Municipality of Princeton, NJ

Mayor and Council of Princeton

Meeting Agenda

400 Witherspoon St
Princeton, NJ 08540

Monday, February 23, 2026 **7:00 PM** **Main Council Chambers**

I. JOIN MEETING-PLEASE CLICK LINK BELOW:

https://us02web.zoom.us/j/87154221341
Webinar ID 871 5422 1341

II. STATEMENT CONCERNING NOTICE OF MEETING

Notice of this meeting was provided in accordance with the requirements of the Open Public Meetings Act and State regulations governing public meetings, including the time, date and location of the meeting and clear and concise instructions to the public for accessing the meeting and making comments. In addition, the agenda and all related materials were posted electronically and made available to the public on Princeton's meeting portal in advance of the meeting.

III. LAND ACKNOWLEDGEMENT

"We gather today on the land of the Lenni Lenape. As members of the Princeton community, we aspire to show appreciation, respect, and concern for all peoples and our environment. We honor the Lenape and other Indigenous caretakers of these lands and waters, the elders who lived here before, the Indigenous today, and the generations to come".

IV. ROLL CALL

V. PLEDGE OF ALLEGIANCE

VI. APPROVAL OF MINUTES

1. **0009** Mayor and Council of Princeton-Regular Meeting-October 8, 2025
2. **0010** Mayor and Council of Princeton-Closed Session-October 21, 2025

VII. ANNOUNCEMENTS/REPORTS

1. **0011** Princeton Police Department January 2026 Chief's Monthly Report

VIII. PRESENTATION

1. **0012** Presentation of the Kiosk Design Contest Winners
2. **0013** Palmer Square's Proposed 2026 Events Calendar for Council Approval

3. 0014 Presentation of a Proposed Open Space Project - Improvements at Princeton Ridge East (725 Herrontown Road) - for Submittal of a Green Acres Stewardship Grant Application by Inga Reich, Open Space Manager

4. 0015 Public Hearing on the Proposed Open Space Project - Improvements at Princeton Ridge East (725 Herrontown Road) - for a Green Acres Stewardship Grant Application

5. R-26-060 Resolution of the Mayor and Council of Princeton Approving the Submittal of a Grant Application to the New Jersey Department of Environmental Protection Green Acres for the Proposed Open Space Project - Improvements at Princeton Ridge East (725 Herrontown Road)

IX. WORK SESSION

1. 0016 Work Session Regarding Beautification Efforts in the Central Business District for the United States Semiquincentennial

X. ORDINANCE PUBLIC HEARING

*Anyone wishing to comment on or ask a question about an ordinance(s) listed below for public hearing and adoption can do so by either in person or Zoom. In person use the sign-up sheet on the podium. To make a spoken comment, either click on "Participants" and use the "raise hand" function, or- if attending by telephone- press *9. When it is your turn to speak the meeting host will unmute you and the Mayor will recognize you.*

1. ORD 26-01 An Ordinance of the Municipality of Princeton Amending Chapter B17A Entitled “Land Use and Zoning” of the Municipality of Princeton to Create the Affordable Housing District-10 (AH-10) in Furtherance of the Fair Housing Act-Roll Call

2. ORD 26-04 An Ordinance of the Municipality of Princeton Amending Chapter B17A Entitled “Land Use And Zoning” of the Municipality of Princeton to Create the Affordable Housing District-8 (AH-8) In Furtherance of the Fair Housing Act- Roll Call

3. ORD 26-05 An Ordinance of the Municipality of Princeton Amending Chapter B17A Entitled “Land Use And Zoning” of the Municipality of Princeton to Create the Affordable Housing Overlay District-9 (AHO-9) In Furtherance of the Fair Housing Act- Roll Call

4. ORD 26-06 An Ordinance of the Municipality of Princeton Amending Chapter B17A Entitled “Land Use And Zoning” of the Municipality Of Princeton to Create the Affordable Housing Overlay District-11 (AHO-11) In Furtherance of the Fair Housing Act- Roll Call

5. **ORD 26-07** An Ordinance of the Municipality of Princeton Amending Chapter B17A Entitled "Land Use And Zoning" of the Municipality Of Princeton to Create the Affordable Housing District-12 (AH-12) In Furtherance of the Fair Housing Act- Roll Call

6. **ORD 26-03** An Ordinance of the Municipality of Princeton Amending Chapter T10B Entitled "Land Use" of the Municipality of Princeton to Create the Affordable Housing District-15 (AH-15) in Furtherance of the Fair Housing Act- Roll Call

7. **ORD 26-08** An Ordinance of the Municipality of Princeton Amending Chapter B17A Entitled "Land Use And Zoning" of the Municipality Of Princeton to Create the Affordable Housing District-16 (AH-16) In Furtherance of the Fair Housing Act- (Introduction of Amendments-Public Hearing on Ordinance as Amended Carried to March 9, 2026)-Roll Call

8. **ORD 26-09** An Ordinance of the Municipality of Princeton Amending §T10B-272.146 "Affordable Housing Overlay-4 (AHO-4) Site Development Regulations" of the Code of Princeton, New Jersey, 2013- Roll Call

9. **ORD 26-10** An Ordinance of the Municipality of Princeton Amending "The Code of the Borough of Princeton, New Jersey 1974" to Add thereto a New Chapter Entitled "Filming" (Introduction of Amendments-Public Hearing on Ordinance as Amended Carried to March 9, 2026)-Roll Call

XI. ORDINANCE INTRODUCTION

1. **ORD 26-11** An Ordinance of the Municipality of Princeton Amending Chapter T10B Entitled "Land Use" of the Municipality of Princeton to Create the Affordable Housing District-13 (AH-13) in Furtherance of the Fair Housing Act (Public Hearing: March 9, 2026)- Roll Call

2. **ORD 26-12** An Ordinance of the Municipality of Princeton Amending Chapter B17A Entitled "Land Use and Zoning" of the Municipality of Princeton to Create the Affordable Housing District-17 (AH-17) in Furtherance of the Fair Housing Act (Public Hearing: March 9, 2026)- Roll Call

3. **ORD 26-13** An Ordinance of the Municipality of Princeton Amending Chapter T10B Entitled "Land Use" of the Municipality of Princeton to Create the Affordable Housing District-18 (AH-18) in Furtherance of the Fair Housing Act (Public Hearing: March 9, 2026)- Roll Call

4. ORD 26-14 An Ordinance of the Municipality of Princeton Amending Chapter B17A Entitled "Land Use and Zoning" of the Municipality of Princeton to Create the Affordable Housing Overlay District-19 (AHO-19) in Furtherance of the Fair Housing Act (Public Hearing: March 9, 2026)- Roll Call

5. ORD 26-15 An Ordinance of the Municipality of Princeton Amending Chapter T10B Entitled "Land Use" of the Municipality of Princeton to Address the Requirements of the Fair Housing Act and the Uniform Housing Affordability Controls ("UHAC") Regarding Compliance with the Municipality's Affordable Housing Obligations (Public Hearing: March 9, 2026)- Roll Call

XII. RESOLUTIONS

1. R-26-061 Resolution of the Mayor and Council of the Municipality of Princeton Formally Requesting Amendments to its Recreation and Open Space Inventory (ROSI) Pursuant To N.J.A.C. 7:36-25.3

2. R-26-062 Resolution of the Mayor and Council of Princeton Authorizing the Award of a Professional Services Agreement with McManimon, Scotland and Baumann, LLC for Bond Counsel and Redevelopment Counsel Services in 2026 for an Amount Not to Exceed $100,000.00

3. R-26-063 Resolution of the Mayor and Council of Princeton Authorizing Execution of an Interlocal Services Agreement with Montgomery Township, Franklin Township, South Brunswick Township, Manville Borough, Hopewell Township, Hopewell Borough and Rocky Hill Borough for the Development of a Watershed Improvement Plan for the Lower Millstone River Watershed Pursuant To N.J.S.A. 40a:65-1 Et seq.

4. R-26-064 Resolution of the Mayor and Council of Princeton Supporting the Statehouse Commission Pre-Application to the New Jersey Department of Environmental Protection for the After the Fact Disposal / Diversion of a 3.044+/- Acre Portion of Princeton Community Park South (Block 6902, Lot 2 on the Princeton Tax Map)

5. R-26-065 Resolution of the Mayor and Council of Princeton Authorizing Release of a Performance Guarantee in the Amount of $29,769.00 and Reduction in Inspection Fees to Princeton SC Residential Urban Renewal, LLC for the Preliminary and Final Major Site Plan & Minor Subdivision Plan Residential Development & Walgreens Pharmacy Relocation

6. **R-26-066** Resolution of the Mayor and Council of Princeton Authorizing an Increase of $18,038.62 to the Not to Exceed Amount for the Professional Services Agreement with Scarinci Hollenbeck, LLC for Special Environmental Legal Services in 2024 for a New Not to Exceed Amount of $283,038.62

7. **R-26-067** Resolution of the Mayor and Council of Princeton Authorizing an Increase of $105,817.03 to the Not to Exceed Amount for the Professional Services Agreement with Scarinci Hollenbeck, LLC for Special Environmental Legal Services in 2025 for a New Not to Exceed Amount of $205,817.03

8. **R-26-068** Resolution of the Mayor and Council of Princeton Renewing Lease Agreement between Princeton and Princeton Tennis Program in Connection with Community Park South Tennis Facility for Additional One-Year Term

XIII. CONSENT AGENDA

1. **R-26-069** Resolution of the Mayor and Council of Princeton Authorizing the Payment of Bills and Claims

2. **R-26-070** Resolution of the Mayor and Council of Princeton Authorizing 2026 1st Quarter Refunds of $21,408.05 Overpayments

XIV. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

We will now open the meeting for public comment for items not on the agenda. The Mayor and Council will take comments first from members of the public attending the meeting in person, then from members of the public attending the meeting via Zoom. Speakers will be limited to 3 minutes. The Governing Body will use this public comment period as an opportunity to listen to resident concerns, but not to debate issues or engage in a question-and-answer session. Issues raised by members of the public may require review and/or further investigation prior to responding. All comments will be considered and are always welcomed.

IN-PERSON:

Please use the sign-up sheet on the podium. After everyone who signed up has had the opportunity to speak, the Mayor will invite any additional comments from members of the public. Please line up at the podium if you plan to speak. Anyone wishing to make any comments, please state your name and the town you live in for the record.

ZOOM:

To make a comment or ask a question during the meeting via zoom, raise your hand using one of the following alternatives:

1. Windows or Mac platform: Click on "Participants" at the bottom of the screen, then click on "raise hand" (Windows shortcut: Alt+Y; Mac shortcut: Option+Y).

2. Android or iOS device: Click on "raise hand" in the bottom left corner of your screen.

3. Telephone: Press #9

XV. ADJOURNMENT

400 Witherspoon St
Princeton, NJ 08540

Municipality of Princeton, NJ

Staff Report

File #: 0009 **Agenda Date:** 2/23/2026 **Agenda #:** 1.

Mayor and Council of Princeton-Regular Meeting-October 8, 2025

Municipality of Princeton, NJ

400 Witherspoon St
Princeton, NJ 08540

Meeting Minutes - Draft

Wednesday, October 8, 2025

7:00 PM

https://us02web.zoom.us/j/88458589881
Webinar ID: 884 5858 9881

Main Council Chambers

Mayor and Council of Princeton

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"We gather today on the land of the Lenni Lenape. As members of the Princeton community, we aspire to show appreciation, respect, and concern for all peoples and our environment. We honor the Lenape and other Indigenous caretakers of these lands and waters, the elders who lived here before, the Indigenous today, and the generations to come"

Councilman Brian McDonald read the Land Acknowledgement.

IV. ROLL CALL

Also Present: Bernard Hvozdovic, Administrator; Jeff Grosser, Deputy Administrator/Health Officer; Deanna Stockton, Deputy Administrator/Municipal Engineer; and Lisa Maddox, Assistant Municipal Attorney

Present: Council Member Brian McDonald, Council Member Michelle Pirone Lambros, Council Member David Cohen, Council Member Mia Sacks, Council Member Leticia Fraga, Council Member Leighton Newlin, and Mayor Mark Freda

V. PLEDGE OF ALLEGIANCE

The audience participated in the Pledge of Allegiance.

VI. PROCLAMATION

1. A Proclamation Honoring Chief Christopher Tash of the Occasion of His Retirement

Councilwoman Leticia Fraga and Mayor Mark Freda shared in the reading of the proclamation in honor of Chief Christopher Tash's retirement. Mayor Freda also noted announced that a proclamation from Senator Zwicker's Office was also brought to the meeting.

VII. ANNOUNCEMENTS/REPORTS

Councilman Brian McDonald had no reports or announcements.

Councilwoman Michelle Pirone Lambros had no reports or announcements.

Councilman David Cohen had no reports or announcements.

Council President Mia Sacks had no reports or announcements.

Councilwoman Leticia Fraga had no reports or announcements.

Councilman Leighton Newlin had no reports or announcements.

Mayor Mark Freda had no reports or announcements.

There were no staff reports or announcements.

1. Best Practices Inventory Report by Sandra Webb, CFO

Bernard Hvozdovic, Administrator, presented the Best Practices Inventory and explained that the process has been in place for more than ten years. The State requires that the inventory be discussed at a Council meeting; however, formal Council action is not required. Mr. Hvozdovic noted that the Best Practices Inventory covers numerous areas, including the municipal budget, capital projects, emergency services, personnel, procurement. The inventory consists of 70 questions, although not all questions are scored. A total of 43.5 total points may be earned. If a municipality earns 31 points or fewer, it may risk losing a portion of state funding. Princeton earned 42 points based on its responses, with only two questions having a "No" response. After conferring with the CFO and Jeff Grosser, Deputy Administrator/Health Officer, it was determined that one of the two "No" responses revised to a "Yes", leaving only one "No" for contracts being posted on the municipal website.

VIII. WORK SESSION

1. Work Session on Princeton Municipal Transit Services by Telos Advisors

Councilwoman Michelle Pirone Lambros provided a brief introduction to the work session regarding municipal transit services. Telos Advisors presented an implementation plan for a proposed new bus route in response to the transportation needs identified in the Nelson/Nygard study. Telos developed a proposed route designed to serve multiple user groups, including residents of multi-family developments near the shopping center seeking access to Nassau Street and the Dinky, as well as employees, visitors, and other residents who use the Dinky for commuting purposes. The proposed route would also expand local mobility options for residents wishing to travel within the community without relying on a personal vehicle. This initiative represents an important step towards advancing Council's goals, as well as the municipality's broader objectives of fostering a more sustainable and less car- centric community.

Matt Thomas and George Piper of Telos Advisors presented a Power Point presentation reviewing the following topics: background information; the existing, local route; the proposed express route; a combined map of both local and express routes together; a

12-month pilot model; pilot funding options, and implementation considerations.

2. Short Term Rental Work Group- Ordinance Discussion Update by Jeff Grosser, Deputy Administrator/Health Officer

Jeff Grosser, Deputy Administrator/Health Officer, explained that the purpose of the work session was to review the progress of the Short-Term Rental Work Group, highlight key policy decisions requiring Council's input, and outline the proposed next steps for advancing the initiative. Mr. Grosser shared a presentation covering the following: background on short-term rentals; development of the draft ordinance draft, main components of the draft ordinance; projected revenue and costs; key considerations regarding the principal residence requirement (four options); and final thought, next steps, and implementation.

Councilwoman Michelle Pirone Lambros sought clarification on the owner-occupancy requirement.

Councilman David Cohen inquired about the collection of the occupancy tax and whether staff is prepared to begin collecting it.

Councilman Leighton Newlin emphasized the importance of regulating short-terms rentals. He commented that individuals operating an Air B&B in Princeton should demonstrate a commitment to the community by residing and noted that the matter should be addressed proactively.

Council President Mia Sacks confirmed that the maximum amount of tax revenue that can be collected is 3%. She expressed a preference for Option #2 (phase out period 12-24 months/end of current registration) of the principal residence requirement.

Councilwoman Pirone Lambros suggested adding the occupancy tax to the list of goals and stated that she was not yet prepared to indicate a preferred option.

Mayor Mark Freda reiterated the goals of neighborhood preservation and maintaing a strong housing stock. He expressed strong support for option #2, noting that it establishes a clear deadline.

Councilwoman Leticia Fraga stated that while she was initially considering Option #1 (requirement for STR owners), she now believes Option #2 is more appropriate.

Councilman David Cohen also indicated his preference for Option #2.

Mayor Mark Freda confirmed that the consensus of Council was to proceed with Option #2 for the residency requirement, with a phase out period with 12-24 months or the end of the current registration period.

IX. ORDINANCE PUBLIC HEARING

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1. An Ordinance by the Municipality of Princeton Regulating Parking and Amending Chapter 19 of the "Code of the Borough of Princeton, New Jersey, 1974"-Roll Call

Deanna Stockton, Deputy Administrator/Municipal Engineer, explained that the ordinance will prohibit parking on the end of Pelham Road where it intersects with Harrison Street.

Mayor Mark Freda opened the public hearing on the ordinance, and seeing no one in person or via "Zoom", closed the public hearing.

RESULT: ADOPTED
MOVER: David Cohen
SECONDER: Leticia Fraga

Aye: Council Member McDonald, Council Member Pirone Lambros, Council Member Cohen, Council Member Sacks, Council Member Fraga, and Council Member Newlin

X. RESOLUTIONS

1. Resolution of the Mayor and Council of Princeton Authorizing the Sale of Surplus Personal Property No Longer Needed for Public Use by Auction on GovDeals

RESULT: ADOPTED
MOVER: Leticia Fraga
SECONDER: Brian McDonald

Aye: Council Member McDonald, Council Member Pirone Lambros, Council Member Cohen, Council Member Sacks, Council Member Fraga, and Council Member Newlin

2. Resolution of the Mayor and Council of Princeton Authorizing an Increase of $4,200.00 to the Not to Exceed Amount for the Professional Services Agreement with Manns Woodward Studios, Inc. for Princeton Fire Department Headquarters Conceptual Designs for a New Not to Exceed Amount of $63,000.00

RESULT: ADOPTED
MOVER: Leighton Newlin
SECONDER: Michelle Pirone Lambros

Aye: Council Member McDonald, Council Member Pirone Lambros, Council Member Cohen, Council Member Sacks, Council Member Fraga, and Council Member Newlin

3. Resolution of the Mayor and Council of Princeton Authorizing an Increase of $20,000.00 to the Not to Exceed Amount for the Professional Services Agreement with Apruzzese, McDermott, Mastro and Murphy PC for 2025 Labor Counsel Legal Services for a New Not to Exceed Amount of $72,999.00

RESULT: ADOPTED
MOVER: Leticia Fraga
SECONDER: Leighton Newlin

Aye: Council Member McDonald, Council Member Pirone Lambros, Council Member Cohen, Council Member Sacks, Council Member Fraga, and Council Member Newlin

4. Resolution of the Mayor and Council of Princeton Authorizing the Award of a Professional Services Agreement to Scarinci Hollenbeck LLC for Environmental Legal and Litigation Services for an Amount Not to Exceed $100,000.00

RESULT: ADOPTED
MOVER: Leighton Newlin
SECONDER: Brian McDonald

Aye: Council Member McDonald, Council Member Pirone Lambros, Council Member Cohen, Council Member Sacks, Council Member Fraga, and Council Member Newlin

5. Resolution of the Mayor and Council of Princeton Approving a Chapter 159 Special Budget Item-"NJS DCA DLGS Water-Sewer Stormwater Improvements-Sewer Rehabilitation"-$810,000.00

RESULT: ADOPTED
MOVER: Leighton Newlin
SECONDER: Brian McDonald

Aye: Council Member McDonald, Council Member Pirone Lambros, Council Member Cohen, Council Member Sacks, Council Member Fraga, and Council Member Newlin

6. Resolution of the Mayor and Council of Princeton Authorizing the Release of a Performance Guarantee in the Amount of $1,926,770.28 to Terhune Development Urban Renewal LLC for the Harrison / Terhune Multifamily Housing Development, Block 7401, Lots 1.102 and 1.02, Zone Harrison/Terhune Redevelopment

RESULT: ADOPTED
MOVER: David Cohen
SECONDER: Michelle Pirone Lambros

Aye: Council Member McDonald, Council Member Pirone Lambros, Council Member Cohen, Council Member Sacks, Council Member Fraga, and Council Member Newlin

7. Resolution of the Mayor and Council of Princeton Authorizing Release of a

Performance Guarantee in the Amount of $65,856.00 to RPM Contracting, LLC for the 900 Herrontown Road Major Site Plan Development, Block 901 Lot 21, Zone S-2

RESULT: ADOPTED
MOVER: Leighton Newlin
SECONDER: Brian McDonald

Aye: Council Member McDonald, Council Member Pirone Lambros, Council Member Cohen, Council Member Sacks, Council Member Fraga, and Council Member Newlin

8. Resolution of the Mayor and Council of Princeton Authorizing the Award of a Contract with Cellco Partnership Doing Business as Verizon Wireless for the Lease of Public Property for a Wireless Telecommunications Facility at Princeton Public Library

RESULT: ADOPTED
MOVER: Brian McDonald
SECONDER: David Cohen

Aye: Council Member McDonald, Council Member Pirone Lambros, Council Member Cohen, Council Member Sacks, Council Member Fraga, and Council Member Newlin

XI. CONSENT AGENDA

1. Resolution of the Mayor and Council of Princeton Authorizing the Payment of Bills and Claims

RESULT: ADOPTED
MOVER: Leticia Fraga
SECONDER: Leighton Newlin

Aye: Council Member McDonald, Council Member Pirone Lambros, Council Member Cohen, Council Member Sacks, Council Member Fraga, and Council Member Newlin

2. Resolution of the Mayor and Council of Princeton Authorizing Refund of Property Tax $6,960.83 for the Year 2025 on Block 30.02 Lot 47 100% Exemption

RESULT: ADOPTED
MOVER: Leticia Fraga
SECONDER: Leighton Newlin

Aye: Council Member McDonald, Council Member Pirone Lambros, Council Member Cohen, Council Member Sacks, Council Member Fraga, and Council Member Newlin

3. Resolution of the Mayor and Council of Princeton Authorizing the Cancellation of Sewer Billing for the Year 2023, 2024 and 2025 on Block 34.01, Lot 17

RESULT: ADOPTED
MOVER: Leticia Fraga
SECONDER: Leighton Newlin

Aye: Council Member McDonald, Council Member Pirone Lambros, Council Member Cohen, Council Member Sacks, Council Member Fraga, and Council Member Newlin

4. Resolution of the Mayor and Council of Princeton Approving a Chapter 159- Special Budget Item-"National Opioid Settlement Proceeds"- $14,051.30

RESULT: ADOPTED
MOVER: Leticia Fraga
SECONDER: Leighton Newlin

Aye: Council Member McDonald, Council Member Pirone Lambros, Council Member Cohen, Council Member Sacks, Council Member Fraga, and Council Member Newlin

5. Resolution of the Mayor and Council of Princeton Approving the Placement of a Banner Over Washington Road By The Triangle Club, Monday, November 10, 2025 to Monday, November 17, 2025

RESULT: ADOPTED
MOVER: Leticia Fraga
SECONDER: Leighton Newlin

Aye: Council Member McDonald, Council Member Pirone Lambros, Council Member Cohen, Council Member Sacks, Council Member Fraga, and Council Member Newlin

6. Resolution of the Mayor and Council of Princeton Approving the Placement of a Banner Over Washington Road by the Princeton High School Cross Country & Track and Field Booster Club from Monday, March 16, 2026 to Monday, March 23, 2026

RESULT: ADOPTED
MOVER: Leticia Fraga
SECONDER: Leighton Newlin

Aye: Council Member McDonald, Council Member Pirone Lambros, Council Member Cohen, Council Member Sacks, Council Member Fraga, and Council Member Newlin

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3. Telephone: Press #9

Carina He, Walker Drive, spoke on behalf of the Vote 16 initiative, which seeks to enfranchise 16- and 17-year olds to vote in school board elections. Ms. He stated that Vote 16 provides students with a platform to have a direct voice in electing school board members who determine budgets and curricula that impact their daily lives.

Sonya Allee, Hawthorne Avenue, spoke about the benefits of allowing 16- and 17-year olds to participate in school board elections.

Alex De Quadras, Coventry Farm Lane, advocated for the Vote 16 Initiative and urged Council to introduce the measure as an ordinance to empower the next generation of voters and leaders.

James Huang, Danser Drive, thanked Council for allowing students to share their views on lowering the voting age and asked Council to consider the Vote 16 initiative.

Ash Neimann, Mount Lucas Road, discussed several questions she has heard in recent weeks regarding the Vote 16 movement.

Rhonda Abbott, expressed concerns regarding the handling of ADA matters and compliance within the municipal building.

Jessica Vieira, Stockton Street, commended efforts to address the outstanding transportation issues and shortcomings but expressed concerns that the proposed plan does not fully meet

the community's needs.

XIII. ADJOURNMENT

A motion to adjourn at 8:38 p.m. was made by Councilman David Cohen, seconded by Councilwoman Michelle Pirone Lambros, and carried unanimously by all members present.

Respectfully submitted,

Dawn M. Mount
Municipal Clerk

approved

RESULT: APPROVED

File #: 0010 **Agenda Date:** 2/23/2026 **Agenda #:** 2.

Mayor and Council of Princeton-Closed Session-October 21, 2025

Municipality of Princeton, NJ

400 Witherspoon St
Princeton, NJ 08540

Meeting Minutes - Draft

Tuesday, October 21, 2025

3:30 PM

Virtual Meeting

Mayor and Council Closed Session

I. STATEMENT CONCERNING NOTICE OF MEETING

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II. ROLL CALL

Also Present: Bernard Hvodovic, Administrator; Jeff Grosser, Deputy Administrator/Health Officer; Deanna Stockton, Deputy Administrator/Municipal Engineer; Trishka Cecil, Municipal Attorney; Kevin Van Hise, Assistant Municipal Attorney; John Scagnelli, Environmental Law Attorney, Scarinci Hollenbeck; and Michael Coskey, Greenbaum, Rowe, Smith & Davis

Present	David Cohen, Leticia Fraga, Brian McDonald, Leighton Newlin, Michelle Pirone Lambros, and Mia Sacks
Absent	Mark Freda

III. CLOSED SESSION

1. Resolution of the Mayor and Council of Princeton to Enter Closed Session (Open Public Meetings Act Sec.3)

RESULT:	ADOPTED
MOVER:	Brian McDonald
SECONDER:	Michelle Pirone Lambros
Aye:	Fraga, McDonald, Newlin, and Pirone Lambros
Absent:	Freda

-Confidential advice of counsel regarding pending litigation – I/M/O Municipality of Princeton (Docket No. MER-L-207-25)

Kevin Van Hise, Assistant Municipal Attorney, provided Council with a brief update on the status of the pending litigation titled *I/M/O Municipality of Princeton (Bocket No. MER-L-207-25).*

Mr. Van Hise left the meeting at 3:35 p.m.

-Municipality of Princeton, New Jersey v. ACE American Insurance Co.- U.S. District Court, District of New Jersey Coverage Action for Reimbursement of Costs for Remediation of Illegally Dumped Fill at 298 River Road Site

John Scagnelli, Environmental Law Attorney with Scarinci Hollenbeck, reviewed with Council the background and current status of the litigation between the Municipality and ACE American Insurance Company regarding reimbursement of costs associated with the remediation of illegally dumped fill at the landfill located at 298 River Road. Council asked

questions and discussed potential options for proceeding.

Mr. Scagnelli left the meeting at 4:00 p.m.

-Contract Negotiations Regarding the Former Westminster Choir College Campus Property

Council President Mia Sacks presented to Council background information regarding the former Westminster Choir College campus property. Ms. Sacks noted that several entities have expressed interest in potentially leasing space on the campus. Council discussed possible options for moving forward with the future use of the campus and sought legal guidance from Michael Coskey, of Greenbaum, Rowe, Smith & Davis, regarding next steps.

Mr. Coskey left the meeting at 4:15 p.m.

-Friends of Herrontown Woods Lease Agreement (Veblen House)

Council discussed the current status of the lease agreement with the Friends of Herrontown Woods. They also sought legal guidance from counsel regarding available options and how best to proceed.

IV. ADJOURNMENT

A motion to close the Closed Session portion to return to Open Session was made by Councilman David Cohen, seconded by Councilwoman Michelle Pirone Lambos, and carried unanimously by all members present. Then a motion to adjourn at 5:30 p.m. was made by Councilman David Cohen, seconded by Councilwoman Michelle Pirone Lambros, and carried unanimously by all members present.

Respectfully submitted,

Dawn M. Mount
Municipal Clerk

File #: 0011 **Agenda Date:** 2/23/2026 **Agenda #:** 1.

Princeton Police Department January 2026 Chief's Monthly Report

PRINCETON POLICE DEPARTMENT

CHIEF'S MONTHLY REPORT

JANUARY

2026

TABLE OF CONTENTS

COMMUNITY RELATIONS BUREAU	1-2
DETECTIVE BUREAU	3
ARRESTS	4
POLICE CALLS FOR SERVICE	5
OFFENSES	6
NON-CRIMINAL INCIDENTS	7
SUMMONSES	8
PARKING VIOLATIONS	9
ORDINANCE VIOLATIONS	10
PATROL OVERTIME	11
DETECTIVE OVERTIME	12
GENDER/ETHNICITY REPORT	13
SUMMONS VS. WARNING BY RACE	14
MOTOR VEHICLE ACCIDENT STATISTICS	15
USE OF FORCE	16

Community Relations Bureau Monthly Report (CRB)

January 2026

Activities to Note:

- Sgt. Navas installed three child safety seats for three Princeton residents.
- CRB addressed 100 snow removal complaints, and they conducted follow-ups on each complaint.
- CRB conducted 107 Community Policing events.
- CRB conducted 22 Foot Patrol assignments. CRB potentially prevented two retail shopliftings while on foot patrol.
- CRB conducted 11 Building Checks.
- CRB went twice to the Littlebrook School to serve pizza to their students.



- CRB went to Princeton High School to support their basketball game.



- CRB went to the Stuart School and went to an Art Class and painted with the children.



- CRB went to the Community Park School and sang with the children.



Princeton **P**olice **D**epartment

Detective **B**ureau

Monthly Report –January 2026

Cases Assigned This Month	Open Investigations	Cases Closed This Month
58	16	46

Juvenile Report

Juvenile Petition	Station House Adjustment	Curb Side Warnings
2	0	0

Background Investigations

Solicitor	Firearms	PFARS	Dispatch	Megan's Law Registrations	Ride Alongs
5	16	0	2	0	1

Comparison

- Jan. 2026: 58 cases assigned — Jan. 2025: 48 cases assigned
- YTD 2026: 58 cases assigned — YTD 2025: 48 cases assigned

Firearms

- January 2026: 13 — January 2025: 21
- Total YTD 2026: 13 — Total YTD 2025: 21
- Permit to Carry Jan. 2026: 3 — Permit to Carry Jan. 2025: 1
- Permit to Carry YTD 2026: 3 — Permit to Carry YTD 2025: 1

ARRESTS

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
2026	13												**13**
2025	12	11	10	11	14	11	20	11	15	24	14	13	**166**
2024	15	14	14	12	11	15	11	15	14	13	14	12	**160**
2023	11	11	16	16	13	15	17	17	8	8	9	9	**150**
2022	16	7	19	9	17	15	11	12	10	15	11	10	**152**
2021	5	9	4	4	4	6	8	11	11	11	17	10	**100**

POLICE CALLS FOR SERVICE

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
2026	3,957												**3,957**
2025	2,971	3,135	3,116	3,688	3,401	3,311	3,285	3,130	3,302	3,182	3,114	3,228	**38,863**
2024	3,410	3,153	3,355	3,986	4,310	3,785	3,413	3,385	3,349	3,438	2,945	2,777	**41,306**
2023	3,116	2,989	3,011	2,925	3,335	2,897	2,617	2,737	2,899	2,969	2,700	2,655	**34,850**
2022	2,696	2,709	3,029	3,069	3,197	3,186	2,710	2,612	2,999	3,399	2,914	2,768	**35,288**
2021	1,772	1,760	2,193	2,301	2,582	2,569	2,658	2,865	3,048	3,133	2,770	2,494	**30,145**

JANUARY OFFENSES

	January 2021	January 2022	January 2023	January 2024	January 2025	January 2026	YTD 2026
Assault/Aggravated	0	0	2	2	0	0	0
Assault/Simple	1	5	5	7	3	6	6
Burglary	5	3	3	0	2	0	0
Burglary to Vehicle	1	4	0	2	1	1	1
Criminal Mischief	2	8	7	7	6	6	6
CDS Possession – Marijuana	1	0	0	0	0	0	0
CDS Possession – Heroin	0	0	0	0	0	0	0
DUI	0	1	2	4	2	1	1
Robbery	0	0	0	1	0	0	0
Sexual Assault	0	0	0	0	0	0	0
Theft	13	16	12	17	7	9	9
TOTAL	23	37	31	40	21	23	23

JANUARY NON-CRIMINAL INCIDENTS

NON-CRIMINAL INCIDENTS	January 2021	January 2022	January 2023	January 2024	January 2025	January 2026	YTD 2026
Alarms Auto	0	1	1	0	0	0	0
Alarms Burglar	0	3	0	0	0	0	0
Alarms Commercial Burglar	17	30	37	16	19	19	19
Alarms Commercial Fire	11	34	15	17	25	21	21
Alarms Fire	1	5	6	2	0	2	2
Alarms Medical	10	12	4	9	20	19	19
Alarms Other	2	3	6	3	3	7	7
Alarms Panic	6	7	6	6	1	3	3
Alarms Residential Burglar	22	30	26	34	40	32	32
Alarms Residential Fire	12	8	11	12	13	17	17
Animal Complaints	24	19	13	20	10	11	11
Emotionally Disturbed Person	10	9	13	14	16	18	18
Fire (Other) Gas, Odor of Smoke	14	4	13	23	13	8	8
Fire Commercial	1	0	0	1	0	0	0
Fire Dwelling	2	1	1	1	0	2	2
Fire Vehicle	0	0	0	0	1	0	0
Firearms Applicant	13	15	8	11	18	18	18
Foot Patrol	40	70	67	16	40	68	68
Medical Call	129	154	164	174	185	194	194
Missing Person	1	2	1	5	1	1	1
Motor Vehicle Stop	24	290	638	759	473	729	729
MVC Involving Injury	6	1	8	6	8	9	9
MVC No Injury	33	48	39	42	53	53	53
MVC No Report	2	2	3	9	5	10	10
MVC With Bicycle	0	0	1	0	1	0	0
MVC With Deer	4	5	3	2	3	2	2
MVA With Pedestrian	3	0	1	1	3	0	0
Noise Complaint	12	14	15	17	16	10	10
School Crossing	81	142	277	23	32	11	11
School Detail	0	48	24	39	58	67	67
Urinating in Public	1	0	2	0	2	1	1
Non-Criminal – TOTAL	**481**	**957**	**1403**	**1262**	**1059**	**1332**	**1332**

JANUARY SUMMONSES

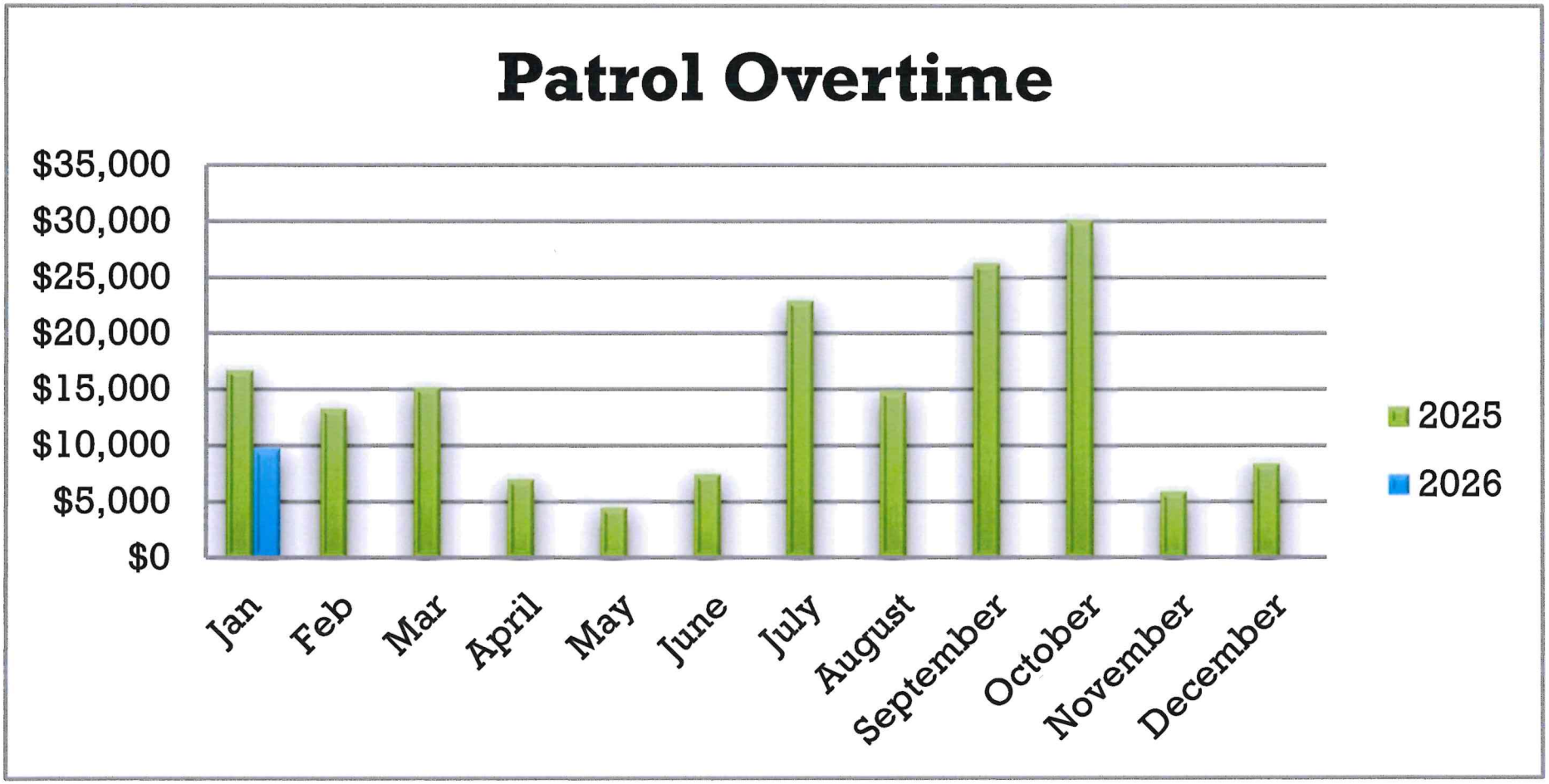
SUMMONS TYPE	January 2021	January 2022	January 2023	January 2024	January 2025	January 2026	YTD 2026
All Other (ordinances/moving)	14	38	70	143	96	106	106
Careless Driving	18	17	26	27	25	41	41
Cell Phone	0	0	4	9	2	1	1
Driving While Intoxicated	0	1	2	4	2	1	1
Driving While Suspended	0	3	10	14	4	15	15
Failure to Exhibit Documents	1	6	9	20	11	7	7
Failure to Inspect	0	1	15	22	6	10	10
Failure to Wear Seatbelt	0	3	1	1	1	1	1
Failure to Yield to Pedestrian in Crosswalk	2	3	2	3	2	2	2
Maintenance of Lamps	0	1	4	8	6	6	6
Speeding	7	33	101	95	36	66	66
Uninsured Motorist	1	1	5	4	8	4	4
Unlicensed Driver	0	4	11	8	2	11	11
Unregistered Vehicle	0	25	68	55	46	48	48
Total Summonses	**43**	**136**	**328**	**413**	**247**	**319**	**319**

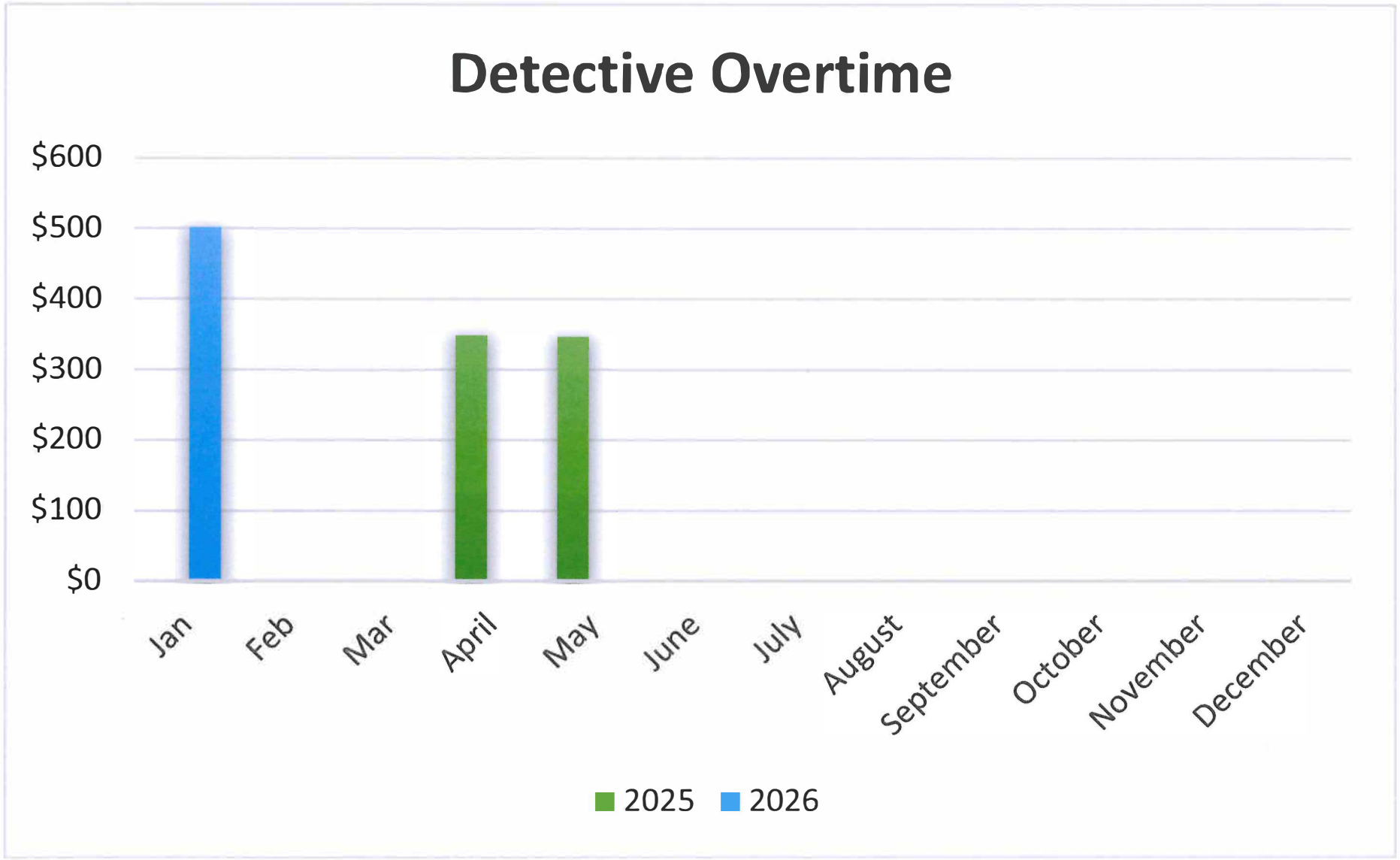
JANUARY PARKING VIOLATIONS

PARKING ORDINANCE	January 2021	January 2022	January 2023	January 2024	January 2025	January 2026	YTD 2026
Bus Zone	2	0	0	0	1	0	0
Loading Zone	24	56	43	38	53	109	109
Parking Within Designated Parking Stalls	5	6	8	9	34	34	34
No Parking Zones/Anytime	6	21	46	14	53	59	59
Park Between 2AM & 6AM 1hr Limit	0	0	0	196	117	94	94
Parking Limit 2 hrs Between 8AM & 6PM	0	8	38	13	32	41	41
Park Between 2AM & 6AM in Municipal Yard	0	0	0	0	0	0	0
Meters	858	1198	782	1097	1011	1153	1153
Meter Feeding	0	3	5	4	0	0	0
Parking in Handicap Space	0	0	0	2	3	1	1
All Others	16	21	77	88	50	80	80
Total - Parking Violations	**911**	**1313**	**999**	**1461**	**1354**	**1571**	**1571**

JANUARY ORDINANCE VIOLATIONS

ORDINANCE VIOLATION	January 2021	January 2022	January 2023	January 2024	January 2025	January 2026	YTD 2026
Bicycles/Skateboards Prohibited	0	0	0	0	0	0	0
Consumption of Alcohol in Park	0	0	0	0	0	0	0
Construction After Hours	0	0	0	0	0	0	0
Disorderly Conduct	0	0	0	0	0	0	0
Dog Without a Leash	0	0	0	0	0	0	0
False Alarm – 2nd Offense	2	0	0	0	1	0	0
False Alarm – 3rd Offense	0	0	0	0	0	0	0
False Alarm – 4th Offense	0	0	0	0	0	0	0
Failure to Register Alarm	1	0	1	0	2	0	0
Failure to Remove Snow	0	0	0	0	0	0	0
Idling Vehicle	0	1	0	0	0	0	0
In Park After Hours	1	0	0	0	0	0	0
Left Turn Prohibited	1	0	0	1	0	0	0
Littering	0	0	0	0	0	0	0
Noise Complaint	0	0	0	0	0	0	0
No U-turn	0	0	0	0	0	0	0
Open Container	0	0	0	0	1	0	0
Other	0	0	0	0	0	0	0
Overweight Vehicle	0	1	2	0	0	0	0
Urinating in Public	0	0	2	0	0	1	1
TOTAL	**5**	**2**	**5**	**1**	**4**	**1**	**1**


Patrol Overtime
$35,000
$30,000
$25,000
$20,000
$15,000
$10,000
$5,000
$0
Jan
Feb
Mar
April
May
June
July
August
September
October
November
December
2025
2026


Detective Overtime
$600
$500
$400
$300
$200
$100
$0
Jan
Feb
Mar
April
May
June
July
August
September
October
November
December
2025
2026

12

Princeton Police Department

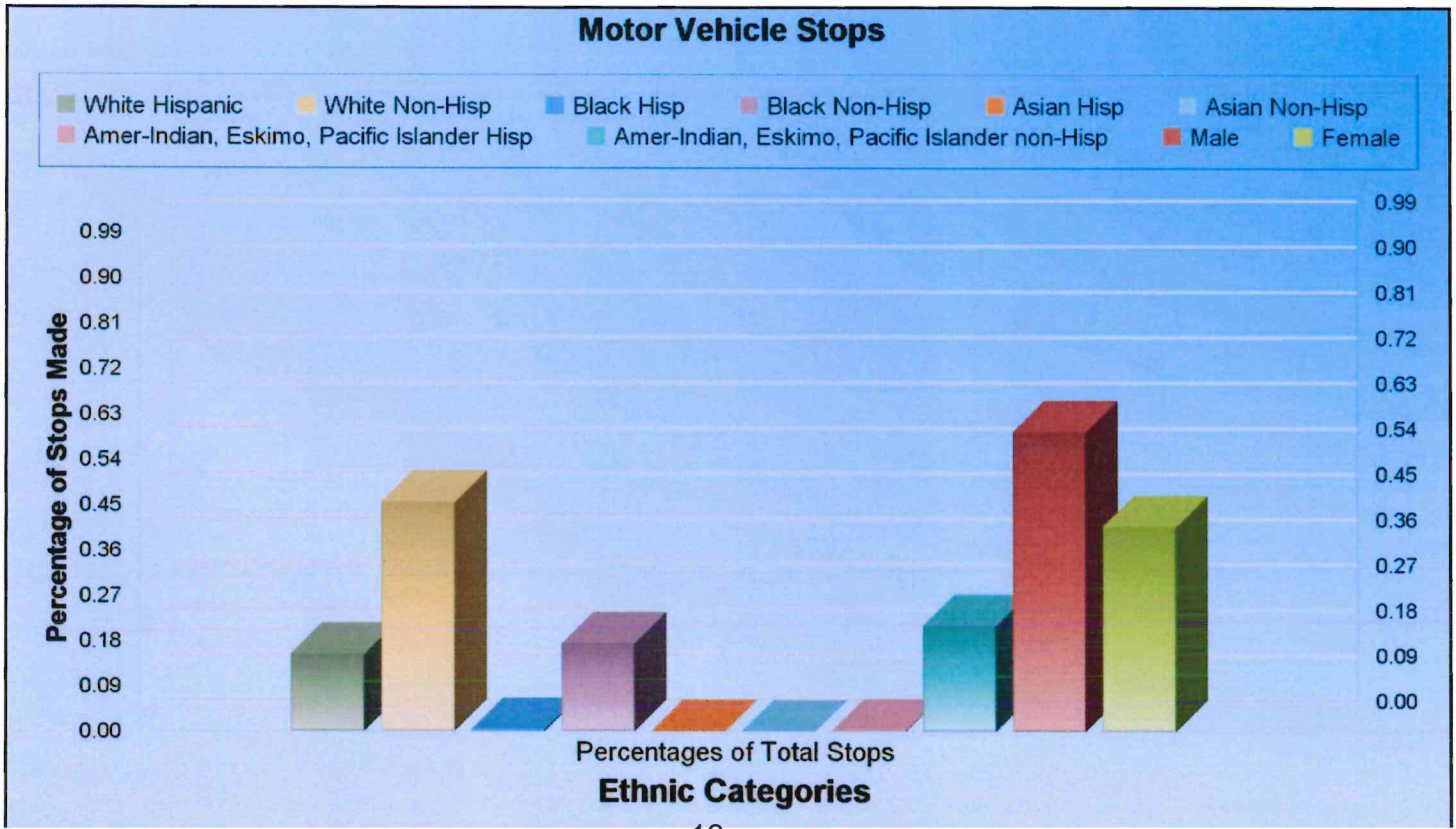
1 Valley Road, Princeton, NJ 08540
Phone: 609-921-2100 Fax: 609-924-8197 Mun. Code: 1110

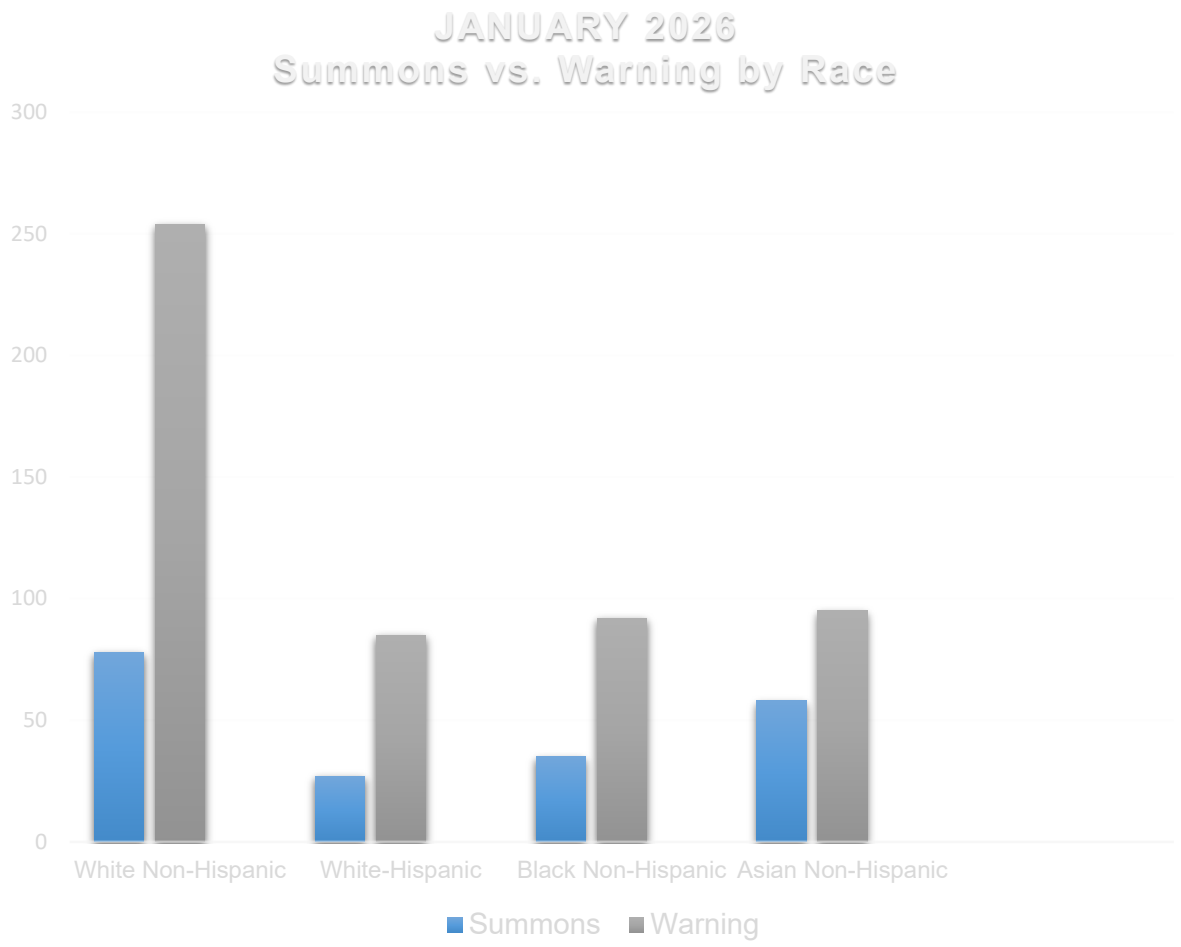
Gender & Ethnicity Report - MV Stops

Total MV Stops: 729

Gender / Ethnic breakdown shown in percentages of overall number of MV Stops

Race Code	Total #	Percentage
White Hisp.	112	15.36%
White Non Hisp.	332	45.54%
Black Hisp.	3	0.41%
Black Non-Hisp.	127	17.42%
Native Amer/Eskimo Hisp.	0	0.00%
Native Amer/Eskimo Non-Hisp	0	0.00%
Asian Hisp.	2	0.27%
Asian Non-Hisp.	153	20.99%
Male	433	59.40%
Female	296	40.60%





Native American or Eskimo – a person having origins in any of the original peoples of the Americas and maintaining cultural identification through tribal affiliations or community recognition.

Asian or Pacific Islander – a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands.

Black –a person having origins in any of the black racial groups of Africa

White – a person having origins in any of the original peoples of Europe, North Africa, or Middle East

PRINCETON POLICE DEPARTMENT
JANUARY YEAR-TO-DATE 2021-2026 MVC Report

	2021	2022	2023	2024	2025	2026
VEHICLES INVOLVED	66	83	81	87	110	108
INJURIES INVOLVED	6	2	8	6	8	11
CRASHES WITH INJURIES	6	1	7	6	9	9
PROPERTY DAMAGE ACCIDENT	6	8	11	2	8	6

DAYLIGHT/DARKNESS						
Daylight:	27	31	31	41	43	51
Darkness:	12	18	16	7	18	11
Unknown:	0	0	0	0	0	0
TOTAL:	**39**	**49**	**47**	**48**	**61**	**62**

NUMBER OF CRASHES BY DAY						
Unknown:	0	0	0	3	0	0
Monday:	6	5	3	3	9	6
Tuesday:	10	4	11	6	5	10
Wednesday:	5	11	7	18	8	10
Thursday:	3	6	12	7	10	7
Friday:	6	13	11	9	17	5
Saturday:	6	6	1	3	8	14
Sunday:	3	4	2	2	4	10
TOTAL:	**39**	**49**	**47**	**48**	**61**	**62**

TIMES OF DAY						
0001 - 0100:	0	0	1	0	0	1
0101 - 0200:	1	0	0	0	0	0
0201 - 0300:	0	0	0	0	0	0
0301 - 0400:	0	0	0	0	0	0
0401 - 0500:	0	0	0	0	0	0
0501 - 0600:	0	0	0	0	1	0
0601 - 0700:	0	2	3	1	1	2
0701 - 0800:	3	7	4	0	1	3
0801 - 0900:	1	1	7	3	6	6
0901 - 1000:	2	4	3	5	2	7
1001 - 1100:	4	1	0	6	2	1
1101 - 1200:	3	3	3	3	2	6
1201 - 1300:	1	2	1	3	8	5
1301 - 1400:	3	5	1	3	6	6
1401 - 1500:	5	0	4	4	6	3
1501 - 1600:	2	5	2	3	0	5
1601 - 1700:	3	4	5	8	7	2
1701 - 1800:	5	5	6	1	9	5
1801 - 1900:	1	3	1	4	5	1
1901 - 2000:	3	3	3	1	2	4
2001 - 2100:	1	1	1	1	2	3
2101 - 2200:	1	1	1	1	1	2
2201 - 2300:	0	1	0	1	0	0
2301 - 2400:	0	1	1	0	0	0
Unknown:	0	0	0	0	0	0
TOTAL:	**39**	**49**	**47**	**48**	**61**	**62**

	2021	2022	2023	2024	2025	2026
ROAD CONDITIONS						
Dry:	35	36	31	27	50	34
Wet:	1	3	16	13	3	1
Snow:	3	4	0	5	5	19
Ice:	0	6	0	3	3	6
Other:	0	0	0	0	0	2
TOTAL:	**39**	**49**	**47**	**48**	**61**	**62**
CRASHES INVOLVING DEER	**4**	**5**	**3**	**2**	**3**	**2**
SUMMONS ISSUED	**21**	**32**	**44**	**31**	**55**	**35**

CRASHES INVOLVING PEDESTRIANS						
Injury:	3	0	0	1	3	0
Non-Injury:	0	0	1	0	0	0
Fatal:	0	0	0	0	0	0
Other:	0	0	0	0	0	0

CRASHES INVOLVING BICYCLISTS						
Injury:	0	0	1	0	1	0
Non-Injury:	0	0	0	0	0	0
Fatal:	0	0	0	0	0	0
Other:	0	0	0	0	0	0

CRASHES INVOLVING MOTORCYCLES						
Injury:	0	0	0	0	0	0
Non-Injury:	0	0	0	0	0	0
Fatal:	0	0	0	0	0	0
Other:	0	0	0	0	0	0
FATAL CRASHES	**0**	**0**	**0**	**0**	**0**	**0**
PRIVATE PROPERTY LOCATIONS	**6**	**4**	**0**	**0**	**7**	**4**

WEATHER CONDITIONS						
Other:	0	0	0	1	0	0
Snow:	3	7	0	6	5	20
Rain:	1	1	10	7	1	1
Clear:	35	41	37	34	55	41
TOTAL:	**39**	**49**	**47**	**48**	**61**	**62**

USE OF FORCE
2026

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Total Number of Use of Force Incidents	0												**0**
Persons against whom force was used	0												**0**
Total Number Officer use of Physical Force	0												**0**
Total Number Officer use of Mechanical Force	0												**0**
Total Officer Show of Force	2												**2**
Total Officer use of Deadly Force	0												**0**

January	**26-03182 (SOF)**
February	
March	
April	
May	
June	
July	
August	
September	
October	
November	
December	

(These totals do not reflect the NJSP NIBRS criteria, totals are Princeton Police policy totals only.)

