected in connection with the Borough's affordable housing program.

**22-132.8 Use of funds.**

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- a. Funds deposited in the housing trust fund may be used for any eligible activity as set forth in the amended Fair Housing Act. (N.J.S.A. 52:27D-301 et seq.), N.J.A.C. 5:99-2, and for any housing activity as approved by Dispute Resolution Program pursuant to N.J.S.A. 52:27D-329.2.a(4) to address the municipal fair share, or by the Division pursuant to N.J.A.C. 5:99-4. Such activities include, but are not limited to:
1. A rehabilitation program whose purpose is to renovate deficient housing units that are occupied by low- and moderate-income households, in accordance with the New Jersey State Housing Code, N.J.A.C. 5:28, or the requirements of the Rehabilitation Subcode, N.J.A.C. 5:23-6, as applicable, and costs related to the rehabilitation of the unit. Any recaptured funds from a rehabilitation program shall be deposited into the Borough's affordable housing trust fund and subject to the provisions thereof;
  2. New construction of affordable housing units and related development costs; in the case of inclusionary developments, eligible costs shall be prorated based on the proportion of affordable housing units included in the development;
  3. Creation of a market to affordable program to pay down the cost of unrestricted units and offer them in sound condition, for sale or rent, at affordable prices to low- and moderate-income households to address all or a portion of the affordable housing obligation;
  4. Extensions or improvements of roads and infrastructure directly serving affordable housing development sites; in the case of inclusionary developments, costs shall be prorated based on the proportion of affordable housing units included in the development;
  5. RCAs, approved prior to July 17, 2008;
  6. Acquisition and/or improvement of land to be used for affordable housing;
  7. Accessory dwelling units;
  8. The extension of expiring controls;
  9. The construction of group homes and supportive and special needs housing;
  10. Maintenance and repair of affordable housing units;
  11. To defray the costs of structured parking; in the case of inclusionary developments, eligible costs shall be prorated based on the proportion of affordable housing units included in the development;
  12. Affordability assistance in accordance with N.J.A.C. 5:99-2.5;
  13. Repayment of municipal bonds issued to finance low- and moderate-income housing activity;

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14. Any other activity as specified in the approved spending plan or as approved by the Division as an emergent affordable housing opportunity; or
  15. Any other activity approved by the Division.
- b. Until a new spending plan is approved pursuant to the declaratory judgement action filed in accordance with the amended Fair Housing Act, the Borough shall be entitled to expend funds from the housing trust fund in accordance with the approved spending plan dated August 2020 in conjunction with the Borough's application for approval for Round 3 or in accordance with the Fair Housing Act as amended in March 2024. Thereafter, funds shall not be expended to reimburse the Borough for activities that occurred prior to the authorization of the Borough to collect development fees; on attorney fees or court costs to obtain a judgment of compliance or order of repose, including any associated administration costs; on any costs in connection with a challenge to a determination of the Borough's fair share obligation; on any costs in connection with a challenge to the Borough's obligation, housing element, or fair share plan.
- c. At least twenty (20%) percent of all development fees collected and interest earned shall be used to provide affordability assistance to very-low, low- and moderate-income households in affordable units included in the municipal Fair Share Plan pursuant to N.J.S.A. 52:27D-329.1 and in accordance with N.J.A.C. 5:99-2.5. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning thirty (30%) percent or less of median income by region.
1. Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners' association or condominium fees and special assessments, common maintenance expenses, and assistance with emergency repairs and rehabilitation to bring deed-restricted units up to code.
  2. Affordability assistance to households earning thirty (30%) percent or less of regional median income may include offering a subsidy to developers of inclusionary or one-hundred (100%) percent affordable housing developments or buying down the cost of low- or moderate-income units in the Municipal Fair Share Plan to make them affordable to households earning thirty (30%) percent or less of regional median income, including special needs and supportive housing opportunities. The use of development fees in this manner shall not entitle the Borough to bonus credits except as may otherwise be allowed by applicable precedent.
  3. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- d. The Borough may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability

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assistance or any program or activity for which the Borough expends development fee proceeds, in accordance with N.J.S.A. 52:27D-301 *et seq.* and N.J.A.C. 5:99-1 *et. seq.*

- e. No more than twenty (20%) percent of all revenues collected from development fees shall be expended on administration, in accordance with N.J.A.C. 5:99-2.4. Administrative expenses may include costs reasonably related to the determination of the fair share obligation and the development of a municipal housing element and fair share plan and may include fees necessary to develop or implement affordable housing programs, an affirmative marketing program, and/or expenses that are reasonably necessary for compliance with the processes of the Program, including, but not limited to, the costs to the Borough of resolving a challenge pursuant to the Program. Administrative expenses may also include costs associated with functions carried out in compliance with UHAC, including activities related to the marketing program and waitlist management, administering the placement of occupants in housing units, income qualification of households, monitoring the turnover of sale and rental units, preserving existing affordable housing, and compliance with the Division's monitoring requirements. The proportion of a municipal employee's salary related to the MHL or RCA administrator functions and fees for required educational programs, may be paid as an administrative expense from the municipal affordable housing trust fund.