File #: 0012 **Agenda Date:** 2/23/2026 **Agenda #:** 1.

Presentation of the Kiosk Design Contest Winners

File #: 0013 **Agenda Date:** 2/23/2026 **Agenda #:** 2.

Palmer Square’s Proposed 2026 Events Calendar for Council Approval

PALMER SQUARE 2026 EVENTS CALENDAR

NOTE: THESE EVENTS ARE SUBJECT TO CHANGE.

On February 5th, 2026 Palmer Square Management, L.L.C. requests permission to use the park-like area known as The Green and the PSW, PSE, PSN, 1 PS right-of-way areas for a series of annual downtown events.

A Certificate of Insurance in the amount of $1,000,000 naming the Mayor and Council of Princeton as *Certificate Holder* and *Additional Insured* is on file in the Clerk's office through January 1, 2027.

The contact for each event held in Palmer Square is Elizabeth Egan, Director of Marketing, 609.751-3369 or eegan@palmersquare.com.

Palmer Square will work closely with Police and other officials re: Road Closures, Traffic Control and/or Health Permits. Noise permits and Public Assembly permits will be obtained by Palmer Square Management for their events when required. We will also work closely with the health department regarding gathering limitations and guidelines. Any changes or additions to this schedule will be communicated to Clerk's office.

SPRING [MAR 20-JUN 20]

- **Strolling Bunny**
  - *DATE(S):* *Every Saturday & Sunday [March 21, March 22, March 28, March 29, April 4]*
  - *TIME:* *1pm-3pm*
    - The Spring Bunny will stroll the Square during peak traffic hours to take photos with guests, hop into shops, and spread joy!

- **Princeton Porchfest- Arts Council of Princeton [Town-Wide Event]**
  - *DATE(S):* *Saturday, April 25*
  - *TIME:* *12pm-6pm [After-Party Time TBD]*
    - Porchfest is an annual family-friendly event featuring various musicians who play free shows on porches throughout the neighborhood. Palmer Square will host a porch for the after-party on the Green that includes music and food/beverage.

- **Storytime on the Green**
  - *DATE(S):* *Saturdays in May [5/2, 5/9, 5/16, 5/23, 5/30]*
  - *TIME:* *10am-10:30am*
    - Storytime is a half-hour event welcoming families and children to sing, dance, and read with Jeff Trainor. "Celebrity guest readers" include business owners, local officials, partners, etc. Patriotic books will be incorporated for the 250th celebration.

- **Square After Sunset**
  - *DATE(S):* *Thursdays in June [6/4, 6/11, 6/18, 6/25]*
  - *TIME:* *6pm-8pm*
    - This event will promote late-night business hours on Thursdays with shopping, entertainment, and the arts! Both restaurants and retailers will participate in offering discounts and specials for two hours in the spring. Community non-profits and local artists will also participate.

SUMMER [JUNE 21-SEPT 22]

- **Summer Music Series**
  - *DATE(S):*
    - *Saturdays in June (6/6, 6/13, 6/20, 6/27)*
    - *Saturdays in July (7/11, 7/18, 7/25)*
    - *Saturdays + one Sunday in August (8/1, 8/2, 8/8, 8/15, 8/22, 8/29)*
  - *TIME: 1pm-3pm*
    - A sophisticated mix of musicians perform each Saturday on the Green to activate the atmosphere of the Square and entertain the community.

- **JaZams Block Party [30th Anniversary]**
  - *DATE(S): Sunday, June 21st*
  - *TIME: 4pm-8:30pm*
    - JaZams will be celebrating their 30th Anniversary with a big block party! This friendly-family community event will be held outside on Palmer Square West and the Green, including community partner booths, food, free activities, carnival games, and music.

- **Movie Nights on the Green**
  - *DATE(S):*
    - *Friday, June 26*
    - *Friday, July 17*
    - *Friday, August 14*
  - *TIME:* Starts around 8:30pm [sundown], June 26 will start at 6pm.
    - Outdoor, family-friendly movies are shown on the Green. Princeton Public Library and other community partners will have games to bring awareness to their summer reading initiative. In preparation for 250th Semiquincentennial celebrations, movies will be themed, with June's date serving as an outdoor BBQ featuring American classic food and drink, plus music.

- **Dueling Pianos on the Green**
  - *DATE(S):*
    - *Thursday, August 6*
    - *Thursday, August 13*
    - *Thursday, August 20*
    - *[rain date: Thursday, August 27]*
  - *TIME: 6pm-8pm*
    - Three high-energy, all request sing-along shows will take place on the Green. Food and beverage will be sold by restaurants on the Square.

- **Summer Sidewalk Sale**
  - *DATE(S): Thursday, July 30 through Sunday, August 2*
  - *TIME: [Th/Fr: 10am-8:30pm, Sat: 10am-6pm, Sun: 12pm-5pm]*
    - A four-day sidewalk sale, featuring great deals from businesses on the Square. This event will also coincide with Summer Music Series and Nassau Inn's *Spirit of '76 BBQ*.

FALL [SEPT 23-NOV 26]

- **Fall Music Series**
  - *DATE(S):*
    - *Saturdays in September [9/5, 9/12, 9/19, 9/26]*
    - *Saturdays in October [10/3, 10/10, 10/24, 10/31]*
  - *TIME: 1pm-3pm*
    - A sophisticated mix of musicians perform each Saturday on the Green to activate the atmosphere of the Square and entertain the community.

- **Festival Cultural Latino [with Mi Pueblo Lindo & Princeton Public Library & Princeton University]**
  - *DATE(S): Sunday, September 27th [Rain Date: Sunday, October 4]*
  - *TIME: 1pm-5pm*
    - This festival is a celebration of Hispanic Heritage Month with a day full of live musical and dance performances, local arts and craft vendors, free children's activities, etc. The location is split between Hinds Plaza and Palmer Square. Palmer Square restaurants can participate with event-inspired food and beverages on the Green or in-store.

- **Triumph Oktoberfest**
  - *DATE(S): Saturday, October 17th*
  - *TIME: 1pm-5pm*
    - This community event will support the Arts Council of Princeton and will include a live German band, traditional German food, Triumph Beer, and fall activities like face painting and pumpkin decorating on the Green.

- **Spirits on the Square**
  - *DATE(S): Fridays in October [10/2, 10/9, 10/16, 10/23, 10/30]*
  - *TIME: 4pm-6pm*
    - This event will activate the Square during the month October with music performances on the Green, as well as special happy hours, promotions, and discounts from restaurants and retailers.

- **Fall Fest**
  - *DATE(S): Sunday, October 18th [Rain Date: Sunday, October 25th]*
  - *TIME: 1pm-4pm*
    - This fall-themed community event will have different musical performances, themed activities, food and beverage, in-store promotions, and a live pumpkin carver. Collaboration with community partners, including Arts Council of Princeton and Princeton Public Library.

- **Hometown Halloween Parade - Arts Council of Princeton [town-wide event]**
  - *DATE(S): TBD – dependent on Arts Council.*
  - *TIME: 5pm-6pm*
    - Local families will meet on the Green to kick off a festive day of tricks and treats, highlighted by the Princeton University marching band leading the parade to the YMCA.

HOLIDAY [NOV 27-DEC 31]

- **Annual Tree Lighting**
  - *DATE(S):* *Friday, November 27*
  - *TIME:* *5pm-6pm*
    - Town-wide holiday kick-off, with musical performances, dueling pianos, ice carving, and an appearance by Santa to help us light the tree for the season!

- **Strolling Entertainment & Santa**
  - *DATE(S):* *Saturdays and Sundays [11/28, 11/29, 12/5, 12/6, 12/12, 12/13, 12/19, 12/20]*
  - *TIME:* *1pm-3pm*
    - A cappella singers and Santa will stroll Palmer Square to spread joy and create a festive atmosphere during the holiday season.

- **Annual Menorah Lighting**
  - *DATE(S):* *TBD – dependent on Jewish Center of Princeton*
  - *TIME:* *4:30pm-5:30pm*
    - Community ceremonious lighting of the Menorah on the Nassau Inn Patio, in partnership with the Jewish Center of Princeton. There will be hot cocoa, courtesy of the Yankee Doodle Tap Room.

- **Holiday Jam and Toy Drive with Princeton University**
  - *DATE(S):* *TBD – dependent on Princeton Office of the Dean of Undergraduate Students*
  - *TIME:* 5pm-7pm
    - A variety of Princeton University a capella and performance groups will be singing and collecting Holiday toys for children. They will partner with local businesses to provide food and beverages on the Green.

- **BYOB Historically Hilarious Holiday Trolley Tour of Princeton**
  - *DATE(S):* *TBD—dependent on Princeton Tour Company*
  - *TIME:* Tours will run from 10am-5pm
    - Trolley Tours will be offered every two hours for up to 35 people (150 ppl total per day). Tours will be guided by Princeton Tour Company. Tour begins and ends on the Square.

- **Christmas Eve Sing-a-Long**
  - *DATE(S):* *Thursday, December 24,*
  - *TIME:* *5pm-6pm*
    - The Christmas Eve Brass Band leads a community sing-a-long on the Green. This event is free and open to the public.

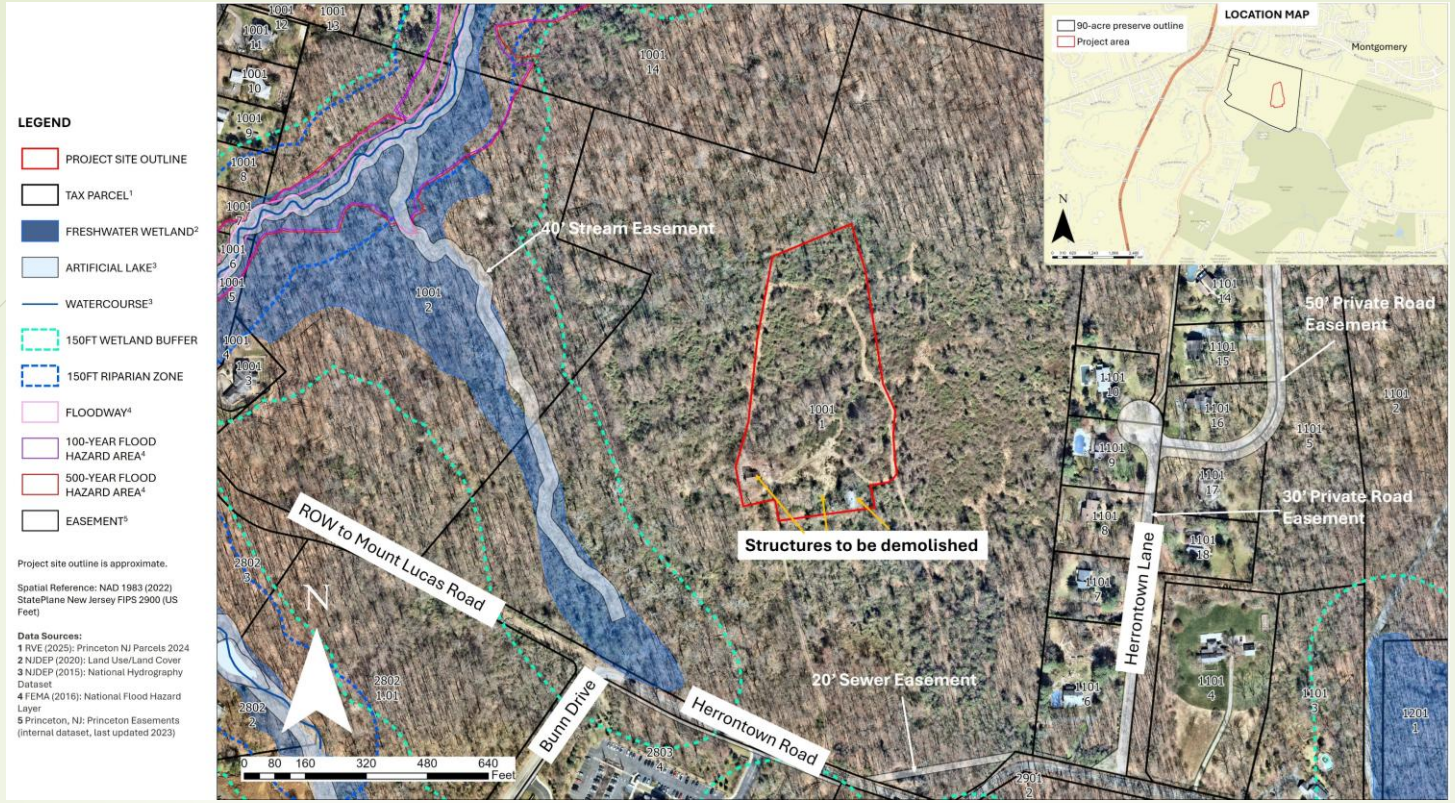
400 Witherspoon St
Princeton, NJ 08540

Municipality of Princeton, NJ

Staff Report

File #: 0014 **Agenda Date:** 2/23/2026 **Agenda #:** 3.

Presentation of a Proposed Open Space Project - Improvements at Princeton Ridge East (725 Herrontown Road) - for Submittal of a Green Acres Stewardship Grant Application by Inga Reich, Open Space Manager

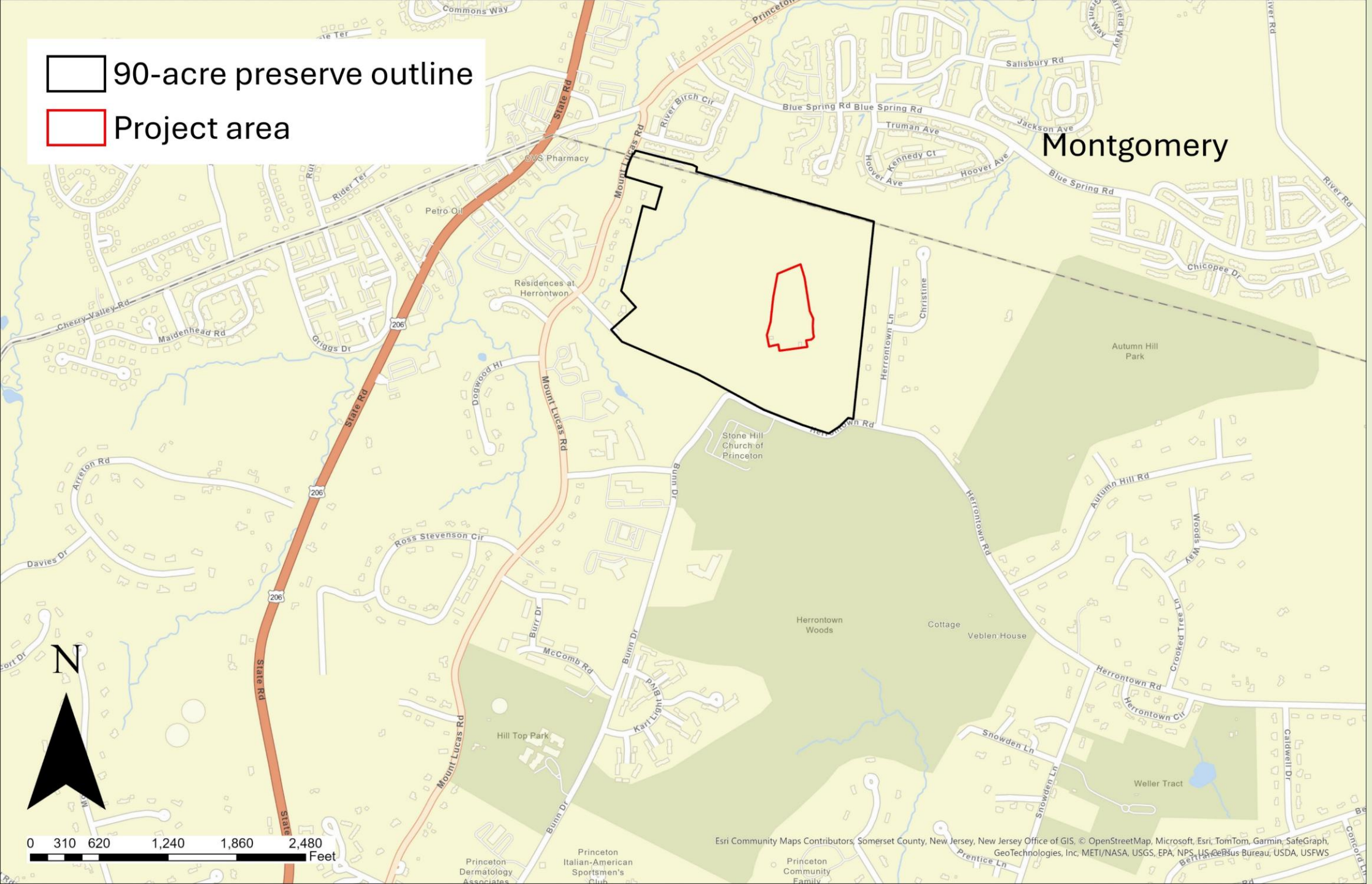


Green Acres Stewardship Grant Application – Forest Restoration at Princeton Ridge East Public Hearing

February 23rd, 2026



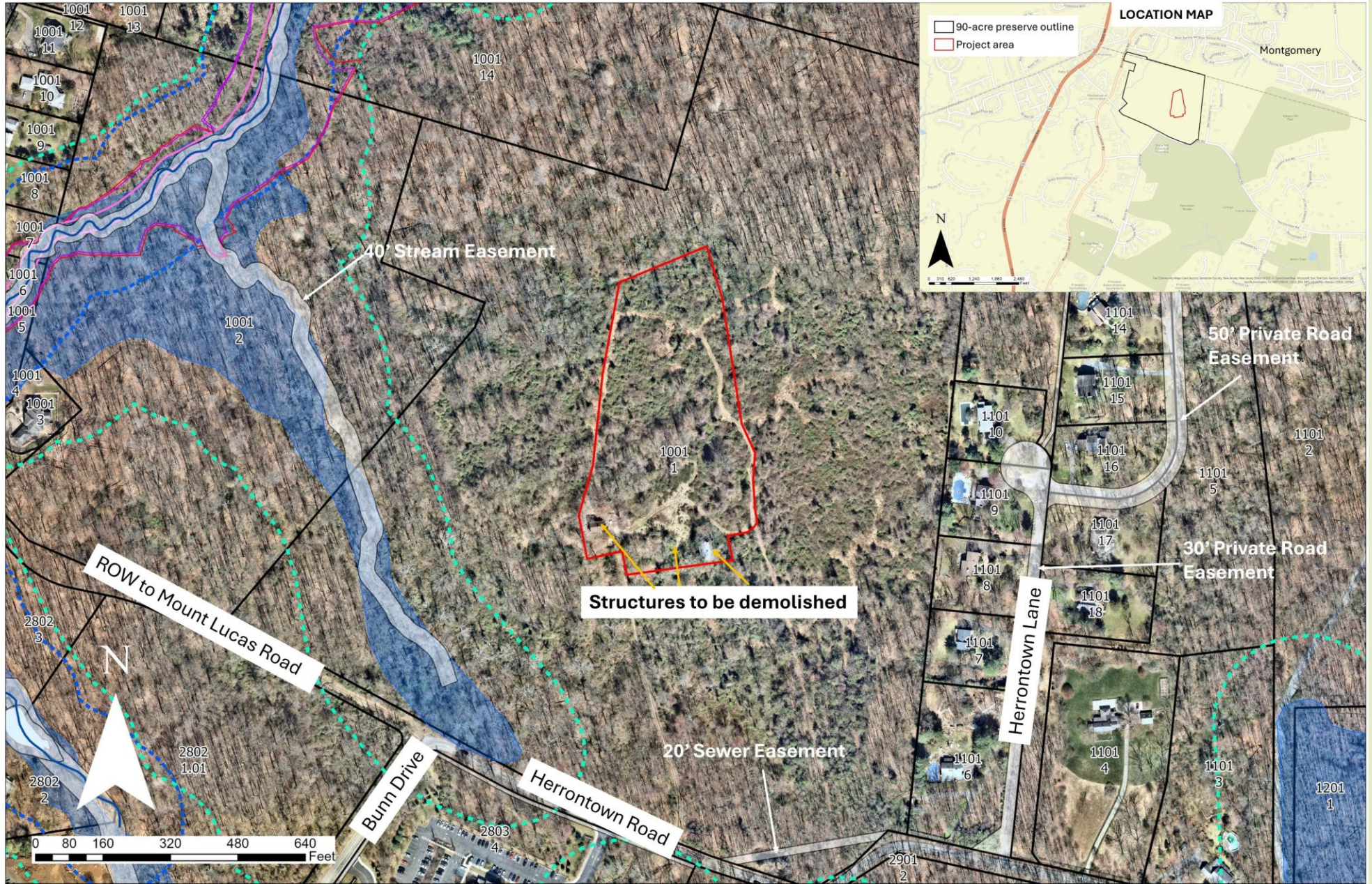
- 2 Year Grants
- 50% Match Funding
- Princeton will apply for $300,000


90-acre preserve outline
Project area
Montgomery
State Rd
Mount Lucas Rd
Blue Spring Rd
Salisbury Rd
Jackson Ave
Truman Ave
Hoover Ave
Kennedy Ct
River Birch Cir
CVS Pharmacy
Petro Oil
Residences at Herrontwon
Cherry Valley Rd
Maidenhead Rd
Griggs Dr
Rider Ter
Dogwood Hl
Chicopee Dr
River Rd
Christine
Herrontown Ln
Herrontown Rd
Autumn Hill Park
Autumn Hill Rd
Woods Way
Crooked Tree Ln
Herrontown Cir
Stone Hill Church of Princeton
Bunn Dr
Arreton Rd
Davies Dr
Ross Stevenson Cir
Burr Dr
McComb Rd
Karl Light Blvd
Hill Top Park
Herrontown Woods
Cottage
Veblen House
Snowden Ln
Weller Tract
Caldwell Dr
Prentice Ln
Princeton Dermatology Associates
Princeton Italian-American Sportsmen's Club
Princeton Community Family
206
N
0 310 620 1,240 1,860 2,480
Feet
Esri Community Maps Contributors, Somerset County, New Jersey, New Jersey Office of GIS, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

MUNICIPALITY OF PRINCETON

Concept Design Plan for the Princeton Ridge East Forest Restoration

At 725 Herrontown Road, Municipality of Princeton, Mercer County, New Jersey



LEGEND

- PROJECT SITE OUTLINE
- TAX PARCEL[1]
- FRESHWATER WETLAND[2]
- ARTIFICIAL LAKE[3]
- WATERCOURSE[3]
- 150FT WETLAND BUFFER
- 150FT RIPARIAN ZONE
- FLOODWAY[4]
- 100-YEAR FLOOD HAZARD AREA[4]
- 500-YEAR FLOOD HAZARD AREA[4]
- EASEMENT[5]

Project site outline is approximate.

Spatial Reference: NAD 1983 (2022) StatePlane New Jersey FIPS 2900 (US Feet)

Data Sources:

1 RVE (2025): Princeton NJ Parcels 2024
2 NJDEP (2020): Land Use/Land Cover
3 NJDEP (2015): National Hydrography Dataset
4 FEMA (2016): National Flood Hazard Layer
5 Princeton, NJ: Princeton Easements (internal dataset, last updated 2023)







ANTICIPATED OUTCOMES AND ALTERNATIVE TO PROJECT

This project will:

- Clear approximately 5 acres of invasive species
- Plant 4,200 native trees, and 1,000 native shrubs
- Provide habitat and food sources for local wildlife
- Increase the site's resiliency to storm events and drought

Alternative:

- If the project was not going to go ahead, the invasive species already dominating the proposed restoration area would spread further and future management would become increasingly difficult.

ENVIRONMENTAL IMPACT ANALYSIS

Affected Resources:

- **Vegetation:** invasive plants will be removed and 5,200 native trees and shrubs will be planted the site, which will be put on a trajectory to become a deciduous upland forest habitat
- **Soil:** the planting of native trees will improve soil quality by increasing stability, aeration and fertility
- **Water:** an improvement in soil stability and infiltration can reduce surface water flow from the project area to the wetlands that are located to the south and slightly down-slope of the site

ENVIRONMENTAL IMPACT ANALYSIS

Short-term Impacts:

- Manual removal of invasive vegetation may affect local wildlife within the area that uses the invasive shrubs for shelter and foraging.

→ Short duration, not exceeding a few weeks

→ Will not impact breeding birds as in late fall

→ Herpetofauna survey prior to work

ENVIRONMENTAL IMPACT ANALYSIS

Short-term Impacts:

- Soil disturbance may occur when machinery is used on site.

→ All machinery will be tracked

→ No use of machinery after heavy precipitation when site is excessively wet

ENVIRONMENTAL IMPACT ANALYSIS

Short-term Impacts:

- Herbicide may impact native species.

→ Herbicide application will be carried out in spring when vegetation is readily identifiable

→ A licensed operator familiar with the local flora will be hired

ENVIRONMENTAL IMPACT ANALYSIS

Short-term Impacts:

- The construction of the fence will cause temporary noise disturbance in the vicinity of the site

- A slight increase in traffic along Herrontown Road during the construction phase.

→ Short duration, not exceeding a few weeks

→ Contractor can utilize the driveway up to the site and vehicles will be parked there.

ENVIRONMENTAL IMPACT ANALYSIS

Short-term Impacts:

- The construction of the fence will cause temporary noise disturbance in the vicinity of the site

- A slight increase in traffic along Herrontown Road during the construction phase.

→ Short duration, not exceeding a few weeks

→ Contractor can utilize the driveway up to the site and vehicles will be parked there.

ENVIRONMENTAL IMPACT ANALYSIS

Medium and long-term Impacts:

Establishing native forest vegetation will:

- shade out invasive species,
- provide breeding and foraging habitat for local wildlife,
- improve soil structure and function,
- improve resiliency to impacts from storms, drought and heatwaves,
- sequester carbon,
- Serve as a seedbank for nearby areas.

The restored forest area will also make the experience of this open space a lot more enjoyable for visitors.

400 Witherspoon St
Princeton, NJ 08540

Municipality of Princeton, NJ

Staff Report

File #: 0015 **Agenda Date:** 2/23/2026 **Agenda #:** 4.

Public Hearing on the Proposed Open Space Project - Improvements at Princeton Ridge East (725 Herrontown Road) - for a Green Acres Stewardship Grant Application

File #: R-26-060 **Agenda Date:** 2/23/2026 **Agenda #:** 5.

Resolution of the Mayor and Council of Princeton Approving the Submittal of a Grant Application to the New Jersey Department of Environmental Protection Green Acres for the Proposed Open Space Project - Improvements at Princeton Ridge East (725 Herrontown Road)

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides grants to municipal and county governments and to nonprofit organizations for assistance in the stewardship of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Municipality of Princeton desires to further the public interest by obtaining grant funding in the amount of $ 150,000 from the State to fund the following project(s):

Princeton Ridge East Reforestation Project at a cost of $300,000.00;

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations, and applicable statutes, and is willing to enter into an agreement with the State for the above-named project;

NOW, THEREFORE, the governing body/board resolves that:

1. Mark Freda or the successor to the office of Mayor is hereby authorized to:
   a. make application for such a grant,
   b. provide additional application information and furnish such documents as may be required, and
   c. act as the authorized correspondent of the above-named applicant;
2. The applicant agrees to provide its matching share to the Green Acres funding request in the amount of $ 150,000.
3. In the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. This resolution shall take effect immediately.

MUNICIPALITY OF PRINCETON
Department of Infrastructure & Operations
400 Witherspoon Street
Princeton, NJ 08540
(609) 921-7077
engineering@princetonnj.gov

MEMORANDUM

To: Mayor and Council
From: Inga Reich, PhD., *Open Space Manager*
Subject: Application for 2026 Green Acres Stewardship Grant
Date: February 17, 2026

Princeton is seeking funding through the State of New Jersey Green Acres Program for a project to restore 5 acres of native forest vegetation within Princeton's newest open space acquisition which is located on the eastern Princeton Ridge at the corner of Herrontown and Mount Lucas Roads.

The project area is situated in the eastern half of the approximately 90-acre, largely forested preserve. It was cleared of the natural forest vegetation for farming purposes more than 100 years ago and is now heavily overrun with invasive species such as multiflora rose, wineberry, Japanese honeysuckle, bittersweet and mugwort. There is currently an abandoned residence as well as two barns on the site which will be demolished in 2026 prior to the start of this project to ensure future safe public access to the site. The goal of the project is to restore the building footprints and the surrounding disturbed area by removing invasive species, planting native trees and shrubs and seeding the ground with a mix of native, shade-tolerant forbs and grasses, thus setting the area on a trajectory towards native forest establishment.

If funded, the project will commence in late fall 2026 and wrap up in late fall 2028. The Green Acres Stewardship Grant would cover 50% ($150,000) of the $300,000 that is estimated to be required for the completion of the project. The remaining $150,000 will be matched with open space taxes, volunteer hours and in-kind contributions.

The concept map, preliminary budget and Environmental Impact Assessment are attached to this memo.

A public hearing on the Stewardship Application will be held during the council meeting on February 23rd and minutes of this hearing will be submitted to Green Acres with the application.

Please feel free to contact me with any questions at (609) 921-7077 ext. 7635 or by email at ireich@princetonnj.gov.

MUNICIPALITY OF PRINCETON

Concept Design Plan for the Princeton Ridge East Forest Restoration

At 725 Herrontown Road, Municipality of Princeton, Mercer County, New Jersey

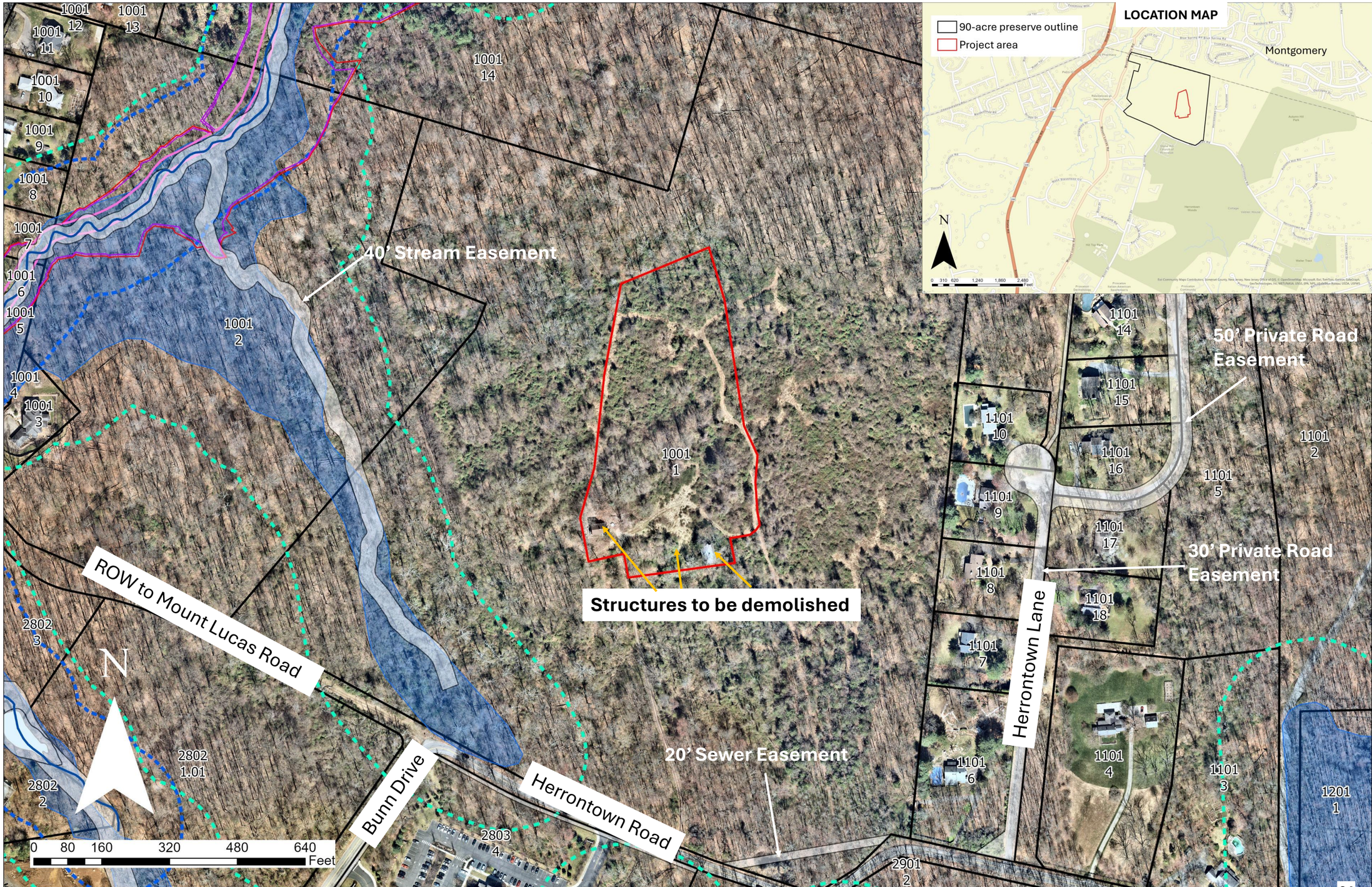
LEGEND

- PROJECT SITE OUTLINE
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- 100-YEAR FLOOD HAZARD AREA[4]
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Project site outline is approximate.

Spatial Reference: NAD 1983 (2022) StatePlane New Jersey FIPS 2900 (US Feet)

Data Sources:
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3 NJDEP (2015): National Hydrography Dataset
4 FEMA (2016): National Flood Hazard Layer
5 Princeton, NJ: Princeton Easements (internal dataset, last updated 2023)



NJDEP Green Acres 2026 Stewardship Grant Application

ITEM	UNIT	UNIT COST	QUANTITY	TOTAL COST	COST BASIS SOURCE
Trees (2-gallon pots)	EA	$25.00	4200	$105,000.00	Pinelands Nursery average price
Shrubs (2 gallon pots)	EA	$15.00	1000	$15,000.00	Pinelands Nursery average price
Native seeds (1lb bag)	EA	$59.00	40	$2,360.00	Pinelands Nursery
Plant delivery	LS	$500.00	1	$500.00	Octoraro Native Plant Nursery
Deer Exclosure Fence	LF	$35.00	1800	$63,000.00	Recent bid for CP North Restoration
Clearing Site	HR	$40.00	300	$12,000.00	Dogwood Lawn Care, LLC (similar project)
Invasive Species Control	HR	$325.00	20	$6,500.00	Princeton Hydro, LLC (similar project)
Tree planting (Contractor)	HR	$40.00	840	$33,600.00	Dogwood Lawn Care, LLC (similar project)
Labor (Volunteer)	HR	$36.97	440	$16,266.80	Independent sector 2025 Report
			Subtotal	$254,226.80	
Contingency @ 5% of Construction Cost				$12,711.34	
Engineering & Construction Services @ 13% of Construction Cost				$33,049.48	
				$299,987.62	
					I certify that this is true and accurate estimate based on the cost basis sources identified, to the best of my knowledge and belief.
					
					James J. Purcell, PE
					Assistant Municipal Engineer

Environmental Impact Assessment

1. DESCRIPTION OF THE PROPOSED PROJECT

a. Briefly describe the total development project

This project seeks to restore 5 acres of native forest vegetation within Princeton's newest open space acquisition, which is located on the eastern Princeton Ridge at the corner of Herrontown and Mount Lucas Roads.

The project area is located in the eastern half of the approximately 90-acre, largely forested preserve. It was cleared of the natural forest vegetation for farming purposes more than 100 years ago and is now heavily infested with invasive species such as multiflora rose, wineberry, Japanese honeysuckle, bittersweet and mugwort. There is currently an abandoned residence as well as two barns on the site which will be demolished in 2026 prior to the start of this project to ensure future safe public access to the site. The goal of the project is to restore the building footprints and the surrounding disturbed area by removing invasive species, planting native trees and shrubs and seeding the ground with a mix of native, shade-tolerant forbs and grasses, thus setting the area on a trajectory towards native forest establishment.

b. State objectives of the project

The objectives of the project are the following:

1. Increase the value of the area for wildlife
   The 90-acre preserve in which the project site is located is home to a large array of wildlife, including the state endangered red-shouldered hawk, which has been observed breeding in the forested areas surrounding the restoration site. The current invasive-dominated scrub/shrub habitat on the project site offers very limited value to local wildlife and by planting more than 5,000 native trees and shrubs, breeding habitat, shelter and food sources for local wildlife will be significantly improved.

2. Decrease edge effects in the surrounding forest and increase the site's resiliency to storm events and drought
   The project site is located within a sizeable clearing inside the forested areas of the 90-acre preserve, and the edges of the surrounding forest are exposed to wind and higher light levels, which lead many invasive species to flourish in these edge habitats. By increasing canopy cover, this project takes a first step towards making the area more resilient to storm events. Planting trees and shrubs will increase soil

infiltration rates and shade and can, in the medium and long term, protect the area and surrounding deciduous forest better against prolonged droughts and heatwaves. The increase in shade also makes the project site aa well as the adjacent forested areas less suitable for light-loving invasive species which thrive along forest edges and in open habitats, thus decreasing invasive species pressure.

3. Enhance the park's value for the public
   The highest priority for Princeton residents according to the park survey published in the summer of 2025, was to improve stewardship of our existing open spaces. The project will result in a tangible positive change to the character of the area, showing how areas infested by invasive species can become a more valuable and arguably more aesthetically pleasing habitat for future visitors to the preserve.

c. Fully describe multi-phase projects

Phase 1: Invasive species removal

In late fall 2026, invasive woody species will be manually removed by contractors using a range of equipment including chainsaws, hedge trimmers or small, tracked machinery. Having the site cleared in late fall will minimize impacts on local wildlife, in particular nesting birds that may utilize the area. In late spring 2027, once vegetation starts to leaf out and species are readily identifiable and susceptible to herbicide uptake, herbicide will be applied to resprouting shrubs and vines. Small areas infested with mugwort and other non-woody vegetation which occur in the vicinity of the buildings, will be mowed and treated with herbicides before planting.

Phase 2: Planting

Prior to planting, an 8ft heavy-duty deer fence will be constructed around the 5-acre restoration site. Seeding of native grasses and forbs and planting of more than 5,000 native trees and shrubs will occur in fall 2027 and spring 2028. Planting will be done by contractors and volunteers.

2. DESCRIPTION OF THE ENVIRONMENT

Describe existing environmental features:

a. Vegetation

The project area is situated within a 90-acre preserve that is largely deciduous forest with areas of exceptional value deciduous wooded wetlands. Tree species in the preserve include white and pin oak, tulip poplars, sweetgum, red maple and beech as well as pockets of

spruce and white pine. In contrast, vegetation in the project area consists largely of invasive plants such as multiflora rose, wineberry, Japanese honeysuckle, stiltgrass, and mugwort with only few mature trees. The land use within the project area is categorized as 'residential, rural, single unit' and 'coniferous brush/scrubland'.

b. Wildlife, including State and federal threatened and endangered species and critical habitats

According to the Landscape Project, the coniferous brush/shrubland habitat of the project area supports two species of special concern, the silver-haired bat and spotted salamander which have been sighted in 2019.

Other areas within the 90-acre preserve but outside of the project site support the state endangered red shouldered hawk, which has been observed to breed in the deciduous forest habitats adjacent to the project site (also in 2019), and the great blue heron that was recorded foraging along the Van Horn Brook in 2014. There are also vernal pools located south and west of the project site which offer breeding habitat for the spotted salamander.

Other species observed in the area include bald eagle, Cooper's hawk, red-tailed hawk, osprey, golden eagle, blue heron, four hummingbird species, wood duck, oriole, tanager, indigo bunting, redstart, red-eyed vireo, towhee, yellow warbler, pileated woodpecker, black-and-white warbler, and various thrushes as well as eastern box turtle, red fox, gray fox, mink, deer, raccoon, opossum, skunk, and wild turkey.

There are no Natural Heritage Priority Sites on the site. The Natural Heritage Grid Data shows records for Wild Comfrey in an area overlapping with parts of the project site but it is highly unlikely to occur in the habitats found here.

c. Geology, topography, and soils

The bedrock geology consists of Jurassic Diabase.

The topography of the project site is largely flat. The land to west slopes gently to moderately downward towards the headwaters of the Van Horn Brook.

The soil type is Neshaminy Silt Loam NehB (2-6% slopes).

d. Water resources/hydrology

The project site is located in the Millstone River watershed. The Van Horn Brook, a category 2 stream, rises just outside the south-western corner of the 90-acre preserve and flows across the western side of the property, approximately 250 feet west of the project site. Deciduous wooded wetlands of exceptional value are located to the south and west of the project area, which is located fully outside of the 150ft riparian and wetland buffer zones.

e. Historic/archeological resources

There are no historic properties or districts on or eligible for the National or State Register of Historic Places on the site. The structures that are currently on the site were inspected by the State Historic Preservation Office in 2025 to ensure that there were no concerns with them being demolished prior to the implementation of this project.

f. Transportation/access to site

There are currently no developed trails on the site. Access to the structures and surrounding areas is possible via existing driveways from Herrontown and Mount Lucas Road. Future pedestrian access is envisaged to connect to the trail systems in Autumn Hill, to the right-of-way between Herrontown Road and Mount Lucas Road and to Blue Spring Road in Montgomery.

g. Adjacent land uses/description of the surrounding neighborhood

Adjacent land uses are residential, wetlands and forest. Together with the other forested and preserved open spaces in the close vicinity such as Autumn Hill Reservation and Herrontown Woods, the 90-acre preserve in which the project site is located serves as an important wildlife habitat and corridor.

3. ENVIRONMENTAL IMPACT ANALYSIS OF PROPOSED ACTION

Impacts are defined as direct or indirect changes to the existing environment, whether beneficial or adverse, that are anticipated to result from the proposed action or related future actions and uses. Any off-site impacts, such as increased traffic on neighborhood roads or increased noise levels in surrounding areas, should be described. Whenever possible, environmental impacts should be quantified (i.e., number of trees to be removed, cubic yards of cut/fill, etc.). Provide the information listed below for both the construction period and the operation of the site once the project is complete.

a. Discuss all affected resources and the significance of each impact

The resource that is most affected by the project is the current vegetation within the project area: invasive shrubs, vines and herbaceous plants will be removed from an area of approximately 5 acres. No trees will be removed as part of the project. In their stead, 5,200 native trees and shrubs will be planted and fenced to provide protection from deer. The restoration will, in the long term significantly change the character of the site, which is currently characterized as a scrub/shrub habitat that will be put on a trajectory to become a deciduous upland forest habitat.

Another resource that will be significantly impacted is soil: the planting of native trees will improve soil quality by increasing stability, aeration and fertility.

A resource that may be indirectly affected is water: an improvement in soil stability and infiltration can reduce surface water flow from the project area to the wetlands that are located to the south and slightly down-slope of the site.

b. Discuss short-term and long-term project impacts

Short-term impacts are largely related to local disturbance that will occur during the construction period:

- The manual removal of invasive vegetation may affect local wildlife within the area that uses the invasive shrubs for shelter and foraging. Noise from the machinery may also carry slightly further than the project site, however, the removal is not anticipated to take longer than a few days and will take place in late fall so as not to impact breeding birds.
- Soil disturbance may occur when machinery is used on site – all machinery will be tracked and not used after heavy precipitation when site is excessively wet.
- There is the potential for herbicide to impact native species if not applied properly. Any application will be carried out in spring when vegetation is readily identifiable to avoid impact on native species. A licensed operator familiar with the local flora will be hired to carry out herbicide applications.
- The construction of the fence will cause temporary noise disturbance in the vicinity of the site, but this activity will be limited to a short period as well.
- A slight increase in traffic may be observed during the construction phase; however, this will be limited to a few weeks at a time and any contractor can utilize the driveway up to the site and park there.

Medium and long-term impacts will be positive. The establishing native forest vegetation will begin to shade out invasive species, provide breeding habitat and food sources for local wildlife and improve soil structure and function. The area will become more resilient to impacts from storms, drought and heatwaves and sequester more carbon. The seeds from the trees and shrubs may also further the establishment of native species in nearby areas. Furthermore, the restored forest area will also make the experience of this open space a lot more enjoyable for visitors.

c. Discuss anticipated increase in recreation and overall use of site over time

There are currently no developed trails on the site which is primarily used as a wildlife refuge. Following the implementation of this project, trails will be built and an increase in recreational use is expected.

d. Identify adjacent environmental features that may be affected by the proposal

The restoration area is located in close proximity to private open space off Herrontown Lane and an undeveloped forested area surrounding the housing developments off Blue Spring Road in Montgomery lies just to the north of the 90-acre preserve in which the restoration site is located. Herrontown Woods and Autumn Hill Reservation are located a few 100ft away to the east. It is anticipated that the project will have a positive effect on these areas by reducing invasive plant pressure and increasing native plants which can serve as a seed source.

e. List any permits and administrative approvals required for project and brief status (i.e., waterfront development)

No permits will be required for the proposed project.

f. For development that would impact an undisturbed portion of the project site, the local government must submit a Natural Heritage Data Request Form to the DEP's Office of Natural Lands Management (form available at the website or by writing to Natural Heritage Program, PO Box 404, Trenton, New Jersey 08625-0404). Please attach and discuss the results of the search.

The project will focus only on disturbed areas, no undisturbed portions will be affected.

g. Discuss if/how the project may be impacted by sea level rise and any related design considerations.

The project will not be impacted by sea level rise.

4. ALTERNATIVES TO THE PROPOSED ACTION

a. Identify alternate sites

There are no alternate sites.

b. Discuss alternate levels and types of development

There will be no development as part of this project.

c. Compare environmental impacts of each alternative

If the ecological restoration was not going to go ahead, the invasive species already dominating the proposed restoration area would spread further and future management would become increasingly difficult.

5. MITIGATING MEASURES

- Prior to the beginning of manual invasive species removal in late fall and again in spring prior to the application of herbicides, the open space manager will survey the site for turtles or other herpetofauna which may occur in this area.
- The application of herbicide will be carried out in spring when vegetation is readily identifiable to avoid impact on native species. A licensed operator familiar with the local flora will be hired to carry out any herbicide applications.
- All machinery will be tracked and not used after heavy precipitation when site is excessively wet.
- Tree protection zones will be installed around native trees to protect them from machinery if applicable.

6. MONITORING, EVALUATION AND LONG-TERM MAINTENANCE (FOR RESTORATION/ ENHANCEMENT PROJECTS)

a. Identify specific and measurable on-the-ground outcomes

This project will:

4. Plant 4,200 native trees, and 1,000 native shrubs
5. Clear approximately 5 acres of invasive species
6. In the medium and long-term, change the character of the project site from invasive scrub/shrub to deciduous forest
7. Provide habitat and food sources for local wildlife
8. Increase the site's resiliency to storm events and drought

b. Briefly describe the applicant's monitoring plan, including long-term maintenance of the project site. The applicant must monitor the project site for a minimum of three years to ensure project viability and success. For example, if the project includes tree planting, the applicant must be able to replace any lost trees or take other measures to achieve the desired outcome. Please note that monitoring expenses are not an eligible cost.

Plant material will be monitored twice a year, at the beginning and end of the growing season, to assess the establishment. Dead or diseased trees and shrubs will be replaced and additional wildflower and grass seeds may be reseeded if necessary. Any regrowth of invasive species that threatens the establishment of the planted native vegetation will be removed manually or through the application of herbicides. Integrity of fencing will be checked bi-weekly by municipal staff until the trees and shrubs have grown large enough when fencing will be removed.

7. AUTHORS(S) AND QUALIFICATIONS

Inga Reich

Dr. Reich holds a Ph.D. in Ecology from the National University of Galway Ireland. She has more than ten years of experience in ecological research, environmental consulting and management. Since 2024, Dr Reich has been employed as the Open Space Manager for Princeton.

400 Witherspoon St
Princeton, NJ 08540

Municipality of Princeton, NJ

Staff Report

File #: 0016 **Agenda Date:** 2/23/2026 **Agenda #:** 1.

Work Session Regarding Beautification Efforts in the Central Business District for the United States Semiquincentennial

File #: ORD 26-01 **Agenda Date:** 2/9/2026 **Agenda #:** 1.

An Ordinance of the Municipality of Princeton Amending Chapter B17A Entitled “Land Use and Zoning” of the Municipality of Princeton to Create the Affordable Housing District-10 (AH-10) in Furtherance of the Fair Housing Act-Roll Call

ORDINANCE #2026-01

AN ORDINANCE OF THE MUNICIPALITY OF PRINCETON AMENDING CHAPTER B17A ENTITLED "LAND USE AND ZONING" OF THE MUNICIPALITY OF PRINCETON TO CREATE THE AFFORDABLE HOUSING DISTRICT-10 (AH-10) IN FURTHERANCE OF THE FAIR HOUSING ACT

WHEREAS, the New Jersey Supreme Court, through its rulings in Southern Burlington County NAACP vs. Mount Laurel, 67 N.J. 151 (1975) ("Mount Laurel I") and Southern Burlington County NAACP vs. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II"), has determined that every municipality in New Jersey has a constitutional obligation to provide, through its land use regulations, a realistic opportunity for its fair share of the regional need for housing for low- and moderate-income households and families; and

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. into law, amending the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, *et seq.*, to establish a new framework for determining and enforcing municipalities' affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the Act (the "FHA"), starting with fourth round (2025-2035) affordable housing obligations; and

WHEREAS, in accordance with the FHA and Administrative Directive #14-24 issued by the Administrative Office of the Courts on December 13, 2024 ("Administrative Directive #14-24"), Princeton filed a Complaint for Declaratory Judgment entitled *In the Matter of the Application of the Municipality of Princeton in Mercer County*, Docket No. MER-L-000207-25 on January 28, 2025 (the "Fourth Round DJ Action"), identifying Princeton's present and prospective fair share obligations for the Fourth Round, and committing to adopting and submitting a Fourth Round Housing Plan Element and Fair Share Plan ("HEFSP") as required by the FHA; and

WHEREAS, on June 25, 2025, the Princeton Planning Board ("Board") adopted a Fourth Round HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq., as required by and in conformance with the FHA; and

WHEREAS, on June 26, 2025, by Resolution No. 25-230, the Mayor and Council endorsed Princeton's Fourth Round HEFSP, which was filed with the court in the Fourth Round DJ Action on June 27, 2025; and

WHEREAS, Princeton's Fourth Round HEFSP addresses Princeton's affordable housing obligations in a manner which will promote the public health and general welfare, and sets forth a plan which fully satisfies Princeton's Fourth Round affordable housing obligations; and

WHEREAS, as contemplated by and in conformity with P.L.2024, c.2, Princeton now looks forward to implementing the goals, objectives and housing opportunities contemplated by its HEFSP by creating a new Affordable Housing District-10 ("AH-10") zoning district; and

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-1 ("MLUL") at N.J.S.A. 40:55D-62.a requires that the provisions of a zoning ordinance be substantially consistent with the land use plan element and the housing plan element of the master plan or designed to effectuate such plan elements; and

WHEREAS, Princeton finds and declares that, pursuant to the purposes of the MLUL, the within ordinance promotes the public health, safety, morals, and general welfare and advances the municipality's efforts to meet its constitutional obligation to provide for its fair share of very low, low and moderate income housing; and

WHEREAS, the Mayor and Council formally refers this Ordinance to the Board for review, examination, discussion and recommendations in accordance with N.J.S.A. 40:55D-26; and

WHEREAS, the adoption of this Ordinance was appropriately noticed pursuant to the requirements of the MLUL.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Municipality of Princeton as follows:

Section 1. Affordable Housing Districts. Section §B17A-202(i), "Affordable Housing Districts", of Chapter B17A of the "Code of the Borough of Princeton, New Jersey, 1974" (the "Code"), entitled "Land Use and Zoning", is amended to add the following new zoning district:

(10) AH-10 Affordable Housing – 10.

Section 2. Zoning Map. Section §B17A-203, "District Map", of Chapter B17A of the Code, is hereby supplemented and amended to modify the "Official Zoning Map of Princeton, Mercer County, New Jersey" by designating the following lands identified by block(s) and lot(s) on the official Tax Map of Princeton as follows:

Block(s)	Lot(s)	Street Address	Existing District	New District
48.01	5	245-247 Nassau Street	SB B	AH-10

Section 3. Affordable Housing District Provisions. Division 10 "Affordable Housing Zones" of Chapter B17A of the Code is hereby supplemented and amended to add the following new Affordable Housing Zone to Subdivision II "Affordable Housing (AH) Zones" as follows:

§B17A-490. Affordable Housing - 10 (AH-10)

A. Purpose. The purpose of the AH-10 zoning district is to provide a realistic opportunity for the construction of affordable housing pursuant to the New Jersey Fair Housing Act and thereby comply with the Municipality's constitutional obligation to provide such housing to low-and moderate-income households. Specifically, the AH-10 zone is established to encourage redevelopment consisting of upper-story multiple dwellings with an affordable housing set-aside, along with ground-level retail, service, commercial and office uses.

B. Permitted Uses. In Affordable Housing – 10 district, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

(1) Multiple dwellings above the ground floor, or behind retail sales and service businesses and restaurants located on the ground floor or street level.

(2) Retail sales and service businesses and restaurants located on the ground floor or street level, not to exceed, in total, 3,300 sf. of net leasable floor area.

C. Accessory Uses Permitted. Any of the following uses shall be permitted when used in conjunction with a principal use:

(1) Residential management office.

(2) Common rooms/areas, including for meetings, recreation, laundry and storage.

(3) Communications infrastructure.

(4) Maintenance and storage.

(5) Off-street parking and loading.

(6) Street/site furnishings. Outdoor dining / courtyard is allowable within the front yard setback.

(7) Home occupations.

(8) Fences and walls.

(9) Landscape amenities and open space.

(10) Signs.

(11) Storm water management facilities and other utilities.

(12) Other customary uses which are clearly incidental and subordinate to a permitted principal use on the same lot.

D. Required Income Restriction. In any AH-10 district, at least twenty percent (20%) of the total number of dwellings shall be affordable to very low, low and moderate income households, but in no instance shall the number of such affordable dwellings be less than eighteen (18). Affordable units shall be restricted, regulated and administered consistent with the Municipality's affordable housing regulations, the Uniform Housing Affordability Controls rules (N.J.A.C. 5:80-26.1 et seq.) and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), including the Fair Housing Act's definition of very low-income households and all other provisions of the Municipality's Affordable Housing Ordinance (§T10B-332).

E. AH-10 Site Development Regulations. The following site development regulations shall apply to all lots and buildings:

(1) Minimum yard requirements:

a. Front yard:

i. To Lot 18: five (5) feet.

ii. All others: zero (0) feet.

iii. Outdoor dining courtyard(s) shall be allowable within the front yard setback.

b. Side yard: zero (0) feet.

c. Rear yard: ten (10) feet.

i. Stormwater management measures and emergency generator(s) shall be permitted within the rear yard setback.

d. Maximum front yard setback: fifteen (15) feet.

(2) Maximum impervious coverage: 90%.

(3) Building height shall not exceed five (5) stories, not to exceed sixty-five (65) feet in height.

(4) Maximum number of dwelling units shall not exceed 95 units in the AH-10 district.

(5) Maximum number of buildings: Multiple buildings per lot are permitted.

(6) Off-street vehicular and bicycle parking.

a. Vehicle parking for residential uses: 0.75 off-street parking spaces shall be provided for each dwelling.

b. Vehicle parking for non-residential uses. No off-street parking spaces shall be required.

c. The allowable number of compact size parking spaces shall be as follows: In parking areas and parking structures of less than 100 spaces, a maximum of 25% of such spaces may be designed as compact spaces.

d. Bicycle parking shall be provided in accordance with §T10B-282.2.

F. Landscaping. No landscape buffers shall be required.

G. Lighting. Illumination of sites and buildings shall be regulated pursuant to §B17A-365.1 Lighting.

H. Signs.

(1) One building-mounted identification sign shall be permitted. Such sign shall not exceed 15' x 4' (height x width) and sixty (60) square feet in size. If the sign is illuminated, it shall be either externally lit with directional lights that are shielded (so as to sufficiently illuminate the sign content) or halo-lit with shielded back glow illumination.

(2) One freestanding, two-sided, monument sign shall be permitted. Such sign shall not exceed one (1) foot in width, with each sign face not exceeding 5' x 4' (height x width) and twenty (20) square feet in size. The sign may be installed in the front and side yard setbacks up to the property boundaries. If the sign is illuminated, it shall be either externally lit with directional lights that are shielded (so as to sufficiently illuminate the sign content) or halo-lit with shielded back glow illumination.

(3) One building-mounted retail sign shall be permitted. Such sign shall not exceed 1' x 9' (height x width) and nine (9) square feet in size. If the sign is illuminated, it shall be either externally lit with directional lights that are shielded (so as to sufficiently illuminate the sign content) or halo-lit with shielded back glow illumination.

(4) One building-mounted parking sign shall be permitted. Such sign shall not exceed 1' x 9' (height x width) and nine (9) square feet in size. If the sign is illuminated, it shall be externally lit with directional lights that are shielded (so as to sufficiently illuminate the sign content).

Section 4. Conflicts. If the terms of this Ordinance shall be in conflict with those of another Ordinance, the provisions of this Ordinance shall control.

Section 5. Severability. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 6. Referral. After introduction, the Municipal Clerk is hereby directed to submit a copy of this ordinance to the Princeton Planning Board for its review and report in accordance with N.J.S.A. 40:55D-64.

Section 7. Notice. The Municipal Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the Mercer County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-62.1.

Section 8. Effective Date. This ordinance shall take effect immediately upon final passage and publication, filing with the Mercer County Planning Board, and as otherwise provided for by law.

_____ _____

Dawn M. Mount, Clerk Hon. Mark Freda, Mayor

STATEMENT OF PURPOSE: The purpose of this ordinance is to amend Princeton's zoning ordinance by creating a new affordable housing zoning district in furtherance of Princeton's Fourth Round Housing Plan Element and Fair Share Plan.

NOTICE

NOTICE IS HEREBY GIVEN that the above Ordinance was introduced and passed on first reading at the Council Meeting of the Mayor and Council of the Municipality of Princeton in the County of Mercer, State of New Jersey, held on January 27, 2026 and will be considered for final passage and adoption at the Council Meeting scheduled for February 9, 2026 at 7:00 p.m. at the Princeton Municipal Building, 400 Witherspoon Street, Princeton, New Jersey. Any person interested in this matter will be given an opportunity to be heard at that meeting. A copy of this Ordinance may be obtained at no cost by any member of the general public upon request at the Municipal Building during business hours.

MUNICIPALITY OF
PRINCETON
Planning Department
400 Witherspoon Street
Princeton, NJ 08540
(609) 924-5366
planning@princetonnj.gov

MEMORANDUM

To: Princeton Mayor and Council
From: Justin Lesko, AICP, PP – Planning Director
Nathan Foote, AICP, PP – Assistant Planning Director
Date: February 20th, 2026
Subject: **Ordinance #2026-01: An Ordinance of the Municipality of Princeton Amending Chapter B17A Entitled "Land Use and Zoning" of the Municipality of Princeton to Create the Affordable Housing District-10 (AH-10) in Furtherance of the Fair Housing Act**
Council Introduction – January 27th, 2026
Planning Board 1st Review – February 5th, 2026
Council Amendments – February 9th, 2026
Planning Board 2nd Review – February 19th, 2026

The Princeton Council has referred Ordinance #2026-01 to the Planning Board for master plan consistency review pursuant to N.J.S.A. 40A:55D-26a. This ordinance establishes the Affordable Housing District 10 (AH-10) at the 245-247 Nassau Street property, which allows for up to 95 residential apartment units along with commercial uses; at least 18 affordable housing units are required. The ordinance was originally introduced on January 27th, and the Planning Board reviewed it at its open to the public February 5th meeting. The Council then made amendments to the ordinance on February 9th that were deemed substantial enough to require the Planning Board to perform another consistency review, which it did at its regular meeting open to the public on February 19th.

By a unanimous vote, the Board found Ordinance #2026-01 to be substantially consistent with the Princeton Master Plan and recommended approval of the Ordinance. The Board had the following comments on the ordinance during their February 5th meeting, which are still relevant:

- The Board recommends protecting mature and healthy trees on the site and its edges to the extent possible.
- Based on a comment from a member of the public, the Board encourages activating the street in front of the commercial space to create a more vibrant space than currently exists.

See the memo from us to the Board for more information on the ordinance, the Affordable Housing District 10 (AH-10) it would establish, and its relation to the Princeton Master Plan, including the Fourth Round Housing Plan Element and Fair Share Plan. The memo is attached.

Please reach out if there are any questions or concerns regarding the ordinance or the Planning Board's review.

MUNICIPALITY OF PRINCETON
Planning Department
400 Witherspoon Street
Princeton, NJ 08540
(609) 924-5366
planning@princetonnj.gov

MEMORANDUM

To: Princeton Planning Board
From: Justin Lesko, AICP, PP – Planning Director
Nathan Foote, AICP, PP – Assistant Planning Director
Date: January 30th, 2026
Rev. February 13th, 2026
Subject: **Ordinance #2026-01 Amending Chapter B17A Entitled "Land Use and Zoning" of the Municipality of Princeton to Create the Affordable Housing District 10 (AH-10) in Furtherance of the Fair Housing Act**
Council Introduction – January 27th, 2026

The Princeton Council has referred Ordinance #2026-01 to the Planning Board for Master Plan consistency review pursuant to N.J.S.A. 40A:55D-26a. The ordinance was introduced on January 27th with amendments made at second reading on February 9th. The ordinance with amendments is attached to this memo for reference. It will be heard at Council on February 23.

The ordinance establishes Affordable Housing District 10 (AH-10), comprised of one lot at 245-247 Nassau Street (Block 48.01, Lot 5). The lot currently contains two two-story professional office buildings with associated parking lots and is located in the SB Service Business zone of the former Borough. The property is adjacent to commercial and mixed uses in the SB B zone to the east and west, and is adjacent to Princeton University buildings and grounds to the south in the E-3 Education zone of the former Borough. The 245-247 Nassau Street property and its neighboring properties along Nassau Street are also within the AHO-1 Affordable Housing Overlay. The property is also opposite, to the north across Nassau Avenue, from commercial and mixed uses in the NB Neighborhood Business zone of the former Borough.

The AH-10 district is intended to provide a realistic opportunity for the construction of affordable housing pursuant to the New Jersey Fair Housing Act and to comply with the Municipality's constitutional obligation to provide housing for low-and moderate-income households. The site is included in the Municipality's Fourth Round Housing Plan Element and Fair Share Plan ("Fourth Round HEFSP") as adopted by the Planning Board on June 25, 2025, and endorsed by Council on June 26, 2025. Pages 65-66 of the Fourth Round HEFSP includes how the future development meets the criteria of site availability, suitability, approvability and developability as required by state law. Appendix I of the Fourth Round Plan includes a map of site constraints and an initial conceptual plan of the development. We note that the concept was revised after adoption of the Fourth Round HEFSP to increase the number of permitted units from 90 to 95. Appendix I is attached to this memo.

As called for in the Fourth Round Plan, Ordinance 2026-01 establishes an AH-10 zone that would allow for up to 95 multi-family residential apartment units. The Ordinance also permits up to 3,300 square feet of leasable commercial use on the ground floor. With the second reading amendments, commercial use of up to 3300 sf *is* required on the ground floor. Residential uses are permitted behind the ground floor commercial and on all upper floors. At least 20% of the residential units are required to be restricted as affordable with a minimum number of 18 affordable units. In other words, while a developer may reduce the number of overall units, they may not reduce the number of units set aside

as affordable below 18 units. This is consistent with the Fourth Round HEFSP, in which 18 affordable units are to be provided from the 245-247 Nassau Street site. The affordable units will be regulated consistent with the Uniform Housing Affordability Controls (UHAC) and the New Jersey Fair Housing Act.

The proposed ordinance allows the apartments to be in multiple buildings. The maximum permitted height is five stories and 65 feet. The maximum impervious coverage is 90%. Per the proposed ordinance, 0.75 parking space is required for each residential unit, while no spaces are required for commercial uses. In parking lots with fewer than 100 parking spaces, a maximum of 25% of spaces are permitted to be compact spaces. No landscaping buffers are required. Four signs are permitted by the ordinance (the first dimension is the permitted height and the second dimension is the permitted width): one 15-foot by 4-foot (60 square foot) building-mounted identification sign; one 5-foot by 4-foot (20 square foot) freestanding monument sign (20 square feet permitted per side); one 1-foot by 9-foot (9 square foot) building-mounted retail sign; and one 1-foot by 9-foot (9 square foot) building-mounted parking sign.

In our professional opinion the ordinance is substantially consistent with the Master Plan. Aside from being directly called for in the Municipality's adopted Fourth Round HEFSP, Ordinance 2026-01 is substantially consistent with many other goals of the Princeton Master Plan. One of the key findings from community input in the Introduction section of the plan is that Princeton needs more housing, especially at lower price points. The Vision statement includes that Princeton will have "housing ample and diverse enough to accommodate all who want to live here" and the Princeton of the future will be "affordable to households of all income levels." It is expected that both the market-rate and affordable units in the future development of the site will be rental units. A Land Use goal of the plan is to enhance the existing pattern of land use, particularly by strengthening mixed-use centers in town. The Mobility goals of the plan include reducing inbound commuting through the development of additional housing in areas where jobs are located and encouraging shifts from single-occupancy vehicle travel to low- or zero-emissions mobility options such as walking, cycling, and transit. Utility Goals and Natural Resource Conservation Goals such as accommodating future growth while minimizing adverse impacts to the natural environment are supported by repurposing an already developed parcel.

The Board shall determine if they find Ordinance 2026-01 consistent with the Master Plan and provide any comments to Council. If Council approves the ordinance, any future development would require site plan approval by the Board.

Appendix I. 245 Nassau Street Documentation

MUNICIPALITY OF
PRINCETON
Office of the Municipal Clerk
400 Witherspoon Street
Princeton, NJ 08540
(609) 924-5704
dmount@princetonnj.gov

MEMORANDUM

To: Planning Board

From: Dawn M. Mount, *Municipal Clerk*

CC: Justin Lesko, *Planning Director*

Subject: Planning Board Review of Ordinance 2026-1 upon Introduction of Amendments

Date: Tuesday, February 10, 2026

On behalf of the Mayor and Council, and in accordance with the provisions of N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64, the attached ordinance had amendments introduced at second reading at the Regular Meeting of February 9, 2026, and requires the Planning Board's further review and consideration. Please transmit the report of findings and recommendations from the Planning Board no later than thirty-five (35) days from this referral. It should be noted that the tentative date of the public hearing and final adoption of this ordinance is scheduled to take place at the Mayor and Council Regular Meeting of February 23, 2026.

Thank you in advance for your cooperation. Please contact me should you have any questions or concerns.

ORDINANCE #2026-01

AN ORDINANCE OF THE MUNICIPALITY OF PRINCETON AMENDING CHAPTER B17A ENTITLED "LAND USE AND ZONING" OF THE MUNICIPALITY OF PRINCETON TO CREATE THE AFFORDABLE HOUSING DISTRICT-10 (AH-10) IN FURTHERANCE OF THE FAIR HOUSING ACT

WHEREAS, the New Jersey Supreme Court, through its rulings in Southern Burlington County NAACP vs. Mount Laurel, 67 N.J. 151 (1975) ("Mount Laurel I") and Southern Burlington County NAACP vs. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II"), has determined that every municipality in New Jersey has a constitutional obligation to provide, through its land use regulations, a realistic opportunity for its fair share of the regional need for housing for low- and moderate-income households and families; and

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. into law, amending the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, *et seq.*, to establish a new framework for determining and enforcing municipalities' affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the Act (the "FHA"), starting with fourth round (2025-2035) affordable housing obligations; and

WHEREAS, in accordance with the FHA and Administrative Directive #14-24 issued by the Administrative Office of the Courts on December 13, 2024 ("Administrative Directive #14-24"), Princeton filed a Complaint for Declaratory Judgment entitled *In the Matter of the Application of the Municipality of Princeton in Mercer County*, Docket No. MER-L-000207-25 on January 28, 2025 (the "Fourth Round DJ Action"), identifying Princeton's present and prospective fair share obligations for the Fourth Round, and committing to adopting and submitting a Fourth Round Housing Plan Element and Fair Share Plan ("HEFSP") as required by the FHA; and

WHEREAS, on June 25, 2025, the Princeton Planning Board ("Board") adopted a Fourth Round HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq., as required by and in conformance with the FHA; and

WHEREAS, on June 26, 2025, by Resolution No. 25-230, the Mayor and Council endorsed Princeton's Fourth Round HEFSP, which was filed with the court in the Fourth Round DJ Action on June 27, 2025; and

WHEREAS, Princeton's Fourth Round HEFSP addresses Princeton's affordable housing obligations in a manner which will promote the public health and general welfare, and sets forth a plan which fully satisfies Princeton's Fourth Round affordable housing obligations; and

WHEREAS, as contemplated by and in conformity with P.L.2024, c.2, Princeton now looks forward to implementing the goals, objectives and housing opportunities contemplated by its HEFSP by creating a new Affordable Housing District-10 ("AH-10") zoning district; and

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-1 ("MLUL") at N.J.S.A. 40:55D-62.a requires that the provisions of a zoning ordinance be substantially consistent with the land use plan element and the housing plan element of the master plan or designed to effectuate such plan elements; and

WHEREAS, Princeton finds and declares that, pursuant to the purposes of the MLUL, the within ordinance promotes the public health, safety, morals, and general welfare and advances the municipality's efforts to meet its constitutional obligation to provide for its fair share of very low, low and moderate income housing; and

WHEREAS, the Mayor and Council formally refers this Ordinance to the Board for review, examination, discussion and recommendations in accordance with N.J.S.A. 40:55D-26; and

WHEREAS, the adoption of this Ordinance was appropriately noticed pursuant to the requirements of the MLUL.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Municipality of Princeton as follows:

Section 1. Affordable Housing Districts. Section §B17A-202(i), "Affordable Housing Districts", of Chapter B17A of the "Code of the Borough of Princeton, New Jersey, 1974" (the "Code"), entitled "Land Use and Zoning", is amended to add the following new zoning district:

(10) AH-10 Affordable Housing – 10.

Section 2. Zoning Map. Section §B17A-203, "District Map", of Chapter B17A of the Code, is hereby supplemented and amended to modify the "Official Zoning Map of Princeton, Mercer County, New Jersey" by designating the following lands identified by block(s) and lot(s) on the official Tax Map of Princeton as follows:

Block(s)	Lot(s)	Street Address	Existing District	New District
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Section 3. Affordable Housing District Provisions. Division 10 "Affordable Housing Zones" of Chapter B17A of the Code is hereby supplemented and amended to add the following new Affordable Housing Zone to Subdivision II "Affordable Housing (AH) Zones" as follows:

§B17A-490. Affordable Housing - 10 (AH-10)

A. Purpose. The purpose of the AH-10 zoning district is to provide a realistic opportunity for the construction of affordable housing pursuant to the New Jersey Fair Housing Act and thereby comply with the Municipality's constitutional obligation to provide such housing to low-and moderate-income households. Specifically, the AH-10 zone is established to encourage redevelopment consisting of upper-story multiple dwellings with an affordable housing set-aside, along with ground-level retail, service, commercial and office uses.

B. Permitted Uses. In Affordable Housing – 10 district, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

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(2) Retail sales and service businesses and restaurants located on the ground floor or street level, not to exceed, in total, 3,300 sf. of net leasable floor area.

C. Accessory Uses Permitted. Any of the following uses shall be permitted when used in conjunction with a principal use:

(1) Residential management office.

(2) Common rooms/areas, including for meetings, recreation, laundry and storage.

(3) Communications infrastructure.

(4) Maintenance and storage.

(5) Off-street parking and loading.

(6) Street/site furnishings. Outdoor dining / courtyard is allowable within the front yard setback.

(7) Home occupations.

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(9) Landscape amenities and open space.

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(11) Storm water management facilities and other utilities.

(12) Other customary uses which are clearly incidental and subordinate to a permitted principal use on the same lot.

D. Required Income Restriction. In any AH-10 district, at least twenty percent (20%) of the total number of dwellings shall be affordable to very low, low and moderate income households, but in no instance shall the number of such affordable dwellings be less than eighteen (18). Affordable units shall be restricted, regulated and administered consistent with the Municipality's affordable housing regulations, the Uniform Housing Affordability Controls rules (N.J.A.C. 5:80-26.1 et seq.) and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), including the Fair Housing Act's definition of very low-income households and all other provisions of the Municipality's Affordable Housing Ordinance (§T10B-332).

E. AH-10 Site Development Regulations. The following site development regulations shall apply to all lots and buildings:

(1) Minimum yard requirements:

a. Front yard:

i. To Lot 18: five (5) feet.

ii. All others: zero (0) feet.

iii. Outdoor dining courtyard(s) shall be allowable within the front yard setback.

b. Side yard: zero (0) feet.

c. Rear yard: ten (10) feet.

i. Stormwater management measures and emergency generator(s) shall be permitted within the rear yard setback.

d. Maximum front yard setback: fifteen (15) feet.

(2) Maximum impervious coverage: 90%.

(3) Building height shall not exceed five (5) stories, not to exceed sixty-five (65) feet in height.

(4) Maximum number of dwelling units shall not exceed 95 units in the AH-10 district.

(5) Maximum number of buildings: Multiple buildings per lot are permitted.

(6) Off-street vehicular and bicycle parking.

a. Vehicle parking for residential uses: 0.75 off-street parking spaces shall be provided for each dwelling.

b. Vehicle parking for non-residential uses. No off-street parking spaces shall be required.

c. The allowable number of compact size parking spaces shall be as follows: In parking areas and parking structures of less than 100 spaces, a maximum of 25% of such spaces may be designed as compact spaces.

d. Bicycle parking shall be provided in accordance with §T10B-282.2.

F. Landscaping. No landscape buffers shall be required.

G. Lighting. Illumination of sites and buildings shall be regulated pursuant to §B17A-365.1 Lighting.

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(2) One freestanding, two-sided, monument sign shall be permitted. Such sign shall not exceed one (1) foot in width, with each sign face not exceeding 5' x 4' (height x width) and twenty (20) square feet in size. The sign may be installed in the front and side yard setbacks up to the property boundaries. If the sign is illuminated, it shall be either externally lit with directional lights that are shielded (so as to sufficiently illuminate the sign content) or halo-lit with shielded back glow illumination.

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Section 4. Conflicts. If the terms of this Ordinance shall be in conflict with those of another Ordinance, the provisions of this Ordinance shall control.

Section 5. Severability. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 6. Referral. After introduction, the Municipal Clerk is hereby directed to submit a copy of this ordinance to the Princeton Planning Board for its review and report in accordance with N.J.S.A. 40:55D-64.

Section 7. Notice. The Municipal Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the Mercer County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-62.1.

Section 8. Effective Date. This ordinance shall take effect immediately upon final passage and publication, filing with the Mercer County Planning Board, and as otherwise provided for by law.

_____ _____

Dawn M. Mount, Clerk Hon. Mark Freda, Mayor

STATEMENT OF PURPOSE: The purpose of this ordinance is to amend Princeton's zoning ordinance by creating a new affordable housing zoning district in furtherance of Princeton's Fourth Round Housing Plan Element and Fair Share Plan.

NOTICE

NOTICE IS HEREBY GIVEN that the above Ordinance was introduced and passed on first reading at the Council Meeting of the Mayor and Council of the Municipality of Princeton in the County of Mercer, State of New Jersey, held on January 27, 2026 and will be considered for final passage and adoption at the Council Meeting scheduled for February 9, 2026 at 7:00 p.m. at the Princeton Municipal Building, 400 Witherspoon Street, Princeton, New Jersey. Any person interested in this matter will be given an opportunity to be heard at that meeting. A copy of this Ordinance may be obtained at no cost by any member of the general public upon request at the Municipal Building during business hours.

File #: ORD 26-04 **Agenda Date:** 2/23/2026 **Agenda #:** 2.

An Ordinance of the Municipality of Princeton Amending Chapter B17A Entitled “Land Use And Zoning” of the Municipality of Princeton to Create the Affordable Housing District-8 (AH-8) In Furtherance of the Fair Housing Act- Roll Call

ORDINANCE #2026-04

AN ORDINANCE OF THE MUNICIPALITY OF PRINCETON AMENDING CHAPTER B17A ENTITLED "LAND USE AND ZONING" OF THE MUNICIPALITY OF PRINCETON TO CREATE THE AFFORDABLE HOUSING DISTRICT-8 (AH-8) IN FURTHERANCE OF THE FAIR HOUSING ACT

WHEREAS, the New Jersey Supreme Court, through its rulings in Southern Burlington County NAACP vs. Mount Laurel, 67 N.J. 151 (1975) ("Mount Laurel I") and Southern Burlington County NAACP vs. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II"), has determined that every municipality in New Jersey has a constitutional obligation to provide, through its land use regulations, a realistic opportunity for its fair share of the regional need for housing for low- and moderate-income households and families; and

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. into law, amending the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, *et seq.*, to establish a new framework for determining and enforcing municipalities' affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the Act (the "FHA"), starting with fourth round (2025-2035) affordable housing obligations; and

WHEREAS, in accordance with the FHA and Administrative Directive #14-24 issued by the Administrative Office of the Courts on December 13, 2024 ("Administrative Directive #14-24"), Princeton filed a Complaint for Declaratory Judgment entitled *In the Matter of the Application of the Municipality of Princeton in Mercer County*, Docket No. MER-L-000207-25 on January 28, 2025 (the "Fourth Round DJ Action"), identifying Princeton's present and prospective fair share obligations for the Fourth Round, and committing to adopting and submitting a Fourth Round Housing Plan Element and Fair Share Plan ("HEFSP") as required by the FHA; and

WHEREAS, on June 25, 2025, the Princeton Planning Board ("Board") adopted a Fourth Round HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq., as required by and in conformance with the FHA; and

WHEREAS, on June 26, 2025, by Resolution No. 25-230, the Mayor and Council endorsed Princeton's Fourth Round HEFSP, which was filed with the court in the Fourth Round DJ Action on June 27, 2025; and

WHEREAS, Princeton's Fourth Round HEFSP addresses Princeton's affordable housing obligations in a manner which will promote the public health and general welfare, and sets forth a plan which fully satisfies Princeton's Fourth Round affordable housing obligations; and

WHEREAS, as contemplated by and in conformity with P.L.2024, c.2, Princeton now looks forward to implementing the goals, objectives and housing opportunities contemplated by its HEFSP by creating a new Affordable Housing District-8 ("AH-8") zoning district; and

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-1 ("MLUL") at N.J.S.A. 40:55D-62.a requires that the provisions of a zoning ordinance be substantially consistent with the land use plan element and the housing plan element of the master plan or designed to effectuate such plan elements; and

WHEREAS, Princeton finds and declares that, pursuant to the purposes of the MLUL, the within ordinance promotes the public health, safety, morals, and general welfare and advances the municipality's efforts to meet its constitutional obligation to provide for its fair share of very low, low and moderate income housing; and

WHEREAS, the Mayor and Council formally refers this Ordinance to the Board for review, examination, discussion and recommendations in accordance with N.J.S.A. 40:55D-26; and

WHEREAS, the adoption of this Ordinance was appropriately noticed pursuant to the requirements of the MLUL.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Municipality of Princeton as follows:

Section 1. Affordable Housing Districts. Section §B17A-202(i), "Affordable Housing Districts", of Chapter B17A of the "Code of the Borough of Princeton, New Jersey, 1974" (the "Code"), entitled "Land Use and Zoning", is amended to add the following new zoning district:

(8) AH-8 Affordable Housing – 8.

Section 2. Zoning Map. Section §B17A-203, "District Map", of Chapter B17A of the Code, is hereby supplemented and amended to modify the "Official Zoning Map of Princeton, Mercer County, New Jersey" by designating the following lands identified by block(s) and lot(s) on the official Tax Map of Princeton as follows:

Block(s)	Lot(s)	Street Address	Existing District	New District
24.01	3	145 Witherspoon Street	RB B	AH-8

Section 3. Affordable Housing District Provisions. Division 10 "Affordable Housing Zones" of Chapter B17A of the Code is hereby supplemented and amended to add the following new Affordable Housing Zone to Subdivision II "Affordable Housing (AH) Zones" as follows:

§B17A-488. Affordable Housing - 8 (AH-8)

A. Purpose. The purpose of the Affordable Housing-8 (AH-8) zoning district is to provide a realistic opportunity for the construction of affordable housing pursuant to the New Jersey Fair Housing Act and thereby comply with the Municipality's constitutional obligation to provide such housing to for low-and moderate-income households. Specifically, the AH-8 zone is established to encourage redevelopment consisting of multiple dwellings with an affordable housing set-aside, along with ground-level retail, service, and restaurant uses.

B. Permitted Uses. In AH-8, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

(1) Multiple dwellings above the ground floor, or behind retail sales and services businesses and restaurants located on the ground floor or street level.

(2) Retail sales and services businesses and restaurants located on the ground floor or street level.

C. Accessory Uses Permitted. Any of the following uses shall be permitted when used in conjunction with a principal use.

(1) Residential management office.

(2) Common rooms / areas, including for meetings, recreation, laundry and storage.

(3) Communications infrastructure.

(4) Maintenance and storage.

(5) Off-street parking and loading.

(6) Street/site furnishings.

(7) Home occupations.

(8) Off-street surface parking and private residential garages.

(9) Fences and walls.

(10) Landscape amenities and open space.

(11) Signs.

(12) Storm water management facilities and other amenities.

(13) Other customary uses which are clearly incidental and subordinate to a permitted principal use on the same lot.

D. Required Income Restriction. In any AH-8 district, at least twenty percent (20%) of the total number of dwellings shall be affordable to very low, low and moderate income households, but in no instance shall the number of such affordable dwelling units be less than five (5). Affordable units shall be restricted, regulated and administered consistent with the Municipality's affordable housing regulations, the Uniform Housing Affordability Controls rules (N.J.A.C. 5:80-26.1 et seq.) and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), including the Fair Housing Act's definition of very low-income households and all other provisions of the Municipality's Affordable Housing Ordinance (§T10B-332).

E. AH-8 Site Development Regulations. The following site development regulations shall apply to all lots and buildings:

(1) Minimum yard requirements:

(a) Front yard: zero (0) feet.

(b) Side yard: three (3) feet on the northern lot line and zero (0) feet on the southern lot line.

(c) Rear yard: zero (0) feet.

(2) Maximum front yard setback: ten (10) feet.

(3) Maximum impervious coverage: ninety seven percent (97%).

(4) Maximum building height: Maximum height is four (4) stories and not to exceed fifty (50) feet.

(5) Maximum number of dwellings shall not exceed twenty-five (25) units in the AH-8 district.

F. Off-street parking.

(1) Residential uses:

(a) Up to five dwelling units: no off-street parking is required.

(b) 0.5 off-street parking spaces shall be provided for each additional dwelling.

(2) Non-residential uses: no off-street parking required.

G. Lighting. Illumination of sites and buildings shall be regulated pursuant to §B17A-365.1 Lighting.

H. Signs. Signs shall be regulated pursuant to §B17A-368, Accessory Signs-Permitted, in business districts.

Section 4. Conflicts. If the terms of this Ordinance shall be in conflict with those of another Ordinance, the provisions of this Ordinance shall control.

Section 5. Severability. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 6. Referral. After introduction, the Municipal Clerk is hereby directed to submit a copy of this ordinance to the Princeton Planning Board for its review and report in accordance with N.J.S.A. 40:55D-64.

Section 7. Notice. The Municipal Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the Mercer County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-62.1.

Section 8. Effective Date. This ordinance shall take effect immediately upon final passage and publication, filing with the Mercer County Planning Board, and as otherwise provided for by law.

_____ _____

Dawn M. Mount, Clerk Hon. Mark Freda, Mayor

STATEMENT OF PURPOSE: The purpose of this ordinance is to amend Princeton's zoning ordinance by creating a new affordable housing zoning district in furtherance of Princeton's Fourth Round Housing Plan Element and Fair Share Plan.

NOTICE

NOTICE IS HEREBY GIVEN that the above Ordinance was introduced and passed on first reading at the Council Meeting of the Mayor and Council of the Municipality of Princeton in the County of Mercer, State of New Jersey, held on February 9, 2026 and will be considered for final

passage and adoption at the Council Meeting scheduled for February 23, 2026 at 7:00 p.m. at the Princeton Municipal Building, 400 Witherspoon Street, Princeton, New Jersey. Any person interested in this matter will be given an opportunity to be heard at that meeting. A copy of this Ordinance may be obtained at no cost by any member of the general public upon request at the Municipal Building during business hours.

MUNICIPALITY OF PRINCETON
Planning Department
400 Witherspoon Street
Princeton, NJ 08540
(609) 924-5366
planning@princetonnj.gov

MEMORANDUM

To: Princeton Mayor and Council
From: Justin Lesko, AICP, PP – Planning Director
Nathan Foote, AICP, PP – Assistant Planning Director
Date: February 20th, 2026
Subject: **Ordinance #2026-04: An Ordinance of the Municipality of Princeton Amending Chapter B17A Entitled "Land Use and Zoning" of the Municipality of Princeton to Create the Affordable Housing District-8 (AH-8) in Furtherance of the Fair Housing Act**
Council Introduction – February 9th, 2026
Planning Board Review – February 19th, 2026

The Princeton Council has referred Ordinance #2026-04 to the Planning Board for master plan consistency review pursuant to N.J.S.A. 40A:55D-26a. The ordinance establishes the Affordable Housing District 8 (AH-8) at the 145 Witherspoon Street property, and allows for up to 25 multi-family residential units, while requiring a minimum of five affordable housing units. The ordinance was introduced on February 9th. The Planning Board reviewed the ordinance at their regular meeting open to the public on February 19th.

By a unanimous vote, the Board found Ordinance #2026-04 to be substantially consistent with the Princeton Master Plan and recommended approval of the Ordinance. The Board did not have any comments or recommendations.

See the memo from us for more information on the ordinance, the Affordable Housing District 8 (AH-8) it would establish, and its relation to the Princeton Master Plan, including the Fourth Round Housing Plan Element and Fair Share Plan. The memo is attached.

Please reach out if there are any questions or concerns regarding the ordinance or the Planning Board's review.

MUNICIPALITY OF PRINCETON
Planning Department
400 Witherspoon Street
Princeton, NJ 08540
(609) 924-5366
planning@princetonnj.gov

MEMORANDUM

To: Princeton Planning Board
From: Justin Lesko, AICP, PP – Planning Director
Nathan Foote, AICP, PP – Assistant Planning Director
Date: February 13th, 2026
Subject: **Ordinance #2026-04: An Ordinance of the Municipality of Princeton Amending Chapter B17A Entitled "Land Use and Zoning" of the Municipality of Princeton to Create the Affordable Housing District 10 (AH-10) in Furtherance of the Fair Housing Act**
Council Introduction – February 9th, 2026

The Princeton Council has referred Ordinance #2026-04 to the Planning Board for master plan consistency review pursuant to N.J.S.A. 40A:55D-26a. The ordinance was introduced on February 9th and is scheduled for a public hearing on February 23rd. Ordinance 2026-04 is attached to this memo for reference.

The ordinance establishes the Affordable Housing District 8 (AH-8), comprised of one lot at 145 Witherspoon Street (Block 24.01, Lot 3). The lot currently contains a two-story office building with associated parking lot in the rear, and is located in the RB Residence-Business zone of the former Borough. The property is adjacent to Princeton Cemetery to the south and east (located in the R-4 Residential zone of the former Borough), and to mixed commercial and residential uses to the north (located in the RB B zone and the Affordable Housing Overlay-7, AHO-7). The property is across Witherspoon Street from additional mixed commercial and residential uses (which are also located in the RB B zone and AHO-7). Properties further north along Witherspoon Street are a mix of commercial and residential uses in the RB B zone, while properties to the south and further west are in the R-4 B zone.

The AH-8 district is intended to provide a realistic opportunity for the construction of affordable housing pursuant to the New Jersey Fair Housing Act and to comply with the Municipality's constitutional obligation to provide housing for low-and moderate-income households. The site is included in the Municipality's Fourth Round Housing Plan Element and Fair Share Plan ("Fourth Round HEFSP") as adopted by the Planning Board on June 25, 2025, and endorsed by Council on June 26, 2025. Page 63 of the Fourth Round HEFSP includes how the future development meets the criteria of site availability, suitability, approvability and developability as required by state law. Appendix F of the Fourth Round Plan includes a map of site constraints and an initial conceptual plan of the development. Appendix F is attached to this memo.

As called for in the Fourth Round Plan, Ordinance 2026-04 establishes an AH-8 zone that would allow for up to 25 multi-family residential apartment units. The ordinance also permits retail sales and services businesses, and restaurants on the ground floor. Dwellings are permitted on the ground floor, provided they are to the rear of commercial uses. At least 20% of the residential units are required to be designated as affordable with a minimum number of 5 affordable units. In other words, while a developer may reduce the number of overall units, they may not reduce the number of units set aside as affordable below 5 units. This is because the Fourth Round HEFSP has designated 5 affordable units to be provided from the 145 Witherspoon Street site. The affordable units would be regulated

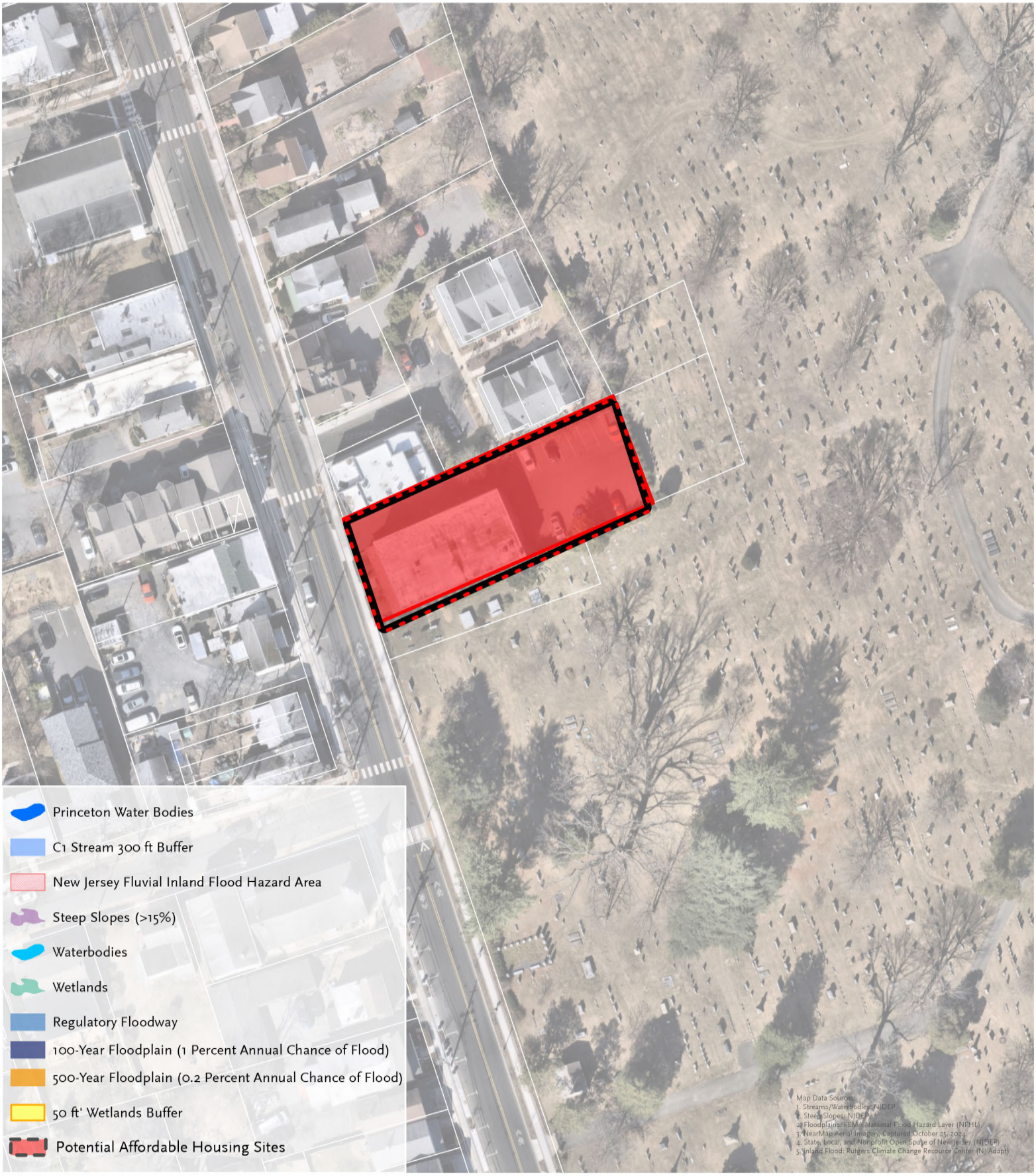
consistent with the Uniform Housing Affordability Controls (UHAC) and the New Jersey Fair Housing Act.

The maximum permitted height is four stories and 50 feet. The maximum impervious coverage is 97% (similar to the existing impervious coverage). Per the proposed ordinance, no off-street parking is required for the first five residential units, with 0.5 parking space required for each additional residential apartment. No spaces are required for commercial uses. The required spaces can be on surface lots or in enclosed garages. No landscaping buffers are required. Setbacks are not required except for a three foot one on the northern lot line. The maximum front yard setback is 10 feet. Lighting and signs are regulated pursuant to relevant sections of the existing municipal ordinance.

Aside from being directly called for in the Municipality's adopted Fourth Round HEFSP, Ordinance 2026-04 is substantially consistent with many other goals of the Princeton Master Plan. One of the key findings from community input in the Introduction section of the plan is that Princeton needs more housing, especially at lower price points. The Vision statement includes that Princeton will have "housing ample and diverse enough to accommodate all who want to live here" and the Princeton of the future will be "affordable to households of all income levels." It is expected that both the market-rate and affordable units in the future development of the site will be rental units. A Land Use goal of the plan is to enhance the existing pattern of land use, particularly by strengthening mixed-use centers in town. The Mobility goals of the plan include reducing inbound commuting through the development of additional housing in areas where jobs are located and encouraging shifts from single-occupancy vehicle travel to low- or zero-emissions mobility options such as walking, cycling, and transit. Utility Goals and Natural Resource Conservation Goals such as accommodating future growth while minimizing adverse impacts to the natural environment are supported by repurposing an already developed parcel.

The Board shall determine if they find the Ordinance consistent with the Master Plan and provide any comments to Council. If Council approves the Ordinance, any future development would require site plan approval by the Board.

Appendix F. 145 Witherspoon Street Documentation



0 25 50 100 Feet

Clarke Caton Hintz
Architecture
Planning
Landscape Architecture

Potential Sites for Affordable Housing Development

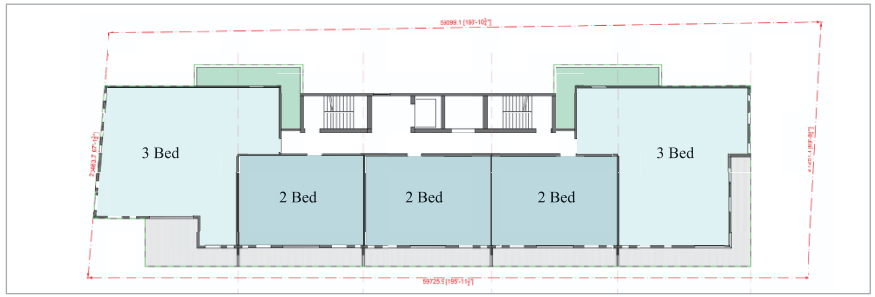
Site 13: 145 Witherspoon

LOCATION:
Princeton, Mercer County, NJ

DATE:
June 2025

145 WITHERSPOON ST
UNIT MIX (06.06.25)

4th Floor



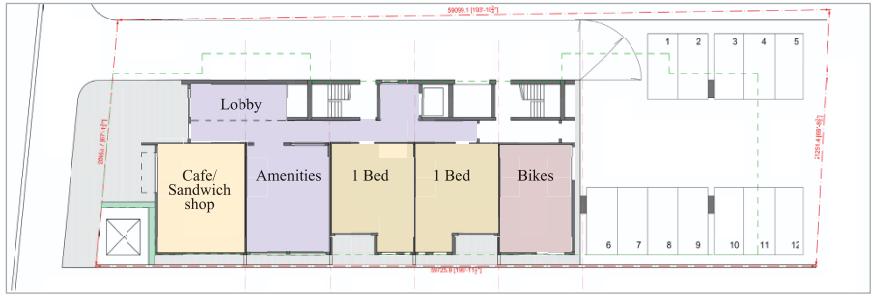
3rd Floor

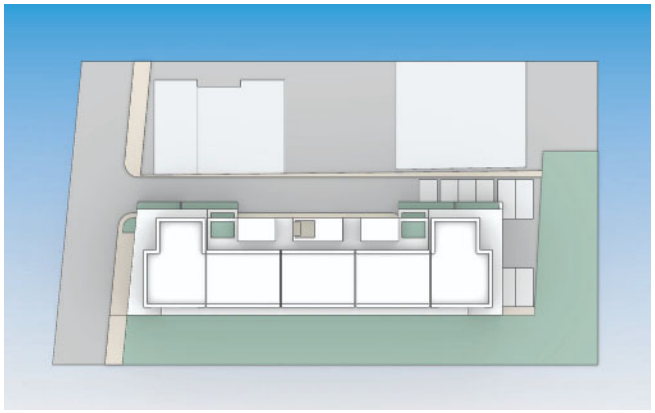


2nd Floor



1st Floor





TOTAL No OF UNITS : 25

Affordable Units:	5
Market Units :	20

- 1 Bed (small)
- 1 Bed
- 2 Bed
- 3 Bed

- Lobby
- Amenities
- Bike Storage
- Cafe / Sandwich Shop

MUNICIPALITY OF
PRINCETON
Office of the Municipal Clerk
400 Witherspoon Street
Princeton, NJ 08540
(609) 924-5704
dmount@princetonnj.gov

MEMORANDUM

To: Planning Board

From: Dawn M. Mount, *Municipal Clerk*

CC: Justin Lesko, *Planning Director*

Subject: Planning Board Review of Ordinance 2026-4 upon Introduction

Date: February 10, 2026

On behalf of the Mayor and Council, and in accordance with the provisions of N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64, the attached ordinance, introduced at the Regular Meeting of February 9, 2026, is being directed to the Planning Board for its review and consideration. Please transmit the report of findings and recommendations from the Planning Board no later than thirty-five (35) days from this referral. It should be noted that the tentative date of the public hearing and final adoption of this ordinance is scheduled to take place at the Mayor and Council Regular Meeting of February 23, 2026.

Thank you in advance for your cooperation. Please contact me should you have any questions or concerns.

ORDINANCE #2026-04

AN ORDINANCE OF THE MUNICIPALITY OF PRINCETON AMENDING CHAPTER B17A ENTITLED "LAND USE AND ZONING" OF THE MUNICIPALITY OF PRINCETON TO CREATE THE AFFORDABLE HOUSING DISTRICT-8 (AH-8) IN FURTHERANCE OF THE FAIR HOUSING ACT

WHEREAS, the New Jersey Supreme Court, through its rulings in Southern Burlington County NAACP vs. Mount Laurel, 67 N.J. 151 (1975) ("Mount Laurel I") and Southern Burlington County NAACP vs. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II"), has determined that every municipality in New Jersey has a constitutional obligation to provide, through its land use regulations, a realistic opportunity for its fair share of the regional need for housing for low- and moderate-income households and families; and

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. into law, amending the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, *et seq.*, to establish a new framework for determining and enforcing municipalities' affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the Act (the "FHA"), starting with fourth round (2025-2035) affordable housing obligations; and

WHEREAS, in accordance with the FHA and Administrative Directive #14-24 issued by the Administrative Office of the Courts on December 13, 2024 ("Administrative Directive #14-24"), Princeton filed a Complaint for Declaratory Judgment entitled *In the Matter of the Application of the Municipality of Princeton in Mercer County*, Docket No. MER-L-000207-25 on January 28, 2025 (the "Fourth Round DJ Action"), identifying Princeton's present and prospective fair share obligations for the Fourth Round, and committing to adopting and submitting a Fourth Round Housing Plan Element and Fair Share Plan ("HEFSP") as required by the FHA; and

WHEREAS, on June 25, 2025, the Princeton Planning Board ("Board") adopted a Fourth Round HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq., as required by and in conformance with the FHA; and

WHEREAS, on June 26, 2025, by Resolution No. 25-230, the Mayor and Council endorsed Princeton's Fourth Round HEFSP, which was filed with the court in the Fourth Round DJ Action on June 27, 2025; and

WHEREAS, Princeton's Fourth Round HEFSP addresses Princeton's affordable housing obligations in a manner which will promote the public health and general welfare, and sets forth a plan which fully satisfies Princeton's Fourth Round affordable housing obligations; and

WHEREAS, as contemplated by and in conformity with P.L.2024, c.2, Princeton now looks forward to implementing the goals, objectives and housing opportunities contemplated by its HEFSP by creating a new Affordable Housing District-8 ("AH-8") zoning district; and

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-1 ("MLUL") at N.J.S.A. 40:55D-62.a requires that the provisions of a zoning ordinance be substantially consistent with the land use plan element and the housing plan element of the master plan or designed to effectuate such plan elements; and

WHEREAS, Princeton finds and declares that, pursuant to the purposes of the MLUL, the within ordinance promotes the public health, safety, morals, and general welfare and advances the municipality's efforts to meet its constitutional obligation to provide for its fair share of very low, low and moderate income housing; and

WHEREAS, the Mayor and Council formally refers this Ordinance to the Board for review, examination, discussion and recommendations in accordance with N.J.S.A. 40:55D-26; and

WHEREAS, the adoption of this Ordinance was appropriately noticed pursuant to the requirements of the MLUL.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Municipality of Princeton as follows:

Section 1. Affordable Housing Districts. Section §B17A-202(i), "Affordable Housing Districts", of Chapter B17A of the "Code of the Borough of Princeton, New Jersey, 1974" (the "Code"), entitled "Land Use and Zoning", is amended to add the following new zoning district:

(8) AH-8 Affordable Housing – 8.

Section 2. Zoning Map. Section §B17A-203, "District Map", of Chapter B17A of the Code, is hereby supplemented and amended to modify the "Official Zoning Map of Princeton, Mercer County, New Jersey" by designating the following lands identified by block(s) and lot(s) on the official Tax Map of Princeton as follows:

Block(s)	Lot(s)	Street Address	Existing District	New District
24.01	3	145 Witherspoon Street	RB B	AH-8

Section 3. Affordable Housing District Provisions. Division 10 "Affordable Housing Zones" of Chapter B17A of the Code is hereby supplemented and amended to add the following new Affordable Housing Zone to Subdivision II "Affordable Housing (AH) Zones" as follows:

§B17A-488. Affordable Housing - 8 (AH-8)

A. Purpose. The purpose of the Affordable Housing-8 (AH-8) zoning district is to provide a realistic opportunity for the construction of affordable housing pursuant to the New Jersey Fair Housing Act and thereby comply with the Municipality's constitutional obligation to provide such housing to for low-and moderate-income households. Specifically, the AH-8 zone is established to encourage redevelopment consisting of multiple dwellings with an affordable housing set-aside, along with ground-level retail, service, and restaurant uses.

B. Permitted Uses. In AH-8, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

(1) Multiple dwellings above the ground floor, or behind retail sales and services businesses and restaurants located on the ground floor or street level.

(2) Retail sales and services businesses and restaurants located on the ground floor or street level.

C. Accessory Uses Permitted. Any of the following uses shall be permitted when used in conjunction with a principal use.

(1) Residential management office.

(2) Common rooms / areas, including for meetings, recreation, laundry and storage.

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(5) Off-street parking and loading.

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(8) Off-street surface parking and private residential garages.

(9) Fences and walls.

(10) Landscape amenities and open space.

(11) Signs.

(12) Storm water management facilities and other amenities.

(13) Other customary uses which are clearly incidental and subordinate to a permitted principal use on the same lot.

D. Required Income Restriction. In any AH-8 district, at least twenty percent (20%) of the total number of dwellings shall be affordable to very low, low and moderate income households, but in no instance shall the number of such affordable dwelling units be less than five (5). Affordable units shall be restricted, regulated and administered consistent with the Municipality's affordable housing regulations, the Uniform Housing Affordability Controls rules (N.J.A.C. 5:80-26.1 et seq.) and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), including the Fair Housing Act's definition of very low-income households and all other provisions of the Municipality's Affordable Housing Ordinance (§T10B-332).

E. AH-8 Site Development Regulations. The following site development regulations shall apply to all lots and buildings:

(1) Minimum yard requirements:

(a) Front yard: zero (0) feet.

(b) Side yard: three (3) feet on the northern lot line and zero (0) feet on the southern lot line.

(c) Rear yard: zero (0) feet.

(2) Maximum front yard setback: ten (10) feet.

(3) Maximum impervious coverage: ninety seven percent (97%).

(4) Maximum building height: Maximum height is four (4) stories and not to exceed fifty (50) feet.

(5) Maximum number of dwellings shall not exceed twenty-five (25) units in the AH-8 district.

F. Off-street parking.

(1) Residential uses:

(a) Up to five dwelling units: no off-street parking is required.

(b) 0.5 off-street parking spaces shall be provided for each additional dwelling.

(2) Non-residential uses: no off-street parking required.

G. Lighting. Illumination of sites and buildings shall be regulated pursuant to §B17A-365.1 Lighting.

H. Signs. Signs shall be regulated pursuant to §B17A-368, Accessory Signs-Permitted, in business districts.

Section 4. Conflicts. If the terms of this Ordinance shall be in conflict with those of another Ordinance, the provisions of this Ordinance shall control.

Section 5. Severability. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 6. Referral. After introduction, the Municipal Clerk is hereby directed to submit a copy of this ordinance to the Princeton Planning Board for its review and report in accordance with N.J.S.A. 40:55D-64.

Section 7. Notice. The Municipal Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the Mercer County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-62.1.

Section 8. Effective Date. This ordinance shall take effect immediately upon final passage and publication, filing with the Mercer County Planning Board, and as otherwise provided for by law.

_____ _____

Dawn M. Mount, Clerk Hon. Mark Freda, Mayor

STATEMENT OF PURPOSE: The purpose of this ordinance is to amend Princeton's zoning ordinance by creating a new affordable housing zoning district in furtherance of Princeton's Fourth Round Housing Plan Element and Fair Share Plan.

NOTICE

NOTICE IS HEREBY GIVEN that the above Ordinance was introduced and passed on first reading at the Council Meeting of the Mayor and Council of the Municipality of Princeton in the County of Mercer, State of New Jersey, held on February 9, 2026 and will be considered for final

passage and adoption at the Council Meeting scheduled for February 23, 2026 at 7:00 p.m. at the Princeton Municipal Building, 400 Witherspoon Street, Princeton, New Jersey. Any person interested in this matter will be given an opportunity to be heard at that meeting. A copy of this Ordinance may be obtained at no cost by any member of the general public upon request at the Municipal Building during business hours.

File #: ORD 26-05 **Agenda Date:** 2/23/2026 **Agenda #:** 3.

An Ordinance of the Municipality of Princeton Amending Chapter B17A Entitled “Land Use And Zoning” of the Municipality of Princeton to Create the Affordable Housing Overlay District-9 (AHO-9) In Furtherance of the Fair Housing Act- Roll Call

ORDINANCE #2026-05

AN ORDINANCE OF THE MUNICIPALITY OF PRINCETON AMENDING CHAPTER B17A ENTITLED "LAND USE AND ZONING" OF THE MUNICIPALITY OF PRINCETON TO CREATE THE AFFORDABLE HOUSING OVERLAY DISTRICT–9 (AHO-9) IN FURTHERANCE OF THE FAIR HOUSING ACT

WHEREAS, the New Jersey Supreme Court, through its rulings in Southern Burlington County NAACP vs. Mount Laurel, 67 N.J. 151 (1975) ("Mount Laurel I") and Southern Burlington County NAACP vs. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II"), has determined that every municipality in New Jersey has a constitutional obligation to provide, through its land use regulations, a realistic opportunity for its fair share of the regional need for housing for low- and moderate-income households and families; and

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. into law, amending the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, *et seq.*, to establish a new framework for determining and enforcing municipalities' affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the Act (the "FHA"), starting with fourth round (2025-2035) affordable housing obligations; and

WHEREAS, in accordance with the FHA and Administrative Directive #14-24 issued by the Administrative Office of the Courts on December 13, 2024 ("Administrative Directive #14-24"), Princeton filed a Complaint for Declaratory Judgment entitled *In the Matter of the Application of the Municipality of Princeton in Mercer County*, Docket No. MER-L-000207-25 on January 28, 2025 (the "Fourth Round DJ Action"), identifying Princeton's present and prospective fair share obligations for the Fourth Round, and committing to adopting and submitting a Fourth Round Housing Plan Element and Fair Share Plan ("HEFSP") as required by the FHA; and

WHEREAS, on June 25, 2025, the Princeton Planning Board ("Board") adopted a Fourth Round HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq., as required by and in conformance with the FHA; and

WHEREAS, on June 26, 2025, by Resolution No. 25-230, the Mayor and Council endorsed Princeton's Fourth Round HEFSP, which was filed with the court in the Fourth Round DJ Action on June 27, 2025; and

WHEREAS, Princeton's Fourth Round HEFSP addresses Princeton's affordable housing obligations in a manner which will promote the public health and general welfare, and sets forth a plan which fully satisfies Princeton's Fourth Round affordable housing obligations; and

WHEREAS, as contemplated by and in conformity with P.L.2024, c.2, Princeton now looks forward to implementing the goals, objectives and housing opportunities contemplated by its HEFSP by creating a new Affordable Housing Overlay District-9 ("AHO-9") zoning district; and

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-1 ("MLUL") at N.J.S.A. 40:55D-62.a requires that the provisions of a zoning ordinance be substantially consistent with the land use plan element and the housing plan element of the master plan or designed to effectuate such plan elements; and

WHEREAS, Princeton finds and declares that, pursuant to the purposes of the MLUL, the within ordinance promotes the public health, safety, morals, and general welfare and advances the municipality's efforts to meet its constitutional obligation to provide for its fair share of very low, low and moderate income housing; and

WHEREAS, the Mayor and Council formally refers this Ordinance to the Board for review, examination, discussion and recommendations in accordance with N.J.S.A. 40:55D-26; and

WHEREAS, the adoption of this Ordinance was appropriately noticed pursuant to the requirements of the MLUL.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Municipality of Princeton as follows:

Section 1. Affordable Housing Districts. Section §B17A-202(i), "Affordable Housing Districts", of Chapter B17A of the "Code of the Borough of Princeton, New Jersey, 1974" (the "Code"), entitled "Land Use and Zoning", is amended to add the following new zoning district:

(9) AHO-9 Affordable Housing Overlay – 9.

Section 2. Zoning Map. Section §B17A-203, "District Map", of Chapter B17A of the Code, is hereby supplemented and amended to modify the "Official Zoning Map of Princeton, Mercer County, New Jersey" by designating the following lands identified by block(s) and lot(s) on the official Tax Map of Princeton as follows:

Block(s)	Lot(s)	Street Address	Existing District	Overlay District
32.01	1, 173, 213 & 221-223	354-360 Nassau Street 11 N. Harrison Street	NB B, RO-B AHO-2	 AHO-9

Section 3. Affordable Housing District Provisions. Division 10 "Affordable Housing Zones" of Chapter B17A of the Code is hereby supplemented and amended to add the following

new Affordable Housing Zone to Subdivision I "Affordable Housing Overlay (AHO) Zones" as follows:

§B17A-458. Affordable Housing Overlay-9 (AHO-9)

A. Purpose. The purpose of the Affordable Housing Overlay-9 (AHO-9) zoning overlay district is to provide a realistic opportunity for the construction of affordable housing pursuant to the New Jersey Fair Housing Act and thereby comply with the Municipality's constitutional obligation to provide such housing to for low-and moderate-income households. Specifically, the AHO-9 zone is established to encourage redevelopment consisting of multiple dwellings with an affordable housing set-aside, along with ground-level retail, service, commercial and office uses.

B. Permitted Uses. In AHO-9, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

(1) Multiple dwellings above the ground floor or street level in street-fronting buildings; or, behind retail sales and services, offices and restaurants located on the ground floor in street-fronting locations.

(2) Retail sales and services, offices and restaurants located on the ground floor in street-fronting locations.

C. Accessory Uses Permitted. Any of the following uses shall be permitted when used in conjunction with a principal use:

(1) Residential management office.