**22-132.9 Monitoring.**

North Plainfield shall comply with the reporting requirements set forth in N.J.S.A. 52:27D-329.2, N.J.S.A. 52:27D-329.4. and as set forth at N.J.A.C. 5:99-5.

**~~22-132.10~~**

**NOW, THEREFORE, BE IT FURTHER ORDAINED** that this Ordinance shall take effect, after final passage, twenty (20) days following action or inaction by the Mayor as provided by law or an override of a mayoral veto by the Borough Council, whichever is applicable and publication in accordance with law, unless a resolution is adopted, pursuant to *N.J.S.A. 40:69A-181(b)*, declaring an emergency and providing that this Ordinance shall take effect at an earlier date.

INTRODUCED:

PASSED:

PUBLISHED:

ADOPTED:

ROLL CALL:

AYES:

NAYS:

ABSTAIN:

ABSENT:

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APPROVED BY THE MAYOR: Yes \_\_\_\_\_ No \_\_\_\_\_

The above is a true copy of the Ordinance adopted by the Borough of North Plainfield on \_\_\_\_\_, 2026

ATTEST:

BOROUGH OF NORTH PLAINFIELD

\_\_\_\_\_  
Michele Irby-Garry  
Acting Borough Clerk  
Borough of North Plainfield

\_\_\_\_\_  
Frank A. "Skip" Stabile, Jr., Council President

Date signed: \_\_\_\_\_, 2026

Date signed: \_\_\_\_\_, 2026

\_\_\_\_\_  
Lawrence LaRonde, Mayor

Date signed: \_\_\_\_\_, 2026

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**BOROUGH OF WATCHUNG  
RESOLUTION: R2**

**WHEREAS**, Mayor Ronald Jubin has recommended the appointment of the individual for the term as listed below.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Watchung, County of Somerset, State of New Jersey that the following appointments are hereby confirmed:

**HISTORICAL COMMITTEE**

Melanie Savulich, Alternate #1

**TERM**

Ending 3/4/2027

\_\_\_\_\_  
Curt. S. Dahl, Council President

\_\_\_\_\_  
Ronald Jubin, Ph.D., Mayor

ADOPTED: MARCH 5, 2026  
INDEX: APPOINTMENTS  
C: BOARDS,

**BOROUGH OF WATCHUNG  
RESOLUTION: R3**

**RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR THE  
NEW JERSEY DEPARTMENT OF TRANSPORTATION'S FY26 LOCAL AID  
INFRASTRUCTURE FUND PROGRAM**

**WHEREAS**, the New Jersey Department of Transportation has funds available for road projects through its FY26 Local Aid Infrastructure Fund Program; and

**WHEREAS**, this application would provide funding for improvements to the Phillips Field Bridge within the Borough of Watchung; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Borough Council of Watchung formally approves the grant application for the above-stated project.

**BE IT FURTHER RESOLVED**, that the Mayor and Borough Clerk are hereby authorized to submit an electronic grant application identified as "MA-2026-Johanna Lane, Anderson Road, and Rid-00293" to the New Jersey Department of Transportation on behalf of the Borough of Watchung.

**BE IT FURTHER RESOLVED**, that the Mayor and Borough Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Watchung, and that their signature constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

\_\_\_\_\_  
Curt S. Dahl, Council President

\_\_\_\_\_  
Ronald Jubin, Ph.D., Mayor

ADOPTED: MARCH 5, 2026  
INDEX: FINANCE-MISC  
C BRUNO ASSOC, CFO,  
ENG,

**BOROUGH OF WATCHUNG  
RESOLUTION: R4**

**WHEREAS**, funds have been remitted by the homeowner to redeem tax sale certificate #25-00025 held by Bala Partners, LLC on Block 4001 Lot 4 Q C0018, 18 Schmidt Circle, assessed in the name Joyce Marsh, and the Mayor and Council must approve the distribution of these funds.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor & Council of the Borough of Watchung, County of Somerset, State of New Jersey, that the Treasurer is authorized to remit payment to the lienholder as follows:

Bala Partners, LLC  
P.O. Box 303  
Pottersville, NJ 07979

Principal	\$366.55
Premium	\$1,100.00
Interest & Fees	\$62.33
Total:	\$1,528.88

\_\_\_\_\_  
Curt S. Dahl, Council President

\_\_\_\_\_  
Ronald Jubin, Ph.D., Mayor

ADOPTED: MARCH 5, 2026  
INDEX: FINANCE-MISC  
C CFO, TAX CLERK

**BOROUGH OF WATCHUNG  
RESOLUTION: R5**

**RESOLUTION ENDORSING THE AMENDED HOUSING ELEMENT  
AND FAIR SHARE PLAN ADOPTED BY THE BOROUGH OF  
WATCHUNG PLANNING BOARD IN CONNECTION WITH THE  
BOROUGH'S FOURTH ROUND AFFORDABLE HOUSING  
COMPLIANCE**

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law an Amendment to the Fair Housing Act (N.J.S.A. 52:27D-301 *et seq.*) (hereinafter “Amended FHA”); and

**WHEREAS**, the Borough of Watchung opted to participate in the Affordable Housing Dispute Resolution Program (the “Program”) pursuant to the Amended FHA by the filing of a Declaratory Complaint enclosing Resolution No. R2 adopted on January 30, 2025, establishing its fair share obligation of 35 units present need and 92 units prospective need for the 4<sup>th</sup> Round, subject to any vacant land and/or durational adjustments it may seek as part of the Housing Element and Fair Share Plan (“HE&FSP”), in accordance with the requirements of N.J.S.A. 52:27D-301, *et seq.*, and the timeframes set forth in Administrative Directive #14-24, bearing Docket No. SOM-L-183-25; and

**WHEREAS**, through participation in the Program, the Borough entered into a settlement on the objections to its Fourth-Round fair share obligations with a Present Need of thirty-five (35) units and a Prospective Need of one hundred eleven (111) units, which was accepted by the Court in an Order entered on April 8, 2025; and

**WHEREAS**, in June of 2025, the Watchung Borough Planning Board adopted a HE&FSP, which was endorsed by the Borough Council, which established the mechanisms for the Borough’s satisfaction of its 4<sup>th</sup> Round obligations; and

**WHEREAS**, through participation in the Program, the Borough entered into a settlement on the objections to its adopted HE&FSP, which settlement was accepted by the Court, which entered an order on February 3, 2026, which required the adoption of an amended HE&FSP by March 15, 2026; and

**WHEREAS**, at the conclusion of a duly noticed public hearing on February 17, 2026, the Borough of Watchung Planning Board (“Planning Board”) adopted an amended HE&FSP to the Borough of Watchung’s Master Plan, prepared by Mark Healey, AICP, PP, consistent with the terms of the Court’s February 3<sup>rd</sup> Order, which was memorialized by Resolution No. PB26-R5; and

**WHEREAS**, the Borough Council of the Borough of Watchung has reviewed the amended HE&FSP, and agrees with the Planning Board’s finding that it complies with N.J.S.A. 40:55D-28, and the amended FHA, in that it is designed to achieve the goal of providing the realistic development of affordable housing to meet the Borough’s present and prospective affordable housing needs for the Fourth Round; and

**WHEREAS**, the Borough Council further agrees with the Planning Board’s determination that the amended HE&FSP is consistent with the goals and objectives of the

**BOROUGH OF WATCHUNG  
RESOLUTION: R5**

Borough of Watchung’s Master Plan, and that the adoption and implementation of the HE&FSP is in the public interest and will protect public health and safety, and promote the general welfare of the Borough.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Watchung, County of Somerset, State of New Jersey, that the Borough Council hereby approves and endorses the HE&FSP as adopted by the Planning Board on February 17, 2026.

**BE IT FURTHER RESOLVED** that in accordance with the amended FHA and the Administrative Directive #14-24, the Borough Attorney and other appropriate Borough officials are hereby authorized to submit the adopted and endorsed amended HE&FSP with the Affordable Housing Alternative Dispute Program through the New Jersey Court system.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect pursuant to law.

  
\_\_\_\_\_  
Robert Gibbs, Council Member

  
\_\_\_\_\_  
Ronald Jubin, Ph.D., Mayor

ADOPTED: MARCH 5, 2026  
INDEX: PLANNING BD,  
C: BOARD CLERK,  
ATTORNEY,