(2) Common rooms / areas, including for meetings, recreation, laundry and storage.

(3) Communications infrastructure.

(4) Maintenance facility.

(5) Maintenance and storage.

(6) Off-street parking, including parking garage and structured parking, and loading.

(7) Street/site furnishings.

(8) Home occupations.

(9) Off-street surface and/or structured parking .

(10) Fences and walls.

(11) Landscape amenities and open space.

(12) Signs.

(13) Storm water management facilities and other utilities.

(14) Other customary uses which are clearly incidental and subordinate to a permitted principal use on the same lot.

D. Required Income Restriction. In any AHO-9 district, at least twenty percent (20%) of the total number of dwellings shall be affordable to very low, low and moderate income households. Affordable units shall be restricted, regulated and administered consistent with the Municipality's affordable housing regulations, the Uniform Housing Affordability Controls rules (N.J.A.C. 5:80-26.1 et seq.) and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), including the Fair Housing Act's definition of very low-income households and all other provisions of the Municipality's Affordable Housing Ordinance (§T10B-332).

E. AHO-9 Site Development Regulations. The following site development regulations shall apply to all lots and buildings:

(1) Minimum lot size: 75,000 square feet.

(2) Minimum yard requirements:

(a) Front yard: fifteen (15) feet along Nassau Street, five (5) feet along North Harrison Street.

(b) Yards adjacent to Block 32.01, Lots 214, 215 and 171: five (5) feet except when adjacent to Block 32.01, Lot 215 where the side yard shall be not less than ten (10) feet.

(c) Yards adjacent to 32.01, Lot 167 and Block 32.12, Lot 1: fifteen (15) feet except where Block 32.01, Lot 222 abuts Lot 167 where the rear yard shall be not less than five (5) feet.

(3) Maximum impervious coverage: ninety percent (90%).

(4) Maximum building height:

(a) Building height within forty (40) feet of the Nassau Street property line shall not exceed three stories, not to exceed thirty-six (36) feet.

(b) Building height within twenty-five (25) feet of the North Harrison Street property line shall not exceed three stories, not to exceed thirty-six (36) feet.

(c) Building height within thirty-five (35) feet of the property line of Block 32.12, Lot 1, shall not exceed three stories, not to exceed thirty-six (36) feet.

(d) Building height between forty (40) and seventy (70) feet of the Nassau Street property line shall not exceed four stories, not to exceed forty-eight (48) feet.

(e) Building height within twenty-five (25) feet from the side yard property line of Block 32.01, Lots 214 and 215 shall not exceed four stories, not to exceed forty-eight (48) feet.

(f) Building height between twenty-five (25) feet and one hundred fifty-four (154) feet from the North Harrison Street property line shall not exceed four stories, not to exceed forty-eight (48) feet.

(g) Building height within thirty (30) feet from the property line of Block 32.12, Lot 167 shall not exceed four stories, not to exceed forty-eight (48) feet.

(h) Building height between thirty-five (35) and fifty (50) feet from the property line of Block 32.12, Lot 1 shall not exceed four stories, not to exceed forty-eight (48) feet.

(i) Building height within twenty (20) feet from the property line of Block 32.01, Lot 171 shall not exceed four stories, not to exceed forty-eight (48) feet.

(j) Building height in the remainder of the parcel shall not exceed five stories, not to exceed sixty (60) feet in height.

(5) Maximum number of buildings: Multiple buildings per lot are permitted.

(6) Maximum number of dwellings shall not exceed one hundred thirty (130) units in the AHO-9 district.

F. Off-street parking for vehicles and bicycles.

(1) Vehicle parking for residential uses. 0.75 off-street parking spaces shall be provided for each dwelling.

(2) Vehicle parking for non-residential uses. One (1) space for each four hundred (400) square feet of retail sales and services, office space or restaurant use

(3) Up to fifty percent (50%) of the non-residential parking requirement may be met by assuming shared use of residential parking spaces. Therefore, total parking requirement shall equal (0.75 x number of dwelling units) + (.5 x (total commercial square feet/400)).

(4) Bicycle parking shall be provided in accordance with §T10B-282.2.

G. Minimum landscape buffers to residential zones: fifteen (15) feet in width except where Block 32.01, Lot 222 abuts Lot 167 where the buffer shall be not less than five (5) feet.

H. Lighting. Illumination of sites and buildings shall be regulated pursuant to §B17A-365.1 Lighting.

I. Signs. Signs shall be regulated pursuant to §B17A-368, Accessory Signs-Permitted in business districts.

Section 4. Conflicts. If the terms of this Ordinance shall be in conflict with those of another Ordinance, the provisions of this Ordinance shall control.

Section 5. Severability. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 6. Referral. After introduction, the Municipal Clerk is hereby directed to submit a copy of this ordinance to the Princeton Planning Board for its review and report in accordance with N.J.S.A. 40:55D-64.

Section 7. Notice. The Municipal Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the Mercer County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-62.1.

Section 8. Effective Date. This ordinance shall take effect immediately upon final passage and publication, filing with the Mercer County Planning Board, and as otherwise provided for by law.

_____ _____

Dawn M. Mount, Clerk Hon. Mark Freda, Mayor

STATEMENT OF PURPOSE: The purpose of this ordinance is to amend Princeton's zoning ordinance by creating a new affordable housing zoning overlay district in furtherance of Princeton's Fourth Round Housing Plan Element and Fair Share Plan.

NOTICE

NOTICE IS HEREBY GIVEN that the above Ordinance was introduced and passed on first reading at the Council Meeting of the Mayor and Council of the Municipality of Princeton in the County of Mercer, State of New Jersey, held on February 9, 2026 and will be considered for final passage and adoption at the Council Meeting scheduled for February 23, 2026 at 7:00 p.m. at the Princeton Municipal Building, 400 Witherspoon Street, Princeton, New Jersey. Any person interested in this matter will be given an opportunity to be heard at that meeting. A copy of this Ordinance may be obtained at no cost by any member of the general public upon request at the Municipal Building during business hours.

MUNICIPALITY OF PRINCETON
Planning Department
400 Witherspoon Street
Princeton, NJ 08540
(609) 924-5366
planning@princetonnj.gov

MEMORANDUM

To: Princeton Mayor and Council
From: Justin Lesko, AICP, PP – Planning Director
Nathan Foote, AICP, PP – Assistant Planning Director
Date: February 20th, 2026
Subject: **Ordinance #2026-05: An Ordinance of the Municipality of Princeton Amending Chapter B17A Entitled "Land Use and Zoning" of the Municipality of Princeton to Create the Affordable Housing Overlay District-9 (AHO-9) in Furtherance of the Fair Housing Act**
Council Introduction – February 9th, 2026
Planning Board Review – February 19th, 2026

The Princeton Council has referred Ordinance #2026-04 to the Planning Board for master plan consistency review pursuant to N.J.S.A. 40A:55D-26a. The ordinance establishes the Affordable Housing Overlay 9 (AHO-9) at several properties in and around Whole Earth Center, and allows for up to 130 apartment units and commercial uses, with a minimum requirement of 26 affordable housing units. The ordinance was introduced on February 9th. The Planning Board reviewed the ordinance at their regular meeting open to the public on February 19th.

By a unanimous vote, the Board found Ordinance #2026-05 to be substantially consistent with the Princeton Master Plan and recommended approval of the Ordinance, with the following comments:

- Based on a comment from a member of the public, the Board recommends encouraging direct pedestrian connections to surrounding areas, especially Queenston Commons to the north, to the maximum extent possible.

One member of the public commented in favor of the project, with the recommendation noted above.

See the memo from us to the Board for more information on the ordinance, the Affordable Housing Overlay District 9 (AHO-9) it would establish, and its relation to the Princeton Master Plan, including the Fourth Round Housing Plan Element and Fair Share Plan. The memo is attached.

Please reach out if there are any questions or concerns regarding the ordinance or the Planning Board's review.

MUNICIPALITY OF PRINCETON
Planning Department
400 Witherspoon Street
Princeton, NJ 08540
(609) 924-5366
planning@princetonnj.gov

MEMORANDUM

To: Princeton Planning Board
From: Justin Lesko, AICP, PP – Planning Director
Nathan Foote, AICP, PP – Assistant Planning Director
Date: February 13th, 2026
Subject: **Ordinance #2026-05: An Ordinance of the Municipality of Princeton Amending Chapter B17A Entitled "Land Use and Zoning" of the Municipality of Princeton to Create the Affordable Housing Overlay District-9 (AHO-9) in Furtherance of the Fair Housing Act**
Council Introduction – February 9th, 2026

The Princeton Council has referred Ordinance #2026-05 to the Planning Board for master plan consistency review pursuant to N.J.S.A. 40A:55D-26a. The ordinance was introduced on February 9th and is scheduled for a public hearing on February 23rd. Ordinance 2026-05 is attached to this memo for reference.

The ordinance establishes the Affordable Housing Overlay 9 (AHO-9), comprised of six lots: Block 32.01, Lots 1, 173, 213, 221, 222, and 223. Lots 213 and 221 contain commercial uses in buildings that front Nassau Street. Lots 1, 173 and 222 also front Nassau Street and include a mix of commercial uses in one structure, including the Whole Earth Center grocery store, a restaurant space in another structure, and associated surface parking. Lot 223 includes a medical office (Princeton Foot & Ankle Center) and surface parking with access off North Harrison Street.

The AHO-9 is intended to provide a realistic opportunity for the construction of affordable housing pursuant to the New Jersey Fair Housing Act and to comply with the Municipality's constitutional obligation to provide housing for low-and moderate-income households. The site is included in the Municipality's Fourth Round Housing Plan Element and Fair Share Plan ("Fourth Round HEFSP") as adopted by the Planning Board on June 25, 2025, and endorsed by Council on June 26, 2025. Page 64 of the Fourth Round HEFSP includes how the future development meets the criteria of site availability, suitability, approvability and developability as required by state law. Appendix G of the Fourth Round Plan includes a map of site constraints. Appendix G is attached to this memo.

As called for in the Fourth Round Plan, Ordinance 2026-05 establishes an AHO-9 zone that would allow for up to 130 multi-family residential apartment units. The ordinance also requires commercial uses on the ground floor fronting Nassau and North Harrison Streets and permits residential uses on the ground floor behind such commercial uses. At least 20% of the residential units are required to be designated as affordable. At maximum build-out of 130 units, this would yield 26 units, the number provided for in the Fourth Round HEFSP. The affordable units would be regulated consistent with the Uniform Housing Affordability Controls (UHAC) and the New Jersey Fair Housing Act.

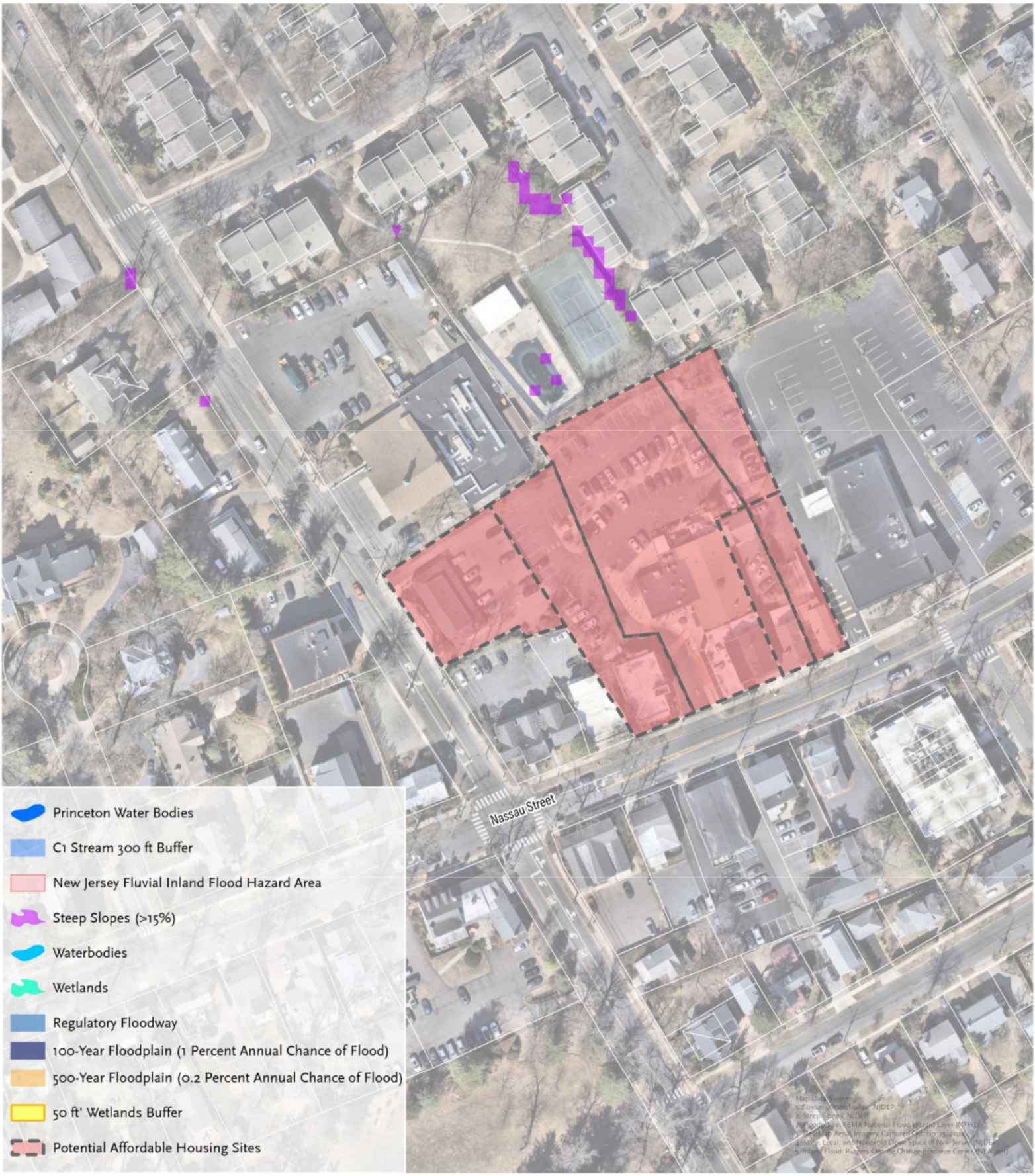
The proposed ordinance requires a minimum lot area of 75,000 square feet, while also allowing for multiple buildings per lot. The ordinance creates a stepped maximum height, depending on the distance of the building(s) from the street frontages and property boundaries. The maximum impervious coverage is 90%. Per the proposed ordinance, 0.75 parking space is required for each residential unit, and one space for each 400 square feet of commercial use is required. The ordinance

does allow for 50% of non-residential parking to be met through a shared parking assumption. The required spaces can be on surface lots or in enclosed garages. Landscaped buffers of 15 feet in width, except in one location, are required. Signs, lighting, and bicycle parking are to be provided in accordance with the existing zoning code.

In our professional opinion, the ordinance is consistent with the Master Plan. Aside from being directly called for in the Municipality's adopted Fourth Round HEFSP, Ordinance 2026-05 is substantially consistent with many other goals of the Princeton Master Plan. One of the key findings from community input in the Introduction section of the plan is that Princeton needs more housing, especially at lower price points. The Vision statement includes that Princeton will have "housing ample and diverse enough to accommodate all who want to live here" and the Princeton of the future will be "affordable to households of all income levels." It is expected that both the market-rate and affordable units in the future development of the site will be rental units. A Land Use goal of the plan is to enhance the existing pattern of land use, particularly by strengthening mixed-use centers in town. The Mobility goals of the plan include reducing inbound commuting through the development of additional housing in areas where jobs are located and encouraging shifts from single-occupancy vehicle travel to low- or zero-emissions mobility options such as walking, cycling, and transit. Utility Goals and Natural Resource Conservation Goals such as accommodating future growth while minimizing adverse impacts to the natural environment are supported by repurposing an already developed parcel.

The Board shall determine if they find the Ordinance consistent with the Master Plan and provide any comments to Council. If Council approves the Ordinance, any future development would require site plan approval by the Board.

Appendix G. Whole Earth Center Documentation



Site #	Block	Lot	Site Address
11	32.01	1, 173, 213, 221 - 223	86-88, 92-94-96 Spruce Street

0 25 50 100
Feet

Clarke Caton Hintz
Architecture
Planning
Landscape Architecture

Potential Sites for Affordable Housing Development

Site 11: Whole Earth Center and Princeton Foot & Ankle

LOCATION:
Princeton, Mercer County, NJ

DATE:
May 2025

MUNICIPALITY OF
PRINCETON
Office of the Municipal Clerk
400 Witherspoon Street
Princeton, NJ 08540
(609) 924-5704
dmount@princetonnj.gov

MEMORANDUM

To: Planning Board

From: Dawn M. Mount, *Municipal Clerk*

CC: Justin Lesko, *Planning Director*

Subject: Planning Board Review of Ordinance 2026-5 upon Introduction

Date: February 10, 2026

On behalf of the Mayor and Council, and in accordance with the provisions of N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64, the attached ordinance, introduced at the Regular Meeting of February 9, 2026, is being directed to the Planning Board for its review and consideration. Please transmit the report of findings and recommendations from the Planning Board no later than thirty-five (35) days from this referral. It should be noted that the tentative date of the public hearing and final adoption of this ordinance is scheduled to take place at the Mayor and Council Regular Meeting of February 23, 2026.

Thank you in advance for your cooperation. Please contact me should you have any questions or concerns.

ORDINANCE #2026-05

AN ORDINANCE OF THE MUNICIPALITY OF PRINCETON AMENDING CHAPTER B17A ENTITLED "LAND USE AND ZONING" OF THE MUNICIPALITY OF PRINCETON TO CREATE THE AFFORDABLE HOUSING OVERLAY DISTRICT–9 (AHO-9) IN FURTHERANCE OF THE FAIR HOUSING ACT

WHEREAS, the New Jersey Supreme Court, through its rulings in Southern Burlington County NAACP vs. Mount Laurel, 67 N.J. 151 (1975) ("Mount Laurel I") and Southern Burlington County NAACP vs. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II"), has determined that every municipality in New Jersey has a constitutional obligation to provide, through its land use regulations, a realistic opportunity for its fair share of the regional need for housing for low- and moderate-income households and families; and

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. into law, amending the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, *et seq.*, to establish a new framework for determining and enforcing municipalities' affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the Act (the "FHA"), starting with fourth round (2025-2035) affordable housing obligations; and

WHEREAS, in accordance with the FHA and Administrative Directive #14-24 issued by the Administrative Office of the Courts on December 13, 2024 ("Administrative Directive #14-24"), Princeton filed a Complaint for Declaratory Judgment entitled *In the Matter of the Application of the Municipality of Princeton in Mercer County*, Docket No. MER-L-000207-25 on January 28, 2025 (the "Fourth Round DJ Action"), identifying Princeton's present and prospective fair share obligations for the Fourth Round, and committing to adopting and submitting a Fourth Round Housing Plan Element and Fair Share Plan ("HEFSP") as required by the FHA; and

WHEREAS, on June 25, 2025, the Princeton Planning Board ("Board") adopted a Fourth Round HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq., as required by and in conformance with the FHA; and

WHEREAS, on June 26, 2025, by Resolution No. 25-230, the Mayor and Council endorsed Princeton's Fourth Round HEFSP, which was filed with the court in the Fourth Round DJ Action on June 27, 2025; and

WHEREAS, Princeton's Fourth Round HEFSP addresses Princeton's affordable housing obligations in a manner which will promote the public health and general welfare, and sets forth a plan which fully satisfies Princeton's Fourth Round affordable housing obligations; and

WHEREAS, as contemplated by and in conformity with P.L.2024, c.2, Princeton now looks forward to implementing the goals, objectives and housing opportunities contemplated by its HEFSP by creating a new Affordable Housing Overlay District-9 ("AHO-9") zoning district; and

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-1 ("MLUL") at N.J.S.A. 40:55D-62.a requires that the provisions of a zoning ordinance be substantially consistent with the land use plan element and the housing plan element of the master plan or designed to effectuate such plan elements; and

WHEREAS, Princeton finds and declares that, pursuant to the purposes of the MLUL, the within ordinance promotes the public health, safety, morals, and general welfare and advances the municipality's efforts to meet its constitutional obligation to provide for its fair share of very low, low and moderate income housing; and

WHEREAS, the Mayor and Council formally refers this Ordinance to the Board for review, examination, discussion and recommendations in accordance with N.J.S.A. 40:55D-26; and

WHEREAS, the adoption of this Ordinance was appropriately noticed pursuant to the requirements of the MLUL.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Municipality of Princeton as follows:

Section 1. Affordable Housing Districts. Section §B17A-202(i), "Affordable Housing Districts", of Chapter B17A of the "Code of the Borough of Princeton, New Jersey, 1974" (the "Code"), entitled "Land Use and Zoning", is amended to add the following new zoning district:

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Section 3. Affordable Housing District Provisions. Division 10 "Affordable Housing Zones" of Chapter B17A of the Code is hereby supplemented and amended to add the following

new Affordable Housing Zone to Subdivision I "Affordable Housing Overlay (AHO) Zones" as follows:

§B17A-458. Affordable Housing Overlay-9 (AHO-9)

A. Purpose. The purpose of the Affordable Housing Overlay-9 (AHO-9) zoning overlay district is to provide a realistic opportunity for the construction of affordable housing pursuant to the New Jersey Fair Housing Act and thereby comply with the Municipality's constitutional obligation to provide such housing to for low-and moderate-income households. Specifically, the AHO-9 zone is established to encourage redevelopment consisting of multiple dwellings with an affordable housing set-aside, along with ground-level retail, service, commercial and office uses.

B. Permitted Uses. In AHO-9, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

(1) Multiple dwellings above the ground floor or street level in street-fronting buildings; or, behind retail sales and services, offices and restaurants located on the ground floor in street-fronting locations.

(2) Retail sales and services, offices and restaurants located on the ground floor in street-fronting locations.

C. Accessory Uses Permitted. Any of the following uses shall be permitted when used in conjunction with a principal use:

(1) Residential management office.

(2) Common rooms / areas, including for meetings, recreation, laundry and storage.

(3) Communications infrastructure.

(4) Maintenance facility.

(5) Maintenance and storage.

(6) Off-street parking, including parking garage and structured parking, and loading.

(7) Street/site furnishings.

(8) Home occupations.

(9) Off-street surface and/or structured parking .

(10) Fences and walls.

(11) Landscape amenities and open space.

(12) Signs.

(13) Storm water management facilities and other utilities.

(14) Other customary uses which are clearly incidental and subordinate to a permitted principal use on the same lot.

D. Required Income Restriction. In any AHO-9 district, at least twenty percent (20%) of the total number of dwellings shall be affordable to very low, low and moderate income households. Affordable units shall be restricted, regulated and administered consistent with the Municipality's affordable housing regulations, the Uniform Housing Affordability Controls rules (N.J.A.C. 5:80-26.1 et seq.) and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), including the Fair Housing Act's definition of very low-income households and all other provisions of the Municipality's Affordable Housing Ordinance (§T10B-332).

E. AHO-9 Site Development Regulations. The following site development regulations shall apply to all lots and buildings:

(1) Minimum lot size: 75,000 square feet.

(2) Minimum yard requirements:

(a) Front yard: fifteen (15) feet along Nassau Street, five (5) feet along North Harrison Street.

(b) Yards adjacent to Block 32.01, Lots 214, 215 and 171: five (5) feet except when adjacent to Block 32.01, Lot 215 where the side yard shall be not less than ten (10) feet.

(c) Yards adjacent to 32.01, Lot 167 and Block 32.12, Lot 1: fifteen (15) feet except where Block 32.01, Lot 222 abuts Lot 167 where the rear yard shall be not less than five (5) feet.

(3) Maximum impervious coverage: ninety percent (90%).

(4) Maximum building height:

(a) Building height within forty (40) feet of the Nassau Street property line shall not exceed three stories, not to exceed thirty-six (36) feet.

(b) Building height within twenty-five (25) feet of the North Harrison Street property line shall not exceed three stories, not to exceed thirty-six (36) feet.

(c) Building height within thirty-five (35) feet of the property line of Block 32.12, Lot 1, shall not exceed three stories, not to exceed thirty-six (36) feet.

(d) Building height between forty (40) and seventy (70) feet of the Nassau Street property line shall not exceed four stories, not to exceed forty-eight (48) feet.

(e) Building height within twenty-five (25) feet from the side yard property line of Block 32.01, Lots 214 and 215 shall not exceed four stories, not to exceed forty-eight (48) feet.

(f) Building height between twenty-five (25) feet and one hundred fifty-four (154) feet from the North Harrison Street property line shall not exceed four stories, not to exceed forty-eight (48) feet.

(g) Building height within thirty (30) feet from the property line of Block 32.12, Lot 167 shall not exceed four stories, not to exceed forty-eight (48) feet.

(h) Building height between thirty-five (35) and fifty (50) feet from the property line of Block 32.12, Lot 1 shall not exceed four stories, not to exceed forty-eight (48) feet.

(i) Building height within twenty (20) feet from the property line of Block 32.01, Lot 171 shall not exceed four stories, not to exceed forty-eight (48) feet.

(j) Building height in the remainder of the parcel shall not exceed five stories, not to exceed sixty (60) feet in height.

(5) Maximum number of buildings: Multiple buildings per lot are permitted.

(6) Maximum number of dwellings shall not exceed one hundred thirty (130) units in the AHO-9 district.

F. Off-street parking for vehicles and bicycles.

(1) Vehicle parking for residential uses. 0.75 off-street parking spaces shall be provided for each dwelling.

(2) Vehicle parking for non-residential uses. One (1) space for each four hundred (400) square feet of retail sales and services, office space or restaurant use

(3) Up to fifty percent (50%) of the non-residential parking requirement may be met by assuming shared use of residential parking spaces. Therefore, total parking requirement shall equal (0.75 x number of dwelling units) + (.5 x (total commercial square feet/400)).

(4) Bicycle parking shall be provided in accordance with §T10B-282.2.

G. Minimum landscape buffers to residential zones: fifteen (15) feet in width except where Block 32.01, Lot 222 abuts Lot 167 where the buffer shall be not less than five (5) feet.

H. Lighting. Illumination of sites and buildings shall be regulated pursuant to §B17A-365.1 Lighting.

I. Signs. Signs shall be regulated pursuant to §B17A-368, Accessory Signs-Permitted in business districts.

Section 4. Conflicts. If the terms of this Ordinance shall be in conflict with those of another Ordinance, the provisions of this Ordinance shall control.

Section 5. Severability. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 6. Referral. After introduction, the Municipal Clerk is hereby directed to submit a copy of this ordinance to the Princeton Planning Board for its review and report in accordance with N.J.S.A. 40:55D-64.

Section 7. Notice. The Municipal Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the Mercer County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-62.1.

Section 8. Effective Date. This ordinance shall take effect immediately upon final passage and publication, filing with the Mercer County Planning Board, and as otherwise provided for by law.

_____ _____

Dawn M. Mount, Clerk Hon. Mark Freda, Mayor

STATEMENT OF PURPOSE: The purpose of this ordinance is to amend Princeton's zoning ordinance by creating a new affordable housing zoning overlay district in furtherance of Princeton's Fourth Round Housing Plan Element and Fair Share Plan.

NOTICE

NOTICE IS HEREBY GIVEN that the above Ordinance was introduced and passed on first reading at the Council Meeting of the Mayor and Council of the Municipality of Princeton in the County of Mercer, State of New Jersey, held on February 9, 2026 and will be considered for final passage and adoption at the Council Meeting scheduled for February 23, 2026 at 7:30 p.m. at the Princeton Municipal Building, 400 Witherspoon Street, Princeton, New Jersey. Any person interested in this matter will be given an opportunity to be heard at that meeting. A copy of this Ordinance may be obtained at no cost by any member of the general public upon request at the Municipal Building during business hours.

File #: ORD 26-06 **Agenda Date:** 2/23/2026 **Agenda #:** 4.

An Ordinance of the Municipality of Princeton Amending Chapter B17A Entitled “Land Use And Zoning” of the Municipality Of Princeton to Create the Affordable Housing Overlay District-11 (AHO-11) In Furtherance of the Fair Housing Act- Roll Call

ORDINANCE #2026-06

AN ORDINANCE OF THE MUNICIPALITY OF PRINCETON AMENDING CHAPTER B17A ENTITLED "LAND USE AND ZONING" OF THE MUNICIPALITY OF PRINCETON TO CREATE THE AFFORDABLE HOUSING OVERLAY DISTRICT-11 (AHO-11) IN FURTHERANCE OF THE FAIR HOUSING ACT

WHEREAS, the New Jersey Supreme Court, through its rulings in Southern Burlington County NAACP vs. Mount Laurel, 67 N.J. 151 (1975) ("Mount Laurel I") and Southern Burlington County NAACP vs. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II"), has determined that every municipality in New Jersey has a constitutional obligation to provide, through its land use regulations, a realistic opportunity for its fair share of the regional need for housing for low- and moderate-income households and families; and

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. into law, amending the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, *et seq.*, to establish a new framework for determining and enforcing municipalities' affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the Act (the "FHA"), starting with fourth round (2025-2035) affordable housing obligations; and

WHEREAS, in accordance with the FHA and Administrative Directive #14-24 issued by the Administrative Office of the Courts on December 13, 2024 ("Administrative Directive #14-24"), Princeton filed a Complaint for Declaratory Judgment entitled *In the Matter of the Application of the Municipality of Princeton in Mercer County*, Docket No. MER-L-000207-25 on January 28, 2025 (the "Fourth Round DJ Action"), identifying Princeton's present and prospective fair share obligations for the Fourth Round, and committing to adopting and submitting a Fourth Round Housing Plan Element and Fair Share Plan ("HEFSP") as required by the FHA; and

WHEREAS, on June 25, 2025, the Princeton Planning Board ("Board") adopted a Fourth Round HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq., as required by and in conformance with the FHA; and

WHEREAS, on June 26, 2025, by Resolution No. 25-230, the Mayor and Council endorsed Princeton's Fourth Round HEFSP, which was filed with the court in the Fourth Round DJ Action on June 27, 2025; and

WHEREAS, Princeton's Fourth Round HEFSP addresses Princeton's affordable housing obligations in a manner which will promote the public health and general welfare, and sets forth a plan which fully satisfies Princeton's Fourth Round affordable housing obligations; and

WHEREAS, as contemplated by and in conformity with P.L.2024, c.2, Princeton now looks forward to implementing the goals, objectives and housing opportunities contemplated by its HEFSP by creating a new Affordable Housing District-11 ("AH-11") zoning district; and

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-1 ("MLUL") at N.J.S.A. 40:55D-62.a requires that the provisions of a zoning ordinance be substantially consistent with the land use plan element and the housing plan element of the master plan or designed to effectuate such plan elements; and

WHEREAS, Princeton finds and declares that, pursuant to the purposes of the MLUL, the within ordinance promotes the public health, safety, morals, and general welfare and advances the municipality's efforts to meet its constitutional obligation to provide for its fair share of very low, low and moderate income housing; and

WHEREAS, the Mayor and Council formally refers this Ordinance to the Board for review, examination, discussion and recommendations in accordance with N.J.S.A. 40:55D-26; and

WHEREAS, the adoption of this Ordinance was appropriately noticed pursuant to the requirements of the MLUL.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Municipality of Princeton as follows:

Section 1. Affordable Housing Districts. Section §B17A-202(i), "Affordable Housing Districts", of Chapter B17A of the "Code of the Borough of Princeton, New Jersey, 1974" (the "Code"), entitled "Land Use and Zoning", is amended to add the following new zoning district:

(11) AHO-11 Affordable Housing Overlay – 11.
nfoote

Section 2. Zoning Map. Section §B17A-203, "District Map", of Chapter B17A of the Code, is hereby supplemented and amended to modify the "Official Zoning Map of Princeton, Mercer County, New Jersey" by designating the following lands identified by block(s) and lot(s) on the official Tax Map of Princeton as follows:

Block(s)	Lot(s)	Street Address	Existing District	Overlay District
27.02	47, 49	40-42 North Tulane Street 32 Spring Street	CB B, R-4 B	AHO-11

Section 3. Affordable Housing District Provisions. Division 10 "Affordable Housing Zones" of Chapter B17A of the Code is hereby supplemented and amended to add the following

new Affordable Housing Zone to Subdivision I "Affordable Housing Overlay (AHO) Zones" as follows:

§B17A-459. Affordable Housing Overlay-11 (AHO-11)

A. Purpose. The purpose of the Affordable Housing Overlay–11 (AHO-11) zoning district is to redevelop commercial land for multi-family housing in furtherance of the Municipality's goals and objectives for affordable housing as set forth in the Master Plan.

B. Permitted Uses. In the AHO-11 District, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

(1) Multiple dwellings above the ground floor or street level.

(2) Retail sales and services, offices and restaurants located on the ground floor or street level, as required for buildings fronting Spring Street and permitted for buildings fronting North Tulane Street.

C. Accessory Uses Permitted. Any of the following uses shall be permitted when used in conjunction with a principal use:

(1) Residential management office.

(2) Common rooms/areas, including for meetings, recreation, laundry and storage.

(3) Communications infrastructure.

(4) Maintenance facility.

(5) Maintenance and storage.

(6) Off-street parking and loading.

(7) Street/site furnishings.

(8) Home occupations.

(9) Off-street surface parking and private residential garages.

(10) Fences and walls.

(11) Landscape amenities and open space.

(12) Signs.

(13) Storm water management facilities and other utilities

(14) Other customary uses which are clearly incidental and subordinate to a permitted principal use on the same lot.

D. Required Income Restriction. In any AHO-11 district, at least twenty percent (20%) of the total number of dwellings shall be affordable to very low, low and moderate income households, but in no instance shall the number of such affordable dwellings be less than eight (8). Affordable units shall be restricted, regulated and administered consistent with the Municipality's affordable housing regulations, the Uniform Housing Affordability Controls rules (N.J.A.C. 5:80-26.1 et seq.) and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), including the Fair Housing Act's definition of very low-income households and all other provisions of the Municipality's Affordable Housing Ordinance (§T10B-332).

E. AHO-11 Site Development Regulations. The following site development regulations shall apply to all lots and buildings:

(1) Area and Yard Requirements.

(a) Minimum lot area. The minimum contiguous lot area shall be three-tenths (0.3) acre.

(b) The minimum front yard setback shall be zero (0) feet.

(c) Minimum side yard setback for buildings shall be zero (0) feet.

(d) Minimum rear yard setback for buildings shall be zero (0) feet.

(2) Maximum number of dwellings shall not exceed forty (40) dwellings in the AHO-11 district.

(3) Building height limitations:

(a) Within fifty (50) feet of Spring Street no building or portion thereof shall exceed a height of six stories and sixty-five (65) feet.

(b) Between fifty (50) and one hundred (100) feet from Spring Street no building or portion thereof shall exceed a height of five stories and fifty- five (55) feet.

(c) Between one hundred (100) and one hundred fifty (150) feet from Spring Street no building or portion thereof shall exceed a height of four stories and forty-five (45) feet, except that if located between one hundred (100) and one hundred twenty-five (125) feet of Spring Street and no closer than fifty (50) feet of N. Tulane Street, the building may be five stories and fifty- five (55) feet in

height.

(4) Maximum number of buildings: Multiple buildings per lot are permitted.

(5) Off-street vehicular and bicycle parking.

(a) Vehicle parking for residential uses: 0.5 off-street parking spaces shall be provided for each dwelling.

(b) Vehicle parking for non-residential uses: No off-street parking spaces shall be required.

(c) Bicycle parking shall be as required pursuant to §T10B-282.2.

F. Landscaping. Landscaping shall take the form of planters demarcating the entrance and street trees, minimum 2.5 inches in caliper at planting, with a columnar form, suitable for urban locations, spaced 35-40 feet apart.

G. Lighting. Illumination of sites and buildings shall be regulated pursuant to §B17A-365.1 Lighting.

H. Signs. One facade sign is permitted per street frontage, no larger than 20 square feet in sign area, with a maximum height of five (5) feet, mounted no higher than nine (9) feet above grade, and may be illuminated.

Section 4. Conflicts. If the terms of this Ordinance shall be in conflict with those of another Ordinance, the provisions of this Ordinance shall control.

Section 5. Severability. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 6. Referral. After introduction, the Municipal Clerk is hereby directed to submit a copy of this ordinance to the Princeton Planning Board for its review and report in accordance with N.J.S.A. 40:55D-64.

Section 7. Notice. The Municipal Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the Mercer County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-62.1.

Section 8. Effective Date. This ordinance shall take effect immediately upon final passage and publication, filing with the Mercer County Planning Board, and as otherwise provided for by law.

Dawn M. Mount, Clerk	Hon. Mark Freda, Mayor

STATEMENT OF PURPOSE: The purpose of this ordinance is to amend Princeton's zoning ordinance by creating a new affordable housing zoning overlay district in furtherance of Princeton's Fourth Round Housing Plan Element and Fair Share Plan.

NOTICE

NOTICE IS HEREBY GIVEN that the above Ordinance was introduced and passed on first reading at the Council Meeting of the Mayor and Council of the Municipality of Princeton in the County of Mercer, State of New Jersey, held on February 9, 2026 and will be considered for final passage and adoption at the Council Meeting scheduled for February 23, 2026 at 7:00 p.m. at the Princeton Municipal Building, 400 Witherspoon Street, Princeton, New Jersey. Any person interested in this matter will be given an opportunity to be heard at that meeting. A copy of this Ordinance may be obtained at no cost by any member of the general public upon request at the Municipal Building during business hours.

MUNICIPALITY OF PRINCETON
Planning Department
400 Witherspoon Street
Princeton, NJ 08540
(609) 924-5366
planning@princetonnj.gov

MEMORANDUM

To: Princeton Mayor and Council
From: Justin Lesko, AICP, PP – Planning Director
Nathan Foote, AICP, PP – Assistant Planning Director
Date: February 20th, 2026
Subject: **Ordinance #2026-06: An Ordinance of the Municipality of Princeton Amending Chapter B17A Entitled "Land Use and Zoning" of the Municipality of Princeton to Create the Affordable Housing Overlay District-11 (AHO-11) in Furtherance of the Fair Housing Act**
Council Introduction – February 9th, 2026
Planning Board Review – February 19th, 2026

The Princeton Council has referred Ordinance #2026-06 to the Planning Board for master plan consistency review pursuant to N.J.S.A. 40A:55D-26a. The ordinance establishes the Affordable Housing Overlay 11 (AHO-11) at the properties of 40-42 North Tulane Street and 32 Spring Street, which allows for up to 40 multi-family residential units and commercial uses, with a minimum requirement of eight affordable housing units. The ordinance was introduced on February 9th. The Planning Board reviewed the ordinance at their regular meeting open to the public on February 19th.

By a unanimous vote, the Board found Ordinance #2026-06 to be substantially consistent with the Princeton Master Plan and recommended approval of the Ordinance. The Board did not have any comments or recommendations.

See the memo from us for more information on the ordinance, the Affordable Housing Overlay District 11 (AHO-11) it would establish, and its relation to the Princeton Master Plan, including the Fourth Round Housing Plan Element and Fair Share Plan. The memo is attached.

Please reach out if there are any questions or concerns regarding the ordinance or the Planning Board's review.

MUNICIPALITY OF PRINCETON
Planning Department
400 Witherspoon Street
Princeton, NJ 08540
(609) 924-5366
planning@princetonnj.gov

MEMORANDUM

To: Princeton Planning Board
From: Justin Lesko, AICP, PP – Planning Director
Nathan Foote, AICP, PP – Assistant Planning Director
Date: February 13th, 2026
Subject: **Ordinance #2026-06: An Ordinance of the Municipality of Princeton Amending Chapter B17A Entitled "Land Use and Zoning" of the Municipality of Princeton to Create the Affordable Housing Overlay-11 (AHO-11) in Furtherance of the Fair Housing Act**
Council Introduction – February 9th, 2026

The Princeton Council has referred Ordinance #2026-06 to the Planning Board for master plan consistency review pursuant to N.J.S.A. 40A:55D-26a. The ordinance was introduced on February 9th and is scheduled for a public hearing on February 23rd. Ordinance 2026-06 is attached to this memo for reference.

The ordinance establishes the Affordable Housing Overlay 11 (AHO-11), comprised of two lots: 40-42 North Tulane Street (Block 27.02, Lot 47) and 32 Spring Street (Block 27.02, Lot 49). Lot 49 currently contains a two-story commercial building (formerly Kopp's Cycles) fronting along Spring Street with associated gravel parking area to the east (with access from North Tulane Street) and is located in the CB Central Business zone of the former Borough. Lot 47 is currently vacant but was previously developed with a multi-family dwelling and parking that were removed; it is located in the RB Residence-Business zone of the former Borough and is within the Affordable Housing Overlay 1 (AHO-1). The properties are adjacent the Spring Street parking garage to the west, and are surrounded by a mix of residential and commercial uses in all other directions. The CB B zone continues to the south and west, the RB B zone continues to the north and the R-4 Residential zone of the former Borough is located less than 200 feet to the east.

The AHO-11 is intended to provide a realistic opportunity for the construction of affordable housing pursuant to the New Jersey Fair Housing Act and to comply with the Municipality's constitutional obligation to provide housing for low-and moderate-income households. The site is included in the Municipality's Fourth Round Housing Plan Element and Fair Share Plan ("Fourth Round HEFSP") as adopted by the Planning Board on June 25, 2025, and endorsed by Council on June 26, 2025. Page 66-67 of the Fourth Round HEFSP includes how the future development meets the criteria of site availability, suitability, approvability and developability as required by state law. Appendix J of the Fourth Round Plan includes a map of site constraints and an initial conceptual plan of the development. Appendix J is attached to this memo.

As called for in the Fourth Round Plan, Ordinance 2026-06 establishes an AHO-11 zone that would allow for up to 40 multi-family residential apartment units. The ordinance also requires commercial uses on the ground floor fronting Spring Street and permits commercial or residential uses on the ground floor fronting North Tulane Street. At least 20% of the residential units are required to be designated as affordable with a minimum number of 8 affordable units. In other words, while a developer may reduce the number of overall units, they may not reduce the number of units set aside as affordable below 8 units. This is because the Fourth Round HEFSP has designated 8 affordable

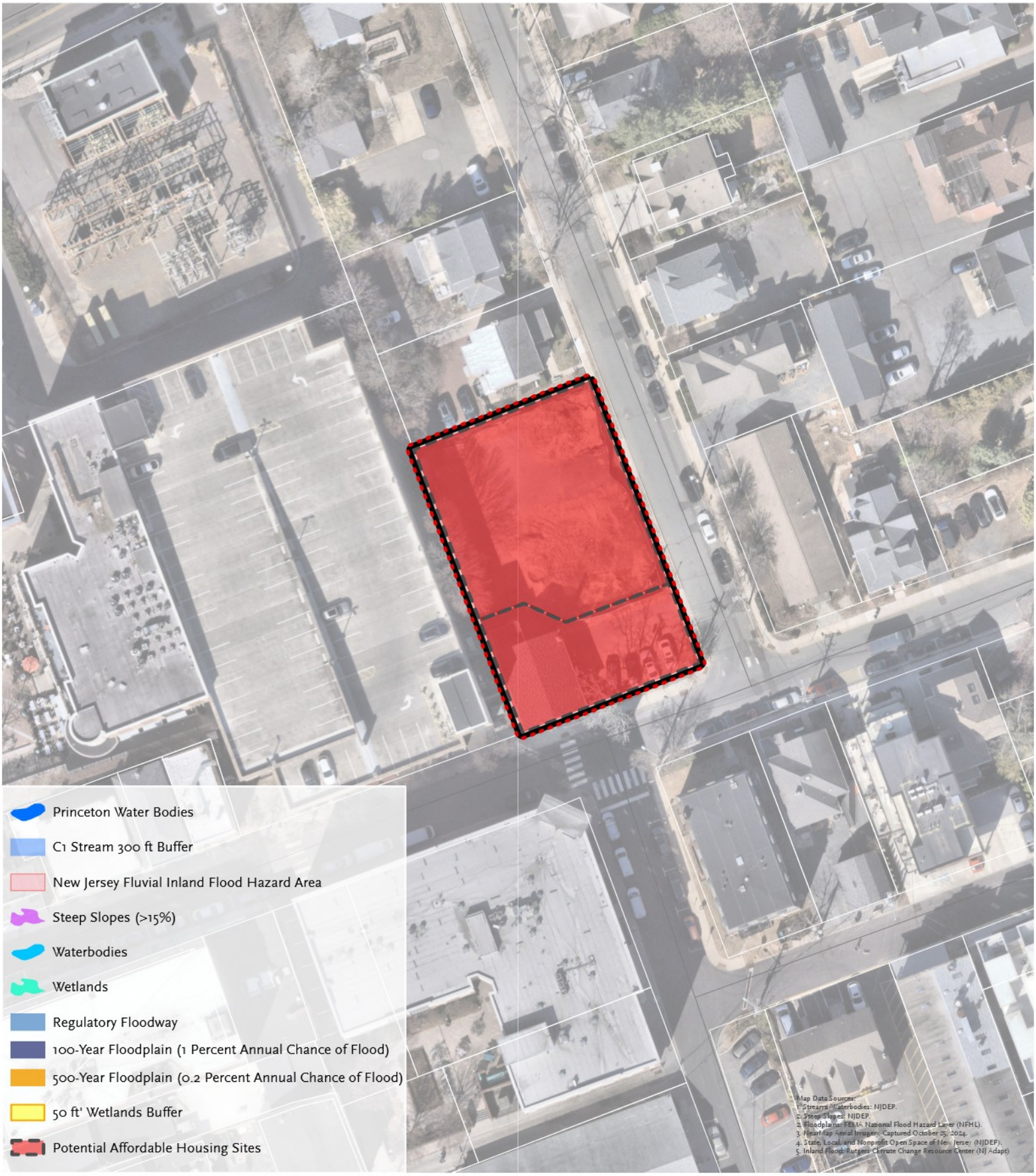
units to be provided from this site. The affordable units would be regulated consistent with the Uniform Housing Affordability Controls (UHAC) and the New Jersey Fair Housing Act.

The proposed ordinance requires a minimum lot area of 0.3 acres, which would require both lots to be developed as a single whole. It also allows for multiple buildings. The ordinance creates a stepped maximum height, depending on the distance of the building(s) from Spring Street and North Tulane Street, with the height decreasing as it goes north along North Tulane (starting at a maximum of six stories/65 feet within 50 feet of Spring Street to a maximum of four stories/45 feet at 100 to 150 feet from Spring Street). There is no maximum impervious coverage and all required minimum setbacks are zero feet. Per the proposed ordinance, 0.5 parking space is required for each residential unit. No spaces are required for commercial uses. The required spaces can be on surface lots or in enclosed garages. No landscaping buffers are required, but landscaping is required as planters at the entrance and as street trees. One façade sign of 20 square feet is permitted per lot.

In our professional opinion, the ordinance is consistent with the Master Plan. Aside from being directly called for in the Municipality's adopted Fourth Round HEFSP, Ordinance 2026-06 is substantially consistent with many other goals of the Princeton Master Plan. One of the key findings from community input in the Introduction section of the plan is that Princeton needs more housing, especially at lower price points. The Vision statement includes that Princeton will have "housing ample and diverse enough to accommodate all who want to live here" and the Princeton of the future will be "affordable to households of all income levels." It is expected that both the market-rate and affordable units in the future development of the site will be rental units. A Land Use goal of the plan is to enhance the existing pattern of land use, particularly by strengthening mixed-use centers in town. The Mobility goals of the plan include reducing inbound commuting through the development of additional housing in areas where jobs are located and encouraging shifts from single-occupancy vehicle travel to low- or zero-emissions mobility options such as walking, cycling, and transit. Utility Goals and Natural Resource Conservation Goals such as accommodating future growth while minimizing adverse impacts to the natural environment are supported by repurposing an already developed parcel.

The Board shall determine if they find the Ordinance consistent with the Master Plan and provide any comments to Council. If Council approves the Ordinance, any future development would require site plan approval by the Board.

Appendix J. 40-42 Tulane Street Documentation



SITE #	BLOCK	LOT	SITE ADDRESS
7	27.02	47, 49	32 SPRING ST ; 40-42 NORTH TULANE ST

0 25 50 100
Feet

Clarke Caton Hintz
Architecture
Planning
Landscape Architecture

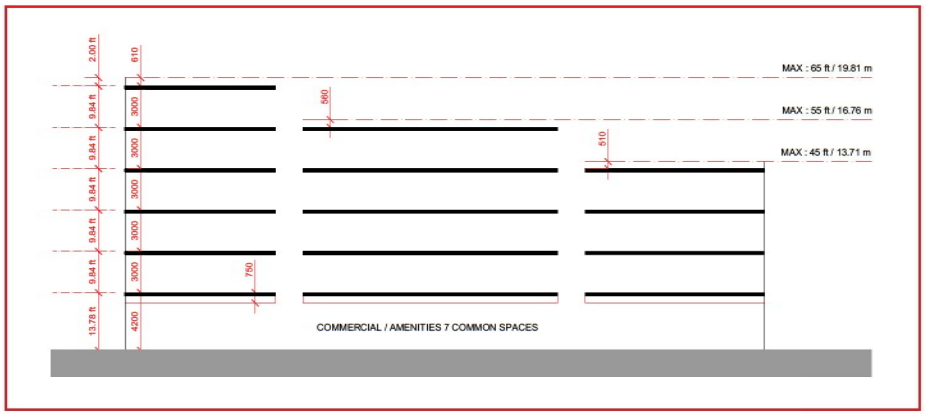
Potential Sites for Affordable Housing Development

Site 7: 40-42 N. Tulane Street/32 Spring Street

LOCATION:
Princeton, Mercer County, NJ

DATE:
May 2025

INITIAL MASSING & UNIT MIX (21.05.25)



TOTAL No OF UNITS : 40

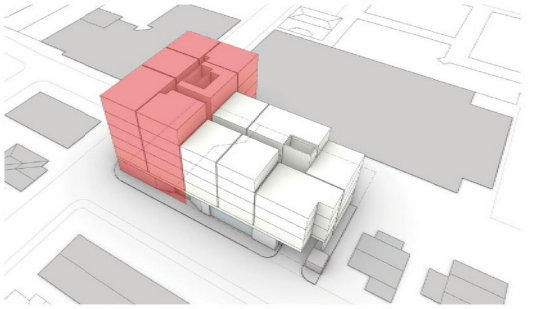
AFFORD. UNITS:	8
MARKET UNITS :	32

1 Bed
2 Bed
3 Bed

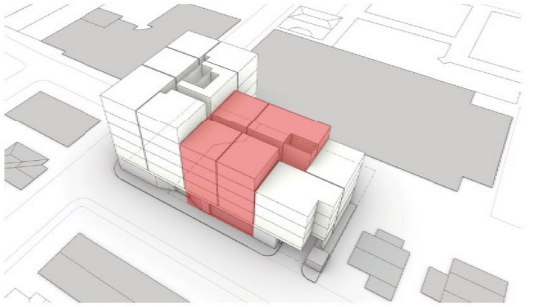
Lobby
Bike Storage
Commercial



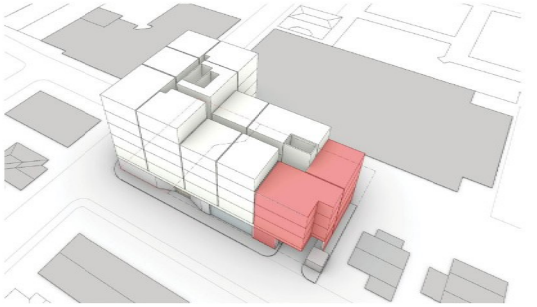




65 Feet Zone



55 Feet Zone



45 Feet Zone

MUNICIPALITY OF
PRINCETON
Office of the Municipal Clerk
400 Witherspoon Street
Princeton, NJ 08540
(609) 924-5704
dmount@princetonnj.gov

MEMORANDUM

To: Planning Board

From: Dawn M. Mount, *Municipal Clerk*

CC: Justin Lesko, *Planning Director*

Subject: Planning Board Review of Ordinance 2026-6 upon Introduction

Date: February 10, 2026

On behalf of the Mayor and Council, and in accordance with the provisions of N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64, the attached ordinance, introduced at the Regular Meeting of February 9, 2026, is being directed to the Planning Board for its review and consideration. Please transmit the report of findings and recommendations from the Planning Board no later than thirty-five (35) days from this referral. It should be noted that the tentative date of the public hearing and final adoption of this ordinance is scheduled to take place at the Mayor and Council Regular Meeting of February 23, 2026.

Thank you in advance for your cooperation. Please contact me should you have any questions or concerns.

ORDINANCE #2026-06

AN ORDINANCE OF THE MUNICIPALITY OF PRINCETON AMENDING CHAPTER B17A ENTITLED "LAND USE AND ZONING" OF THE MUNICIPALITY OF PRINCETON TO CREATE THE AFFORDABLE HOUSING OVERLAY DISTRICT-11 (AHO-11) IN FURTHERANCE OF THE FAIR HOUSING ACT

WHEREAS, the New Jersey Supreme Court, through its rulings in Southern Burlington County NAACP vs. Mount Laurel, 67 N.J. 151 (1975) ("Mount Laurel I") and Southern Burlington County NAACP vs. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II"), has determined that every municipality in New Jersey has a constitutional obligation to provide, through its land use regulations, a realistic opportunity for its fair share of the regional need for housing for low- and moderate-income households and families; and

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. into law, amending the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, *et seq.*, to establish a new framework for determining and enforcing municipalities' affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the Act (the "FHA"), starting with fourth round (2025-2035) affordable housing obligations; and

WHEREAS, in accordance with the FHA and Administrative Directive #14-24 issued by the Administrative Office of the Courts on December 13, 2024 ("Administrative Directive #14-24"), Princeton filed a Complaint for Declaratory Judgment entitled *In the Matter of the Application of the Municipality of Princeton in Mercer County*, Docket No. MER-L-000207-25 on January 28, 2025 (the "Fourth Round DJ Action"), identifying Princeton's present and prospective fair share obligations for the Fourth Round, and committing to adopting and submitting a Fourth Round Housing Plan Element and Fair Share Plan ("HEFSP") as required by the FHA; and

WHEREAS, on June 25, 2025, the Princeton Planning Board ("Board") adopted a Fourth Round HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq., as required by and in conformance with the FHA; and

WHEREAS, on June 26, 2025, by Resolution No. 25-230, the Mayor and Council endorsed Princeton's Fourth Round HEFSP, which was filed with the court in the Fourth Round DJ Action on June 27, 2025; and

WHEREAS, Princeton's Fourth Round HEFSP addresses Princeton's affordable housing obligations in a manner which will promote the public health and general welfare, and sets forth a plan which fully satisfies Princeton's Fourth Round affordable housing obligations; and

WHEREAS, as contemplated by and in conformity with P.L.2024, c.2, Princeton now looks forward to implementing the goals, objectives and housing opportunities contemplated by its HEFSP by creating a new Affordable Housing District-11 ("AH-11") zoning district; and

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-1 ("MLUL") at N.J.S.A. 40:55D-62.a requires that the provisions of a zoning ordinance be substantially consistent with the land use plan element and the housing plan element of the master plan or designed to effectuate such plan elements; and

WHEREAS, Princeton finds and declares that, pursuant to the purposes of the MLUL, the within ordinance promotes the public health, safety, morals, and general welfare and advances the municipality's efforts to meet its constitutional obligation to provide for its fair share of very low, low and moderate income housing; and

WHEREAS, the Mayor and Council formally refers this Ordinance to the Board for review, examination, discussion and recommendations in accordance with N.J.S.A. 40:55D-26; and

WHEREAS, the adoption of this Ordinance was appropriately noticed pursuant to the requirements of the MLUL.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Municipality of Princeton as follows:

Section 1. Affordable Housing Districts. Section §B17A-202(i), "Affordable Housing Districts", of Chapter B17A of the "Code of the Borough of Princeton, New Jersey, 1974" (the "Code"), entitled "Land Use and Zoning", is amended to add the following new zoning district:

(11) AHO-11 Affordable Housing Overlay – 11.
nfoote

Section 2. Zoning Map. Section §B17A-203, "District Map", of Chapter B17A of the Code, is hereby supplemented and amended to modify the "Official Zoning Map of Princeton, Mercer County, New Jersey" by designating the following lands identified by block(s) and lot(s) on the official Tax Map of Princeton as follows:

Block(s)	Lot(s)	Street Address	Existing District	Overlay District
27.02	47, 49	40-42 North Tulane Street 32 Spring Street	CB B, R-4 B	AHO-11

Section 3. Affordable Housing District Provisions. Division 10 "Affordable Housing Zones" of Chapter B17A of the Code is hereby supplemented and amended to add the following

new Affordable Housing Zone to Subdivision I "Affordable Housing Overlay (AHO) Zones" as follows:

§B17A-459. Affordable Housing Overlay-11 (AHO-11)

A. Purpose. The purpose of the Affordable Housing Overlay–11 (AHO-11) zoning district is to redevelop commercial land for multi-family housing in furtherance of the Municipality's goals and objectives for affordable housing as set forth in the Master Plan.

B. Permitted Uses. In the AHO-11 District, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

(1) Multiple dwellings above the ground floor or street level.

(2) Retail sales and services, offices and restaurants located on the ground floor or street level, as required for buildings fronting Spring Street and permitted for buildings fronting North Tulane Street.

C. Accessory Uses Permitted. Any of the following uses shall be permitted when used in conjunction with a principal use:

(1) Residential management office.

(2) Common rooms/areas, including for meetings, recreation, laundry and storage.

(3) Communications infrastructure.

(4) Maintenance facility.

(5) Maintenance and storage.

(6) Off-street parking and loading.

(7) Street/site furnishings.

(8) Home occupations.

(9) Off-street surface parking and private residential garages.

(10) Fences and walls.

(11) Landscape amenities and open space.

(12) Signs.

(13) Storm water management facilities and other utilities

(14) Other customary uses which are clearly incidental and subordinate to a permitted principal use on the same lot.

D. Required Income Restriction. In any AHO-11 district, at least twenty percent (20%) of the total number of dwellings shall be affordable to very low, low and moderate income households, but in no instance shall the number of such affordable dwellings be less than eight (8). Affordable units shall be restricted, regulated and administered consistent with the Municipality's affordable housing regulations, the Uniform Housing Affordability Controls rules (N.J.A.C. 5:80-26.1 et seq.) and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), including the Fair Housing Act's definition of very low-income households and all other provisions of the Municipality's Affordable Housing Ordinance (§T10B-332).

E. AHO-11 Site Development Regulations. The following site development regulations shall apply to all lots and buildings:

(1) Area and Yard Requirements.

(a) Minimum lot area. The minimum contiguous lot area shall be three-tenths (0.3) acre.

(b) The minimum front yard setback shall be zero (0) feet.

(c) Minimum side yard setback for buildings shall be zero (0) feet.

(d) Minimum rear yard setback for buildings shall be zero (0) feet.

(2) Maximum number of dwellings shall not exceed forty (40) dwellings in the AHO-11 district.

(3) Building height limitations:

(a) Within fifty (50) feet of Spring Street no building or portion thereof shall exceed a height of six stories and sixty-five (65) feet.

(b) Between fifty (50) and one hundred (100) feet from Spring Street no building or portion thereof shall exceed a height of five stories and fifty- five (55) feet.

(c) Between one hundred (100) and one hundred fifty (150) feet from Spring Street no building or portion thereof shall exceed a height of four stories and forty-five (45) feet, except that if located between one hundred (100) and one hundred twenty-five (125) feet of Spring Street and no closer than fifty (50) feet of N. Tulane Street, the building may be five stories and fifty- five (55) feet in

height.

(4) Maximum number of buildings: Multiple buildings per lot are permitted.

(5) Off-street vehicular and bicycle parking.

(a) Vehicle parking for residential uses: 0.5 off-street parking spaces shall be provided for each dwelling.

(b) Vehicle parking for non-residential uses: No off-street parking spaces shall be required.

(c) Bicycle parking shall be as required pursuant to §T10B-282.2.

F. Landscaping. Landscaping shall take the form of planters demarcating the entrance and street trees, minimum 2.5 inches in caliper at planting, with a columnar form, suitable for urban locations, spaced 35-40 feet apart.

G. Lighting. Illumination of sites and buildings shall be regulated pursuant to §B17A-365.1 Lighting.

H. Signs. One facade sign is permitted per street frontage, no larger than 20 square feet in sign area, with a maximum height of five (5) feet, mounted no higher than nine (9) feet above grade, and may be illuminated.

Section 4. Conflicts. If the terms of this Ordinance shall be in conflict with those of another Ordinance, the provisions of this Ordinance shall control.

Section 5. Severability. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 6. Referral. After introduction, the Municipal Clerk is hereby directed to submit a copy of this ordinance to the Princeton Planning Board for its review and report in accordance with N.J.S.A. 40:55D-64.

Section 7. Notice. The Municipal Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the Mercer County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-62.1.

Section 8. Effective Date. This ordinance shall take effect immediately upon final passage and publication, filing with the Mercer County Planning Board, and as otherwise provided for by law.

Dawn M. Mount, Clerk

Hon. Mark Freda, Mayor

STATEMENT OF PURPOSE: The purpose of this ordinance is to amend Princeton's zoning ordinance by creating a new affordable housing zoning overlay district in furtherance of Princeton's Fourth Round Housing Plan Element and Fair Share Plan.

NOTICE

NOTICE IS HEREBY GIVEN that the above Ordinance was introduced and passed on first reading at the Council Meeting of the Mayor and Council of the Municipality of Princeton in the County of Mercer, State of New Jersey, held on February 9, 2026 and will be considered for final passage and adoption at the Council Meeting scheduled for February 23, 2026 at 7:00 p.m. at the Princeton Municipal Building, 400 Witherspoon Street, Princeton, New Jersey. Any person interested in this matter will be given an opportunity to be heard at that meeting. A copy of this Ordinance may be obtained at no cost by any member of the general public upon request at the Municipal Building during business hours.

File #: ORD 26-07 **Agenda Date:** 2/23/2026 **Agenda #:** 5.

An Ordinance of the Municipality of Princeton Amending Chapter B17A Entitled “Land Use And Zoning” of the Municipality Of Princeton to Create the Affordable Housing District-12 (AH-12) In Furtherance of the Fair Housing Act- Roll Call

ORDINANCE #2026-07

AN ORDINANCE OF THE MUNICIPALITY OF PRINCETON AMENDING CHAPTER B17A ENTITLED "LAND USE AND ZONING" OF THE MUNICIPALITY OF PRINCETON TO CREATE THE AFFORDABLE HOUSING DISTRICT-12 (AH-12) IN FURTHERANCE OF THE FAIR HOUSING ACT

WHEREAS, the New Jersey Supreme Court, through its rulings in Southern Burlington County NAACP vs. Mount Laurel, 67 N.J. 151 (1975) ("Mount Laurel I") and Southern Burlington County NAACP vs. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II"), has determined that every municipality in New Jersey has a constitutional obligation to provide, through its land use regulations, a realistic opportunity for its fair share of the regional need for housing for low- and moderate-income households and families; and

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. into law, amending the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, *et seq.*, to establish a new framework for determining and enforcing municipalities' affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the Act (the "FHA"), starting with fourth round (2025-2035) affordable housing obligations; and

WHEREAS, in accordance with the FHA and Administrative Directive #14-24 issued by the Administrative Office of the Courts on December 13, 2024 ("Administrative Directive #14-24"), Princeton filed a Complaint for Declaratory Judgment entitled *In the Matter of the Application of the Municipality of Princeton in Mercer County*, Docket No. MER-L-000207-25 on January 28, 2025 (the "Fourth Round DJ Action"), identifying Princeton's present and prospective fair share obligations for the Fourth Round, and committing to adopting and submitting a Fourth Round Housing Plan Element and Fair Share Plan ("HEFSP") as required by the FHA; and

WHEREAS, on June 25, 2025, the Princeton Planning Board ("Board") adopted a Fourth Round HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq., as required by and in conformance with the FHA; and

WHEREAS, on June 26, 2025, by Resolution No. 25-230, the Mayor and Council endorsed Princeton's Fourth Round HEFSP, which was filed with the court in the Fourth Round DJ Action on June 27, 2025; and

WHEREAS, Princeton's Fourth Round HEFSP addresses Princeton's affordable housing obligations in a manner which will promote the public health and general welfare, and sets forth a plan which fully satisfies Princeton's Fourth Round affordable housing obligations; and

WHEREAS, as contemplated by and in conformity with P.L.2024, c.2, Princeton now looks forward to implementing the goals, objectives and housing opportunities contemplated by its HEFSP by creating a new Affordable Housing District-12 ("AH-12") zoning district; and

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-1 ("MLUL") at N.J.S.A. 40:55D-62.a requires that the provisions of a zoning ordinance be substantially consistent with the land use plan element and the housing plan element of the master plan or designed to effectuate such plan elements; and

WHEREAS, Princeton finds and declares that, pursuant to the purposes of the MLUL, the within ordinance promotes the public health, safety, morals, and general welfare and advances the municipality's efforts to meet its constitutional obligation to provide for its fair share of very low, low and moderate income housing; and

WHEREAS, the Mayor and Council formally refers this Ordinance to the Board for review, examination, discussion and recommendations in accordance with N.J.S.A. 40:55D-26; and

WHEREAS, the adoption of this Ordinance was appropriately noticed pursuant to the requirements of the MLUL.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Municipality of Princeton as follows:

Section 1. Affordable Housing Districts. Section §B17A-202(i), "Affordable Housing Districts", of Chapter B17A of the "Code of the Borough of Princeton, New Jersey, 1974" (the "Code"), entitled "Land Use and Zoning", is amended to add the following new zoning district:

(12) AH-12 Affordable Housing – 12.

Section 2. Zoning Map. Section §B17A-203, "District Map", of Chapter B17A of the Code, is hereby supplemented and amended to modify the "Official Zoning Map of Princeton, Mercer County, New Jersey" by designating the following lands identified by block(s) and lot(s) on the official Tax Map of Princeton as follows:

Block(s)	Lot(s)	Street Address	Existing District	New District
30.03	64, 100	86-88, 92-94 Spruce Street	R-4B	AH-12

Section 3. Affordable Housing District Provisions. Division 10 "Affordable Housing Zones" of Chapter B17A of the Code is hereby supplemented and amended to add the following new Affordable Housing Zone to Subdivision II "Affordable Housing (AH) Zones" as follows:

§B17A-492. Affordable Housing - 12 (AH-12)

A. Purpose. The purpose of the AH-12 zoning district is to provide an additional opportunity for underutilized land where affordable multi-family housing may be developed in furtherance of the Municipality's goals and objectives for affordable housing as set forth in the Master Plan.

B. Permitted Uses. In Affordable Housing District-12, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following (these uses may be in combination with each other on the same tract):

(1) Multiple dwellings.

(2) Townhouses.

(3) At most, one single family detached dwelling.

(4) Supportive housing.

(5) The existing 2-unit residential structure.

C. Accessory Uses Permitted. Any of the following uses shall be permitted when used in conjunction with a principal use:

(1) Residential management office.

(2) Common rooms/areas, including for meetings, recreation, laundry and storage.

(3) Communications infrastructure.

(4) Maintenance and storage.

(5) Off-street parking and loading.

(6) Street/site furnishings.

(7) Home occupations.

(8) Fences and walls.

(9) Signs.

(10) Storm water management facilities and other utilities.

(11) Other customary uses which are clearly incidental and subordinate to a permitted principal use on the same lot.

D. Required Income Restriction. In any AH-12 district, at least twenty percent (20%) of the total number of new dwellings shall be affordable to very low, low and moderate income households, but in no instance shall the number of such affordable dwellings or affordable housing credited units be less than eight (8). Affordable units shall be restricted, regulated and administered consistent with the Municipality's affordable housing regulations, the Uniform Housing Affordability Controls rules (N.J.A.C. 5:80-26.1 et seq.) and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), including the Fair Housing Act's definition of very low-income households and all other provisions of the Municipality's Affordable Housing Ordinance (§T10B-332).

E. AH-12 Site Development Regulations. The following site development regulations shall apply to all lots and buildings:

(1) Minimum yard requirements:

(a) Front yard: Any building constructed between the two existing buildings fronting on Spruce Street shall have a front yard depth that is the average of the two other buildings' setbacks from the right-of-way line, as measured from the mid-point of the front facade.

(b) Side yard: ten (10) feet for the new construction of a building; otherwise the existing yards of existing buildings. This requirement shall apply to the tract perimeter only.

(c) Rear yard: five (5) feet.

(2) Maximum impervious coverage: 75%.

(3) Minimum building separation: five (5) feet.

(4) Building height: Maximum building height shall not exceed forty-five (45) feet.

(5) Maximum density. No more than thirty (30) new dwelling units shall be permitted within the AH-12 district as of the date of adoption of this ordinance.

F. Maximum number of buildings: Multiple buildings per lot are permitted.

G. Off-street parking.

(1) 0.425 off-street parking spaces shall be provided for each dwelling.

(2) Parking garage drive aisle shall be a minimum of 22 feet in width.

(3) Up to 25% of spaces may be compact spaces.

H. Landscaping. A landscaped buffer of not less than five (5) feet in width shall be provided along any common property line in a side yard where a side yard is required. Buffers may be comprised of fences and landscaping, which shall be of a sufficient quantity and size to provide a visual separation from adjacent property.

I. Lighting. Illumination of sites and buildings shall be regulated pursuant to §B17A-365.1 Lighting.

J. Signs. Signs shall be regulated pursuant to §B17A-367, Accessory Signs-Permitted in all districts. In addition, the following signs are also permitted:

(1) Pathway wayfinding signs: signs are required to mark both entries to the new publicly accessible pathway described in Section K below. Each of the two signs shall be no more than ten (10) square feet in area. These signs shall provide wayfinding and shall not be commercial in nature.

(2) Two façade signs are permitted on a multi-family building of over 20 units for building identification. Each shall be no more than six (6) square feet in area.

(3) Address numbers are permitted for each entrance on multi-unit buildings.

K. Additional development requirement. Any property with a designation of AH-12 shall provide a public access easement for a pathway utilized by the general public through the property from the right-of-way to any municipal open space. The public access easement shall be improved with an all-weather path a minimum width of six (6) feet. The second floor of a building shall be permitted to encroach upon the easement provided that a vertical height of nine (9) feet is available.

Section 4. Conflicts. If the terms of this Ordinance shall be in conflict with those of another Ordinance, the provisions of this Ordinance shall control.

Section 5. Severability. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 6. Referral. After introduction, the Municipal Clerk is hereby directed to submit a copy of this ordinance to the Princeton Planning Board for its review and report in accordance with N.J.S.A. 40:55D-64.

Section 7. Notice. The Municipal Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the Mercer County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-62.1.

Section 8. Effective Date. This ordinance shall take effect immediately upon final passage and publication, filing with the Mercer County Planning Board, and as otherwise provided for by law.

_____ _____

Dawn M. Mount, Clerk Hon. Mark Freda, Mayor

STATEMENT OF PURPOSE: The purpose of this ordinance is to amend Princeton's zoning ordinance by creating a new affordable housing zoning district in furtherance of Princeton's Fourth Round Housing Plan Element and Fair Share Plan.

NOTICE

NOTICE IS HEREBY GIVEN that the above Ordinance was introduced and passed on first reading at the Council Meeting of the Mayor and Council of the Municipality of Princeton in the County of Mercer, State of New Jersey, held on February 9, 2026 and will be considered for final passage and adoption at the Council Meeting scheduled for February 23, 2026 at 7:00 p.m. at the Princeton Municipal Building, 400 Witherspoon Street, Princeton, New Jersey. Any person interested in this matter will be given an opportunity to be heard at that meeting. A copy of this Ordinance may be obtained at no cost by any member of the general public upon request at the Municipal Building during business hours.

MUNICIPALITY OF PRINCETON
Planning Department
400 Witherspoon Street
Princeton, NJ 08540
(609) 924-5366
planning@princetonnj.gov

MEMORANDUM

To: Princeton Mayor and Council
From: Justin Lesko, AICP, PP – Planning Director
Nathan Foote, AICP, PP – Assistant Planning Director
Date: February 20th, 2026
Subject: **Ordinance #2026-07: An Ordinance of the Municipality of Princeton Amending Chapter B17A Entitled "Land Use and Zoning" of the Municipality of Princeton to Create the Affordable Housing District-12 (AH-12) in Furtherance of the Fair Housing Act**
Council Introduction – February 9th, 2026
Planning Board Review – February 19th, 2026

The Princeton Council has referred Ordinance #2026-07 to the Planning Board for master plan consistency review pursuant to N.J.S.A. 40A:55D-26a. The ordinance establishes the Affordable Housing District 12 (AH-12) at the properties of 86-88 Spruce Street and 92-94 Spruce Street, which allows for up to 30 new residential units, with a minimum requirement of eight affordable housing units. The ordinance was introduced on February 9th. The Planning Board reviewed the ordinance at their regular meeting open to the public on February 19th.

By a unanimous vote, the Board found Ordinance #2026-07 to be substantially consistent with the Princeton Master Plan and recommended approval of the Ordinance. The Board did not have any comments or recommendations.

See the memo from us to the Board for more information on the ordinance, the Affordable Housing District 12 (AH-12) it would establish, and its relation to the Princeton Master Plan, including the Fourth Round Housing Plan Element and Fair Share Plan. The memo is attached.

Please reach out if there are any questions or concerns regarding the ordinance or the Planning Board's review.

MUNICIPALITY OF PRINCETON
Planning Department
400 Witherspoon Street
Princeton, NJ 08540
(609) 924-5366
planning@princetonnj.gov

MEMORANDUM

To: Princeton Planning Board
From: Justin Lesko, AICP, PP – Planning Director
Nathan Foote, AICP, PP – Assistant Planning Director
Date: February 10th, 2026
Subject: **Ordinance #2026-07: An Ordinance of the Municipality of Princeton Amending Chapter B17A Entitled "Land Use and Zoning" of the Municipality of Princeton to Create the Affordable Housing District-12 (AH-12) in Furtherance of the Fair Housing Act**
Council Introduction – February 9th, 2026

The Princeton Council has referred Ordinance #2026-07 to the Planning Board for master plan consistency review pursuant to N.J.S.A. 40A:55D-26a. The ordinance was introduced on February 9th and is scheduled for a public hearing on February 23rd. Ordinance 2026-07 is attached to this memo for reference.

The ordinance establishes the Affordable Housing District 12 (AH-12), comprised of two lots: 86-88 Spruce Street (Block 30.03, Lot 100) and 92-94 Spruce Street (Block 30.03, Lot 64). Both properties are located in the R-4 Residential zone of the former Borough. Lot 100 currently contains a three-story multi-family apartment building and associated parking lot. Lot 64 is currently developed with a two-story one-family dwelling and an ADU. The properties are surrounded by a mix of residential uses to the east, west, and south. The properties are bordered to the north by a property encumbered by the Green Acres program (that property is triangular shaped, with the wider portion along Chestnut Street containing a playground that is part of the Barbara Boggs Sigmund Park). The grounds of Westminster Choir College are located to the north, across Hamilton Avenue. The R-4 B zone extends to the south, east and west, and the R-3 Residential zone of the former Borough is located further east and west.

The AH-12 district is intended to provide a realistic opportunity for the construction of affordable housing pursuant to the New Jersey Fair Housing Act and to comply with the Municipality's constitutional obligation to provide housing for low-and moderate-income households. The site is included in the Municipality's Fourth Round Housing Plan Element and Fair Share Plan ("Fourth Round HEFSP") as adopted by the Planning Board on June 25, 2025, and endorsed by Council on June 26, 2025. Page 67-68 of the Fourth Round HEFSP includes how the future development meets the criteria of site availability, suitability, approvability and developability as required by state law. Appendix K of the Fourth Round Plan includes a map of site constraints and an initial conceptual plan of the development. We note that the layout has slightly changed from the initial concept. Appendix K is attached to this memo.

As called for in the Fourth Round Plan, Ordinance 2026-07 establishes an AH-12 zone that would allow for up to 30 new multi-family residential apartment units. At least 20% of the new residential creditable units are required to be designated as affordable with a minimum number of 8 creditable affordable units. The affordable units would be regulated consistent with the Uniform Housing Affordability Controls (UHAC) and the New Jersey Fair Housing Act.

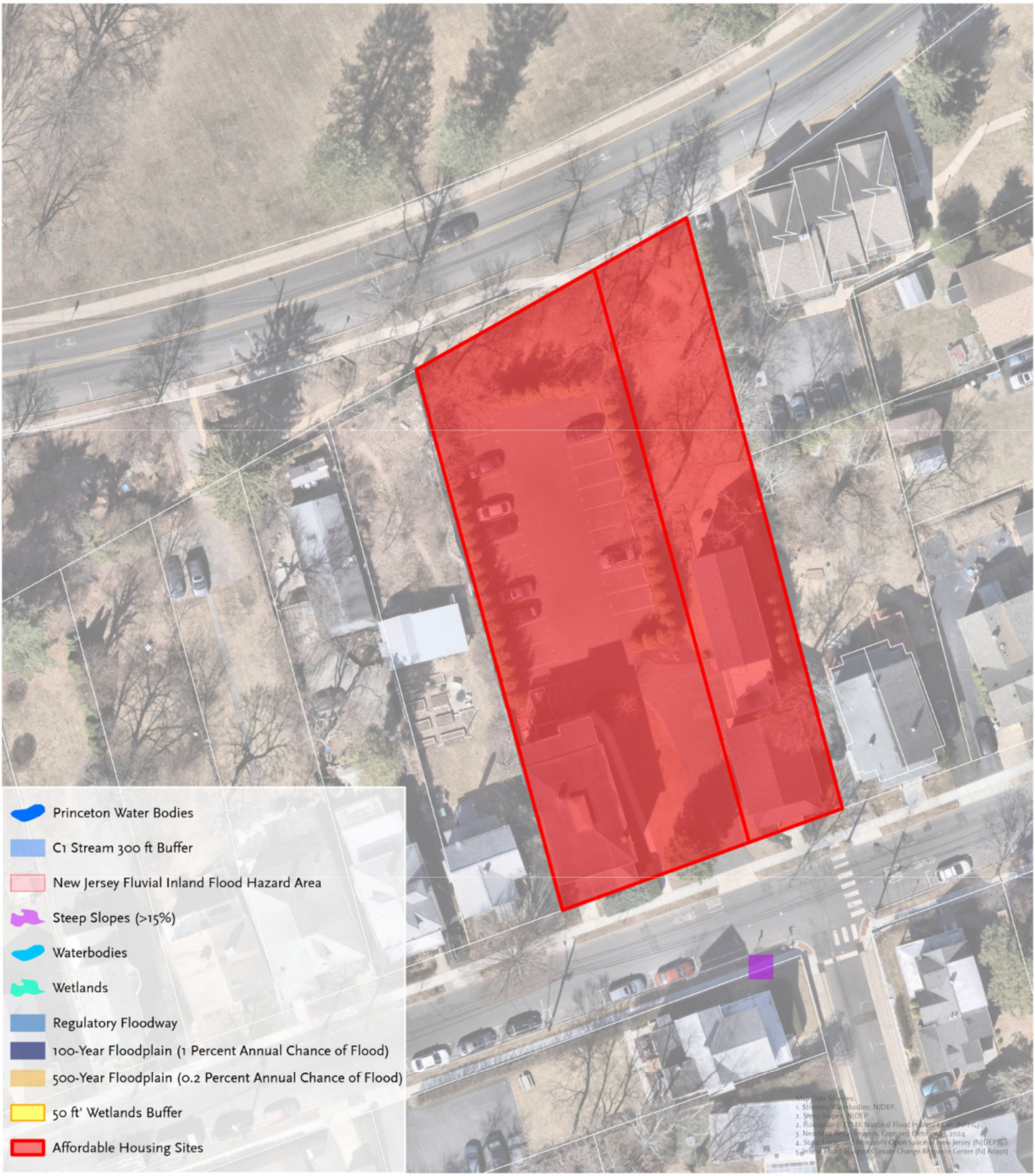
The proposed ordinance allows for multiple buildings, with a minimum separation of five feet, and

permits the residential uses that exist on the site. A public access easement for a pathway of minimum six feet width open to the general public from the Spruce Street right-of-way to the municipal open space is required by the ordinance. The ordinance permits a maximum height of 45 feet and a maximum impervious coverage of 75%. Per the proposed ordinance, 0.425 parking space is required for each dwelling. Up to 25% of parking spaces may be compact spaces. The required spaces can be on surface lots or in enclosed garages. A landscaped buffer of five feet wide is required where a side yard is required. Signs are regulated by §B17A-367, with additional permitted signs including two pathway wayfinding signs, two façade signs on a building with over 20 units, and address numbers.

Aside from being directly called for in the Municipality's adopted Fourth Round HEFSP, Ordinance 2026-07 is substantially consistent with many other goals of the Princeton Master Plan. One of the key findings from community input in the Introduction section of the plan is that Princeton needs more housing, especially at lower price points. The Vision statement includes that Princeton will have "housing ample and diverse enough to accommodate all who want to live here" and the Princeton of the future will be "affordable to households of all income levels." It is expected that both the market-rate and affordable units in the future development of the site will be rental units. A Land Use goal of the plan is to enhance the existing pattern of land use, particularly by strengthening mixed-use centers in town. The Mobility goals of the plan include reducing inbound commuting through the development of additional housing in areas where jobs are located and encouraging shifts from single-occupancy vehicle travel to low- or zero-emissions mobility options such as walking, cycling, and transit. Utility Goals and Natural Resource Conservation Goals such as accommodating future growth while minimizing adverse impacts to the natural environment are supported by repurposing an already developed parcel.

The Board shall determine if they find the Ordinance consistent with the Master Plan and provide any comments to Council. If Council approves the Ordinance, any future development would require site plan approval by the Board.

Appendix K. 86-94 Spruce Street Documentation



0 100
Feet

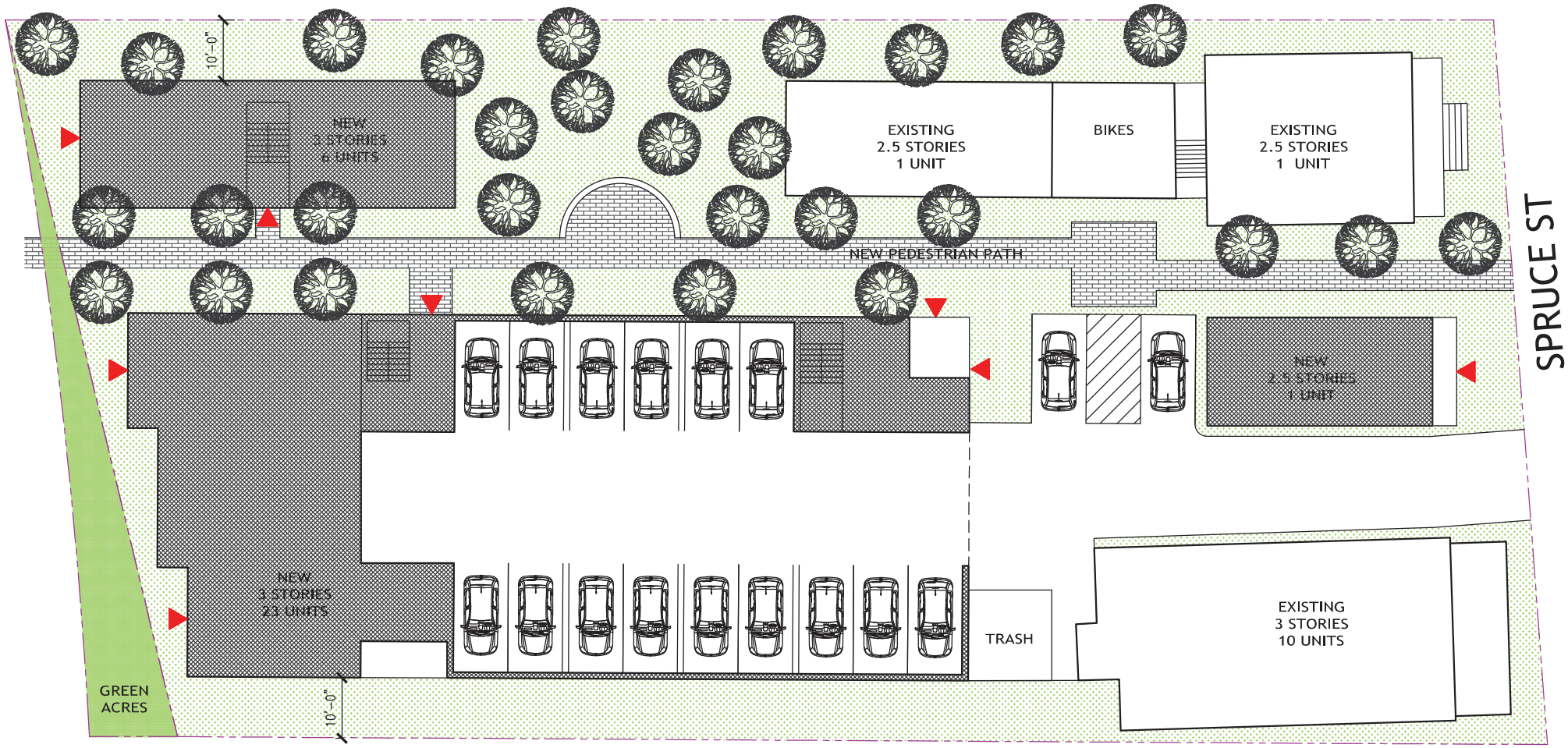
Site #	Block	Lot	Site Address
3	30.03	64, 100	86 - 88, 92-94 Spruce Street

Clarke Caton Hintz
Architecture
Planning
Landscape Architecture

Potential Sites for Affordable Housing Development
Site 3: Spruce Street

LOCATION:
Princeton, Mercer County, NJ

DATE:
June 2025

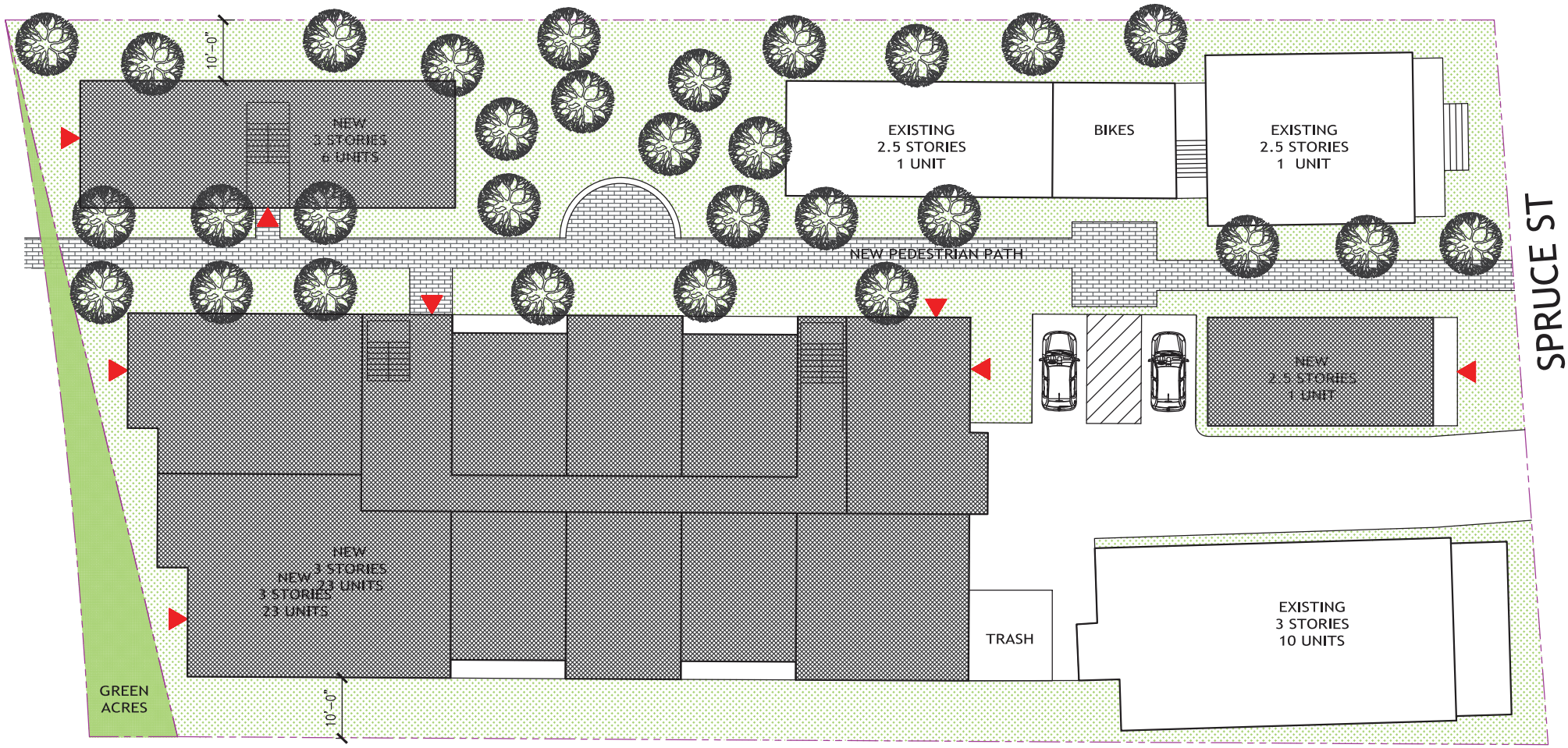


SPRUCE PATH

Ground Floor Plan
30 RESIDENTIAL UNITS
17 PARKING SPACES

05.30.2025

MARINA RUBINA, ARCHITECT
WWW.MRUBINA.COM



SPRUCE PATH

Upper Residential Floor Plan
30 RESIDENTIAL UNITS
17 PARKING SPACES

05.30.2025

MARINA RUBINA, ARCHITECT
WWW.MRUBINA.COM

MUNICIPALITY OF
PRINCETON
Office of the Municipal Clerk
400 Witherspoon Street
Princeton, NJ 08540
(609) 924-5704
dmount@princetonnj.gov

MEMORANDUM

To: Planning Board

From: Dawn M. Mount, *Municipal Clerk*

CC: Justin Lesko, *Planning Director*

Subject: Planning Board Review of Ordinance 2026-7 upon Introduction

Date: February 10, 2026

On behalf of the Mayor and Council, and in accordance with the provisions of N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64, the attached ordinance, introduced at the Regular Meeting of February 9, 2026, is being directed to the Planning Board for its review and consideration. Please transmit the report of findings and recommendations from the Planning Board no later than thirty-five (35) days from this referral. It should be noted that the tentative date of the public hearing and final adoption of this ordinance is scheduled to take place at the Mayor and Council Regular Meeting of February 23, 2026.

Thank you in advance for your cooperation. Please contact me should you have any questions or concerns.

ORDINANCE #2026-07

AN ORDINANCE OF THE MUNICIPALITY OF PRINCETON AMENDING CHAPTER B17A ENTITLED "LAND USE AND ZONING" OF THE MUNICIPALITY OF PRINCETON TO CREATE THE AFFORDABLE HOUSING DISTRICT-12 (AH-12) IN FURTHERANCE OF THE FAIR HOUSING ACT

WHEREAS, the New Jersey Supreme Court, through its rulings in Southern Burlington County NAACP vs. Mount Laurel, 67 N.J. 151 (1975) ("Mount Laurel I") and Southern Burlington County NAACP vs. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II"), has determined that every municipality in New Jersey has a constitutional obligation to provide, through its land use regulations, a realistic opportunity for its fair share of the regional need for housing for low- and moderate-income households and families; and

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. into law, amending the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, *et seq.*, to establish a new framework for determining and enforcing municipalities' affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the Act (the "FHA"), starting with fourth round (2025-2035) affordable housing obligations; and

WHEREAS, in accordance with the FHA and Administrative Directive #14-24 issued by the Administrative Office of the Courts on December 13, 2024 ("Administrative Directive #14-24"), Princeton filed a Complaint for Declaratory Judgment entitled *In the Matter of the Application of the Municipality of Princeton in Mercer County*, Docket No. MER-L-000207-25 on January 28, 2025 (the "Fourth Round DJ Action"), identifying Princeton's present and prospective fair share obligations for the Fourth Round, and committing to adopting and submitting a Fourth Round Housing Plan Element and Fair Share Plan ("HEFSP") as required by the FHA; and

WHEREAS, on June 25, 2025, the Princeton Planning Board ("Board") adopted a Fourth Round HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq., as required by and in conformance with the FHA; and

WHEREAS, on June 26, 2025, by Resolution No. 25-230, the Mayor and Council endorsed Princeton's Fourth Round HEFSP, which was filed with the court in the Fourth Round DJ Action on June 27, 2025; and

WHEREAS, Princeton's Fourth Round HEFSP addresses Princeton's affordable housing obligations in a manner which will promote the public health and general welfare, and sets forth a plan which fully satisfies Princeton's Fourth Round affordable housing obligations; and

WHEREAS, as contemplated by and in conformity with P.L.2024, c.2, Princeton now looks forward to implementing the goals, objectives and housing opportunities contemplated by its HEFSP by creating a new Affordable Housing District-12 ("AH-12") zoning district; and

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-1 ("MLUL") at N.J.S.A. 40:55D-62.a requires that the provisions of a zoning ordinance be substantially consistent with the land use plan element and the housing plan element of the master plan or designed to effectuate such plan elements; and

WHEREAS, Princeton finds and declares that, pursuant to the purposes of the MLUL, the within ordinance promotes the public health, safety, morals, and general welfare and advances the municipality's efforts to meet its constitutional obligation to provide for its fair share of very low, low and moderate income housing; and

WHEREAS, the Mayor and Council formally refers this Ordinance to the Board for review, examination, discussion and recommendations in accordance with N.J.S.A. 40:55D-26; and

WHEREAS, the adoption of this Ordinance was appropriately noticed pursuant to the requirements of the MLUL.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Municipality of Princeton as follows:

Section 1. Affordable Housing Districts. Section §B17A-202(i), "Affordable Housing Districts", of Chapter B17A of the "Code of the Borough of Princeton, New Jersey, 1974" (the "Code"), entitled "Land Use and Zoning", is amended to add the following new zoning district:

(12) AH-12 Affordable Housing – 12.

Section 2. Zoning Map. Section §B17A-203, "District Map", of Chapter B17A of the Code, is hereby supplemented and amended to modify the "Official Zoning Map of Princeton, Mercer County, New Jersey" by designating the following lands identified by block(s) and lot(s) on the official Tax Map of Princeton as follows:

Block(s)	Lot(s)	Street Address	Existing District	New District
30.03	64, 100	86-88, 92-94 Spruce Street	R-4B	AH-12

Section 3. Affordable Housing District Provisions. Division 10 "Affordable Housing Zones" of Chapter B17A of the Code is hereby supplemented and amended to add the following new Affordable Housing Zone to Subdivision II "Affordable Housing (AH) Zones" as follows:

§B17A-492. Affordable Housing - 12 (AH-12)

A. Purpose. The purpose of the AH-12 zoning district is to provide an additional opportunity for underutilized land where affordable multi-family housing may be developed in furtherance of the Municipality's goals and objectives for affordable housing as set forth in the Master Plan.

B. Permitted Uses. In Affordable Housing District-12, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following (these uses may be in combination with each other on the same tract):

(1) Multiple dwellings.

(2) Townhouses.

(3) At most, one single family detached dwelling.

(4) Supportive housing.

(5) The existing 2-unit residential structure.

C. Accessory Uses Permitted. Any of the following uses shall be permitted when used in conjunction with a principal use:

(1) Residential management office.

(2) Common rooms/areas, including for meetings, recreation, laundry and storage.

(3) Communications infrastructure.

(4) Maintenance and storage.

(5) Off-street parking and loading.

(6) Street/site furnishings.

(7) Home occupations.

(8) Fences and walls.

(9) Signs.

(10) Storm water management facilities and other utilities.

(11) Other customary uses which are clearly incidental and subordinate to a permitted principal use on the same lot.

D. Required Income Restriction. In any AH-12 district, at least twenty percent (20%) of the total number of new dwellings shall be affordable to very low, low and moderate income households, but in no instance shall the number of such affordable dwellings or affordable housing credited units be less than eight (8). Affordable units shall be restricted, regulated and administered consistent with the Municipality's affordable housing regulations, the Uniform Housing Affordability Controls rules (N.J.A.C. 5:80-26.1 et seq.) and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), including the Fair Housing Act's definition of very low-income households and all other provisions of the Municipality's Affordable Housing Ordinance (§T10B-332).

E. AH-12 Site Development Regulations. The following site development regulations shall apply to all lots and buildings:

(1) Minimum yard requirements:

(a) Front yard: Any building constructed between the two existing buildings fronting on Spruce Street shall have a front yard depth that is the average of the two other buildings' setbacks from the right-of-way line, as measured from the mid-point of the front facade.

(b) Side yard: ten (10) feet for the new construction of a building; otherwise the existing yards of existing buildings. This requirement shall apply to the tract perimeter only.

(c) Rear yard: five (5) feet.

(2) Maximum impervious coverage: 75%.

(3) Minimum building separation: five (5) feet.

(4) Building height: Maximum building height shall not exceed forty-five (45) feet.

(5) Maximum density. No more than thirty (30) new dwelling units shall be permitted within the AH-12 district as of the date of adoption of this ordinance.

F. Maximum number of buildings: Multiple buildings per lot are permitted.

G. Off-street parking.

(1) 0.425 off-street parking spaces shall be provided for each dwelling.

(2) Parking garage drive aisle shall be a minimum of 22 feet in width.

(3) Up to 25% of spaces may be compact spaces.

H. Landscaping. A landscaped buffer of not less than five (5) feet in width shall be provided along any common property line in a side yard where a side yard is required. Buffers may be comprised of fences and landscaping, which shall be of a sufficient quantity and size to provide a visual separation from adjacent property.

I. Lighting. Illumination of sites and buildings shall be regulated pursuant to §B17A-365.1 Lighting.

J. Signs. Signs shall be regulated pursuant to §B17A-367, Accessory Signs-Permitted in all districts. In addition, the following signs are also permitted:

(1) Pathway wayfinding signs: signs are required to mark both entries to the new publicly accessible pathway described in Section K below. Each of the two signs shall be no more than ten (10) square feet in area. These signs shall provide wayfinding and shall not be commercial in nature.

(2) Two façade signs are permitted on a multi-family building of over 20 units for building identification. Each shall be no more than six (6) square feet in area.

(3) Address numbers are permitted for each entrance on multi-unit buildings.

K. Additional development requirement. Any property with a designation of AH-12 shall provide a public access easement for a pathway utilized by the general public through the property from the right-of-way to any municipal open space. The public access easement shall be improved with an all-weather path a minimum width of six (6) feet. The second floor of a building shall be permitted to encroach upon the easement provided that a vertical height of nine (9) feet is available.

Section 4. Conflicts. If the terms of this Ordinance shall be in conflict with those of another Ordinance, the provisions of this Ordinance shall control.

Section 5. Severability. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 6. Referral. After introduction, the Municipal Clerk is hereby directed to submit a copy of this ordinance to the Princeton Planning Board for its review and report in accordance with N.J.S.A. 40:55D-64.

Section 7. Notice. The Municipal Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the Mercer County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-62.1.

Section 8. Effective Date. This ordinance shall take effect immediately upon final passage and publication, filing with the Mercer County Planning Board, and as otherwise provided for by law.

_____ _____

Dawn M. Mount, Clerk Hon. Mark Freda, Mayor

STATEMENT OF PURPOSE: The purpose of this ordinance is to amend Princeton's zoning ordinance by creating a new affordable housing zoning district in furtherance of Princeton's Fourth Round Housing Plan Element and Fair Share Plan.

NOTICE

NOTICE IS HEREBY GIVEN that the above Ordinance was introduced and passed on first reading at the Council Meeting of the Mayor and Council of the Municipality of Princeton in the County of Mercer, State of New Jersey, held on February 9, 2026 and will be considered for final passage and adoption at the Council Meeting scheduled for February 23, 2026 at 7:00 p.m. at the Princeton Municipal Building, 400 Witherspoon Street, Princeton, New Jersey. Any person interested in this matter will be given an opportunity to be heard at that meeting. A copy of this Ordinance may be obtained at no cost by any member of the general public upon request at the Municipal Building during business hours.

File #: ORD 26-03 **Agenda Date:** 2/9/2026 **Agenda #:** 6.

An Ordinance of the Municipality of Princeton Amending Chapter T10B Entitled “Land Use” of the Municipality of Princeton to Create the Affordable Housing District-15 (AH-15) in Furtherance of the Fair Housing Act- Roll Call

ORDINANCE #2026-03

AN ORDINANCE OF THE MUNICIPALITY OF PRINCETON AMENDING CHAPTER T10B ENTITLED "LAND USE" OF THE MUNICIPALITY OF PRINCETON TO CREATE THE AFFORDABLE HOUSING DISTRICT-15 (AH-15) IN FURTHERANCE OF THE FAIR HOUSING ACT

WHEREAS, the New Jersey Supreme Court, through its rulings in Southern Burlington County NAACP vs. Mount Laurel, 67 N.J. 151 (1975) ("Mount Laurel I") and Southern Burlington County NAACP vs. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II"), has determined that every municipality in New Jersey has a constitutional obligation to provide, through its land use regulations, a realistic opportunity for its fair share of the regional need for housing for low- and moderate-income households and families; and

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. into law, amending the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, *et seq.*, to establish a new framework for determining and enforcing municipalities' affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the Act (the "FHA"), starting with fourth round (2025-2035) affordable housing obligations; and

WHEREAS, in accordance with the FHA and Administrative Directive #14-24 issued by the Administrative Office of the Courts on December 13, 2024 ("Administrative Directive #14-24"), Princeton filed a Complaint for Declaratory Judgment entitled *In the Matter of the Application of the Municipality of Princeton in Mercer County*, Docket No. MER-L-000207-25 on January 28, 2025 (the "Fourth Round DJ Action"), identifying Princeton's present and prospective fair share obligations for the Fourth Round, and committing to adopting and submitting a Fourth Round Housing Plan Element and Fair Share Plan ("HEFSP") as required by the FHA; and

WHEREAS, on June 25, 2025, the Princeton Planning Board ("Board") adopted a Fourth Round HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq., as required by and in conformance with the FHA; and

WHEREAS, on June 26, 2025, by Resolution No. 25-230, the Mayor and Council endorsed Princeton's Fourth Round HEFSP, which was filed with the court in the Fourth Round DJ Action on June 27, 2025; and

WHEREAS, Princeton's Fourth Round HEFSP addresses Princeton's affordable housing obligations in a manner which will promote the public health and general welfare, and sets forth a plan which fully satisfies Princeton's Fourth Round affordable housing obligations; and

WHEREAS, as contemplated by and in conformity with P.L.2024, c.2, Princeton now looks forward to implementing the goals, objectives and housing opportunities contemplated by its HEFSP by creating a new *Affordable Housing District-15 ("AH-15")* zoning district; and

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-1 ("MLUL") at N.J.S.A. 40:55D-62.a requires that the provisions of a zoning ordinance be substantially consistent with the land use plan element and the housing plan element of the master plan or designed to effectuate such plan elements; and

WHEREAS, Princeton finds and declares that, pursuant to the purposes of the MLUL, the within ordinance promotes the public health, safety, morals, and general welfare and advances the municipality's efforts to meet its constitutional obligation to provide for its fair share of very low, low and moderate income housing; and

WHEREAS, the Mayor and Council formally refers this Ordinance to the Board for review, examination, discussion and recommendations in accordance with N.J.S.A. 40:55D-26; and

WHEREAS, the adoption of this Ordinance was appropriately noticed pursuant to the requirements of the MLUL.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Municipality of Princeton as follows:

Section 1. Zoning Map. Section §T10B-242, "Zoning Map", of Chapter T10B of the Code, is hereby supplemented and amended to modify the "Official Zoning Map of Princeton, Mercer County, New Jersey" by designating the following lands identified by block(s) and lot(s) on the official Tax Map of Princeton as follows:

Block(s)	Lot(s)	Street Address	Existing District	New District
5502	2	457 N. Harrison Street	OR-2	AH-15

Section 2. Division of Township into Zoning Districts. §T10B-244, "Division of Township into Zoning Districts", of Chapter T10B of the Code is hereby supplemented and amended to add the following zoning district:

Affordable Housing-15 (AH-15) Zone.

Section 3. Affordable Housing District Provisions. Division 2, "Zoning Districts", of Chapter T10B of the Code is hereby supplemented and amended to add the following new Affordable Housing Zone to Subdivision 2.27 "Affordable Housing (AH) Zones" as follows:

§T10B-272.122. Affordable Housing - 15 (AH-15) Zone

(a) Purpose. The purpose of the Affordable Housing – 15 ("AH-15") zoning district is to redevelop commercial land for multi-family housing in an appropriate location in furtherance of the Municipality's goals and objectives for affordable housing as set forth in the Master Plan.

(b) Permitted Uses. In the AH-15 zone, no lot shall be used, and no structure shall be erected, altered or occupied, for any purpose except the following:

(1) Multifamily dwellings.

(c) Accessory Uses Permitted. Any of the following uses shall be permitted when used in conjunction with a principal use:

(1) Residential management office.

(2) Common rooms/areas, including for meetings, recreation, laundry and storage.

(3) Communications infrastructure.

(4) Maintenance facility.

(5) Maintenance and storage.

(6) Off-street parking; including parking garages and parking structures, and loading.

(7) Street/site furnishings.

(8) Home occupations.

(9) Off-street surface parking and private residential garages.

(10) Fences and walls.

(11) Landscape amenities and open space.

(12) Rooftop amenity space for residents and guests.

(13) Signs.

(14) Storm water management facilities and other utilities.

(15) Other customary uses which are clearly incidental and subordinate to a permitted principal use on the same lot.

(d) Required Income Restriction. In any AH-15 district, at least twenty percent (20%) of the total number of dwellings shall be affordable to very low, low and moderate income households, but in no instance shall the number of such affordable dwellings be less than forty (40). Affordable units shall be restricted, regulated and administered consistent with the Municipality's affordable housing regulations, the Uniform Housing Affordability Controls rules (N.J.A.C. 5:80-26.1 et seq.) and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), including the Fair Housing Act's definition of very low-income households and all other provisions of the Municipality's Affordable Housing Ordinance (§T10B-332).

(e) AH-15 Site Development Regulations. The following site development regulations shall apply to all lots and buildings:

(1) Area and Yard Requirements.

a. Minimum tract frontage. The minimum frontage shall be three hundred (300) lineal feet.

b. Minimum front yard setback for buildings shall be seventy-five (75) feet.

c. Minimum side yard setback for buildings shall be twenty (20) feet.

d. Minimum rear yard setback for buildings shall be twenty (20) feet.

(2) Setbacks for parking lots, aisles and public access. No parking or loading area, aisle, or driveway, excepting for access to and from a public street, shall be located closer than twenty-five (25) feet to a streetline and five (5) feet to any side lot boundary and a half (0.5) foot to the rear lot line.

(3) Density limitation. The maximum number of dwellings shall not exceed one hundred and ninety-one (191) units in the AH-15 district.

(4) Maximum impervious surface coverage. The maximum impervious surface coverage shall be eighty percent (80%) of the total gross acreage of the tract.

(5) Maximum building height: five stories and sixty-five (65) feet. Non-habitable building elements located above the roofline of the highest floor that constitute, contain or screen mechanical equipment, including residential rooftop amenities, that, do not in the aggregate, exceed 20% of

the roof area of the building shall be excluded from the calculation of building height.

a. Building height shall be calculated consistent with the "height of the building" definition found in §T10B-241.

b. Elevator penthouses, staircases and mechanical equipment located on the rooftop shall not be subject to any setback requirement.

(f) Off-Street Parking and Loading.

(1) For vehicles.

a. Minimum number of spaces: 1.5 spaces per dwelling unit.

b. Minimum setback from front yard: fifty (50) feet to the nearest point of any parking space.

c. Minimum setback from other yards: twenty (20) feet to the nearest point of any parking space.

d. Off-street loading. One space 15' W x 25' D by 14' H is required.

e. Minimum parking stall size: Stalls shall be a minimum of 9' x 18' in size, consistent with RSIS, and up to 10% of the total provided stalls may be compact stalls, a minimum of 8' x 16' in size.

(2) Bicycle parking and connectivity. Bicycle parking shall be as required in §T10B-282.2. A pedestrian walkway and a separate dual-use (i.e., pedestrian and bicycle) path shall be provided from the building to North Harrison Street. A dual-use path shall also be provided along North Harrison Street.

(3) Other dimensions and calculations shall be as required in Subdivision 3.5 of the Code of the Municipality of Princeton, to the extent applicable and not in direct conflict with the provisions of this Ordinance.

(g) Landscape Buffer Strips. The following requirements shall supersede the requirements of §T10B-304 in the AH-15 zone.

(1) Buffers and Berms. Landscaping buffers are required to minimize and visually screen any adverse impacts or nuisances on the a site or from any adjacent area. Berms may be used to achieve buffering effects in accordance with the regulations herein where the buffer width is greater than twenty (20) feet.

(2) General requirements. Landscape buffers shall consist of a combination of deciduous trees, conifers, shrubs, berms, and if appropriate, fences, walls or retaining walls in sufficient quantities and sizes to perform their necessary screening function. Storm water management facilities, parking, dumpster enclosures, accessory buildings or above ground structures, and similar encroachments shall not be permitted in the required buffer area. Buffers shall be installed in the side yards.

(3) The minimum width of landscape buffer shall be five (5) feet. For any buffer less than twenty (20) feet in width, a solid fence shall be incorporated into the buffer landscaping plan except when such fence is within twenty-five (25) feet of a streetline.

(4) The front yard landscaping plan shall be designed to retain existing vegetation of high quality and shall introduce landscape elements to enhance street-facing buildings and the grounds along the streetline.

a. Street trees shall be required along all frontages, with a minimum caliper of two and one-half (2.5) inches at time of planting and be large shade trees at maturity. In general, street trees shall be planted at 40-foot intervals, but may be adjusted to account for utilities, driveways, bicycle paths and pedestrian paths.

b. Front yard landscaping shall be continuous except for access drives as approved by the board of jurisdiction.

(h) Lighting. Illumination of sites and buildings shall be regulated pursuant to §T10B-317.1.

(i) Signs.

a. One freestanding monument sign shall be permitted. Such sign shall be set back a minimum of five (5) feet from any property line and shall not exceed twenty-four (24) square feet in area. If the sign is illuminated, only exterior lighting shall be permitted.

b. A maximum of two façade signs shall be permitted identifying the building. Façade signs shall be placed either with a band extending across a section of the first level façade (preferably near or above a door or window) or mounted as individual channel-cut letters at the front edge of an entrance canopy. The area of a façade sign shall not exceed thirty (30) square feet. If a façade sign is illuminated, it shall be either externally lit with directional lights that are shielded (so as to sufficiently illuminate the sign content) or halo-lit with shielded back glow illumination.

(j) Reciprocal Access. Applicants for development in the AH-15 Zone should pursue, to the maximum extent practicable, reciprocal cross-access easements with adjoining properties to enhance vehicular, bicycle, and pedestrian circulation. In particular, applicants are encouraged to seek such easements with Block 5502, Lots 4.02 and/or 4.03 to provide access to the Thanet Road cul-de-sac that intersects Terhune Road. If Applicant is able to obtain such access easement(s), then any such driveway or aisle shall be exempt from the setback requirements set forth in section §T10B-272.121(e)(2) above. The owners of Block 5502, Lots 4.02 and 4.03 are outside of the AH-15 Zone and are not subject to this provision; accordingly, compliance is encouraged but not required. If consent from those owners cannot be obtained, no variance or waiver from this subsection is required.

(k) Exemption from Certain Requirements. Any development or redevelopment within the AH-15 zone shall be exempt from complying with §T10B-278, §T10B-288, §T10B-297, §T10B-304 and §T10B-307 of the Code of the Municipality of Princeton.

Section 4. Conflicts. If the terms of this Ordinance shall be in conflict with those of another Ordinance, the provisions of this Ordinance shall control.

Section 5. Severability. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 6. Referral. After introduction, the Municipal Clerk is hereby directed to submit a copy of this ordinance to the Princeton Planning Board for its review and report in accordance with N.J.S.A. 40:55D-64.

Section 7. Notice. The Municipal Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the Mercer County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-62.1.

Section 8. Effective Date. This ordinance shall take effect immediately upon final passage and publication, filing with the Mercer County Planning Board, and as otherwise provided for by law.

_____ _____

Dawn M. Mount, Clerk Hon. Mark Freda, Mayor

STATEMENT OF PURPOSE: The purpose of this ordinance is to amend Princeton's zoning ordinance by creating a new affordable housing zoning district in furtherance of Princeton's Fourth Round Housing Plan Element and Fair Share Plan.

NOTICE

NOTICE IS HEREBY GIVEN that the above Ordinance was introduced and passed on first reading at the Council Meeting of the Mayor and Council of the Municipality of Princeton in the County of Mercer, State of New Jersey, held on February 9, 2026 and will be considered for final passage and adoption at the Council Meeting scheduled for February 23, 2026 at 7:00 p.m. at the Princeton Municipal Building, 400 Witherspoon Street, Princeton, New Jersey. Any person interested in this matter will be given an opportunity to be heard at that meeting. A copy of this Ordinance may be obtained at no cost by any member of the general public upon request at the Municipal Building during business hours.

MASON, GRIFFIN & PIERSON
A PROFESSIONAL CORPORATION
COUNSELLORS AT LAW

MEMORANDUM

To: Mayor & Council of the Municipality of Princeton

From: Kevin A. Van Hise

Date: February 6, 2026

Re: Re-Introduction of Ordinance 2026-03 (Affordable Housing District-15 (AH-15))

As part of Princeton's fourth round affordable housing compliance requirements, on January 26, 2026, you introduced Ordinance No. 2026-03, entitled "*An Ordinance of the Municipality of Princeton Amending Chapter T10B Entitled "Land Use" of the Municipality of Princeton to Create the Affordable Housing District-15 (AH-15) In Furtherance of the Fair Housing Act*". The proposed ordinance creates a new AH-15 zoning district to facilitate the development of an inclusionary housing project on North Harrison Street as detailed in Princeton's adopted Housing Plan Element and Fair Share Plan ("HEFSP").

Subsequent to introduction, a few issues were discovered that warrant correction and re-introduction of the ordinance. Therefore, attached please find an amended version of the ordinance and a redlined version showing the changes from the ordinance introduced on January 26th. Specifically, the changes include the following:

- Section 1, listing the affordable housing zoning districts, has been removed. Rather than listing all affordable housing districts in the municipality, this section properly identifies only districts located in the former Princeton Borough. Because the AH-15 district will be applicable only to lands in the former Princeton Township, this section has been eliminated to avoid any confusion. Section 1 will now amend the Zoning Map.

- New Section 2 will then properly list the new AH-15 district within Section §T10B-244 "Division of Township into Zoning Districts."

- Section 3 creates the standards for the new AH-15 District. To facilitate integration into the Princeton Code, standardization with other affordable housing provisions, and to correct the bulk requirements to ensure the realistic opportunity proposed in the HEFSP, the following changes have been made:

    - Section number has been changed from §T10B-272.121 to §T10B-272.122.

- Sub-paragraph (c): "Pedestrian circulation elements" has been eliminated as a permitted accessory use in the district. Such elements have historically always been considered part of the development, thus the inclusion here is unnecessary and is being removed to ensure uniformity with other provisions in the Code.

- Sub-paragraph (d): a provision specifying the minimum number of affordable housing dwellings as contemplated by the HEFSP has been added.

- Sub-paragraph (e)(1): the bulk requirements of the district have been updated to ensure the appropriate standards will be in place to facilitate the development opportunity contemplated by the HEFSP.

- Few typographical corrections and clarifications have also been included.

- The Notice has been updated to reflect the new date of introduction and second reading / public hearing date.

If same meets with your approval, please include this ordinance in the list of affordable housing compliance ordinances scheduled for introduction at your upcoming February 9 meeting.

ORDINANCE #2026-____-03

AN ORDINANCE OF THE MUNICIPALITY OF PRINCETON AMENDING CHAPTER T10B ENTITLED "LAND USE" OF THE MUNICIPALITY OF PRINCETON TO CREATE THE AFFORDABLE HOUSING DISTRICT-15 (AH-15) IN FURTHERANCE OF THE FAIR HOUSING ACT

WHEREAS, the New Jersey Supreme Court, through its rulings in Southern Burlington County NAACP vs. Mount Laurel, 67 N.J. 151 (1975) ("Mount Laurel I") and Southern Burlington County NAACP vs. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II"), has determined that every municipality in New Jersey has a constitutional obligation to provide, through its land use regulations, a realistic opportunity for its fair share of the regional need for housing for low- and moderate-income households and families; and

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. into law, amending the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, *et seq.*, to establish a new framework for determining and enforcing municipalities' affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the Act (the "FHA"), starting with fourth round (2025-2035) affordable housing obligations; and

WHEREAS, in accordance with the FHA and Administrative Directive #14-24 issued by the Administrative Office of the Courts on December 13, 2024 ("Administrative Directive #14-24"), Princeton filed a Complaint for Declaratory Judgment entitled *In the Matter of the Application of the Municipality of Princeton in Mercer County*, Docket No. MER-L-000207-25 on January 28, 2025 (the "Fourth Round DJ Action"), identifying Princeton's present and prospective fair share obligations for the Fourth Round, and committing to adopting and submitting a Fourth Round Housing Plan Element and Fair Share Plan ("HEFSP") as required by the FHA; and

WHEREAS, on June 25, 2025, the Princeton Planning Board ("Board") adopted a Fourth Round HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq., as required by and in conformance with the FHA; and

WHEREAS, on June 26, 2025, by Resolution No. 25-230, the Mayor and Council endorsed Princeton's Fourth Round HEFSP, which was filed with the court in the Fourth Round DJ Action on June 27, 2025; and

WHEREAS, Princeton's Fourth Round HEFSP addresses Princeton's affordable housing obligations in a manner which will promote the public health and general welfare, and sets forth a plan which fully satisfies Princeton's Fourth Round affordable housing obligations; and

WHEREAS, as contemplated by and in conformity with P.L.2024, c.2, Princeton now looks forward to implementing the goals, objectives and housing opportunities contemplated by its HEFSP by creating a new *Affordable Housing District-15 ("AH-15")* zoning district; and

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-1 ("MLUL") at N.J.S.A. 40:55D-62.a requires that the provisions of a zoning ordinance be substantially consistent with the land use plan element and the housing plan element of the master plan or designed to effectuate such plan elements; and

WHEREAS, Princeton finds and declares that, pursuant to the purposes of the MLUL, the within ordinance promotes the public health, safety, morals, and general welfare and advances the municipality's efforts to meet its constitutional obligation to provide for its fair share of very low, low and moderate income housing; and

WHEREAS, the Mayor and Council formally refers this Ordinance to the Board for review, examination, discussion and recommendations in accordance with N.J.S.A. 40:55D-26; and

WHEREAS, the adoption of this Ordinance was appropriately noticed pursuant to the requirements of the MLUL.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Municipality of Princeton as follows:

Section 1. ~~Affordable Housing Districts~~. ~~Section §T10B-244, "Division of Township into Zoning Districts", of Chapter T10B of the "Code of the Borough of Princeton, New Jersey, 1974" (the "Code"), entitled "Land Use", is amended to add the following new zoning district:~~

~~(15) AH-15 Affordable Housing – 15.~~

~~**Section 2.** **Zoning Map**~~. Section §T10B-242, "Zoning Map", of Chapter T10B of the Code, is hereby supplemented and amended to modify the "Official Zoning Map of Princeton, Mercer County, New Jersey" by designating the following lands identified by block(s) and lot(s) on the official Tax Map of Princeton as follows:

Block(s)	Lot(s)	Street Address	Existing District	New District
5502	2	457 N. Harrison Street	OR-2	AH-15

Section 2. Division of Township into Zoning Districts. §T10B-244, "Division of Township into Zoning Districts", of Chapter T10B of the Code is hereby supplemented and amended to add the following zoning district:

Affordable Housing-15 (AH-15) Zone.

Section 3. Affordable Housing District Provisions. Division 2, "Zoning Districts", of Chapter T10B of the Code is hereby supplemented and amended to add the following new Affordable Housing Zone to Subdivision 2.27 "Affordable Housing (AH) Zones" as follows:

§T10B-272.~~121~~122. Affordable Housing - 15 (AH-15) Zone

(a) Purpose. The purpose of the Affordable Housing – 15 ("AH-15") zoning district is to redevelop commercial land for multi-family housing in an appropriate location in furtherance of the Municipality's goals and objectives for affordable housing as set forth in the Master Plan.

(b) Permitted Uses. In the AH-15 zone, no lot shall be used, and no structure shall be erected, altered or occupied, for any purpose except the following:

(1) Multifamily dwellings.

(c) Accessory Uses Permitted. Any of the following uses shall be permitted when used in conjunction with a principal use:

(1) Residential management office.

(2) Common rooms/areas, including for meetings, recreation, laundry and storage.

(3) Communications infrastructure.

(4) Maintenance facility.

(5) Maintenance and storage.

(6) Off-street parking; including parking garages and parking structures, and loading.

(7) Street/site furnishings.

(8) Home occupations.

(9) Off-street surface parking and private residential garages.

(10) Fences and walls.

(11) Landscape amenities and open space.

(12) Rooftop amenity space for residents and guests.

(13) ~~Pedestrian circulation elements.~~

~~(14)~~ Signs.

(~~15~~14) Storm water management facilities and other utilities.

(~~16~~15) Other customary uses which are clearly incidental and subordinate to a permitted principal use on the same lot.

(d) Required Income Restriction. In any AH-15 district, at least twenty percent (20%) of the total number of dwellings shall be affordable to very low, low and moderate income households~~.~~, but in no instance shall the number of such affordable dwellings be less than forty (40). Affordable units shall be restricted, regulated and administered consistent with the Municipality's affordable housing regulations, the Uniform Housing Affordability Controls rules (N.J.A.C. 5:80-26.1 et seq.) and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), including the Fair Housing Act's definition of very low-income households and all other provisions of the Municipality's Affordable Housing Ordinance (§T10B-332).

(e) AH-15 Site Development Regulations. The following site development regulations shall apply to all lots and buildings:

(1) Area and Yard Requirements.

a. Minimum ~~lot area. The minimum contiguous lot area shall be five acres (5) acres.~~

~~b. Minimum~~ tract frontage. The minimum frontage shall be three hundred (300) lineal feet.

~~e~~b. Minimum front yard setback for buildings shall be seventy-five (75) feet.

~~d~~c. Minimum side yard setback for buildings shall be twenty ~~five (25~~ (20) feet.

~~e~~d. Minimum rear yard setback for buildings shall be ~~thirty-five (35~~twenty (20) feet.

(2) Setbacks for parking lots, aisles and public access. No parking or loading area, aisle, or driveway, excepting for access to and from a public street,

shall be located closer than twenty-five (25) feet to a streetline and five (5) feet to any side lot boundary and a half (0.5) foot to the rear lot line.

(3) Density limitation. The maximum number of dwellings shall not exceed one hundred and ninety-one (191) units in the AH-15 district.

(4) Maximum impervious surface coverage. The maximum impervious surface coverage shall be eighty percent (80%) of the total gross acreage of the tract.

(5) Maximum building height: five stories and sixty-five (65) feet. Non-habitable building elements located above the roofline of the highest floor that constitute, contain or screen mechanical equipment, including residential rooftop amenities, that, do not in the aggregate, exceed 20% of the roof ~~are~~area of the building shall be excluded from the calculation of building height.

a. Building height shall be calculated consistent with the "height of the building" definition found in §T10B-241.

b. Elevator penthouses, staircases and mechanical equipment located on the rooftop shall not be subject to any setback requirement.

(f) Off-Street Parking and Loading.

(1) For vehicles.

a. Minimum number of spaces: 1.5 spaces per dwelling unit.

b. Minimum setback from front yard: fifty (50) feet to the nearest point of any parking space.

c. Minimum setback from other yards: twenty (20) feet to the nearest point of any parking space.

d. Off-street loading. One space 15' W x 25' D by 14' H is required.

e. Minimum parking stall size: Stalls shall be a minimum of 9' x 18' in size, consistent with RSIS, and up to 10% of the total provided stalls may be compact stalls, a minimum of 8' x 16' in size.

(2) Bicycle parking and connectivity. Bicycle parking shall be as required in §T10B-282.2. A pedestrian walkway and a separate dual-use (i.e., pedestrian and bicycle) path shall be provided from the building to North Harrison Street. A dual-use path shall also be provided along North Harrison Street.

(3) Other dimensions and calculations shall be as required in Subdivision 3.5 of the Code of the Municipality of Princeton, to the extent applicable and not in direct conflict with the provisions of this Ordinance.

(g) Landscape Buffer Strips. The following requirements shall supersede the requirements of §T10B-304 in the AH-15 zone.

(1) Buffers and Berms. Landscaping buffers are required to minimize and visually screen any adverse impacts or nuisances on the a site or from any adjacent area. Berms may be used to achieve buffering effects in accordance with the regulations herein where the buffer width is greater than twenty (20) feet.

(2) General requirements. Landscape buffers shall consist of a combination of deciduous trees, conifers, shrubs, berms, and if appropriate, fences, walls or retaining walls in sufficient quantities and sizes to perform their necessary screening function. Storm water management facilities, parking, dumpster enclosures, accessory buildings or above ground structures, and similar encroachments shall not be permitted in the required buffer area. Buffers shall be installed in the side yards.

(3) The minimum width of landscape buffer shall be five (5) feet. For any buffer less than twenty (20) feet in width, a solid fence shall be incorporated into the buffer landscaping plan except when such fence is within twenty-five (25) feet of a streetline.

(4) The front yard landscaping plan shall be designed to retain existing vegetation of high quality and shall introduce landscape elements to enhance street-facing buildings and the grounds along the streetline.

a. Street trees shall be required along all frontages, with a minimum caliper of two and one-half (2.5) inches at time of planting and be large shade trees at maturity. In general, street trees shall be planted at 40-foot intervals, but may be adjusted to account for utilities, driveways, bicycle paths and pedestrian paths.

b. Front yard landscaping shall be continuous except for access drives as approved by the board of jurisdiction.

(h) Lighting. Illumination of sites and buildings shall be regulated pursuant to §T10B-317.1.

(i) Signs.

a. One freestanding monument sign shall be permitted. Such sign shall be set back a minimum of five (5) feet from any property line and

shall not exceed twenty-four (24) square feet in area. If the sign is illuminated, only exterior lighting shall be permitted.

b. A maximum of two façade signs shall be permitted identifying the building. Façade signs shall be placed either with a band extending across a section of the first level façade (preferably near or above a door or window) or mounted as individual channel-cut letters at the front edge of an entrance canopy. The area of a façade sign shall not exceed thirty (30) square feet. If a façade sign is illuminated, it shall be either externally lit with directional lights that are shielded (so as to sufficiently illuminate the sign content) or halo-lit with shielded back glow illumination.

(j) Reciprocal Access. Applicants for development in the AH-15 Zone should pursue, to the maximum extent practicable, reciprocal cross-access easements with adjoining properties to enhance vehicular, bicycle, and pedestrian circulation. In particular, applicants are encouraged to seek such easements with Block 5502, Lots 4.02 and/or 4.03 to provide access to the Thanet Road cul-de-sac that intersects Terhune Road. If Applicant is able to obtain such access easement(s), then any such driveway or aisle shall be exempt from the setback requirements set forth in section §T10B-272.121(e)(2) above. The owners of Block 5502, Lots 4.02 and 4.03 are outside of the AH-15 Zone and are not subject to this provision; accordingly, compliance is encouraged but not required. If consent from those owners cannot be obtained, no variance or waiver from this subsection is required.

(k) Exemption from Certain Requirements. Any development or redevelopment within the AH-15 zone shall be exempt from complying with §T10B-278, §T10B-288, §T10B-297, §T10B-304 and §T10B-307 of the Code of the Municipality of Princeton.

Section 4. Conflicts. If the terms of this Ordinance shall be in conflict with those of another Ordinance, the provisions of this Ordinance shall control.

Section 5. Severability. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 6. Referral. After introduction, the Municipal Clerk is hereby directed to submit a copy of this ordinance to the Princeton Planning Board for its review and report in accordance with N.J.S.A. 40:55D-64.

Section 7. Notice. The Municipal Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the Mercer County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-62.1.

Section 8. Effective Date. This ordinance shall take effect immediately upon final passage and publication, filing with the Mercer County Planning Board, and as otherwise provided for by law.

Dawn M. Mount, Clerk	Hon. Mark Freda, Mayor

STATEMENT OF PURPOSE: The purpose of this ordinance is to amend Princeton's zoning ordinance by creating a new affordable housing zoning district in furtherance of Princeton's Fourth Round Housing Plan Element and Fair Share Plan.

NOTICE

NOTICE IS HEREBY GIVEN that the above Ordinance was introduced and passed on first reading at the Council Meeting of the Mayor and Council of the Municipality of Princeton in the County of Mercer, State of New Jersey, held on ~~January 26~~February 9, 2026 and will be considered for final passage and adoption at the Council Meeting scheduled for February ~~9~~23, 2026 at 7:30 p.m. at the Princeton Municipal Building, 400 Witherspoon Street, Princeton, New Jersey. Any person interested in this matter will be given an opportunity to be heard at that meeting. A copy of this Ordinance may be obtained at no cost by any member of the general public upon request at the Municipal Building during business hours.

MUNICIPALITY OF PRINCETON
Planning Department
400 Witherspoon Street
Princeton, NJ 08540
(609) 924-5366
planning@princetonnj.gov

MEMORANDUM

To: Princeton Mayor and Council
From: Justin Lesko, AICP, PP – Planning Director
Nathan Foote, AICP, PP – Assistant Planning Director
Date: February 20th, 2026
Subject: **Ordinance #2026-03: An Ordinance of the Municipality of Princeton Amending Chapter T10B Entitled "Land Use" of the Municipality of Princeton to Create the Affordable Housing District-15 (AH-15) in Furtherance of the Fair Housing Act**
Council Introduction – January 27th, 2026
Council Re-Introduction – February 9th, 2026
Planning Board Review – February 19th, 2026

The Princeton Council has referred Ordinance #2026-03 to the Planning Board for master plan consistency review pursuant to N.J.S.A. 40A:55D-26a. The ordinance establishes the Affordable Housing District 15 (AH-15) at the 457 North Harrison Street property, and allows for up to 191 residential units, while requiring a minimum of 40 affordable housing units. The ordinance was originally introduced on January 27th; however, the Council made substantial changes to the ordinance and re-introduced it on February 9th, after which it sent the ordinance to the Board for consistency review. The Board reviewed the ordinance at its regular meeting open to the public on February 19th.

By a unanimous vote, the Board found Ordinance #2026-03 to be substantially consistent with the Princeton Master Plan and recommended approval of the Ordinance. While the Board did not have any comments or recommendations, members did express enthusiasm for pedestrian circulation and connections to other developments in the area.

See the memo from us to the Board for more information on the ordinance, the Affordable Housing District 15 (AH-15) it would establish, and its relation to the Princeton Master Plan, including the Fourth Round Housing Plan Element and Fair Share Plan. The memo is attached.

Please reach out if there are any questions or concerns regarding the ordinance or the Planning Board's review.

MUNICIPALITY OF PRINCETON
Planning Department
400 Witherspoon Street
Princeton, NJ 08540
(609) 924-5366
planning@princetonnj.gov

MEMORANDUM

To: Princeton Planning Board
From: Justin Lesko, AICP, PP – Planning Director
Nathan Foote, AICP, PP – Assistant Planning Director
Date: February 13th, 2026
Subject: **Ordinance #2026-03 Amending Chapter T10B Entitled "Land Use" of the Municipality of Princeton to Create the Affordable Housing District 15 (AH-15) in Furtherance of the Fair Housing Act**
Council Introduction – February 10th, 2026

The Princeton Council has referred Ordinance #2026-03 to the Planning Board for master plan consistency review pursuant to N.J.S.A. 40A:55D-26a. The ordinance was originally introduced on January 27th but had to be re-introduced on February 9th due to a substantive change. It is scheduled for a public hearing on February 23rd. The ordinance is attached to this memo for reference.

The ordinance establishes the Affordable Housing District 15 (AH-15), comprised of one lot at 457 North Harrison Street (Block 5502, Lot 2). The lot is currently developed with an office building with associated extensive parking, and is located in the OR-2 T Office-Research zone of the former Township. It is adjacent to the Inclusionary Rental Apartment district (IRA) and Residential Senior Affordable district (RSA). The Avalon Princeton Circle development is in the former and the Princeton Senior Living apartment building is in the latter. There is a medical office building adjacent to the 457 North Harrison property to the south, and a corporate office building to the north. To the west, across North Harrison street, are residential uses in the R-6 zone of the former Township.

The AH-15 district is intended to provide a realistic opportunity for the construction of affordable housing pursuant to the New Jersey Fair Housing Act and to comply with the Municipality's constitutional obligation to provide housing for low-and moderate-income households. The site is included in the Municipality's Fourth Round Housing Plan Element and Fair Share Plan ("Fourth Round HEFSP") as adopted by the Planning Board on June 25, 2025, and endorsed by Council on June 26, 2025. Pages 70-71 of the Fourth Round HEFSP includes how the future development meets the criteria of site availability, suitability, approvability and developability as required by state law. Appendix N of the Fourth Round Plan includes a map of site constraints and an initial conceptual plan of the development. Appendix N is attached to this memo.

As called for in the Fourth Round HEFSP, the AH-15 zone would allow for up to 191 multi-family residential apartment units. At least 20% of the residential units are required to be designated as affordable, with a minimum of 40 affordable units required. This is important because it provides that while a developer may reduce the number of overall units, they may not reduce the number of units set aside as affordable below 40 units, as specified in the Fourth Round HEFSP for this site. (The originally introduced ordinance inadvertently left out the requirement for a minimum of 40 affordable units. Adding this back in as has always been envisioned was the substantive change which required reintroduction.) The affordable units would be regulated consistent with the Uniform Housing Affordability Controls (UHAC) and the New Jersey Fair Housing Act.

The maximum permitted height, per the ordinance, is five stories and 65 feet; non-habitable building

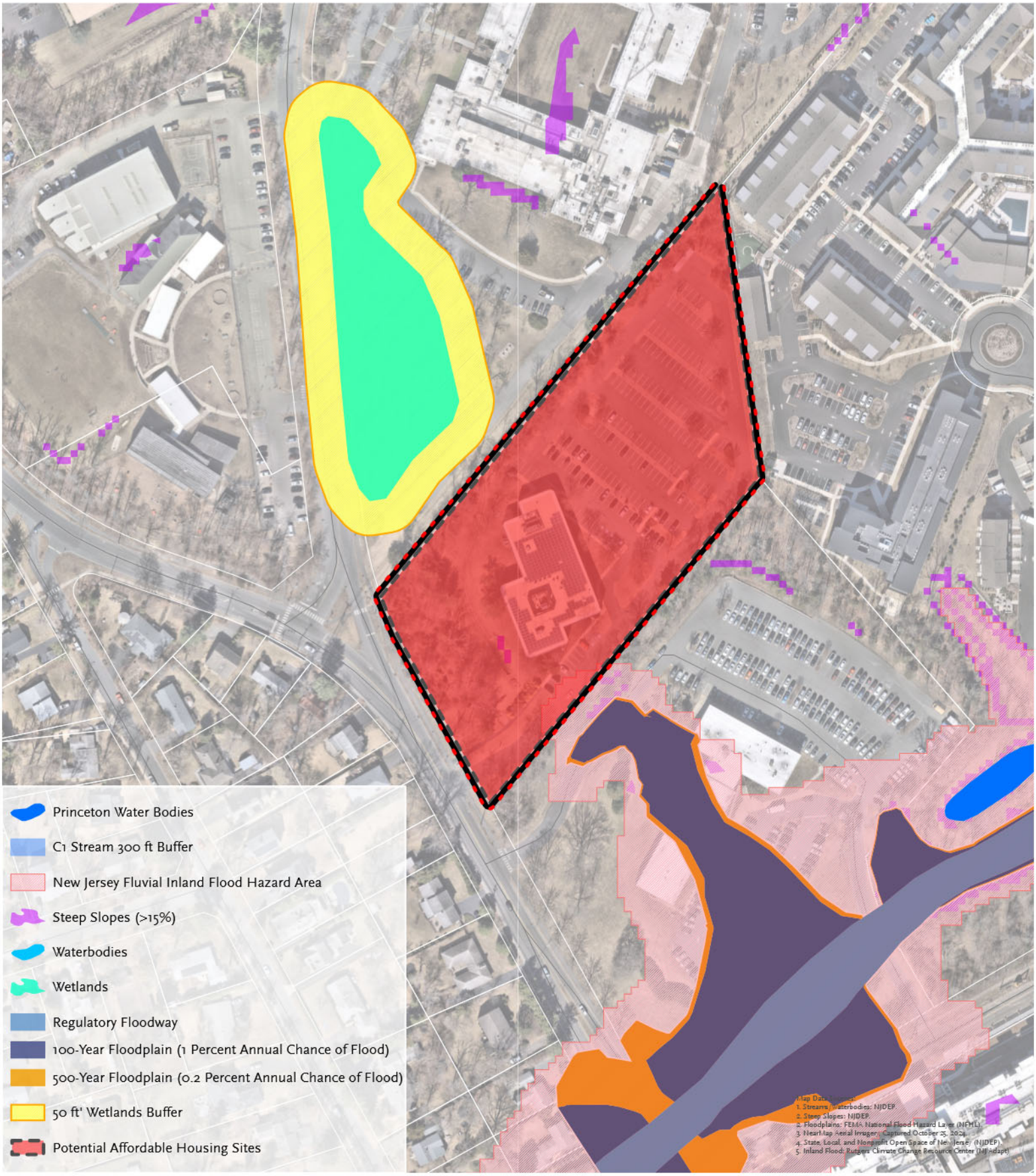
elements that include or screen mechanical equipment and do not exceed 20% of the roof area are excluded from the height calculation. While the ordinance does not explicitly restrict the development to a single building, there is language in the ordinance that refers to "the building" suggesting that only one building is contemplated, as in the concept plan found in the attached Appendix N. The maximum impervious coverage is 80%.

Per the proposed ordinance, 1.5 parking spaces are required for each residential unit. The required spaces can be on surface lots or in enclosed garages. Bicycle parking is required as per §T10B-282.2. The ordinance requires both a pedestrian walkway and a dual-use path to North Harrison Street, along with a dual-path use along North Harrison Street. Landscape buffers are required to minimize and visually screen any adverse impacts or nuisances. A total of three signs are permitted by the ordinance: one 24-square foot freestanding monument sign, and two façade signs not exceeding 30-square feet each. The ordinance also recommends any developer seek cross access easement with neighboring properties.

In our professional opinion the ordinance is substantially consistent with the Master Plan. Aside from being directly called for in the Municipality's adopted Fourth Round HEFSP, Ordinance 2026-03 is substantially consistent with many other goals of the Princeton Master Plan. One of the key findings from community input in the Introduction section of the plan is that Princeton needs more housing, especially at lower price points. The Vision statement includes that Princeton will have "housing ample and diverse enough to accommodate all who want to live here" and the Princeton of the future will be "affordable to households of all income levels." It is expected that both the market-rate and affordable units in the future development of the site will be rental units. A Land Use goal of the plan is to remove barriers to increased residential density in appropriate areas. Given the other residential developments in this same area as the AH-15, this would be an appropriate area for such additional density. The Mobility goals of the plan include reducing inbound commuting through the development of additional housing in areas where jobs are located and encouraging shifts from single-occupancy vehicle travel to low- or zero-emissions mobility options such as walking, cycling, and transit. Utility Goals and Natural Resource Conservation Goals such as accommodating future growth while minimizing adverse impacts to the natural environment are supported by repurposing an already developed parcel.

The Board shall determine if they find the Ordinance consistent with the Master Plan and provide any comments to Council. If Council approves the Ordinance, any future development would require site plan approval by the Board.

Appendix N. Princeton Executive Center Documentation



SITE #	BLOCK	LOT	SITE ADDRESS
4	5502	2	457 NORTH HARRISON STREET

0 25 50 100 150 200
Feet

Clarke Caton Hintz
Architecture
Planning
Landscape Architecture

Potential Sites for Affordable Housing Development

Site 4: Princeton Executive Center/Niksun Building

LOCATION:
Princeton, Mercer County, NJ

DATE:
May 2025

PROGRAM SUMMARY

TOTAL RESIDENTIAL: 191 DU

- AVERAGE UNIT: 1,050 SF

TOTAL AMENITY: 14,180 SF

TOTAL PARKING: 287 SPACES (1.5 SP/DU)

- GARAGE: 240 SP
- SURFACE: 47 SP

BUILDING HEIGHT: 4 STORIES RESIDENTIAL OVER 1 LEVEL PARKING

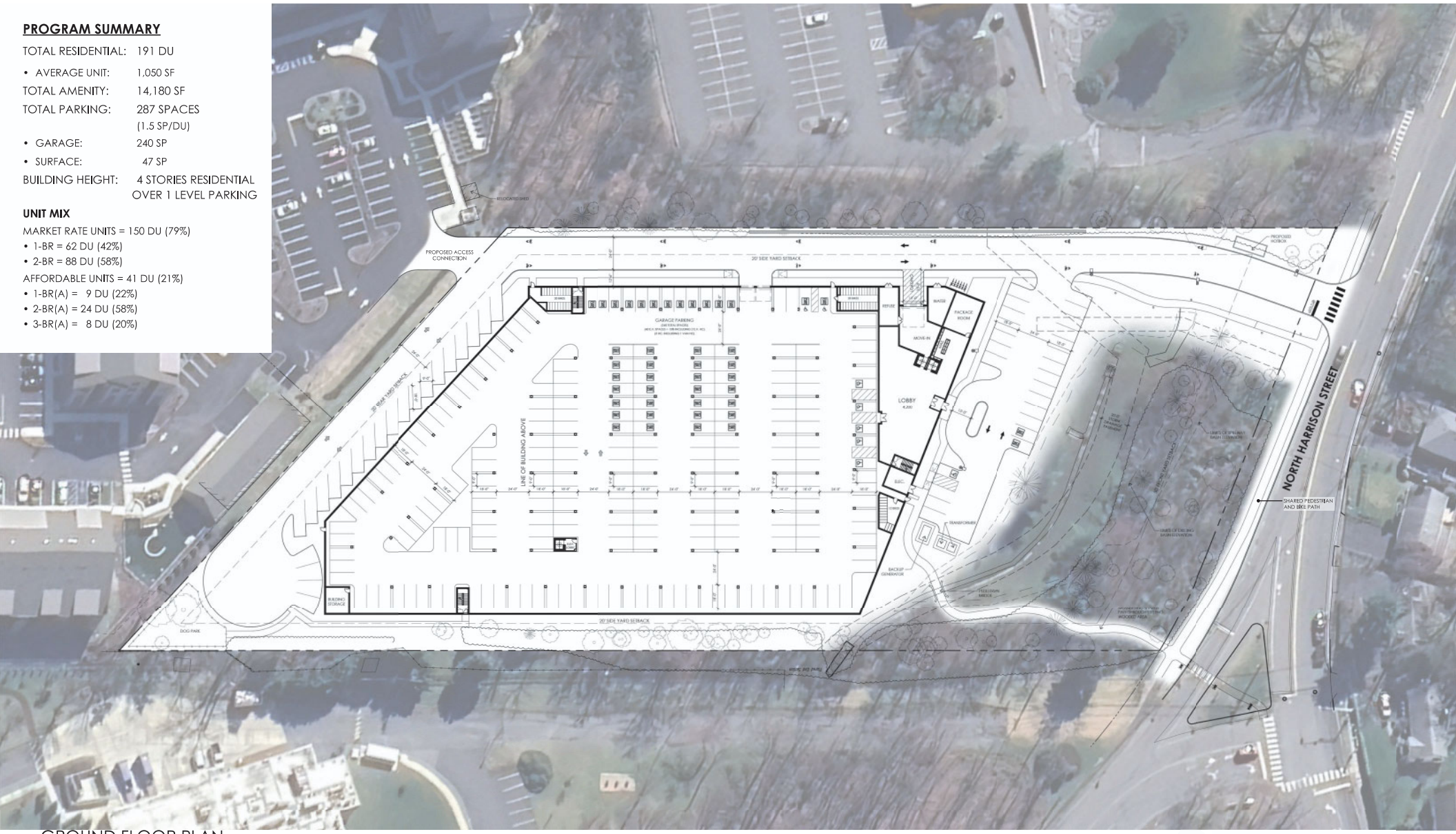
UNIT MIX

MARKET RATE UNITS = 150 DU (79%)

- 1-BR = 62 DU (42%)
- 2-BR = 88 DU (58%)

AFFORDABLE UNITS = 41 DU (21%)

- 1-BR(A) = 9 DU (22%)
- 2-BR(A) = 24 DU (58%)
- 3-BR(A) = 8 DU (20%)



GROUND FLOOR PLAN

SCALE: 1" = 30' - 0"

CONCEPTUAL PLANS

DATE: 04/23/2025

MINNO WASKO
ARCHITECTS AND PLANNERS
80 LAMBERT LANE, SUITE 105, LAMBERTVILLE, NEW JERSEY 08530 MINNOWASKO.COM
TWO GATEWAY CENTER, SUITE 1700, NEWARK, NEW JERSEY 07102

PREPARED FOR:
PRINCETON EXECUTIVE CENTER ASSOCIATES

457 N. HARRISON STREET

PRINCETON,NEW JERSEY

COPYRIGHT © MINNO & WASKO ARCHITECTS AND PLANNERS

PROGRAM SUMMARY

TOTAL RESIDENTIAL: 191 DU

- AVERAGE UNIT: 1,050 SF

TOTAL AMENITY: 14,180 SF

TOTAL PARKING: 287 SPACES
(1.5 SP/DU)

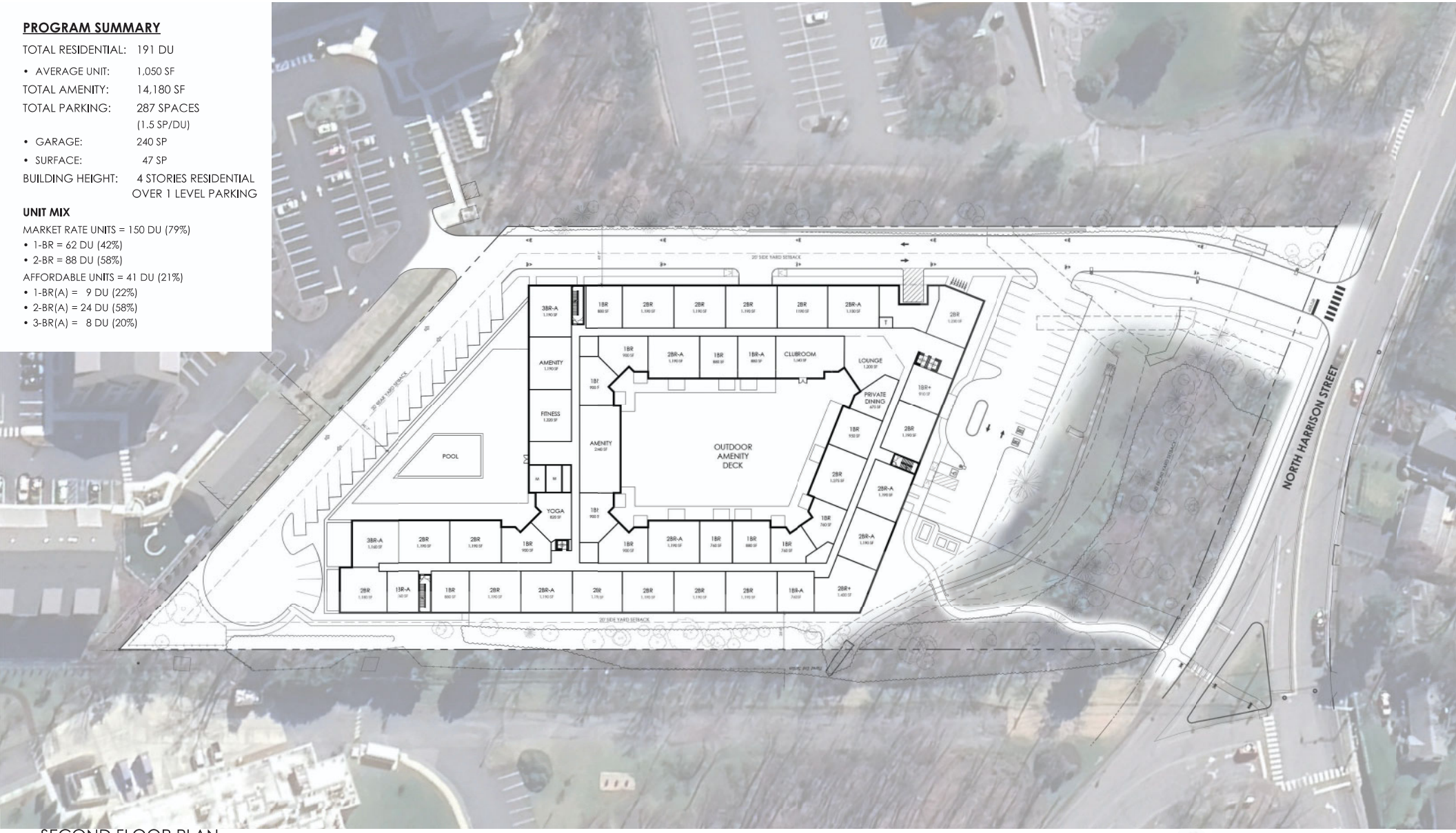
- GARAGE: 240 SP
- SURFACE: 47 SP

BUILDING HEIGHT: 4 STORIES RESIDENTIAL OVER 1 LEVEL PARKING

UNIT MIX

MARKET RATE UNITS = 150 DU (79%)
- 1-BR = 62 DU (42%)
- 2-BR = 88 DU (58%)

AFFORDABLE UNITS = 41 DU (21%)
- 1-BR(A) = 9 DU (22%)
- 2-BR(A) = 24 DU (58%)
- 3-BR(A) = 8 DU (20%)



SECOND FLOOR PLAN

SCALE: 1" = 30' - 0"

CONCEPTUAL PLANS

DATE: 04/23/2025

MINNO WASKO
ARCHITECTS AND PLANNERS
80 LAMBERT LANE, SUITE 105, LAMBERTVILLE, NEW JERSEY 08530 MINNOWASKO.COM
TWO GATEWAY CENTER, SUITE 1700, NEWARK, NEW JERSEY 07102

PREPARED FOR:
PRINCETON EXECUTIVE CENTER ASSOCIATES

457 N. HARRISON STREET

PRINCETON,NEW JERSEY

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PROGRAM SUMMARY

TOTAL RESIDENTIAL: 191 DU

- AVERAGE UNIT: 1,050 SF

TOTAL AMENITY: 14,180 SF

TOTAL PARKING: 287 SPACES (1.5 SP/DU)

- GARAGE: 240 SP
- SURFACE: 47 SP

BUILDING HEIGHT: 4 STORIES RESIDENTIAL OVER 1 LEVEL PARKING

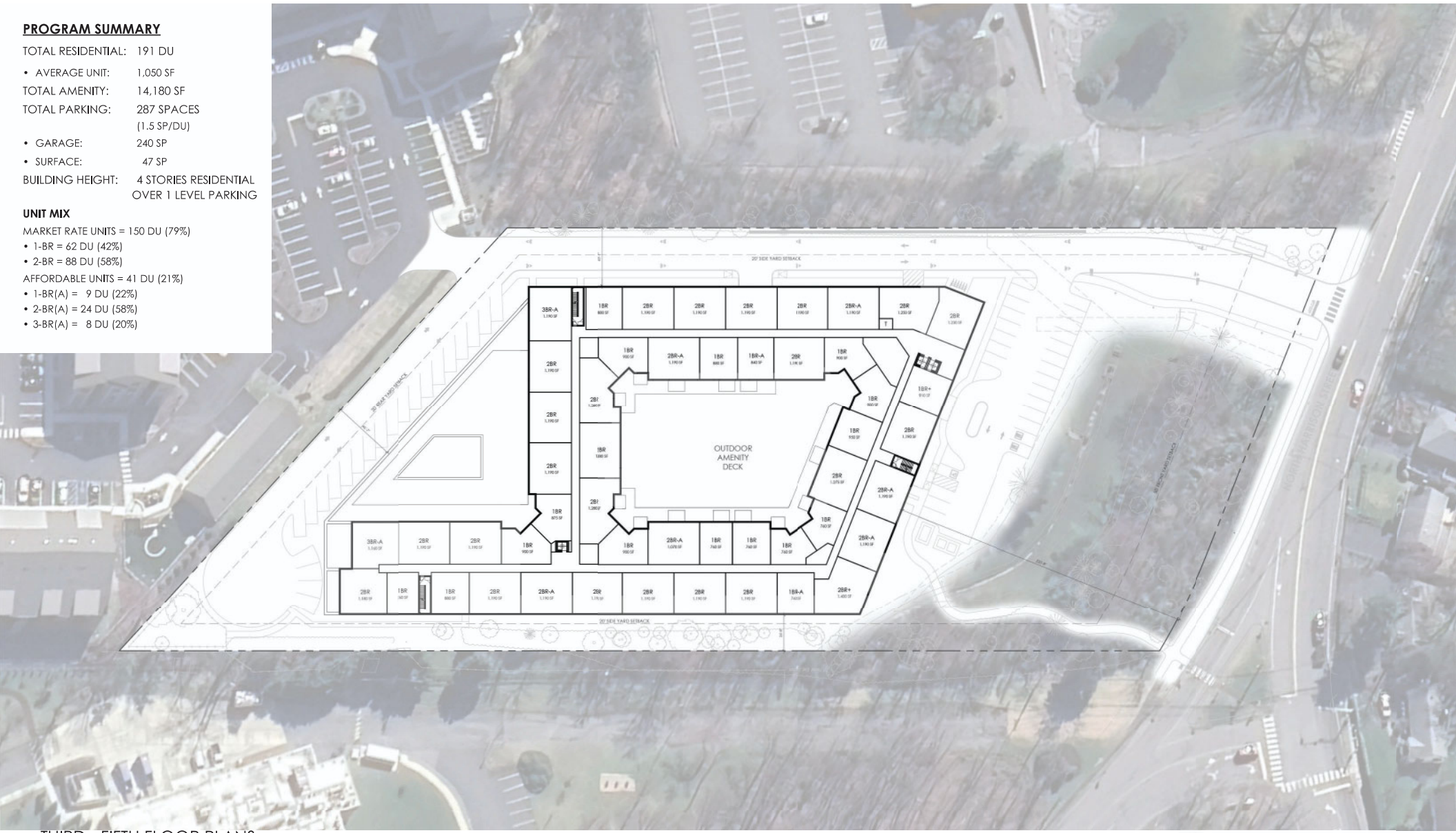
UNIT MIX

MARKET RATE UNITS = 150 DU (79%)

- 1-BR = 62 DU (42%)
- 2-BR = 88 DU (58%)

AFFORDABLE UNITS = 41 DU (21%)

- 1-BR(A) = 9 DU (22%)
- 2-BR(A) = 24 DU (58%)
- 3-BR(A) = 8 DU (20%)



THIRD - FIFTH FLOOR PLANS

SCALE: 1" = 30' - 0"

CONCEPTUAL PLANS

DATE: 04/23/2025

MINNO WASKO
ARCHITECTS AND PLANNERS
80 LAMBERT LANE, SUITE 105, LAMBERTVILLE, NEW JERSEY 08530 MINNOWASKO.COM
TWO GATEWAY CENTER, SUITE 1700, NEWARK, NEW JERSEY 07102

PREPARED FOR:

PRINCETON EXECUTIVE CENTER ASSOCIATES

457 N. HARRISON STREET

PRINCETON,NEW JERSEY

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MUNICIPALITY OF
PRINCETON
Office of the Municipal Clerk
400 Witherspoon Street
Princeton, NJ 08540
(609) 924-5704
dmount@princetonnj.gov

MEMORANDUM

To: Planning Board

From: Dawn M. Mount, *Municipal Clerk*

CC: Justin Lesko, *Planning Director*

Subject: Planning Board Review of Ordinance 2026-3 upon Introduction of Amendments

Date: Tuesday, February 10, 2026

On behalf of the Mayor and Council, and in accordance with the provisions of N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64, the attached ordinance had amendments introduced at second reading at the Regular Meeting of February 9, 2026, and requires the Planning Board's further review and consideration. Please transmit the report of findings and recommendations from the Planning Board no later than thirty-five (35) days from this referral. It should be noted that the tentative date of the public hearing and final adoption of this ordinance is scheduled to take place at the Mayor and Council Regular Meeting of February 23, 2026.

Thank you in advance for your cooperation. Please contact me should you have any questions or concerns.

ORDINANCE #2026-03

AN ORDINANCE OF THE MUNICIPALITY OF PRINCETON AMENDING CHAPTER T10B ENTITLED "LAND USE" OF THE MUNICIPALITY OF PRINCETON TO CREATE THE AFFORDABLE HOUSING DISTRICT-15 (AH-15) IN FURTHERANCE OF THE FAIR HOUSING ACT

WHEREAS, the New Jersey Supreme Court, through its rulings in Southern Burlington County NAACP vs. Mount Laurel, 67 N.J. 151 (1975) ("Mount Laurel I") and Southern Burlington County NAACP vs. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II"), has determined that every municipality in New Jersey has a constitutional obligation to provide, through its land use regulations, a realistic opportunity for its fair share of the regional need for housing for low- and moderate-income households and families; and

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. into law, amending the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, *et seq.*, to establish a new framework for determining and enforcing municipalities' affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the Act (the "FHA"), starting with fourth round (2025-2035) affordable housing obligations; and

WHEREAS, in accordance with the FHA and Administrative Directive #14-24 issued by the Administrative Office of the Courts on December 13, 2024 ("Administrative Directive #14-24"), Princeton filed a Complaint for Declaratory Judgment entitled *In the Matter of the Application of the Municipality of Princeton in Mercer County*, Docket No. MER-L-000207-25 on January 28, 2025 (the "Fourth Round DJ Action"), identifying Princeton's present and prospective fair share obligations for the Fourth Round, and committing to adopting and submitting a Fourth Round Housing Plan Element and Fair Share Plan ("HEFSP") as required by the FHA; and

WHEREAS, on June 25, 2025, the Princeton Planning Board ("Board") adopted a Fourth Round HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq., as required by and in conformance with the FHA; and

WHEREAS, on June 26, 2025, by Resolution No. 25-230, the Mayor and Council endorsed Princeton's Fourth Round HEFSP, which was filed with the court in the Fourth Round DJ Action on June 27, 2025; and

WHEREAS, Princeton's Fourth Round HEFSP addresses Princeton's affordable housing obligations in a manner which will promote the public health and general welfare, and sets forth a plan which fully satisfies Princeton's Fourth Round affordable housing obligations; and

WHEREAS, as contemplated by and in conformity with P.L.2024, c.2, Princeton now looks forward to implementing the goals, objectives and housing opportunities contemplated by its HEFSP by creating a new *Affordable Housing District-15 ("AH-15")* zoning district; and

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-1 ("MLUL") at N.J.S.A. 40:55D-62.a requires that the provisions of a zoning ordinance be substantially consistent with the land use plan element and the housing plan element of the master plan or designed to effectuate such plan elements; and

WHEREAS, Princeton finds and declares that, pursuant to the purposes of the MLUL, the within ordinance promotes the public health, safety, morals, and general welfare and advances the municipality's efforts to meet its constitutional obligation to provide for its fair share of very low, low and moderate income housing; and

WHEREAS, the Mayor and Council formally refers this Ordinance to the Board for review, examination, discussion and recommendations in accordance with N.J.S.A. 40:55D-26; and

WHEREAS, the adoption of this Ordinance was appropriately noticed pursuant to the requirements of the MLUL.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Municipality of Princeton as follows:

Section 1. Zoning Map. Section §T10B-242, "Zoning Map", of Chapter T10B of the Code, is hereby supplemented and amended to modify the "Official Zoning Map of Princeton, Mercer County, New Jersey" by designating the following lands identified by block(s) and lot(s) on the official Tax Map of Princeton as follows:

Block(s)	Lot(s)	Street Address	Existing District	New District
5502	2	457 N. Harrison Street	OR-2	AH-15

Section 2. Division of Township into Zoning Districts. §T10B-244, "Division of Township into Zoning Districts", of Chapter T10B of the Code is hereby supplemented and amended to add the following zoning district:

Affordable Housing-15 (AH-15) Zone.

Section 3. Affordable Housing District Provisions. Division 2, "Zoning Districts", of Chapter T10B of the Code is hereby supplemented and amended to add the following new Affordable Housing Zone to Subdivision 2.27 "Affordable Housing (AH) Zones" as follows:

§T10B-272.122. Affordable Housing - 15 (AH-15) Zone

(a) Purpose. The purpose of the Affordable Housing – 15 ("AH-15") zoning district is to redevelop commercial land for multi-family housing in an appropriate location in furtherance of the Municipality's goals and objectives for affordable housing as set forth in the Master Plan.

(b) Permitted Uses. In the AH-15 zone, no lot shall be used, and no structure shall be erected, altered or occupied, for any purpose except the following:

(1) Multifamily dwellings.

(c) Accessory Uses Permitted. Any of the following uses shall be permitted when used in conjunction with a principal use:

(1) Residential management office.

(2) Common rooms/areas, including for meetings, recreation, laundry and storage.

(3) Communications infrastructure.

(4) Maintenance facility.

(5) Maintenance and storage.

(6) Off-street parking; including parking garages and parking structures, and loading.

(7) Street/site furnishings.

(8) Home occupations.

(9) Off-street surface parking and private residential garages.

(10) Fences and walls.

(11) Landscape amenities and open space.

(12) Rooftop amenity space for residents and guests.

(13) Signs.

(14) Storm water management facilities and other utilities.

(15) Other customary uses which are clearly incidental and subordinate to a permitted principal use on the same lot.

(d) Required Income Restriction. In any AH-15 district, at least twenty percent (20%) of the total number of dwellings shall be affordable to very low, low and moderate income households, but in no instance shall the number of such affordable dwellings be less than forty (40). Affordable units shall be restricted, regulated and administered consistent with the Municipality's affordable housing regulations, the Uniform Housing Affordability Controls rules (N.J.A.C. 5:80-26.1 et seq.) and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), including the Fair Housing Act's definition of very low-income households and all other provisions of the Municipality's Affordable Housing Ordinance (§T10B-332).

(e) AH-15 Site Development Regulations. The following site development regulations shall apply to all lots and buildings:

(1) Area and Yard Requirements.

a. Minimum tract frontage. The minimum frontage shall be three hundred (300) lineal feet.

b. Minimum front yard setback for buildings shall be seventy-five (75) feet.

c. Minimum side yard setback for buildings shall be twenty (20) feet.

d. Minimum rear yard setback for buildings shall be twenty (20) feet.

(2) Setbacks for parking lots, aisles and public access. No parking or loading area, aisle, or driveway, excepting for access to and from a public street, shall be located closer than twenty-five (25) feet to a streetline and five (5) feet to any side lot boundary and a half (0.5) foot to the rear lot line.

(3) Density limitation. The maximum number of dwellings shall not exceed one hundred and ninety-one (191) units in the AH-15 district.

(4) Maximum impervious surface coverage. The maximum impervious surface coverage shall be eighty percent (80%) of the total gross acreage of the tract.

(5) Maximum building height: five stories and sixty-five (65) feet. Non-habitable building elements located above the roofline of the highest floor that constitute, contain or screen mechanical equipment, including residential rooftop amenities, that, do not in the aggregate, exceed 20% of

the roof area of the building shall be excluded from the calculation of building height.

a. Building height shall be calculated consistent with the "height of the building" definition found in §T10B-241.

b. Elevator penthouses, staircases and mechanical equipment located on the rooftop shall not be subject to any setback requirement.

(f) Off-Street Parking and Loading.

(1) For vehicles.

a. Minimum number of spaces: 1.5 spaces per dwelling unit.

b. Minimum setback from front yard: fifty (50) feet to the nearest point of any parking space.

c. Minimum setback from other yards: twenty (20) feet to the nearest point of any parking space.

d. Off-street loading. One space 15' W x 25' D by 14' H is required.

e. Minimum parking stall size: Stalls shall be a minimum of 9' x 18' in size, consistent with RSIS, and up to 10% of the total provided stalls may be compact stalls, a minimum of 8' x 16' in size.

(2) Bicycle parking and connectivity. Bicycle parking shall be as required in §T10B-282.2. A pedestrian walkway and a separate dual-use (i.e., pedestrian and bicycle) path shall be provided from the building to North Harrison Street. A dual-use path shall also be provided along North Harrison Street.

(3) Other dimensions and calculations shall be as required in Subdivision 3.5 of the Code of the Municipality of Princeton, to the extent applicable and not in direct conflict with the provisions of this Ordinance.

(g) Landscape Buffer Strips. The following requirements shall supersede the requirements of §T10B-304 in the AH-15 zone.

(1) Buffers and Berms. Landscaping buffers are required to minimize and visually screen any adverse impacts or nuisances on the a site or from any adjacent area. Berms may be used to achieve buffering effects in accordance with the regulations herein where the buffer width is greater than twenty (20) feet.

(2) General requirements. Landscape buffers shall consist of a combination of deciduous trees, conifers, shrubs, berms, and if appropriate, fences, walls or retaining walls in sufficient quantities and sizes to perform their necessary screening function. Storm water management facilities, parking, dumpster enclosures, accessory buildings or above ground structures, and similar encroachments shall not be permitted in the required buffer area. Buffers shall be installed in the side yards.

(3) The minimum width of landscape buffer shall be five (5) feet. For any buffer less than twenty (20) feet in width, a solid fence shall be incorporated into the buffer landscaping plan except when such fence is within twenty-five (25) feet of a streetline.

(4) The front yard landscaping plan shall be designed to retain existing vegetation of high quality and shall introduce landscape elements to enhance street-facing buildings and the grounds along the streetline.

a. Street trees shall be required along all frontages, with a minimum caliper of two and one-half (2.5) inches at time of planting and be large shade trees at maturity. In general, street trees shall be planted at 40-foot intervals, but may be adjusted to account for utilities, driveways, bicycle paths and pedestrian paths.

b. Front yard landscaping shall be continuous except for access drives as approved by the board of jurisdiction.

(h) Lighting. Illumination of sites and buildings shall be regulated pursuant to §T10B-317.1.

(i) Signs.

a. One freestanding monument sign shall be permitted. Such sign shall be set back a minimum of five (5) feet from any property line and shall not exceed twenty-four (24) square feet in area. If the sign is illuminated, only exterior lighting shall be permitted.

b. A maximum of two façade signs shall be permitted identifying the building. Façade signs shall be placed either with a band extending across a section of the first level façade (preferably near or above a door or window) or mounted as individual channel-cut letters at the front edge of an entrance canopy. The area of a façade sign shall not exceed thirty (30) square feet. If a façade sign is illuminated, it shall be either externally lit with directional lights that are shielded (so as to sufficiently illuminate the sign content) or halo-lit with shielded back glow illumination.

(j) Reciprocal Access. Applicants for development in the AH-15 Zone should pursue, to the maximum extent practicable, reciprocal cross-access easements with adjoining properties to enhance vehicular, bicycle, and pedestrian circulation. In particular, applicants are encouraged to seek such easements with Block 5502, Lots 4.02 and/or 4.03 to provide access to the Thanet Road cul-de-sac that intersects Terhune Road. If Applicant is able to obtain such access easement(s), then any such driveway or aisle shall be exempt from the setback requirements set forth in section §T10B-272.121(e)(2) above. The owners of Block 5502, Lots 4.02 and 4.03 are outside of the AH-15 Zone and are not subject to this provision; accordingly, compliance is encouraged but not required. If consent from those owners cannot be obtained, no variance or waiver from this subsection is required.

(k) Exemption from Certain Requirements. Any development or redevelopment within the AH-15 zone shall be exempt from complying with §T10B-278, §T10B-288, §T10B-297, §T10B-304 and §T10B-307 of the Code of the Municipality of Princeton.

Section 4. Conflicts. If the terms of this Ordinance shall be in conflict with those of another Ordinance, the provisions of this Ordinance shall control.

Section 5. Severability. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 6. Referral. After introduction, the Municipal Clerk is hereby directed to submit a copy of this ordinance to the Princeton Planning Board for its review and report in accordance with N.J.S.A. 40:55D-64.

Section 7. Notice. The Municipal Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the Mercer County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-62.1.

Section 8. Effective Date. This ordinance shall take effect immediately upon final passage and publication, filing with the Mercer County Planning Board, and as otherwise provided for by law.

_____ _____

Dawn M. Mount, Clerk Hon. Mark Freda, Mayor

STATEMENT OF PURPOSE: The purpose of this ordinance is to amend Princeton's zoning ordinance by creating a new affordable housing zoning district in furtherance of Princeton's Fourth Round Housing Plan Element and Fair Share Plan.

NOTICE

NOTICE IS HEREBY GIVEN that the above Ordinance was introduced and passed on first reading at the Council Meeting of the Mayor and Council of the Municipality of Princeton in the County of Mercer, State of New Jersey, held on February 9, 2026 and will be considered for final passage and adoption at the Council Meeting scheduled for February 23, 2026 at 7:30 p.m. at the Princeton Municipal Building, 400 Witherspoon Street, Princeton, New Jersey. Any person interested in this matter will be given an opportunity to be heard at that meeting. A copy of this Ordinance may be obtained at no cost by any member of the general public upon request at the Municipal Building during business hours.

File #: ORD 26-08 **Agenda Date:** 2/23/2026 **Agenda #:** 7.

An Ordinance of the Municipality of Princeton Amending Chapter B17A Entitled “Land Use And Zoning” of the Municipality Of Princeton to Create the Affordable Housing District-16 (AH-16) In Furtherance of the Fair Housing Act- (Introduction of Amendments-Public Hearing on Ordinance as Amended Carried to March 9, 2026)-Roll Call

ORDINANCE #2026-08

AN ORDINANCE OF THE MUNICIPALITY OF PRINCETON AMENDING CHAPTER B17A ENTITLED "LAND USE AND ZONING" OF THE MUNICIPALITY OF PRINCETON TO CREATE THE AFFORDABLE HOUSING DISTRICT-16 (AH-16) IN FURTHERANCE OF THE FAIR HOUSING ACT

WHEREAS, the New Jersey Supreme Court, through its rulings in Southern Burlington County NAACP vs. Mount Laurel, 67 N.J. 151 (1975) ("Mount Laurel I") and Southern Burlington County NAACP vs. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II"), has determined that every municipality in New Jersey has a constitutional obligation to provide, through its land use regulations, a realistic opportunity for its fair share of the regional need for housing for low- and moderate-income households and families; and

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. into law, amending the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, *et seq.*, to establish a new framework for determining and enforcing municipalities' affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the Act (the "FHA"), starting with fourth round (2025-2035) affordable housing obligations; and

WHEREAS, in accordance with the FHA and Administrative Directive #14-24 issued by the Administrative Office of the Courts on December 13, 2024 ("Administrative Directive #14-24"), Princeton filed a Complaint for Declaratory Judgment entitled *In the Matter of the Application of the Municipality of Princeton in Mercer County*, Docket No. MER-L-000207-25 on January 28, 2025 (the "Fourth Round DJ Action"), identifying Princeton's present and prospective fair share obligations for the Fourth Round, and committing to adopting and submitting a Fourth Round Housing Plan Element and Fair Share Plan ("HEFSP") as required by the FHA; and

WHEREAS, on June 25, 2025, the Princeton Planning Board ("Board") adopted a Fourth Round HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq., as required by and in conformance with the FHA; and

WHEREAS, on June 26, 2025, by Resolution No. 25-230, the Mayor and Council endorsed Princeton's Fourth Round HEFSP, which was filed with the court in the Fourth Round DJ Action on June 27, 2025; and

WHEREAS, Princeton's Fourth Round HEFSP addresses Princeton's affordable housing obligations in a manner which will promote the public health and general welfare, and sets forth a plan which fully satisfies Princeton's Fourth Round affordable housing obligations; and

WHEREAS, as contemplated by and in conformity with P.L.2024, c.2, Princeton now looks forward to implementing the goals, objectives and housing opportunities contemplated by its HEFSP by creating a new Affordable Housing District-16 ("AH-16") zoning district; and

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-1 ("MLUL") at N.J.S.A. 40:55D-62.a requires that the provisions of a zoning ordinance be substantially consistent with the land use plan element and the housing plan element of the master plan or designed to effectuate such plan elements; and

WHEREAS, Princeton finds and declares that, pursuant to the purposes of the MLUL, the within ordinance promotes the public health, safety, morals, and general welfare and advances the municipality's efforts to meet its constitutional obligation to provide for its fair share of very low, low and moderate income housing; and

WHEREAS, the Mayor and Council formally refers this Ordinance to the Board for review, examination, discussion and recommendations in accordance with N.J.S.A. 40:55D-26; and

WHEREAS, the adoption of this Ordinance was appropriately noticed pursuant to the requirements of the MLUL.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Municipality of Princeton as follows:

Section 1. Affordable Housing Districts. Section §B17A-202(i), "Affordable Housing Districts", of Chapter B17A of the "Code of the Borough of Princeton, New Jersey, 1974" (the "Code"), entitled "Land Use and Zoning", is amended to add the following new zoning district:

(16) AH-16 Affordable Housing – 16.

Section 2. Zoning Map. Section §B17A-203, "District Map", of Chapter B17A of the Code, is hereby supplemented and amended to modify the "Official Zoning Map of Princeton, Mercer County, New Jersey" by designating the following lands identified by block(s) and lot(s) on the official Tax Map of Princeton as follows:

Block(s)	Lot(s)	Street Address	Existing District	New District
30.02	39.01, 39.02	13 Chestnut Street	R-4B	AH-16

Section 3. Affordable Housing District Provisions. Division 10 "Affordable Housing Zones" of Chapter B17A of the Code is hereby supplemented and amended to add the following new Affordable Housing Zone to Subdivision II "Affordable Housing (AH) Zones" as follows:

§B17A-496. Affordable Housing - 16 (AH-16)

A. Purpose. The purpose of the Affordable Housing-16 (AH-16) zoning district is to redevelop land no longer necessary for a public use for fully affordable housing in furtherance of the housing policies expressed in the Fourth Round of the Housing Element and Fair Share Plan while retaining the existing two-and-a-half story firehouse structure.

B. Comprehensive Development Required. The AH-16 zone shall be constructed in accordance with a single, unified development plan in one phase.

C. Permitted Uses. In AH-16, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

(1) Multiple dwellings.

(2) Municipal use.

D. Accessory Uses Permitted. Any of the following uses shall be permitted when used in conjunction with a principal use:

(1) Residential management office.

(2) Common rooms/areas, including for meetings, recreation, laundry and storage.

(3) Community room accessible to the public.

(4) Communications infrastructure.

(5) Maintenance and storage.

(6) Off-street parking and loading.

(7) Street/site furnishings.

(8) Home occupations.

(9) Fences and walls.

(10) Landscape amenities and open space.

(11) Signs.

(12) Storm water management facilities and other utilities

(13) Other customary uses which are clearly incidental and subordinate to a permitted principal use on the same lot.

E. Required Income Restriction. In any AH-16 district, all dwellings shall be affordable to very low, low and moderate income households. Affordable units shall be restricted, regulated and administered consistent with the Municipality's affordable housing regulations, the Uniform Housing Affordability Controls rules (N.J.A.C. 5:80-26.1 et seq.) and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), including the Fair Housing Act's definition of very low-income households and all other provisions of the Municipality's Affordable Housing Ordinance (§T10B-332).

F. AH-16 Site Development Regulations. The following site development regulations shall apply to all lots and buildings:

(1) The existing two-and-a-half story firehouse (without the rear addition) shall be retained and adaptively reused for residential use and accessory uses, including a community room on the first floor, unless specific elements need to be removed on good cause shown.

(2) All new external construction shall be behind the existing two-and-half-story firehouse, except for new construction to the rear of the ridgeline of the existing roof (such as the addition of dormers or replacement of that section of the roof) – which shall be permitted.

(3) Minimum yard requirements:

(a) Front yard: twelve (12) feet. Parking and a garden shall be permitted in the front yard setback.

(b) Side yard: five (5) feet, except that no more than sixty percent (60%) of the building, including piers/supports, shall be permitted to project up to the property line. Any such individual projection shall not exceed thirty-six (36) feet in length and shall be contiguous with sections of building meeting the five (5) foot requirement. The existing historic street facing building to remain shall count towards the sixty percent (60%) limitation.

(c) Rear yard: five (5) feet. An emergency generator shall be permitted in the rear yard setback.

(4) Maximum impervious coverage: ninety percent (90%).

(5) Building height: Maximum building height shall be four stories (4) stories, not to exceed forty-eight (48) feet.

(6) Minimum dwellings. At least sixteen (16) dwelling units shall be developed within the AH-16 district.

G. Off-street parking.

(1) 0.5 parking space per dwelling.

(2) On-street parking credit. Off-street parking requirements shall be reduced by the number of new on-street parking spaces created.

(3) Compact spaces. A maximum of fifty percent (50%) of the provided spaces may be designed as compact spaces.

(4) Parking drive aisle. Parking drive aisle shall be a minimum of twenty (20) feet in width past the existing building.

H. Landscaping. A landscaped buffer of not less than three (3) feet in width shall be provided along any common property line in a side or rear yard where a side or rear yard is required and is not necessary for vehicular, bicycle or pedestrian circulation. In other areas, an opaque fence shall be required on the property line, six (6) feet in height, except in a front yard. Buffers may be comprised of landscaping with fencing, which shall be of a sufficient quantity and size to provide a visual separation from adjacent property. Front yard landscaping is required to reduce existing impervious cover by at least four hundred (400) square feet.

I. Lighting. Illumination of sites and buildings shall be regulated pursuant to §B17A-365.1 Lighting.

J. Signs. Signs shall be as permitted by the municipal code. The existing firehouse signage and changeable copy sign on the front façade of the building shall be retained.

K. Additional development requirements.

(1) Any new construction within the AH-16 district shall be subject to a municipal developer's agreement, or equivalent thereof, for the development of the site.

Section 4. Conflicts. If the terms of this Ordinance shall be in conflict with those of another Ordinance, the provisions of this Ordinance shall control.

Section 5. Severability. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 6. Referral. After introduction, the Municipal Clerk is hereby directed to submit a copy of this ordinance to the Princeton Planning Board for its review and report in accordance with N.J.S.A. 40:55D-64.

Section 7. Notice. The Municipal Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the Mercer County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-62.1.

Section 8. Effective Date. This ordinance shall take effect immediately upon final passage and publication, filing with the Mercer County Planning Board, and as otherwise provided for by law.

_____ _____

Dawn M. Mount, Clerk Hon. Mark Freda, Mayor

STATEMENT OF PURPOSE: The purpose of this ordinance is to amend Princeton's zoning ordinance by creating a new affordable housing zoning district in furtherance of Princeton's Fourth Round Housing Plan Element and Fair Share Plan.

NOTICE

NOTICE IS HEREBY GIVEN that the above Ordinance was introduced and passed on first reading at the Council Meeting of the Mayor and Council of the Municipality of Princeton in the County of Mercer, State of New Jersey, held on February 9, 2026, was amended on second reading held on February 23, 2026, and will be considered for final passage and adoption at the Council Meeting scheduled for March 9, 2026 at 7:00 p.m. at the Princeton Municipal Building, 400 Witherspoon Street, Princeton, New Jersey. Any person interested in this matter will be given an opportunity to be heard at that meeting. A copy of this Ordinance may be obtained at no cost by any member of the general public upon request at the Municipal Building during business hours.

MASON, GRIFFIN & PIERSON
A PROFESSIONAL CORPORATION
COUNSELLORS AT LAW

MEMORANDUM

To: Mayor & Council of the Municipality of Princeton

From: Kevin A. Van Hise

Date: February 20, 2026

Re: Amendment on Second Reading
Ordinance 2026-08 (Affordable Housing District-16 (AH-16))

As part of Princeton's fourth round affordable housing compliance requirements, on February 9, 2026, you introduced Ordinance No. 2026-08, entitled "*An Ordinance of the Municipality of Princeton Amending Chapter B17A Entitled "Land Use and Zoning" of the Municipality of Princeton to Create the Affordable Housing District-16 (AH-16) In Furtherance of the Fair Housing Act*". The proposed ordinance creates a new AH-16 zoning district to facilitate the development of a municipally-sponsored affordable housing development on the site of the Chestnut Street Firehouse as detailed in Princeton's adopted Housing Plan Element and Fair Share Plan ("HEFSP").

Subsequent to introduction, additional discussions with the developer determined that a few minor amendments be made to facilitate the development. Therefore, attached please find an amended version of the ordinance and a redlined version showing the changes from the ordinance introduced on February 9th. Specifically, the changes include the following changes to Section 3 of the ordinance:

- Paragraph D(9) is amended to remove a duplicative accessory (parking) use.
- Paragraph F(3)(b) is amended to clarify that piers and supports may extend into the side yard setback and projections shall not exceed 36' in length (rather than 30' as originally contemplated); and
- Paragraph F(5) is amended to permit a maximum building height of 48' (an increase from 45' as originally contemplated).
- Paragraph G is amended to allow for up to 50% of the provided parking spaces to be designed as compact spaces, and specify that the drive aisle shall be a minimum of 20' in width past the existing building.

If same meets with your approval, please announce this amendment at the February 23 meeting, with the public hearing now re-scheduled for the March 9 meeting.

ORDINANCE #2026-08

AN ORDINANCE OF THE MUNICIPALITY OF PRINCETON AMENDING CHAPTER B17A ENTITLED "LAND USE AND ZONING" OF THE MUNICIPALITY OF PRINCETON TO CREATE THE AFFORDABLE HOUSING DISTRICT-16 (AH-16) IN FURTHERANCE OF THE FAIR HOUSING ACT

WHEREAS, the New Jersey Supreme Court, through its rulings in Southern Burlington County NAACP vs. Mount Laurel, 67 N.J. 151 (1975) ("Mount Laurel I") and Southern Burlington County NAACP vs. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II"), has determined that every municipality in New Jersey has a constitutional obligation to provide, through its land use regulations, a realistic opportunity for its fair share of the regional need for housing for low- and moderate-income households and families; and

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. into law, amending the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, *et seq.*, to establish a new framework for determining and enforcing municipalities' affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the Act (the "FHA"), starting with fourth round (2025-2035) affordable housing obligations; and

WHEREAS, in accordance with the FHA and Administrative Directive #14-24 issued by the Administrative Office of the Courts on December 13, 2024 ("Administrative Directive #14-24"), Princeton filed a Complaint for Declaratory Judgment entitled *In the Matter of the Application of the Municipality of Princeton in Mercer County*, Docket No. MER-L-000207-25 on January 28, 2025 (the "Fourth Round DJ Action"), identifying Princeton's present and prospective fair share obligations for the Fourth Round, and committing to adopting and submitting a Fourth Round Housing Plan Element and Fair Share Plan ("HEFSP") as required by the FHA; and

WHEREAS, on June 25, 2025, the Princeton Planning Board ("Board") adopted a Fourth Round HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq., as required by and in conformance with the FHA; and

WHEREAS, on June 26, 2025, by Resolution No. 25-230, the Mayor and Council endorsed Princeton's Fourth Round HEFSP, which was filed with the court in the Fourth Round DJ Action on June 27, 2025; and

WHEREAS, Princeton's Fourth Round HEFSP addresses Princeton's affordable housing obligations in a manner which will promote the public health and general welfare, and sets forth a plan which fully satisfies Princeton's Fourth Round affordable housing obligations; and

WHEREAS, as contemplated by and in conformity with P.L.2024, c.2, Princeton now looks forward to implementing the goals, objectives and housing opportunities contemplated by its HEFSP by creating a new Affordable Housing District-16 ("AH-16") zoning district; and

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-1 ("MLUL") at N.J.S.A. 40:55D-62.a requires that the provisions of a zoning ordinance be substantially consistent with the land use plan element and the housing plan element of the master plan or designed to effectuate such plan elements; and

WHEREAS, Princeton finds and declares that, pursuant to the purposes of the MLUL, the within ordinance promotes the public health, safety, morals, and general welfare and advances the municipality's efforts to meet its constitutional obligation to provide for its fair share of very low, low and moderate income housing; and

WHEREAS, the Mayor and Council formally refers this Ordinance to the Board for review, examination, discussion and recommendations in accordance with N.J.S.A. 40:55D-26; and

WHEREAS, the adoption of this Ordinance was appropriately noticed pursuant to the requirements of the MLUL.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Municipality of Princeton as follows:

Section 1. Affordable Housing Districts. Section §B17A-202(i), "Affordable Housing Districts", of Chapter B17A of the "Code of the Borough of Princeton, New Jersey, 1974" (the "Code"), entitled "Land Use and Zoning", is amended to add the following new zoning district:

(16) AH-16 Affordable Housing – 16.

Section 2. Zoning Map. Section §B17A-203, "District Map", of Chapter B17A of the Code, is hereby supplemented and amended to modify the "Official Zoning Map of Princeton, Mercer County, New Jersey" by designating the following lands identified by block(s) and lot(s) on the official Tax Map of Princeton as follows:

Block(s)	Lot(s)	Street Address	Existing District	New District
30.02	39.01, 39.02	13 Chestnut Street	R-4B	AH-16

Section 3. Affordable Housing District Provisions. Division 10 "Affordable Housing Zones" of Chapter B17A of the Code is hereby supplemented and amended to add the following new Affordable Housing Zone to Subdivision II "Affordable Housing (AH) Zones" as follows:

§B17A-496. Affordable Housing - 16 (AH-16)

A. Purpose. The purpose of the Affordable Housing-16 (AH-16) zoning district is to redevelop land no longer necessary for a public use for fully affordable housing in furtherance of the housing policies expressed in the Fourth Round of the Housing Element and Fair Share Plan while retaining the existing two-and-a-half story firehouse structure.

B. Comprehensive Development Required. The AH-16 zone shall be constructed in accordance with a single, unified development plan in one phase.

C. Permitted Uses. In AH-16, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

(1) Multiple dwellings.

(2) Municipal use.

D. Accessory Uses Permitted. Any of the following uses shall be permitted when used in conjunction with a principal use:

(1) Residential management office.

(2) Common rooms/areas, including for meetings, recreation, laundry and storage.

(3) Community room accessible to the public.

(4) Communications infrastructure.

(5) Maintenance and storage.

(6) Off-street parking and loading.

(7) Street/site furnishings.

(8) Home occupations.

~~(9) Off-street surface parking.~~

~~(10)~~(9) Fences and walls.

~~(11)~~(10) Landscape amenities and open space.

~~(12)~~(11) Signs.

~~(13)~~(12) Storm water management facilities and other utilities

~~(14)~~(13) Other customary uses which are clearly incidental and subordinate

to a permitted principal use on the same lot.

E. Required Income Restriction. In any AH-16 district, all dwellings shall be affordable to very low, low and moderate income households. Affordable units shall be restricted, regulated and administered consistent with the Municipality's affordable housing regulations, the Uniform Housing Affordability Controls rules (N.J.A.C. 5:80-26.1 et seq.) and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), including the Fair Housing Act's definition of very low-income households and all other provisions of the Municipality's Affordable Housing Ordinance (§T10B-332).

F. AH-16 Site Development Regulations. The following site development regulations shall apply to all lots and buildings:

(1) The existing two-and-a-half story firehouse (without the rear addition) shall be retained and adaptively reused for residential use and accessory uses, including a community room on the first floor, unless specific elements need to be removed on good cause shown.

(2) All new external construction shall be behind the existing two-and-half-story firehouse, except for new construction to the rear of the ridgeline of the existing roof (such as the addition of dormers or replacement of that section of the roof) – which shall be permitted.

(3) Minimum yard requirements:

(a) Front yard: twelve (12) feet. Parking and a garden shall be permitted in the front yard setback.

(b) Side yard: five (5) feet, except that no more than sixty percent (60%) of the building, including piers/supports, shall be permitted to project up to the property line. Any such individual projection shall not exceed thirty-six (~~30~~36) feet in length and shall be contiguous with sections of building meeting the five (5) foot requirement. The existing historic street facing building to remain shall count towards the sixty percent (60%) limitation.

(c) Rear yard: five (5) feet. An emergency generator shall be permitted in the rear yard setback.

(4) Maximum impervious coverage: ninety percent (90%).

(5) Building height: Maximum building height shall be four stories (4) stories, not to exceed forty-~~five~~ eight (~~45~~48) feet.

(6) Minimum dwellings. At least sixteen (16) dwelling units shall be developed within the AH-16 district.

G. Off-street parking.

(1) 0.5 parking space per dwelling.

(2) On-street parking credit. Off-street parking requirements shall be reduced by the number of new on-street parking spaces created.

(3) Compact spaces. A maximum of fifty percent (50%) of the provided spaces may be designed as compact spaces.

~~(2)~~(4) Parking drive aisle. Parking drive aisle shall be a minimum of twenty (20) feet in width past the existing building.

H. Landscaping. A landscaped buffer of not less than three (3) feet in width shall be provided along any common property line in a side or rear yard where a side or rear yard is required and is not necessary for vehicular, bicycle or pedestrian circulation. In other areas, an opaque fence shall be required on the property line, six (6) feet in height, except in a front yard. Buffers may be comprised of landscaping with fencing, which shall be of a sufficient quantity and size to provide a visual separation from adjacent property. Front yard landscaping is required to reduce existing impervious cover by at least four hundred (400) square feet.

I. Lighting. Illumination of sites and buildings shall be regulated pursuant to §B17A-365.1 Lighting.

J. Signs. Signs shall be as permitted by the municipal code. The existing firehouse signage and changeable copy sign on the front façade of the building shall be retained.

K. Additional development requirements.

(1) Any new construction within the AH-16 district shall be subject to a municipal developer's agreement, or equivalent thereof, for the development of the site.

Section 4. Conflicts. If the terms of this Ordinance shall be in conflict with those of another Ordinance, the provisions of this Ordinance shall control.

Section 5. Severability. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 6. Referral. After introduction, the Municipal Clerk is hereby directed to submit a copy of this ordinance to the Princeton Planning Board for its review and report in accordance with N.J.S.A. 40:55D-64.

Section 7. Notice. The Municipal Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the Mercer County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-62.1.

Section 8. Effective Date. This ordinance shall take effect immediately upon final passage and publication, filing with the Mercer County Planning Board, and as otherwise provided for by law.

_____ _____

Dawn M. Mount, Clerk Hon. Mark Freda, Mayor

STATEMENT OF PURPOSE: The purpose of this ordinance is to amend Princeton's zoning ordinance by creating a new affordable housing zoning district in furtherance of Princeton's Fourth Round Housing Plan Element and Fair Share Plan.

NOTICE

NOTICE IS HEREBY GIVEN that the above Ordinance was introduced and passed on first reading at the Council Meeting of the Mayor and Council of the Municipality of Princeton in the County of Mercer, State of New Jersey, held on February 9, 2026, was amended on second reading held on February 23, 2026, and will be considered for final passage and adoption at the Council Meeting scheduled for March 9, 2026 at 7:00 p.m. at the Princeton Municipal Building, 400 Witherspoon Street, Princeton, New Jersey. Any person interested in this matter will be given an opportunity to be heard at that meeting. A copy of this Ordinance may be obtained at no cost by any member of the general public upon request at the Municipal Building during business hours.

File #: ORD 26-09 **Agenda Date:** 2/23/2026 **Agenda #:** 8.

An Ordinance of the Municipality of Princeton Amending §T10B-272.146 “Affordable Housing Overlay-4 (AHO-4) Site Development Regulations” of the Code of Princeton, New Jersey, 2013- Roll Call

ORDINANCE #2026-09

AN ORDINANCE OF THE MUNICIPALITY OF PRINCETON AMENDING §T10B-272.146 "AFFORDABLE HOUSING OVERLAY-4 (AHO-4) SITE DEVELOPMENT REGULATIONS" OF THE CODE OF PRINCETON, NEW JERSEY, 2013

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Municipality of Princeton as follows:

Section 1. Amending §T10B-272.146 of the Municipal Code. §T10B-272.146, entitled "Affordable Housing Overlay-4 (AHO-4) Site Development Regulations", of the Code of Princeton, New Jersey, 2013 (the "Code"), is amended as follows:

A. §T10B-272.146(e) is amended to read (additions in underline and deletions in [brackets]):

(e) Maximum building height: [45] 50 feet.

B. §T10B-272.146(l) is deleted in its entirety.

Section 2. Severability. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 3. Referral. After introduction, the Municipal Clerk is hereby directed to submit a copy of this ordinance to the Princeton Planning Board for its review and report in accordance with N.J.S.A. 40:55D-64.

Section 4. Notice. The Municipal Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the Mercer County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-62.1.

Section 5. Effective Date. This ordinance shall take effect immediately upon final passage and publication, filing with the Mercer County Planning Board, and as otherwise provided for by law.

_____ _____

Dawn M. Mount, Clerk Hon. Mark Freda, Mayor

STATEMENT OF PURPOSE: The purpose of this ordinance is to amend the permitted building height and eliminate the residential storage requirement within the Affordable Housing Overlay - 4 (AHO-4) zoning district.

NOTICE

NOTICE IS HEREBY GIVEN that the above Ordinance was introduced and passed on first reading at the Council Meeting of the Mayor and Council of the Municipality of Princeton in the County of Mercer, State of New Jersey, held on February 9, 2026 and will be considered for final passage and adoption at the Council Meeting scheduled for February 23, 2026 at 7:00 p.m. at the Princeton Municipal Building, 400 Witherspoon Street, Princeton, New Jersey. Any person interested in this matter will be given an opportunity to be heard at that meeting. A copy of this Ordinance may be obtained at no cost by any member of the general public upon request at the Municipal Building during business hours.

MUNICIPALITY OF
PRINCETON
Planning Department
400 Witherspoon Street
Princeton, NJ 08540
(609) 924-5366
planning@princetonnj.gov

MEMORANDUM

To: Princeton Mayor and Council
From: Justin Lesko, AICP, PP – Planning Director
Nathan Foote, AICP, PP – Assistant Planning Director
Date: February 20th, 2026
Subject: **Ordinance #2026-09: An Ordinance of the Municipality of Princeton Amending Chapter §T10B-272.146 "Affordable Housing Overlay-4 (AHO-4) Site Development Regulations" of the Code of Princeton, New Jersey, 2013**
Council Introduction – February 9th, 2026
Planning Board Review – February 19th, 2026

The Princeton Council has referred Ordinance #2026-09 to the Planning Board for master plan consistency review pursuant to N.J.S.A. 40A:55D-26a. The ordinance modifies the Affordable Housing Overlay 4 (AHO-4) regulations to increase the maximum permitted height from 45 to 50 feet and to remove the requirement for 300 cubic feet of storage for each residential unit in a common area at or below the ground floor level. The ordinance was introduced on February 9th. The Planning Board reviewed the ordinance at their regular meeting open to the public on February 19th.

By a unanimous vote, the Board found Ordinance #2026-09 to be substantially consistent with the Princeton Master Plan and recommended approval of the Ordinance. The Board did not have any comments or recommendations.

One member of the public commented in favor of the ordinance.

See the memo from Planning Director Justin Lesko, AICP PP, to the Board for more information on the ordinance, the Affordable Housing Overlay District 4 (AHO-4) it would amend, and its relation to the Princeton Master Plan, including the Fourth Round Housing Plan Element and Fair Share Plan. The memo is attached.

Please reach out if there are any questions or concerns regarding the ordinance or the Planning Board's review.

MUNICIPALITY OF PRINCETON
Planning Department
400 Witherspoon Street
Princeton, NJ 08540
(609) 924-5366
planning@princetonnj.gov

MEMORANDUM

To: Princeton Planning Board
From: Justin Lesko, AICP, PP – Planning Director
Date: February 13th, 2026
Subject: **Ordinance 2026-09: An Ordinance of the Municipality of Princeton Amending §T10B-272.146 "Affordable Housing Overlay-4 (AHO-4) Site Development Regulations of the Code of Princeton, New Jersey, 2013**
Council Introduction – February 9th, 2026

The Princeton Council has referred Ordinance #2026-09 to the Planning Board for master plan consistency review pursuant to N.J.S.A. 40A:55D-26a. The ordinance was introduced on February 9th and is scheduled for a public hearing on February 23rd. Ordinance 2026-09 is attached to this memo for reference.

The ordinance amends the existing Affordable Housing Overlay-4 (AHO-4) district. The AHO-4 was created as part of our Third Round of Affordable Housing. Twenty-six lots in the northern part of town off of Route 206 or Herrontown Road are included in it. The underlying zoning for all of the lots is the S-2 service zone of the former township. (The S-2 service zone contains 27 lots in total.) No developments have been created utilizing the overlay since it's adoption in 2020.

The proposed ordinance amends the AHO-4 in two ways. First, it increases the maximum building height allowed from 45 feet to 50 feet. The Land Use section of the Princeton Master Plan directly recommends amending the AHO-4: "AHO-4 District Standards. Amend the height limit in this overlay zone in the northern area of the Municipality off Route 206 by the Montgomery border to permit development up to four stories."

Secondly, the proposed ordinance deletes section §T10B-272.146(I) entirely. That section requires a minimum of 300 cubic feet of storage for each residential dwelling unit which must be in a common area within the building at or below the ground floor level. The Vanhorn Brook Tributary runs through all of the parcels in the AHO-4 on the southern side of Route 206 with significant wetlands along it where the tributary has not already been channeled. Environmental constraints and state DEP regulations make it infeasible, if not impossible, to provide storage space below the ground floor level and the AHO-4 requires retail sales and services, office and restaurant uses on the first floor. It should also be noted that the AHO-4 is the only affordable housing overlay in Princeton that contains this storage requirement, including both existing Third Round affordable housing overlays and proposed Fourth Round affordable housing overlays.

In my professional opinion, the ordinance is consistent with the Master Plan. The change in height is a direct recommendation of the Land Use element of the Master Plan as previously mentioned. Land Use goals include removing barriers to increased residential density and protecting and restoring environmentally sensitive features and natural resources. One of the key findings from community input in the Introduction section of the plan is that Princeton needs more housing, especially at lower price points, and mechanisms for housing creation that have not created housing should be revisited.

Utility Goals and Natural Resource Conservation Goals such as accommodating future growth while minimizing adverse impacts to the natural environment are supported by repurposing already developed parcels.

The Board shall determine if they find the Ordinance consistent with the Master Plan and provide any comments to Council. If Council approves the Ordinance, any future development would require site plan approval by the Board.

MUNICIPALITY OF
PRINCETON
Office of the Municipal Clerk
400 Witherspoon Street
Princeton, NJ 08540
(609) 924-5704
dmount@princetonnj.gov

MEMORANDUM

To: Planning Board

From: Dawn M. Mount, *Municipal Clerk*

CC: Justin Lesko, *Planning Director*

Subject: Planning Board Review of Ordinance 2026-9 upon Introduction

Date: February 10, 2026

On behalf of the Mayor and Council, and in accordance with the provisions of N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64, the attached ordinance, introduced at the Regular Meeting of February 9, 2026, is being directed to the Planning Board for its review and consideration. Please transmit the report of findings and recommendations from the Planning Board no later than thirty-five (35) days from this referral. It should be noted that the tentative date of the public hearing and final adoption of this ordinance is scheduled to take place at the Mayor and Council Regular Meeting of February 23, 2026.

Thank you in advance for your cooperation. Please contact me should you have any questions or concerns.

ORDINANCE #2026-09

AN ORDINANCE OF THE MUNICIPALITY OF PRINCETON AMENDING §T10B-272.146 "AFFORDABLE HOUSING OVERLAY-4 (AHO-4) SITE DEVELOPMENT REGULATIONS" OF THE CODE OF PRINCETON, NEW JERSEY, 2013

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Municipality of Princeton as follows:

Section 1. Amending §T10B-272.146 of the Municipal Code. §T10B-272.146, entitled "Affordable Housing Overlay-4 (AHO-4) Site Development Regulations", of the Code of Princeton, New Jersey, 2013 (the "Code"), is amended as follows:

A. §T10B-272.146(e) is amended to read (additions in underline and deletions in [brackets]):

(e) Maximum building height: [45] 50 feet.

B. §T10B-272.146(l) is deleted in its entirety.

Section 2. Severability. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 3. Referral. After introduction, the Municipal Clerk is hereby directed to submit a copy of this ordinance to the Princeton Planning Board for its review and report in accordance with N.J.S.A. 40:55D-64.

Section 4. Notice. The Municipal Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the Mercer County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-62.1.

Section 5. Effective Date. This ordinance shall take effect immediately upon final passage and publication, filing with the Mercer County Planning Board, and as otherwise provided for by law.

_____ _____

Dawn M. Mount, Clerk Hon. Mark Freda, Mayor

STATEMENT OF PURPOSE: The purpose of this ordinance is to amend the permitted building height and eliminate the residential storage requirement within the Affordable Housing Overlay - 4 (AHO-4) zoning district.

NOTICE

NOTICE IS HEREBY GIVEN that the above Ordinance was introduced and passed on first reading at the Council Meeting of the Mayor and Council of the Municipality of Princeton in the County of Mercer, State of New Jersey, held on February 9, 2026 and will be considered for final passage and adoption at the Council Meeting scheduled for February 23, 2026 at 7:00 p.m. at the Princeton Municipal Building, 400 Witherspoon Street, Princeton, New Jersey. Any person interested in this matter will be given an opportunity to be heard at that meeting. A copy of this Ordinance may be obtained at no cost by any member of the general public upon request at the Municipal Building during business hours.

File #: ORD 26-10 **Agenda Date:** 2/23/2026 **Agenda #:** 9.

An Ordinance of the Municipality of Princeton Amending "The Code of the Borough of Princeton, New Jersey 1974" to Add thereto a New Chapter Entitled "Filming" (Introduction of Amendments-Public Hearing on Ordinance as Amended Carried to March 9, 2026)-Roll Call

ORDINANCE #2026-10

AN ORDINANCE OF THE MUNICIPALITY OF PRINCETON AMENDING "THE CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY 1974" TO ADD THERETO A NEW CHAPTER ENTITLED "FILMING"

BE IT ORDAINED by the Mayor and Council of the Municipality of Princeton as follows:

Section 1. Regulations pertaining to filming established as new Chapter B23 of the "Code of the Borough of Princeton, New Jersey 1974." The "Code of the Borough of Princeton, New Jersey 1974" is hereby amended by adding thereto a new chapter B23 entitled "Filming", which shall read as follows:

CHAPTER B23. FILMING

§ B23-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

FILMING

The taking of still or motion pictures either on film or videotape or similar recording medium, for commercial or educational purposes intended for viewing on television, in theaters, major linear broadcast network or streaming platforms, or for institutional uses. The provisions of this chapter shall not be deemed to include the "filming" of news stories within the municipality.

MAJOR MOTION PICTURE

Any film which is financed and/or distributed by a major motion picture studio, including but not limited to the following:

A. NBCUniversal, including Peacock;

B. Warner Bros. Discovery, including New Line Cinema, HBO, DC Studios and Castle Rock Entertainment;

C. Paramount Pictures, including Miramax, MTV Films, Showtime, Skydance, Dreamworks and Nickelodeon Movies;

D. Walt Disney Studios, including 20th Century Studios, Searchlight Pictures, Hulu and Marvel Studios;

E. Sony Pictures, including Columbia Pictures, Screen Gems and Tristar Pictures;

F. Amazon MGM Studios;

G. Netflix Studios;

H. A24;

I. Any film for which the budget is at least $20,000,000; or

J. Any recurrent weekly television series programming.

PUBLIC LANDS

Any and every public street, highway, sidewalk, square, public park or playground or any other public place within the municipality that is within the jurisdiction and control of the municipality.

§ B23-2. Permit required.

(a) No person or organization shall film or permit filming on public or on private property where such filming involves the use of public property for the operation, placement or temporary storage of vehicles or equipment utilized in such filming, including, but not limited to, any temporary structure, barricade or device intended to restrict or block off pedestrian or vehicular traffic, without first having obtained a permit from the office of the Municipal Clerk, which permit shall set forth the approved location of such filming and the approved duration of such filming by specific reference to day or dates. Said permit must be readily available for inspection by municipal officials at all times at the site of the filming.

(b) All permits shall be applied for and obtained from the office of the Municipal Clerk during normal business hours. Applications for such permits shall be in a form approved by the Municipal Clerk and be accompanied by a permit fee in the amount established by this chapter in § B23-13 herein.

(c) If a permit is issued and, due to inclement weather or other good cause, filming does not in fact take place on the dates specified, the Municipal Clerk may, at the request of the applicant, issue a new permit for filming on other dates subject to full compliance with all

other provisions of this chapter. No additional fee shall be paid for this permit.

§ B23-3. Issuance of permits.

(a) No permits will be issued by the Municipal Clerk unless applied for at least four or more business days prior to the requested shooting date; provided, however, that the Administrator may waive this period if, in his or her judgment, the applicant has obtained all related approvals and adjacent property owners or tenants do not need to be notified.

(b) No permit shall be issued for filming upon public lands unless the applicant has provided the municipality with satisfactory proof of the following:

(1) Proof of insurance coverage as follows:

a. For bodily injury to any one person in the amount of $500,000 and any occurrence in the aggregate amount of $1,000,000.

b. For property damage for each occurrence in the aggregate amount of $300,000.

(2) An agreement, in writing, whereby the applicant agrees to indemnify and save the municipality harmless from any and all liability, expenses, claims or damages resulting from the use of public lands.

(3) The hiring of an off-duty police officer for the times indicated on the permit, according to agreed upon public safety plan.

(c) The holder of the permit shall take all reasonable steps to minimize interference with the free passage of pedestrians and traffic over public lands and shall comply with all lawful directives issued by the Police Department with respect thereto.

§ B23-4. Interference with public activity; notice of filming.

(a) The holder of a permit shall conduct filming in such a manner as to minimize the inconvenience or discomfort to adjoining property owners attributable to such filming and shall, to the extent practicable, abate noise and park vehicles associated with such filming off the public streets.

(b) The holder shall avoid any interference with previously scheduled activities upon public lands and limit, to the extent possible, any interference with normal public activity on such public lands. Where the applicant's production activity, by reason of location or otherwise, will directly involve and/or affect any businesses, merchants or residents, these parties shall be given written notice of the filming at least three days prior to the requested shooting date and be informed that objections may be filed with the Municipal Clerk, said objections to form a part of applicant's application and be considered in the review of the same. Proof of service of notification to adjacent owners shall be submitted to the Municipal Clerk within two days of the requested shooting date.

§ B23-5. Filming in residential zones.

Filming in residential zones shall be permitted Monday through Sunday between the hours of 7:00 a.m. and 9:00 p.m. (camera wrap) and 10:00 p.m. (crew wrap. Night filming restrictions shall only apply to Project with exterior filming. The setup, production and breakdown required by all filming shall be included in the hours as set forth herein.

§ B23-6. Refusal to issue permit; employment of patrolmen and electrician.

(a) The Administrator may refuse to issue a permit whenever the Administrator determines, on the basis of objective facts and after a review of the application and a report thereon by the Police Department and by other municipal agencies involved with the proposed filming site, that filming at the location and/or the time set forth in the application would violate any law or ordinance or would unreasonably interfere with the use and enjoyment of adjoining properties, unreasonably impede the free flow of vehicular or pedestrian traffic or otherwise endanger the public's health, safety or welfare.

(b) The Chief of Police reserves the right to require one or more on-site patrolmen in situations where the proposed production may impede the proper flow of traffic and according to the agreed upon public safety plan. The cost of said patrolman to be borne by the applicant as a cost of production. Where existing electrical power lines are to be utilized by the production, an on-site licensed electrician may be similarly required if the production company does not have a licensed electrician on staff.

§ B23-7. Appeals.

(a) Any person aggrieved by a decision of the Administrator denying or revoking a permit or a person requesting relief may appeal to the Mayor and Council. A written notice of appeal setting forth the reasons for the appeal shall be filed with the Administrator.

(b) An appeal from the decision of the Administrator shall be filed within ten days of the date of the Administrator's decision. The Mayor and Council shall set the matter down for a hearing within thirty days of the date on which the notice of appeal was filed. The decision of the Mayor and Council shall be in the form of a resolution supporting the decision of the Administrator at the first regularly scheduled public meeting of the Mayor and Council after the hearing on the appeal, unless the appellant agrees in writing to a later date for the decision. If such a resolution is not adopted within the time required, the decision of the Administrator shall be deemed to be reversed, and a permit shall be issued in conformity with the application or the relief shall be deemed denied.

§ B23-8. Waiver of requirements by the Administrator.

(a) The Administrator may authorize a waiver of any of the requirements, provisions or restrictions of this chapter if the Administrator determines that a waiver thereof may be granted without endangering the public health, safety and welfare. In determining whether to issue a waiver, the Administrator shall consider the following factors:

(1) Potential traffic congestion at the location.

(2) The applicant's ability to remove the applicant's vehicles and equipment from the public streets or other public property.

(3) The extent to which the applicant is requesting restrictions on the use of public streets or public parking facilities during filming.

(4) The nature of the filming, including whether filming will take place indoors or outdoors, and the proposed hours for filming.

(5) The extent to which the filming may affect adjoining and nearby property owners and occupants.

(6) The municipality's prior experience with the applicant, if any.

§ B23-9. Copies of permit; inspections.

Copies of the approved permit will be sent to the Police and Fire Departments before filming takes place and to the New Jersey Motion Picture and Television Commission at njfilm@njeda.gov. The applicant shall allow the Fire Prevention Bureau or other municipal inspectors to inspect the site and the equipment to be used, if deemed necessary. The applicant shall comply with all safety instructions issued by the Fire Prevention Bureau or other municipal inspectors.

§ B23-10. Reimbursement of certain costs.

In addition to the fees or costs set forth in this chapter, the applicant shall reimburse the municipality for any lost revenue, such as parking meter revenue, repairs to public property or other revenues that the municipality was prevented from earning because of filming.

§ B23-11. Special regulations for major motion pictures.

(a) Any days necessary to be used for setup and preparation for a major motion picture filming may, in the discretion of the Administrator, be counted as a filming day where such setup is anticipated to involve one or more of the factors set forth in § B23-9 hereof.

§ B23-12. Fees.

CATEGORY	**FEE**
Basic filming permit (4 or more days advance notice of the first day of filming)	$100 (one-time charge) + daily rates set forth below
Expedited basic filming permit (3 or fewer days advance notice of the first day of filming)	$250 (one-time charge) + daily rates set forth below
Basic filming permit for nonprofits, including student films	$25 (one-time charge); no daily rate required
Additional charges	
Daily filming on public property: *Film and television projects with a budget under $20mm* *Film and television projects with a budget over $20mm*	 $150 $500

Hiring of off-duty police and fire inspections, according to agreed-upon public safety plan	Princeton's standard hourly rates for police and fire
Use of Department of Public Works personnel	Current salaried rate.
Street closures	$1,000 for the first block; $500 for each additional street that must be closed if it extends through an intersection with another street. Not to exceed $5,000 per day.
Properties in background - or used - in shot	Fee to be negotiated between the production company and the private business or residence
Daily prep of business that is being "dressed"	Fee to be negotiated between the production company and the private business
Daily filming of business that is "dressed"	Fee to be negotiated between the production company and the private business
Parking fees	Same rates that are charged to the public

§ B23-13. Violations and penalties.

Any person who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not exceeding $2,000; imprisonment for a period not to exceed 90 days; and/or performance of

community service for a period not exceeding 90 days, as determined by the Municipal Court Judge. Each day the violation continues shall be considered a separate offense and shall be subject to imposition of a separate penalty.

Section 2. Repealer. Any article, section, paragraph, subsection, clause, or other provision of the Code of the Township of Princeton and the Code of Borough of Princeton inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

Section 3. Severability. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 4. Effective date; applicability. This ordinance shall take effect upon its passage and publication and as required by law; shall be applicable within the entire municipality of Princeton; and shall become a part of the new Princeton Code once completed and adopted.

_____ _____

Dawn M. Mount, RMC, Clerk Hon. Mark Freda, Mayor

STATEMENT OF PURPOSE: The purpose of this ordinance is to establish permitting and other requirements for filming of motion pictures and television shows in Princeton.

MUNICIPALITY OF PRINCETON
Office of the Municipal Clerk
400 Witherspoon Street
Princeton, NJ 08540
(609) 924-5704
dmount@princetonnj.gov

MEMORANDUM

To: Mayor & Council of the Municipality of Princeton
From: Dawn M. Mount, Municipal Clerk
Subject: Amendments to Ordinance #2026-10- "Filming"
Date: February 17, 2026

On February 9, 2026, Ordinance #2026-10, entitled *"An Ordinance of the Municipality of Princeton Amending "The Code of the Borough of Princeton, New Jersey, 1974" to Add thereto a New Chapter Entitled "Filming"* was introduced. The proposed establishes permitting and other requirements for the filming of motion pictures and television shows in Princeton.

After introduction, the ordinance was forwarded to Film Ready NJ for their review and compliance with the certification process to become a "film ready" municipality. Film Ready NJ is a five-step certification and marketing program by the NJ Motion Picture & Television Commission that prepares municipalities to attract, support, and facilitate film and television productions. It standardizes permitting, educates local leaders on industry needs, and connects filmmakers with trained local liaisons to boost local economies in New Jersey. Upon review of our ordinance, Film Ready NJ made several corrections to our proposed ordinance that did not conform with the "film ready" designation. They suggested making the following corrections, denoted in red, to help us achieve the compliance needed to earn the "film ready" certification:

- **B23-3. Issuance of permits.**

(a) No permits will be issued by the Municipal Clerk unless applied for at least four (instead of 5) or more business days prior to the requested shooting date; provided, however, that the Administrator may waive this period if, in his or her judgment, the applicant has obtained all related approvals and adjacent property owners or tenants do not need to be notified.

- The hiring of an off-duty police officer for the times indicated on the permit, according to agreed upon public safety plan

- **B23-5. Filming in residential zones.**

Filming in residential zones shall be permitted Monday through Sunday (instead of Friday) between the hours of 7:00 a.m. and 9:00 p.m. (camera wrap) and 10:00 pm (crew wrap) (removed: *and Saturdays and Sundays between the hours of 8:00 a.m. and 9:00 p.m.*). Night filming restrictions shall only apply to Project with exterior filming. The setup, production and breakdown required by all filming shall be included in the hours as set forth herein.

- **B23-7. Refusal to issue permit; employment of patrolmen and electrician.**

(b) The Chief of Police (instead of: *municipality*) reserves the right to require one or more on-site patrolmen in situations where the proposed production may impede the proper flow of

traffic and according to agreed upon public safety plan. The cost of said patrolman to be borne by the

- **B23-12. Special regulations for major motion pictures.**

  This entire section is omitted.

- **B23-12. Fees.**

CATEGORY	FEE
Basic filming permit (4 (instead of 5) or more days advance notice of the first day of filming)	$100 (one-time charge) + daily rates set forth below
Expedited basic filming permit (3 (instead of 4) or fewer days advance notice of the first day of filming)	$250 (one-time charge) + daily rates set forth below
Basic filming permit for nonprofits, including student films	$25 (one-time charge); no daily rate required
Additional charges	
~~*Daily filming on public property*~~	~~$500 per day~~
~~*Daily filming on private property*~~	~~No charge by the municipality~~
Daily filming on public property: ***Film and television projects with a budget under $20mm*** ***Film and television projects with a budget over $20mm***	**$150** **$500**
Hiring of off-duty police and fire inspections, according to agreed-upon public safety plan	Princeton's standard hourly rates for police and fire
Use of Department of Public Works personnel	Current salaried rate (instead of $100 per hour for each person used)
Street closures	$1,000 for the first block; $500 for each additional street that must be closed if it extends through an intersection with another street. Not to exceed $5,000

	per day
Properties in background - or used - in shot	Fee to be negotiated between the production company and the private business or residence
Daily prep of business that is being "dressed"	Fee to be negotiated between the production company and the private business
Daily filming of business that is "dressed"	Fee to be negotiated between the production company and the private business
Parking fees	Same rates that are charged to the public

If the above noted changes meet with your approval, please approve the amendments to the ordinance and carry the public hearing and adoption to the March 9, 2026 regular meeting.

ORDINANCE #2026-10

AN ORDINANCE OF THE MUNICIPALITY OF PRINCETON AMENDING "THE CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY 1974" TO ADD THERETO A NEW CHAPTER ENTITLED "FILMING"

BE IT ORDAINED by the Mayor and Council of the Municipality of Princeton as follows:

Section 1. Regulations pertaining to filming established as new Chapter B23 of the "Code of the Borough of Princeton, New Jersey 1974." The "Code of the Borough of Princeton, New Jersey 1974" is hereby amended by adding thereto a new chapter B23 entitled "Filming", which shall read as follows:

CHAPTER B23. FILMING

§ B23-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

FILMING

The taking of still or motion pictures either on film or videotape or similar recording medium, for commercial or educational purposes intended for viewing on television, in theaters, major linear broadcast network or streaming platforms, or for institutional uses. The provisions of this chapter shall not be deemed to include the "filming" of news stories within the municipality.

MAJOR MOTION PICTURE

Any film which is financed and/or distributed by a major motion picture studio, including but not limited to the following:

A. NBCUniversal, including Peacock;

B. Warner Bros. Discovery, including New Line Cinema, HBO, DC Studios and Castle Rock Entertainment;

C. Paramount Pictures, including Miramax, MTV Films, Showtime, Skydance, Dreamworks and Nickelodeon Movies;

D. Walt Disney Studios, including 20th Century Studios, Searchlight Pictures, Hulu and Marvel Studios;

E. Sony Pictures, including Columbia Pictures, Screen Gems and Tristar Pictures;

F. Amazon MGM Studios;

G. Netflix Studios;

H. A24;

I. Any film for which the budget is at least $20,000,000; or

J. Any recurrent weekly television series programming.

PUBLIC LANDS

Any and every public street, highway, sidewalk, square, public park or playground or any other public place within the municipality that is within the jurisdiction and control of the municipality.

§ B23-2. Permit required.

(a) No person or organization shall film or permit filming on public or on private property where such filming involves the use of public property for the operation, placement or temporary storage of vehicles or equipment utilized in such filming, including, but not limited to, any temporary structure, barricade or device intended to restrict or block off pedestrian or vehicular traffic, without first having obtained a permit from the office of the Municipal Clerk, which permit shall set forth the approved location of such filming and the approved duration of such filming by specific reference to day or dates. Said permit must be readily available for inspection by municipal officials at all times at the site of the filming.

(b) All permits shall be applied for and obtained from the office of the Municipal Clerk during normal business hours. Applications for such permits shall be in a form approved by the Municipal Clerk and be accompanied by a permit fee in the amount established by this chapter in § B23-13 herein.

(c) If a permit is issued and, due to inclement weather or other good cause, filming does not in fact take place on the dates specified, the Municipal Clerk may, at the request of the applicant, issue a new permit for filming on other dates subject to full compliance with all

other provisions of this chapter. No additional fee shall be paid for this permit.

§ B23-3. Issuance of permits.

(a) No permits will be issued by the Municipal Clerk unless applied for at least four or more business days prior to the requested shooting date; provided, however, that the Administrator may waive this period if, in his or her judgment, the applicant has obtained all related approvals and adjacent property owners or tenants do not need to be notified.

(b) No permit shall be issued for filming upon public lands unless the applicant has provided the municipality with satisfactory proof of the following:

(1) Proof of insurance coverage as follows:

a. For bodily injury to any one person in the amount of $500,000 and any occurrence in the aggregate amount of $1,000,000.

b. For property damage for each occurrence in the aggregate amount of $300,000.

(2) An agreement, in writing, whereby the applicant agrees to indemnify and save the municipality harmless from any and all liability, expenses, claims or damages resulting from the use of public lands.

(3) The hiring of an off-duty police officer for the times indicated on the permit, according to agreed upon public safety plan

(c) The holder of the permit shall take all reasonable steps to minimize interference with the free passage of pedestrians and traffic over public lands and shall comply with all lawful directives issued by the Police Department with respect thereto.

§ B23-4. Interference with public activity; notice of filming.

(a) The holder of a permit shall conduct filming in such a manner as to minimize the inconvenience or discomfort to adjoining property owners attributable to such filming and shall, to the extent practicable, abate noise and park vehicles associated with such filming off the public streets.

(b) The holder shall avoid any interference with previously scheduled activities upon public lands and limit, to the extent possible, any interference with normal public activity on such public lands. Where the applicant's production activity, by reason of location or otherwise, will directly involve and/or affect any businesses, merchants or residents, these parties shall be given written notice of the filming at least three days prior to the requested shooting date and be informed that objections may be filed with the Municipal Clerk, said objections to form a part of applicant's application and be considered in the review of the same. Proof of service of notification to adjacent owners shall be submitted to the Municipal Clerk within two days of the requested shooting date.

§ B23-5. Filming in residential zones.

Filming in residential zones shall be permitted Monday through Sunday between the hours of 7:00 a.m. and 9:00 p.m. (camera wrap) and 10:00 pm (crew wrap). Night filming restrictions shall only apply to Project with exterior filming. The setup, production and breakdown required by all filming shall be included in the hours as set forth herein.

§ B23-6. Filming in State right-of-way.

Filming in any State right-of-way shall require a separate permit from the New Jersey State Department of Transportation.

§ B23-7. Refusal to issue permit; employment of patrolmen and electrician.

(a) The Administrator may refuse to issue a permit whenever the Administrator determines, on the basis of objective facts and after a review of the application and a report thereon by the Police Department and by other municipal agencies involved with the proposed filming site, that filming at the location and/or the time set forth in the application would violate any law or ordinance or would unreasonably interfere with the use and enjoyment of adjoining properties, unreasonably impede the free flow of vehicular or pedestrian traffic or otherwise endanger the public's health, safety or welfare.

(b) The Chief of Police reserves the right to require one or more on-site patrolmen in situations where the proposed production may impede the proper flow of traffic and according to agreed upon public safety plan. The cost of said patrolman to be borne by the applicant as a cost of production. Where existing electrical power lines are to be utilized by the production, an on-site licensed electrician may be

similarly required if the production company does not have a licensed electrician on staff.

§ B23-8. Appeals.

(a) Any person aggrieved by a decision of the Administrator denying or revoking a permit or a person requesting relief may appeal to the Mayor and Council. A written notice of appeal setting forth the reasons for the appeal shall be filed with the Administrator.

(b) An appeal from the decision of the Administrator shall be filed within ten days of the date of the Administrator's decision. The Mayor and Council shall set the matter down for a hearing within thirty days of the date on which the notice of appeal was filed. The decision of the Mayor and Council shall be in the form of a resolution supporting the decision of the Administrator at the first regularly scheduled public meeting of the Mayor and Council after the hearing on the appeal, unless the appellant agrees in writing to a later date for the decision. If such a resolution is not adopted within the time required, the decision of the Administrator shall be deemed to be reversed, and a permit shall be issued in conformity with the application or the relief shall be deemed denied.

§ B23-9. Waiver of requirements by the Administrator.

(a) The Administrator may authorize a waiver of any of the requirements, provisions or restrictions of this chapter if the Administrator determines that a waiver thereof may be granted without endangering the public health, safety and welfare. In determining whether to issue a waiver, the Administrator shall consider the following factors:

(1) Potential traffic congestion at the location.

(2) The applicant's ability to remove the applicant's vehicles and equipment from the public streets or other public property.

(3) The extent to which the applicant is requesting restrictions on the use of public streets or public parking facilities during filming.

(4) The nature of the filming, including whether filming will take place indoors or outdoors, and the proposed hours for filming.

(5) The extent to which the filming may affect adjoining and nearby property owners and occupants.

(6) The municipality's prior experience with the applicant, if any.

§ B23-10. Copies of permit; inspections.

Copies of the approved permit will be sent to the Police and Fire Departments before filming takes place and to the New Jersey Motion Picture and Television Commission at njfilm@njeda.gov. The applicant shall allow the Fire Prevention Bureau or other municipal inspectors to inspect the site and the equipment to be used, if deemed necessary. The applicant shall comply with all safety instructions issued by the Fire Prevention Bureau or other municipal inspectors.

§ B23-11. Reimbursement of certain costs.

In addition to the fees or costs set forth in this chapter, the applicant shall reimburse the municipality for any lost revenue, such as parking meter revenue, repairs to public property or other revenues that the municipality was prevented from earning because of filming.

§ B23-12. Special regulations for major motion pictures.

(a) Any days necessary to be used for setup and preparation for a major motion picture filming may, in the discretion of the Administrator, be counted as a filming day where such setup is anticipated to involve one or more of the factors set forth in § B23-9 hereof.

§ B23-13. Fees.

CATEGORY	FEE
Basic filming permit (4 or more days advance notice of the first day of filming)	$100 (one-time charge) + daily rates set forth below
Expedited basic filming permit (3 or fewer days advance notice of the first day of filming)	$250 (one-time charge) + daily rates set forth below
Basic filming permit for nonprofits, including student films	$25 (one-time charge); no daily rate required
Additional charges	
Daily filming on public property	$500 per day
Daily filming on private property	No charge by the municipality

Hiring of off-duty police and fire inspections, according to agreed-upon public safety plan	Princeton's standard hourly rates for police and fire
Use of Department of Public Works personnel	Current salaried rate
Street closures	$1,000 for the first block; $500 for each additional street that must be closed if it extends through an intersection with another street. Not to exceed $5,000 per day
Properties in background - or used - in shot	Fee to be negotiated between the production company and the private business or residence
Daily prep of business that is being "dressed"	Fee to be negotiated between the production company and the private business
Daily filming of business that is "dressed"	Fee to be negotiated between the production company and the private business
Parking fees	Same rates that are charged to the public

§ B23-14. Violations and penalties.

> Any person who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not exceeding $2,000; imprisonment for a period not to exceed 90 days; and/or performance of community service for a period not exceeding 90 days, as determined by the Municipal Court Judge. Each day the violation continues shall be considered a separate offense and shall be subject to imposition of a separate penalty.

Section 2. Repealer. Any article, section, paragraph, subsection, clause, or other provision of the Code of the Township of Princeton and the Code of Borough of Princeton inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

Section 3. Severability. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 4. Effective date; applicability. This ordinance shall take effect upon its passage and publication and as required by law; shall be applicable within the entire municipality of Princeton; and shall become a part of the new Princeton Code once completed and adopted.

_____ _____

Dawn M. Mount, RMC, Clerk Hon. Mark Freda, Mayor

STATEMENT OF PURPOSE: The purpose of this ordinance is to establish permitting and other requirements for filming of motion pictures and television shows in Princeton.

ORDINANCE #2026-__

AN ORDINANCE OF THE MUNICIPALITY OF PRINCETON AMENDING "THE CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY 1974" TO ADD THERETO A NEW CHAPTER ENTITLED "FILMING"

BE IT ORDAINED by the Mayor and Council of the Municipality of Princeton as follows:

Section 1. Regulations pertaining to filming established as new Chapter B23 of the "Code of the Borough of Princeton, New Jersey 1974." The "Code of the Borough of Princeton, New Jersey 1974" is hereby amended by adding thereto a new chapter B23 entitled "Filming", which shall read as follows:

CHAPTER B23. FILMING

§ B23-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

FILMING

The taking of still or motion pictures either on film or videotape or similar recording medium, for commercial or educational purposes intended for viewing on television, in theaters, major linear broadcast network or streaming platforms, or for institutional uses. The provisions of this chapter shall not be deemed to include the "filming" of news stories within the municipality.

MAJOR MOTION PICTURE

Any film which is financed and/or distributed by a major motion picture studio, including but not limited to the following:

A. NBCUniversal, including Peacock;

B. Warner Bros. Discovery, including New Line Cinema, HBO, DC Studios and Castle Rock Entertainment;

C. Paramount Pictures, including Miramax, MTV Films, Showtime, Skydance, Dreamworks and Nickelodeon Movies;

D. Walt Disney Studios, including 20th Century Studios, Searchlight Pictures, Hulu and Marvel Studios;

E. Sony Pictures, including Columbia Pictures, Screen Gems and Tristar Pictures;

F. Amazon MGM Studios;

G. Netflix Studios;

H. A24;

I. Any film for which the budget is at least $20,000,000; or

J. Any recurrent weekly television series programming.

PUBLIC LANDS

Any and every public street, highway, sidewalk, square, public park or playground or any other public place within the municipality that is within the jurisdiction and control of the municipality.

§ B23-2. Permit required.

(a) No person or organization shall film or permit filming on public or on private property where such filming involves the use of public property for the operation, placement or temporary storage of vehicles or equipment utilized in such filming, including, but not limited to, any temporary structure, barricade or device intended to restrict or block off pedestrian or vehicular traffic, without first having obtained a permit from the office of the Municipal Clerk, which permit shall set forth the approved location of such filming and the approved duration of such filming by specific reference to day or dates. Said permit must be readily available for inspection by municipal officials at all times at the site of the filming.

(b) All permits shall be applied for and obtained from the office of the Municipal Clerk during normal business hours. Applications for such permits shall be in a form approved by the Municipal Clerk and be accompanied by a permit fee in the amount established by this chapter in § B23-13 herein.

(c) If a permit is issued and, due to inclement weather or other good cause, filming does not in fact take place on the dates specified, the Municipal Clerk may, at the request of the applicant, issue a new permit for filming on other dates subject to full compliance with all

other provisions of this chapter. No additional fee shall be paid for this permit.

§ B23-3. Issuance of permits.

(a) No permits will be issued by the Municipal Clerk unless applied for at least five or more business days prior to the requested shooting date; provided, however, that the Administrator may waive this period if, in his or her judgment, the applicant has obtained all related approvals and adjacent property owners or tenants do not need to be notified.

(b) No permit shall be issued for filming upon public lands unless the applicant has provided the municipality with satisfactory proof of the following:

(1) Proof of insurance coverage as follows:

a. For bodily injury to any one person in the amount of $500,000 and any occurrence in the aggregate amount of $1,000,000.

b. For property damage for each occurrence in the aggregate amount of $300,000.

(2) An agreement, in writing, whereby the applicant agrees to indemnify and save the municipality harmless from any and all liability, expenses, claims or damages resulting from the use of public lands.

(3) The hiring of an off-duty police officer for the times indicated on the permit.

(c) The holder of the permit shall take all reasonable steps to minimize interference with the free passage of pedestrians and traffic over public lands and shall comply with all lawful directives issued by the Police Department with respect thereto.

§ B23-4. Interference with public activity; notice of filming.

(a) The holder of a permit shall conduct filming in such a manner as to minimize the inconvenience or discomfort to adjoining property owners attributable to such filming and shall, to the extent practicable, abate noise and park vehicles associated with such filming off the public streets.

(b) The holder shall avoid any interference with previously scheduled activities upon public lands and limit, to the extent possible, any interference with normal public activity on such public lands. Where the applicant's production activity, by reason of location or otherwise, will directly involve and/or affect any businesses, merchants or residents, these parties shall be given written notice of the filming at least three days prior to the requested shooting date and be informed that objections may be filed with the Municipal Clerk, said objections to form a part of applicant's application and be considered in the review of the same. Proof of service of notification to adjacent owners shall be submitted to the Municipal Clerk within two days of the requested shooting date.

§ B23-5. Filming in residential zones.

Filming in residential zones shall be permitted Monday through Friday between the hours of 7:00 a.m. and 9:00 p.m. and Saturdays and Sundays between the hours of 8:00 a.m.. and 9:00 p.m. The setup, production and breakdown required by all filming shall be included in the hours as set forth herein.

§ B23-6. Filming in State right-of-way.

Filming in any State right-of-way shall require a separate permit from the New Jersey State Department of Transportation.

§ B23-7. Refusal to issue permit; employment of patrolmen and electrician.

(a) The Administrator may refuse to issue a permit whenever the Administrator determines, on the basis of objective facts and after a review of the application and a report thereon by the Police Department and by other municipal agencies involved with the proposed filming site, that filming at the location and/or the time set forth in the application would violate any law or ordinance or would unreasonably interfere with the use and enjoyment of adjoining properties, unreasonably impede the free flow of vehicular or pedestrian traffic or otherwise endanger the public's health, safety or welfare.

(b) The municipality reserves the right to require one or more on-site patrolmen in situations where the proposed production may impede the proper flow of traffic, the cost of said patrolman to be borne by the applicant as a cost of production. Where existing electrical power lines are to be utilized by the production, an on-site licensed electrician may be similarly required if the production company

does not have a licensed electrician on staff.

§ B23-8. Appeals.

(a) Any person aggrieved by a decision of the Administrator denying or revoking a permit or a person requesting relief may appeal to the Mayor and Council. A written notice of appeal setting forth the reasons for the appeal shall be filed with the Administrator.

(b) An appeal from the decision of the Administrator shall be filed within ten days of the date of the Administrator's decision. The Mayor and Council shall set the matter down for a hearing within thirty days of the date on which the notice of appeal was filed. The decision of the Mayor and Council shall be in the form of a resolution supporting the decision of the Administrator at the first regularly scheduled public meeting of the Mayor and Council after the hearing on the appeal, unless the appellant agrees in writing to a later date for the decision. If such a resolution is not adopted within the time required, the decision of the Administrator shall be deemed to be reversed, and a permit shall be issued in conformity with the application or the relief shall be deemed denied.

§ B23-9. Waiver of requirements by the Administrator.

(a) The Administrator may authorize a waiver of any of the requirements, provisions or restrictions of this chapter if the Administrator determines that a waiver thereof may be granted without endangering the public health, safety and welfare. In determining whether to issue a waiver, the Administrator shall consider the following factors:

(1) Potential traffic congestion at the location.

(2) The applicant's ability to remove the applicant's vehicles and equipment from the public streets or other public property.

(3) The extent to which the applicant is requesting restrictions on the use of public streets or public parking facilities during filming.

(4) The nature of the filming, including whether filming will take place indoors or outdoors, and the proposed hours for filming.

(5) The extent to which the filming may affect adjoining and nearby property owners and occupants.

(6) The municipality's prior experience with the applicant, if any.

§ B23-10. Copies of permit; inspections.

Copies of the approved permit will be sent to the Police and Fire Departments before filming takes place and to the New Jersey Motion Picture and Television Commission at njfilm@njeda.gov. The applicant shall allow the Fire Prevention Bureau or other municipal inspectors to inspect the site and the equipment to be used, if deemed necessary. The applicant shall comply with all safety instructions issued by the Fire Prevention Bureau or other municipal inspectors.

§ B23-11. Reimbursement of certain costs.

In addition to the fees or costs set forth in this chapter, the applicant shall reimburse the municipality for any lost revenue, such as parking meter revenue, repairs to public property or other revenues that the municipality was prevented from earning because of filming.

§ B23-12. Special regulations for major motion pictures.

(a) When filming is requested with respect to a major motion picture, the approved location of such filming and approved duration of such filming by specific reference to day or dates may exceed three consecutive days and/or may exceed six days in duration if approved by the Administrator in his or her discretion following a favorable review of the factors set forth in § B23-9 herein.

(b) Any days necessary to be used for setup and preparation for a major motion picture filming may, in the discretion of the Administrator, be counted as a filming day where such setup is anticipated to involve one or more of the factors set forth in § B23-9 hereof.

§ B23-13. Fees.

CATEGORY	FEE
Basic filming permit (5 or more days advance notice of the first day of filming)	$100 (one-time charge) + daily rates set forth below
Expedited basic filming permit (4 or fewer days advance notice of the first day of filming)	$250 (one-time charge) + daily rates set forth below
Basic filming permit for nonprofits, including student films	$25 (one-time charge); no daily rate required

Additional charges	
Daily filming on public property	$500 per day
Daily filming on private property	No charge by the municipality
Hiring of off-duty police and fire inspections, according to agreed-upon public safety plan	Princeton's standard hourly rates for police and fire
Use of Department of Public Works personnel	$100 per hour for each person used
Street closures	$1,000 for the first block; $500 for each additional street that must be closed if it extends through an intersection with another street
Properties in background - or used - in shot	Fee to be negotiated between the production company and the private business or residence
Daily prep of business that is being "dressed"	Fee to be negotiated between the production company and the private business
Daily filming of business that is "dressed"	Fee to be negotiated between the production company and the private business
Parking fees	Same rates that are charged to the public

§ B23-14. Violations and penalties.

Any person who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not exceeding $2,000; imprisonment for a period not to exceed 90 days; and/or performance of community service for a period not exceeding 90 days, as determined by the Municipal Court Judge. Each day the violation continues shall be considered a separate offense and shall be subject to imposition of a separate penalty.

Section 2. Repealer. Any article, section, paragraph, subsection, clause, or other provision of the Code of the Township of Princeton and the Code of Borough of Princeton inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

Section 3. Severability. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 4. Effective date; applicability. This ordinance shall take effect upon its passage and publication and as required by law; shall be applicable within the entire municipality of Princeton; and shall become a part of the new Princeton Code once completed and adopted.

_____ _____

Dawn M. Mount, RMC, Clerk Hon. Mark Freda, Mayor

STATEMENT OF PURPOSE: The purpose of this ordinance is to establish permitting and other requirements for filming of motion pictures and television shows in Princeton.

File #: ORD 26-11 **Agenda Date:** 2/23/2026 **Agenda #:** 1.

An Ordinance of the Municipality of Princeton Amending Chapter T10B Entitled "Land Use" of the Municipality of Princeton to Create the Affordable Housing District-13 (AH-13) in Furtherance of the Fair Housing Act (Public Hearing: March 9, 2026)- Roll Call

ORDINANCE #2026-11

AN ORDINANCE OF THE MUNICIPALITY OF PRINCETON AMENDING CHAPTER T10B ENTITLED "LAND USE" OF THE MUNICIPALITY OF PRINCETON TO CREATE THE AFFORDABLE HOUSING DISTRICT-13 (AH-13) IN FURTHERANCE OF THE FAIR HOUSING ACT

WHEREAS, the New Jersey Supreme Court, through its rulings in Southern Burlington County NAACP vs. Mount Laurel, 67 N.J. 151 (1975) ("Mount Laurel I") and Southern Burlington County NAACP vs. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II"), has determined that every municipality in New Jersey has a constitutional obligation to provide, through its land use regulations, a realistic opportunity for its fair share of the regional need for housing for low- and moderate-income households and families; and

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. into law, amending the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, *et seq.*, to establish a new framework for determining and enforcing municipalities' affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the Act (the "FHA"), starting with fourth round (2025-2035) affordable housing obligations; and

WHEREAS, in accordance with the FHA and Administrative Directive #14-24 issued by the Administrative Office of the Courts on December 13, 2024 ("Administrative Directive #14-24"), Princeton filed a Complaint for Declaratory Judgment entitled *In the Matter of the Application of the Municipality of Princeton in Mercer County*, Docket No. MER-L-000207-25 on January 28, 2025 (the "Fourth Round DJ Action"), identifying Princeton's present and prospective fair share obligations for the Fourth Round, and committing to adopting and submitting a Fourth Round Housing Plan Element and Fair Share Plan ("HEFSP") as required by the FHA; and

WHEREAS, on June 25, 2025, the Princeton Planning Board ("Board") adopted a Fourth Round HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq., as required by and in conformance with the FHA; and

WHEREAS, on June 26, 2025, by Resolution No. 25-230, the Mayor and Council endorsed Princeton's Fourth Round HEFSP, which was filed with the court in the Fourth Round DJ Action on June 27, 2025; and

WHEREAS, Princeton's Fourth Round HEFSP addresses Princeton's affordable housing obligations in a manner which will promote the public health and general welfare, and sets forth a plan which fully satisfies Princeton's Fourth Round affordable housing obligations; and

WHEREAS, as contemplated by and in conformity with P.L.2024, c.2, Princeton now looks forward to implementing the goals, objectives and housing opportunities contemplated by its HEFSP by creating a new Affordable Housing District-13 ("AH-13") zoning district; and

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-1 ("MLUL") at N.J.S.A. 40:55D-62.a requires that the provisions of a zoning ordinance be substantially consistent with the land use plan element and the housing plan element of the master plan or designed to effectuate such plan elements; and

WHEREAS, Princeton finds and declares that, pursuant to the purposes of the MLUL, the within ordinance promotes the public health, safety, morals, and general welfare and advances the municipality's efforts to meet its constitutional obligation to provide for its fair share of very low, low and moderate income housing; and

WHEREAS, the Mayor and Council formally refers this Ordinance to the Board for review, examination, discussion and recommendations in accordance with N.J.S.A. 40:55D-26; and

WHEREAS, the adoption of this Ordinance was appropriately noticed pursuant to the requirements of the MLUL.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Municipality of Princeton as follows:

Section 1. Zoning Map. Section §T10B-242, "Zoning Map", of Chapter T10B of the Code, is hereby supplemented and amended to modify the "Official Zoning Map of Princeton, Mercer County, New Jersey" by designating the following lands identified by block(s) and lot(s) on the official Tax Map of Princeton as follows:

Block(s)	Lot(s)	Street Address	Existing District	New District
7004	1, 2	11-33 State Road, 60 Mt. Lucas Road	B-2T	AH-13

Section 2. Division of Township into Zoning Districts. §T10B-244, "Division of Township into Zoning Districts", of Chapter T10B of the Code is hereby supplemented and amended to add the following zoning district:

Affordable Housing-13 (AH-13) Zone.

Section 3. Affordable Housing District Provisions. Division 2, "Zoning Districts", of Chapter T10B of the Code is hereby supplemented and amended to add the following new Affordable Housing Zone to Subdivision 2.27 "Affordable Housing (AH) Zones" as follows:

§T10B-272.119. Affordable Housing - 13 (AH-13)

A. Purpose. The purpose of the Affordable Housing-13 (AH-13) zoning district is to provide a realistic opportunity for the construction of affordable housing pursuant to the New Jersey Fair Housing Act and thereby comply with the Municipality's constitutional obligation to provide such housing for low-and moderate-income households. Specifically, the AH-13 zone is established to encourage redevelopment consisting of multiple dwellings and townhouses with an affordable housing set- aside, along with ground-level retail, service, commercial and ground-level and second-story office uses facing a higher order street.

B. Comprehensive Development Required. The AH-13 zone shall be constructed in accordance with a single, unified development plan in one phase. This shall not preclude, however, any landowner from subdividing the property into fee simple or condominium ownership of the property.

C. Permitted Uses. In the AH-13 Zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except a comprehensive development including the following:

(1) Townhouses facing Mount Lucas Road.

(2) Multiple dwellings above the ground floor or street level.

(3) Retail sales and services and restaurants located on the street level facing State Road (Rt. 206).

(4) Offices, inclusive of medical offices and urgent care facilities, except that such use shall be restricted to the ground floor and second story only.

D. Accessory Uses Permitted. Any of the following uses shall be permitted when used in conjunction with a principal use:

(1) Residential management office.

(2) Common rooms/areas, including for meetings, recreation, laundry and storage.

(3) Indoor and outdoor amenity space for residents.

(4) Communications infrastructure.

(5) Maintenance facilities.

(6) Storage facilities.

(7) Off-street parking, inclusive of structured parking, and off-street loading.

(8) Street/site furnishings.

(9) Home occupations.

(10) Fences and walls.

(11) Landscape amenities and open space.

(12) Signs.

(13) Storm water management facilities and other utilities.

(14) Emergency generators and ancillary enclosures.

(15) Other customary uses which are clearly incidental and subordinate to a permitted principal use on the same lot.

E. Required Income Restriction. In any AH-13 zone, at least twenty percent (20%) of the total number of dwellings shall be affordable to very-low-, low- and moderate-income households, but in no instance shall the number of such affordable dwellings be less than sixteen (16). Affordable units shall be restricted, regulated and administered consistent with the Municipality's affordable housing regulations, the Uniform Housing Affordability Controls rules (N.J.A.C. 5:80-26.1 et seq.) and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), including the Fair Housing Act's definition of very low-income households and all other provisions of the Municipality's Affordable Housing Ordinance (§T10B-332).

F. AH-13 Site Development Regulations. The following site development regulations shall apply to all lots and buildings:

(1) Minimum setback requirements:

(a) From State Road 206: ten (10) feet.

(b) From Mount Lucas Road: zero (0) feet.

(c) From Cherry Hill Road: ten (10) feet.

(d) From any other property line: zero (0) feet.

(2) Maximum impervious coverage: 95%.

(3) Building height: The maximum building height shall be five (5) stories, not to exceed sixty-five (65) feet, measured from the average elevation of the curbline along the State Road (Rt. 206) frontage. An enclosed penthouse level shall be permitted and shall be exempt from the maximum building height requirement provided that it is used solely for resident amenities and provided further that it occupy no more than 10% of the roof area of the building; not exceed 11 feet in height; and be set back a minimum of 15 feet from the edge of the roof from street facing facades. For townhouses facing Mount Lucas Road the maximum height shall be two and a half (2.5) stories from the level of the street, not to exceed 35 feet, measured from the average elevation of the curbline along the frontage for each individual unit.

(4) Maximum number of dwelling units shall not exceed eighty-two (82) dwellings in the AH-13 zone.

(5) Maximum number of buildings: Multiple buildings per lot are permitted.

(6) Minimum floor area devoted to retail sales and services and restaurants: 2,500 square feet.

(7) Minimum floor area devoted to offices, inclusive of medical offices and urgent care facilities: 9,000 square feet.

G. Off-street parking.

(1) Residential uses. Eight tenths (0.8) off-street parking spaces shall be provided for each dwelling.

(2) Non-residential uses. One (1) space for each 400 square feet of retail sales and services; one space for each 300 square feet of office space; and one space for each five (5) seats in a restaurant.

(3) Shared parking. The above parking standards may be reduced if a shared parking study is submitted to and approved by the Planning Board demonstrating that the mix of land uses have different parking demands and are therefore able to use the same space throughout the day.

(4) Compact spaces. A maximum of 25% of spaces within parking structures may be designed as compact spaces.

(5) Bicycle parking shall be provided in accordance with § T10B-282.2.

H. Lighting. Illumination of sites and buildings shall be regulated pursuant to §T10B-317.1, Lighting.

I. Signs.

(1) No more than two multi-family building mounted identification facade signs shall be permitted on the fifth story but not to exceed the top of the roof parapet and not to exceed eighty (80) square feet in size combined in total. If illuminated, such signs shall be either externally lit with directional lights that are shielded (so as to sufficiently illuminate the sign content) or halo-lit with shielded back glow illumination.

(2) Four office building identification signs shall be permitted: one building identification façade sign above the second story, not to exceed twenty-four (24) square feet in size, and three canopy-mounted signs above the first story not to exceed sixteen (16) square feet in size each. Canopy signs may encroach into the required setbacks. If illuminated, signs shall be either externally lit with directional lights that are shielded (so as to sufficiently illuminate the sign content) or halo-lit with shielded back glow illumination.

(3) One single-sided façade sign shall be permitted identifying the multi-family building lobby entrance along Mount Lucas Road not to exceed twenty (20) square feet in size. The sign shall be located on the south-facing wall of the lobby building. If illuminated, the sign shall be either externally lit with directional lights that are shielded (so as to sufficiently

illuminate the sign content) or halo-lit with shielded back glow illumination.

(4) One canopy-mounted retail identification sign per tenant shall be permitted above the first story of the building not to exceed sixteen (16) square feet in size. If illuminated, such sign shall be either externally lit with directional lights that are shielded (so as to sufficiently illuminate the sign content) or halo-lit with shielded back glow illumination. One projecting sign shall be allowed per retail tenant in accordance with §B17A-368(5).

(5) One canopy-mounted building sign facing Mount Lucas Road shall be permitted above the first story not to exceed twenty (20) square feet in size. If illuminated, such sign shall be either externally lit with directional lights that are shielded (so as to sufficiently illuminate the sign content) or halo-lit with shielded back glow illumination.

(6) Two building mounted parking garage entrance signs shall be permitted above the first story of the building, one facing State Road (Rt. 206) and the other facing Mount Lucas Road. Neither sign shall exceed thirteen (13) square feet in size. If illuminated, such signs shall be either externally lit with directional lights that are shielded (so as to sufficiently illuminate the sign content) or halo-lit with shielded back glow illumination.

(7) Address numbers shall be permitted at each entrance to a townhouse unit.

Section 4. Conflicts. If the terms of this Ordinance shall be in conflict with those of another Ordinance, the provisions of this Ordinance shall control.

Section 5. Severability. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 6. Referral. After introduction, the Municipal Clerk is hereby directed to submit a copy of this ordinance to the Princeton Planning Board for its review and report in accordance with N.J.S.A. 40:55D-64.

Section 7. Notice. The Municipal Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the Mercer County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-62.1.

Section 8. Effective Date. This ordinance shall take effect immediately upon final passage and publication, filing with the Mercer County Planning Board, and as otherwise provided for by law.

Dawn M. Mount, Clerk

Hon. Mark Freda, Mayor

STATEMENT OF PURPOSE: The purpose of this ordinance is to amend Princeton's zoning ordinance by creating a new affordable housing zoning district in furtherance of Princeton's Fourth Round Housing Plan Element and Fair Share Plan.

NOTICE

NOTICE IS HEREBY GIVEN that the above Ordinance was introduced and passed on first reading at the Council Meeting of the Mayor and Council of the Municipality of Princeton in the County of Mercer, State of New Jersey, held on February 23, 2026 and will be considered for final passage and adoption at the Council Meeting scheduled for March 9, 2026 at 7:30 p.m. at the Princeton Municipal Building, 400 Witherspoon Street, Princeton, New Jersey. Any person interested in this matter will be given an opportunity to be heard at that meeting. A copy of this Ordinance may be obtained at no cost by any member of the general public upon request at the Municipal Building during business hours.

File #: ORD 26-12 **Agenda Date:** 2/23/2026 **Agenda #:** 2.

An Ordinance of the Municipality of Princeton Amending Chapter B17A Entitled "Land Use and Zoning" of the Municipality of Princeton to Create the Affordable Housing District-17 (AH-17) in Furtherance of the Fair Housing Act (Public Hearing: March 9, 2026)- Roll Call

ORDINANCE #2026-12

AN ORDINANCE OF THE MUNICIPALITY OF PRINCETON AMENDING CHAPTER B17A ENTITLED "LAND USE AND ZONING" OF THE MUNICIPALITY OF PRINCETON TO CREATE THE AFFORDABLE HOUSING DISTRICT-17 (AH-17) IN FURTHERANCE OF THE FAIR HOUSING ACT

WHEREAS, the New Jersey Supreme Court, through its rulings in Southern Burlington County NAACP vs. Mount Laurel, 67 N.J. 151 (1975) ("Mount Laurel I") and Southern Burlington County NAACP vs. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II"), has determined that every municipality in New Jersey has a constitutional obligation to provide, through its land use regulations, a realistic opportunity for its fair share of the regional need for housing for low- and moderate-income households and families; and

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. into law, amending the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, *et seq.*, to establish a new framework for determining and enforcing municipalities' affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the Act (the "FHA"), starting with fourth round (2025-2035) affordable housing obligations; and

WHEREAS, in accordance with the FHA and Administrative Directive #14-24 issued by the Administrative Office of the Courts on December 13, 2024 ("Administrative Directive #14-24"), Princeton filed a Complaint for Declaratory Judgment entitled *In the Matter of the Application of the Municipality of Princeton in Mercer County*, Docket No. MER-L-000207-25 on January 28, 2025 (the "Fourth Round DJ Action"), identifying Princeton's present and prospective fair share obligations for the Fourth Round, and committing to adopting and submitting a Fourth Round Housing Plan Element and Fair Share Plan ("HEFSP") as required by the FHA; and

WHEREAS, on June 25, 2025, the Princeton Planning Board ("Board") adopted a Fourth Round HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq., as required by and in conformance with the FHA; and

WHEREAS, on June 26, 2025, by Resolution No. 25-230, the Mayor and Council endorsed Princeton's Fourth Round HEFSP, which was filed with the court in the Fourth Round DJ Action on June 27, 2025; and

WHEREAS, Princeton's Fourth Round HEFSP addresses Princeton's affordable housing obligations in a manner which will promote the public health and general welfare, and sets forth a plan which fully satisfies Princeton's Fourth Round affordable housing obligations; and

WHEREAS, as contemplated by and in conformity with P.L.2024, c.2, Princeton now looks forward to implementing the goals, objectives and housing opportunities contemplated by its HEFSP by creating a new Affordable Housing District-17 ("AH-17") zoning district; and

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-1 ("MLUL") at N.J.S.A. 40:55D-62.a requires that the provisions of a zoning ordinance be substantially consistent with the land use plan element and the housing plan element of the master plan or designed to effectuate such plan elements; and

WHEREAS, Princeton finds and declares that, pursuant to the purposes of the MLUL, the within ordinance promotes the public health, safety, morals, and general welfare and advances the municipality's efforts to meet its constitutional obligation to provide for its fair share of very low, low and moderate income housing; and

WHEREAS, the Mayor and Council formally refers this Ordinance to the Board for review, examination, discussion and recommendations in accordance with N.J.S.A. 40:55D-26; and

WHEREAS, the adoption of this Ordinance was appropriately noticed pursuant to the requirements of the MLUL.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Municipality of Princeton as follows:

Section 1. Affordable Housing Districts. Section §B17A-202(i), "Affordable Housing Districts", of Chapter B17A of the "Code of the Borough of Princeton, New Jersey, 1974" (the "Code"), entitled "Land Use and Zoning", is amended to add the following new zoning district:

(17) AH-17 Affordable Housing – 17.

Section 2. Zoning Map. Section §B17A-203, "District Map", of Chapter B17A of the Code, is hereby supplemented and amended to modify the "Official Zoning Map of Princeton, Mercer County, New Jersey" by designating the following lands identified by block(s) and lot(s) on the official Tax Map of Princeton as follows:

Block(s)	Lot(s)	Street Address	Existing District	New District
32.01	167	27 N. Harrison Street	AHO-2 and R-3B	AH-17

Section 3. Affordable Housing District Provisions. Division 10 "Affordable Housing Zones" of Chapter B17A of the Code is hereby supplemented and amended to add the following new Affordable Housing Zone to Subdivision II "Affordable Housing (AH) Zones" as follows:

§B17A-497. Affordable Housing District 17 (AH-17)

A. Purpose. The purpose of the Affordable Housing District – 17 (AH-17) zoning district is to redevelop land no longer necessary for a public use for an affordable housing development in furtherance of the housing policies expressed in the Master Plan.

B. Permitted Uses. In the AH-17 district, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

(1) Multiple dwellings.

(2) Townhouses.

(3) Municipal use.

C. Accessory Uses Permitted. Any of the following uses shall be permitted when used in conjunction with a principal use:

(1) Residential management office.

(2) Common rooms/areas, including for meetings, recreation, laundry and storage.

(3) Communications infrastructure.

(4) Maintenance and storage.

(5) Off-street parking and loading.

(6) Street/site furnishings.

(7) Home occupations.

(8) Fences and walls.

(9) Landscape amenities and open space.

(10) Signs.

(11) Storm water management facilities and other utilities.

(12) Other customary uses which are clearly incidental and subordinance to a permitted principal use on the same lot.

D. Required Income Restriction. In any AH-17 district, all dwellings shall be affordable to very low, low and moderate income households. Affordable units shall be restricted, regulated and administered consistent with the Municipality's affordable housing regulations, the Uniform Housing Affordability Controls rules (N.J.A.C. 5:80-26.1 et seq.) and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), including the Fair Housing Act's definition of very low-income households and all other provisions of the Municipality's Affordable Housing Ordinance (§T10B-332).

E. AH-17 Site Development Regulations. The following site development regulations shall apply to all lots and buildings:

(1) Minimum yard requirements:

(a) Front yard: five (5) feet.

(b) Northern Side yard: eight (8) feet.

(c) Southern side yard: five (5) feet.

(d) Rear yard: fifteen (15) feet.

(2) Maximum impervious coverage: ninety percent (90%).

(3) Building height: Maximum building height shall be three stories (3) stories, not to exceed thirty-six (36) feet, within twenty-five (25) feet of the front property line, and four (4) stories and forty-eight (48) feet on the remainder of the lot.

(4) Minimum dwellings. At least 34 dwelling units shall be developed within the AH-17 district.

F. Maximum number of buildings: multiple buildings per lot are permitted.

G. Off-street parking: a minimum of one parking space per dwelling unit shall be provided.

H. Landscaping. A landscaped buffer of not less than five (5) feet in width shall be provided along any common property line in a side or rear yard where a side or rear yard is required. Buffers may be comprised of fences and landscaping, which shall be of a sufficient quantity and size to provide a visual separation from adjacent property.

I. Lighting. Illumination of sites and buildings shall be regulated pursuant to §B17A-365.1 Lighting.

J. Signs. Signs shall be regulated pursuant to municipal signage regulations.

K. Additional development requirement. Any new construction within the AH-17 district shall be subject to a municipal developer's agreement, or equivalent thereof, for the development of the site.

Section 4. Conflicts. If the terms of this Ordinance shall be in conflict with those of another Ordinance, the provisions of this Ordinance shall control.

Section 5. Severability. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 6. Referral. After introduction, the Municipal Clerk is hereby directed to submit a copy of this ordinance to the Princeton Planning Board for its review and report in accordance with N.J.S.A. 40:55D-64.

Section 7. Notice. The Municipal Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the Mercer County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-62.1.

Section 8. Effective Date. This ordinance shall take effect immediately upon final passage and publication, filing with the Mercer County Planning Board, and as otherwise provided for by law.

_____ _____

Dawn M. Mount, Clerk Hon. Mark Freda, Mayor

STATEMENT OF PURPOSE: The purpose of this ordinance is to amend Princeton's zoning ordinance by creating a new affordable housing zoning district in furtherance of Princeton's Fourth Round Housing Plan Element and Fair Share Plan.

NOTICE

NOTICE IS HEREBY GIVEN that the above Ordinance was introduced and passed on first reading at the Council Meeting of the Mayor and Council of the Municipality of Princeton in the County of Mercer, State of New Jersey, held on February 23, 2026 and will be considered for final passage and adoption at the Council Meeting scheduled for March 9, 2026 at 7:00 p.m. at the Princeton Municipal Building, 400 Witherspoon Street, Princeton, New Jersey. Any person

interested in this matter will be given an opportunity to be heard at that meeting. A copy of this Ordinance may be obtained at no cost by any member of the general public upon request at the Municipal Building during business hours.

File #: ORD 26-13 **Agenda Date:** 2/23/2026 **Agenda #:** 3.

An Ordinance of the Municipality of Princeton Amending Chapter T10B Entitled “Land Use” of the Municipality of Princeton to Create the Affordable Housing District-18 (AH-18) in Furtherance of the Fair Housing Act (Public Hearing: March 9, 2026)- Roll Call

ORDINANCE #2026-13

AN ORDINANCE OF THE MUNICIPALITY OF PRINCETON AMENDING CHAPTER T10B ENTITLED "LAND USE" OF THE MUNICIPALITY OF PRINCETON TO CREATE THE AFFORDABLE HOUSING DISTRICT-18 (AH-18) IN FURTHERANCE OF THE FAIR HOUSING ACT

WHEREAS, the New Jersey Supreme Court, through its rulings in Southern Burlington County NAACP vs. Mount Laurel, 67 N.J. 151 (1975) ("Mount Laurel I") and Southern Burlington County NAACP vs. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II"), has determined that every municipality in New Jersey has a constitutional obligation to provide, through its land use regulations, a realistic opportunity for its fair share of the regional need for housing for low- and moderate-income households and families; and

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. into law, amending the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, *et seq.*, to establish a new framework for determining and enforcing municipalities' affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the Act (the "FHA"), starting with fourth round (2025-2035) affordable housing obligations; and

WHEREAS, in accordance with the FHA and Administrative Directive #14-24 issued by the Administrative Office of the Courts on December 13, 2024 ("Administrative Directive #14-24"), Princeton filed a Complaint for Declaratory Judgment entitled *In the Matter of the Application of the Municipality of Princeton in Mercer County*, Docket No. MER-L-000207-25 on January 28, 2025 (the "Fourth Round DJ Action"), identifying Princeton's present and prospective fair share obligations for the Fourth Round, and committing to adopting and submitting a Fourth Round Housing Plan Element and Fair Share Plan ("HEFSP") as required by the FHA; and

WHEREAS, on June 25, 2025, the Princeton Planning Board ("Board") adopted a Fourth Round HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq., as required by and in conformance with the FHA; and

WHEREAS, on June 26, 2025, by Resolution No. 25-230, the Mayor and Council endorsed Princeton's Fourth Round HEFSP, which was filed with the court in the Fourth Round DJ Action on June 27, 2025; and

WHEREAS, Princeton's Fourth Round HEFSP addresses Princeton's affordable housing obligations in a manner which will promote the public health and general welfare, and sets forth a plan which fully satisfies Princeton's Fourth Round affordable housing obligations; and

WHEREAS, as contemplated by and in conformity with P.L.2024, c.2, Princeton now looks forward to implementing the goals, objectives and housing opportunities contemplated by its HEFSP by creating a new Affordable Housing District-18 ("AH-18") zoning district; and

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-1 ("MLUL") at N.J.S.A. 40:55D-62.a requires that the provisions of a zoning ordinance be substantially consistent with the land use plan element and the housing plan element of the master plan or designed to effectuate such plan elements; and

WHEREAS, Princeton finds and declares that, pursuant to the purposes of the MLUL, the within ordinance promotes the public health, safety, morals, and general welfare and advances the municipality's efforts to meet its constitutional obligation to provide for its fair share of very low, low and moderate income housing; and

WHEREAS, the Mayor and Council formally refers this Ordinance to the Board for review, examination, discussion and recommendations in accordance with N.J.S.A. 40:55D-26; and

WHEREAS, the adoption of this Ordinance was appropriately noticed pursuant to the requirements of the MLUL.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Municipality of Princeton as follows:

Section 1. Zoning Map. Section §T10B-242, "Zoning Map", of Chapter T10B of the Code, is hereby supplemented and amended to modify the "Official Zoning Map of Princeton, Mercer County, New Jersey" by designating the following lands identified by block(s) and lot(s) on the official Tax Map of Princeton as follows:

Block(s)	Lot(s)	Street Address	Existing District	New District
6902	29	303 John Street	R-9T	AH-18

Section 2. Division of Township into Zoning Districts. §T10B-244, "Division of Township into Zoning Districts", of Chapter T10B of the Code is hereby supplemented and amended to add the following zoning district:

Affordable Housing-18 (AH-18) Zone.

Section 3. Affordable Housing District Provisions. Division 2, "Zoning Districts", of Chapter T10B of the Code is hereby supplemented and amended to add the following new Affordable Housing Zone to Subdivision 2.27 "Affordable Housing (AH) Zones" as follows:

§T10B-272.123. Affordable Housing - 18 (AH-18)

A. Purpose. The purpose of the Affordable Housing District – 18 (AH-18) zoning district is to redevelop land no longer necessary for a public use for an affordable housing development in furtherance of the housing policies expressed in the Master Plan.

B. Permitted Uses. In –the AH-18 district, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

(1) Multiple dwellings.

(2) Townhouses.

C. Accessory Uses Permitted. Any of the following uses shall be permitted when used in conjunction with a principal use:

(1) Residential management office.

(2) Common rooms/areas, including for meetings, recreation, laundry and storage.

(3) Communications infrastructure.

(4) Maintenance and storage.

(5) Off-street parking and loading.

(6) Street/site furnishings.

(7) Home occupations.

(8) Fences and walls.

(9) Landscape amenities and open space.

(10) Signs.

(11) Storm water management facilities and other utilities

(12) Other customary uses which are clearly incidental and subordinate to a permitted principal use on the same lot.

D. Required Income Restriction. In any AH-18 district, all dwellings shall be affordable to very low, low and moderate income households, except that one dwelling may be exempt from such requirement for a site manager or superintendent's living quarters. Affordable units shall be restricted, regulated and

administered consistent with the Municipality's affordable housing regulations, the Uniform Housing Affordability Controls rules (N.J.A.C. 5:80-26.1 et seq.) and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), including the Fair Housing Act's definition of very low-income households and all other provisions of the Municipality's Affordable Housing Ordinance (§T10B-332).

E. AH-18 Site Development Regulations. The following site development regulations shall apply to all lots and buildings:

(1) Minimum yard requirements:

(a) Front yard: zero (0) feet.

(b) Side yard: five (5) feet.

(c) Rear yard: five (5) feet.

(2) Maximum impervious coverage: eighty percent (80%).

(3) Building height: Maximum building height shall be three-and-a-half (3.5) stories, not to exceed forty-five (45) feet.

(4) Minimum dwellings. At least thirty-five (35) affordable dwellings shall be developed within the AH-18 district.

F. Maximum number of buildings: Multiple buildings per lot are permitted.

G. Off-street parking for vehicles and bicycles.

(1) 0.8 vehicle parking space per dwelling unit.

(2) On-street parking credit. Off-street vehicle parking requirements shall be reduced by the number of new on-street public parking spaces created.

(3) Bicycle parking shall be provided in accordance with §T10B-282.2.

H. Landscaping. A landscaped buffer of not less than three (3) feet in width shall be provided along any common property line in a side or rear yard where a side or rear yard is required. Buffers may be comprised of fences and landscaping, which shall be of a sufficient quantity and size to provide a visual separation from adjacent property.

I. Lighting. Illumination of sites and buildings shall be regulated pursuant to §B17A-365.1 Lighting.

J. Signs. Signs shall be regulated pursuant to municipal code.

Section 4. Conflicts. If the terms of this Ordinance shall be in conflict with those of another Ordinance, the provisions of this Ordinance shall control.

Section 5. Severability. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 6. Referral. After introduction, the Municipal Clerk is hereby directed to submit a copy of this ordinance to the Princeton Planning Board for its review and report in accordance with N.J.S.A. 40:55D-64.

Section 7. Notice. The Municipal Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the Mercer County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-62.1.

Section 8. Effective Date. This ordinance shall take effect immediately upon final passage and publication, filing with the Mercer County Planning Board, and as otherwise provided for by law.

_____ _____

Dawn M. Mount, Clerk Hon. Mark Freda, Mayor

STATEMENT OF PURPOSE: The purpose of this ordinance is to amend Princeton's zoning ordinance by creating a new affordable housing zoning district in furtherance of Princeton's Fourth Round Housing Plan Element and Fair Share Plan.

NOTICE

NOTICE IS HEREBY GIVEN that the above Ordinance was introduced and passed on first reading at the Council Meeting of the Mayor and Council of the Municipality of Princeton in the County of Mercer, State of New Jersey, held on February 23, 2026 and will be considered for final passage and adoption at the Council Meeting scheduled for March 9, 2026 at 7:00 p.m. at the Princeton Municipal Building, 400 Witherspoon Street, Princeton, New Jersey. Any person interested in this matter will be given an opportunity to be heard at that meeting. A copy of this Ordinance may be obtained at no cost by any member of the general public upon request at the Municipal Building during business hours.

File #: ORD 26-14 **Agenda Date:** 2/23/2026 **Agenda #:** 4.

An Ordinance of the Municipality of Princeton Amending Chapter B17A Entitled "Land Use and Zoning" of the Municipality of Princeton to Create the Affordable Housing Overlay District-19 (AHO-19) in Furtherance of the Fair Housing Act (Public Hearing: March 9, 2026)- Roll Call

ORDINANCE #2026-14

AN ORDINANCE OF THE MUNICIPALITY OF PRINCETON AMENDING CHAPTER B17A ENTITLED "LAND USE AND ZONING" OF THE MUNICIPALITY OF PRINCETON TO CREATE THE AFFORDABLE HOUSING OVERLAY DISTRICT-19 (AHO-19) IN FURTHERANCE OF THE FAIR HOUSING ACT

WHEREAS, the New Jersey Supreme Court, through its rulings in Southern Burlington County NAACP vs. Mount Laurel, 67 N.J. 151 (1975) ("Mount Laurel I") and Southern Burlington County NAACP vs. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II"), has determined that every municipality in New Jersey has a constitutional obligation to provide, through its land use regulations, a realistic opportunity for its fair share of the regional need for housing for low- and moderate-income households and families; and

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. into law, amending the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, *et seq.*, to establish a new framework for determining and enforcing municipalities' affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the Act (the "FHA"), starting with fourth round (2025-2035) affordable housing obligations; and

WHEREAS, in accordance with the FHA and Administrative Directive #14-24 issued by the Administrative Office of the Courts on December 13, 2024 ("Administrative Directive #14-24"), Princeton filed a Complaint for Declaratory Judgment entitled *In the Matter of the Application of the Municipality of Princeton in Mercer County*, Docket No. MER-L-000207-25 on January 28, 2025 (the "Fourth Round DJ Action"), identifying Princeton's present and prospective fair share obligations for the Fourth Round, and committing to adopting and submitting a Fourth Round Housing Plan Element and Fair Share Plan ("HEFSP") as required by the FHA; and

WHEREAS, on June 25, 2025, the Princeton Planning Board ("Board") adopted a Fourth Round HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq., as required by and in conformance with the FHA; and

WHEREAS, on June 26, 2025, by Resolution No. 25-230, the Mayor and Council endorsed Princeton's Fourth Round HEFSP, which was filed with the court in the Fourth Round DJ Action on June 27, 2025; and

WHEREAS, Princeton's Fourth Round HEFSP addresses Princeton's affordable housing obligations in a manner which will promote the public health and general welfare, and sets forth a plan which fully satisfies Princeton's Fourth Round affordable housing obligations; and

WHEREAS, as contemplated by and in conformity with P.L.2024, c.2, Princeton now looks forward to implementing the goals, objectives and housing opportunities contemplated by its HEFSP by creating a new Affordable Housing Overlay District-19 ("AHO-19") zoning district; and

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-1 ("MLUL") at N.J.S.A. 40:55D-62.a requires that the provisions of a zoning ordinance be substantially consistent with the land use plan element and the housing plan element of the master plan or designed to effectuate such plan elements; and

WHEREAS, Princeton finds and declares that, pursuant to the purposes of the MLUL, the within ordinance promotes the public health, safety, morals, and general welfare and advances the municipality's efforts to meet its constitutional obligation to provide for its fair share of very low, low and moderate income housing; and

WHEREAS, the Mayor and Council formally refers this Ordinance to the Board for review, examination, discussion and recommendations in accordance with N.J.S.A. 40:55D-26; and

WHEREAS, the adoption of this Ordinance was appropriately noticed pursuant to the requirements of the MLUL.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Municipality of Princeton as follows:

Section 1. Definitions Amended. Section §B17A-201, "Definitions", of Chapter B17A of the "Code of the Borough of Princeton, New Jersey, 1974" (the "Code"), entitled "Land Use and Zoning", is amended to add the following new definitions:

DWELLING, ATTACHED
A one-family dwelling unit in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

STACKED TOWNHOUSE
See "Dwelling, Stacked Attached"

TOWNHOUSE
See "Dwelling, Attached"

Section 2. Affordable Housing Districts. Section §B17A-202(i), "Affordable Housing Districts", of Chapter B17A of the "Code of the Borough of Princeton, New Jersey, 1974" (the "Code"), entitled "Land Use and Zoning", is amended to add the following new zoning district:

(18) AHO-19 Affordable Housing Overlay – 19.

Section 3. Zoning Map. Section §B17A-203, "District Map", of Chapter B17A of the Code, is hereby supplemented and amended to modify the "Official Zoning Map of Princeton, Mercer County, New Jersey" by designating the following lands identified by block(s) and lot(s) on the official Tax Map of Princeton as follows:

Block(s)	Lot(s)	Street Address	Existing Overlay District	New Overlay District
32.01	214	344 Nassau Street	AHO-2	AHO-19
34.01	14	342 Nassau Street	AHO-2	AHO-19
34.01	32	338 Nassau Street	AHO-2	AHO-19
52.01	67	341 Nassau Street	AHO-2	AHO-19
53.01	80	343-345 Nassau Street	AHO-2	AHO-19

Section 4. Affordable Housing District Provisions. Division 10 "Affordable Housing Zones" of Chapter B17A of the Code is hereby supplemented and amended to add the following new Affordable Housing Zone to Subdivision I "Affordable Housing Overlay (AHO) Zones" as follows:

§B17A-460. Affordable Housing Overlay - 19 (AHO-19)

A. Purpose. The purpose of the Affordable Housing Overlay – 19 ("AHO-19") zoning district is to provide a realistic opportunity for the construction of affordable housing pursuant to the New Jersey Fair Housing Act and thereby comply with the Municipality's constitutional obligation to provide such housing to for low-and moderate-income households. Specifically, the AHO-19 zone is established to encourage redevelopment consisting of upper-story multiple dwellings with an affordable housing set-aside, along with ground-level retail, service, commercial and office uses.

B. Permitted Uses. In the AHO-19 District, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

(1) Multiple dwellings above the ground floor, or behind retail sales and services businesses and restaurants located on the ground floor or street level.

(2) Townhouses (dwelling, attached).

(3) Stacked townhouses.

(4) Combinations of multiple dwellings, townhouses and stacked townhouses.

(5) Retail sales and services, offices and restaurants located on the ground floor or street level, provided the establishment faces on Nassau Street.

C. Accessory Uses Permitted. Any of the following uses shall be permitted when used in conjunction with a principal use:

(1) Residential management office.

(2) Common rooms/areas, including for meetings, recreation, laundry and storage.

(3) Communications infrastructure.

(4) Maintenance facility.

(5) Maintenance and storage.

(6) Off-street parking and loading.

(7) Street/site furnishings.

(8) Home occupations.

(9) Fences and walls.

(10) Landscape amenities and open space.

(11) Signs.

(12) Storm water management facilities and other utilities.

(13) Other customary uses which are clearly incidental and subordinate to a permitted principal use on the same lot.

D. Required Income Restriction. In any AHO-19 district, at least twenty percent (20%) of the total number of dwellings shall be affordable to very low, low and moderate income households. Affordable units shall be restricted, regulated and administered consistent with the Municipality's affordable housing regulations, the Uniform Housing Affordability Controls rules (N.J.A.C. 5:80-26.1 et seq.) and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), including the Fair Housing Act's definition of very low-income households and all other provisions of the Municipality's Affordable Housing Ordinance (§T10B-332).

E. AHO-19 Site Development Regulations. The following site development regulations shall apply to all lots and buildings:

(1) Minimum yard requirements:

(a) Front yard: five (5) feet, or no less than three (3) feet more than the existing front yard setback of an adjacent building in the Jugtown Historic Overlay District on Nassau Street, whichever is greater.

(b) Side yard: five (5) feet, except where the side yards facing public streets of corner lots where the primary frontage is Harrison Street, the minimum side yard shall be five (5) feet; or, at least three (3) feet greater than the existing side yard depth of an existing building on the lot, whichever is greater.

(c) Rear yard: five (5) feet.

(2) Minimum landscape buffer to residential zones: 15 feet.

(3) Exemptions from setback standards: the minimum and maximum front, side, and rear yard setback standards do not apply to street-fronting buildings required to be retained in the AHO-19 Overlay District.

(4) Maximum impervious coverage: 80%.

(5) Maximum building height and roof requirement. A pitched roof shall be required; consequently, flat roofs shall not be permitted. The maximum building height shall be three (3) stories, not to exceed thirty-five (35) feet. The spring point of such pitched roof shall be no greater than five feet above the finished floor level of the third floor.

(6) Street-fronting buildings: Retention of the street-fronting buildings in existence as of July 13, 2020 (the date of adoption of Ordinance 2020-17 that established the AHO-2 Overlay Zone) is required and no new construction is permitted on top of these existing buildings: Block 32.01, Lot 214 (344 Nassau Street), Block 34.01, Lot 14 (342 Nassau Street), Block 34.01, Lot 32 (338 Nassau Street); Block 52.01, Lot 67 (341 Nassau Street); and Block 53.01, Lot 80 (343-345 Nassau Street).

F. Off-street parking.

(1) Residential uses:

(a) Up to five dwelling units, inclusive of existing and new: no off-street parking is required.

(b) 1.1 off-street parking spaces shall be provided for each new dwelling unit in excess of five dwelling units.

(c) On-street parking credit. Off-street parking requirements shall be reduced by the number of new on-street parking spaces created.

(2) Non-residential uses, one space for each 400 sf. of retail sales and services; one space for each 300 sf. of office space; and one space for each five seats in a restaurant.

G. Lighting. Illumination of sites and buildings shall be regulated pursuant to §B17A-365.1 Lighting.

H. Signs. Signs shall be regulated pursuant to §B17A-368, Accessory Signs-Permitted, in business districts

Section 5. Conflicts. If the terms of this Ordinance shall be in conflict with those of another Ordinance, the provisions of this Ordinance shall control.

Section 6. Severability. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 7. Referral. After introduction, the Municipal Clerk is hereby directed to submit a copy of this ordinance to the Princeton Planning Board for its review and report in accordance with N.J.S.A. 40:55D-64.

Section 8. Notice. The Municipal Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the Mercer County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-62.1.

Section 9. Effective Date. This ordinance shall take effect immediately upon final passage and publication, filing with the Mercer County Planning Board, and as otherwise provided for by law.

_____ _____

Dawn M. Mount, Clerk Hon. Mark Freda, Mayor

STATEMENT OF PURPOSE: The purpose of this ordinance is to amend Princeton's zoning ordinance by creating a new affordable housing zoning overlay district in furtherance of Princeton's Fourth Round Housing Plan Element and Fair Share Plan.

NOTICE

NOTICE IS HEREBY GIVEN that the above Ordinance was introduced and passed on first reading at the Council Meeting of the Mayor and Council of the Municipality of Princeton in the County of Mercer, State of New Jersey, held on February 23, 2026 and will be considered for final passage and adoption at the Council Meeting scheduled for March 9, 2026 at 7:00 p.m. at the Princeton Municipal Building, 400 Witherspoon Street, Princeton, New Jersey. Any person interested in this matter will be given an opportunity to be heard at that meeting. A copy of this Ordinance may be obtained at no cost by any member of the general public upon request at the Municipal Building during business hours.

File #: ORD 26-15 **Agenda Date:** 2/23/2026 **Agenda #:** 5.

An Ordinance of the Municipality of Princeton Amending Chapter T10B Entitled "Land Use" of the Municipality of Princeton to Address the Requirements of the Fair Housing Act and the Uniform Housing Affordability Controls ("UHAC") Regarding Compliance with the Municipality's Affordable Housing Obligations (Public Hearing: March 9, 2026)- Roll Call

ORDINANCE #2026-15

AN ORDINANCE OF THE MUNICIPALITY OF PRINCETON AMENDING CHAPTER T10B ENTITLED "LAND USE" OF THE MUNICIPALITY OF PRINCETON TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS ("UHAC") REGARDING COMPLIANCE WITH THE MUNICIPALITY'S AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, the New Jersey Supreme Court, through its rulings in Southern Burlington County NAACP vs. Mount Laurel, 67 N.J. 151 (1975) ("Mount Laurel I") and Southern Burlington County NAACP vs. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II"), has determined that every municipality in New Jersey has a constitutional obligation to provide, through its land use regulations, a realistic opportunity for its fair share of the regional need for housing for low- and moderate-income households and families; and

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. into law, amending the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, et seq., to establish a new framework for determining and enforcing municipalities' affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the Act (the "FHA"), starting with fourth round (2025-2035) affordable housing obligations; and

WHEREAS, in accordance with the FHA and Administrative Directive #14-24 issued by the Administrative Office of the Courts on December 13, 2024 ("Administrative Directive #14-24"), Princeton filed a Complaint for Declaratory Judgment entitled In the Matter of the Application of the Municipality of Princeton in Mercer County, Docket No. MER-L-000207-25 on January 28, 2025 (the "Fourth Round DJ Action"), identifying Princeton's present and prospective fair share obligations for the Fourth Round, and committing to adopting and submitting a Fourth Round Housing Plan Element and Fair Share Plan ("HEFSP") as required by the FHA; and

WHEREAS, on June 25, 2025, the Princeton Planning Board ("Board") adopted a Fourth Round HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq., as required by and in conformance with the FHA; and

WHEREAS, on June 26, 2025, by Resolution No. 25-230, the Mayor and Council endorsed Princeton's Fourth Round HEFSP, which was filed with the court in the Fourth Round DJ Action on June 27, 2025; and

WHEREAS, Princeton's Fourth Round HEFSP addresses Princeton's affordable housing obligations in a manner which will promote the public health and general welfare, and sets forth a plan which fully satisfies Princeton's Fourth Round affordable housing obligations; and

WHEREAS, as contemplated by and in conformity with P.L.2024, c.2, and with the Uniform Housing Affordability Controls ("UHAC") at N.J.A.C. 5:80-26.1 et seq., Princeton now looks forward to implementing the goals, objectives and housing opportunities contemplated by its HEFSP by updating the regulations by which affordable units in the Municipality are created and administered; and

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-1 ("MLUL") at N.J.S.A. 40:55D-62.a requires that the provisions of a land use ordinance be substantially consistent with the land use plan element and the housing plan element of the master plan or designed to effectuate such plan elements; and

WHEREAS, Princeton finds and declares that, pursuant to the purposes of the MLUL, the within ordinance promotes the public health, safety, morals, and general welfare and advances the municipality's efforts to meet its constitutional obligation to provide for its fair share of very low, low and moderate income housing; and

WHEREAS, the Mayor and Council formally refers this Ordinance to the Board for review, examination, discussion and recommendations in accordance with N.J.S.A. 40:55D-26; and

WHEREAS, the adoption of this Ordinance was appropriately noticed pursuant to the requirements of the MLUL.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Municipality of Princeton as follows:

Section 1. Affordable Housing. Article XII, "Affordable Housing", of Chapter T10B of the "Code of the Borough of Princeton, New Jersey, 1974" (the "Code"), entitled "Land Use", is hereby repealed and replaced in its entirety with a new Article XII, "Affordable Housing", to read as follows:

ARTICLE XII Affordable Housing.

Division 1. General.

§T10B-332 **Introduction & Applicability.**

(a) This section of the Code sets forth regulations regarding the very low-, low- and moderate-income housing units in the Municipality of Princeton consistent with the provisions outlined in P.L 2024, Chapter 2, including the amended Fair Housing Act ("FHA") at N.J.S.A. 52:27D-301 et seq., as well as the Department of Community Affairs, Division of Local Planning Services ("LPS") at N.J.A.C. 5:99 et seq., statutorily upheld existing regulations of the now-defunct Council on Affordable Housing ("COAH") at N.J.A.C. 5:93 and 5:97, the Uniform Housing Affordability Controls ("UHAC") at N.J.A.C. 5:80-26.1 et seq., and as reflected in the adopted municipal Fourth Round Housing Element and Fair Share Plan ("HEFSP").

(b) This Ordinance is intended to ensure that very low-, low- and moderate-income units ("affordable units") are created with controls on affordability over time and that very low-, low- and moderate-income households shall occupy these units pursuant to statutory

requirements. This Ordinance shall apply to all inclusionary developments, individual affordable units, and 100% affordable housing developments except where inconsistent with applicable law. Low-Income Housing Tax Credit financed developments shall adhere to the provisions set forth below in item 5.c. below.

(c) The Princeton Planning Board has adopted a HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan describes the ways the municipality shall address its fair share of very low-, low- and moderate-income housing as approved by the Superior Court and documented in the Housing Element.

(d) This Ordinance implements and incorporates the relevant provisions of the HEFSP and addresses the requirements of P.L 2024, Chapter 2, the FHA, N.J.A.C. 5:99, NJ Supreme Court upheld COAH regulations at N.J.A.C. 5:93 and 5:97, and UHAC at N.J.A.C. 5:80-26.1, as may be amended and supplemented.

(e) Applicability.

(1) The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created pursuant to the municipality's most recently adopted HEFSP.

(2) This Ordinance shall apply to all developments that contain very low-, low- and moderate-income housing units included in the Municipal HEFSP, including any unanticipated future developments that will provide very low-, low- and moderate-income housing units.

(3) Projects receiving federal Low Income Housing Tax Credit financing and are proposed for credit shall comply with the low/moderate split and bedroom distribution requirements, maximum initial rents and sales prices requirements, affirmative fair marketing requirements of UHAC at N.J.A.C. 5:80-26.16 and the length of the affordability controls applicable to such projects shall be not less than a 30-year compliance period plus a 15-year extended-use period, for a total of not less than 45 years.

§T10B-333 **Definitions.**

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

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

"Act" means the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

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

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

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

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

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

"Affordability assistance" means the use of funds to render housing units more affordable to low- and moderate-income households and includes, but is not limited to, down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowner's association or condominium fees and special assessments, common maintenance expenses, and assistance with emergency repairs and rehabilitation to bring deed-restricted units up to code, pursuant to N.J.A.C. 5:99-2.5.

"Affordability average" means an average of the percentage of regional median income at which restricted units in an affordable development are affordable to low- and moderate-income households.

"Affordable" means, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.7 and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.13.

"Affordable housing development" means a development included in a municipality's housing element and fair share plan, and includes, but is not limited to, an inclusionary development, a municipally sponsored affordable housing project, or a 100 percent affordable development. This includes developments with affordable units on-site, off-site, or provided as a payment in-lieu of construction only if such a payment-in-lieu option has been previously approved by the Program or Superior Court as part of the HEFSP. Payments in lieu of construction were invalidated per P.L. 2024, c.2.

"Affordable Housing Dispute Resolution Program" or "the Program" refers to the dispute resolution program established pursuant to N.J.S.A. 52:27D-313.2.

"Affordable Housing Monitoring System" or "AHMS" means the 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 Housing Trust Fund" or "AHTF" means that non-lapsing, revolving trust fund established in DCA pursuant to N.J.S.A. 52:27D-320 and N.J.A.C. 5:43 to be the repository of all State funds appropriated for affordable housing purposes. All references to the "Neighborhood Preservation Nonlapsing Revolving Fund" and "Balanced Housing" mean the AHTF.

"Affordable unit" means a housing unit proposed or developed pursuant to the Act, including units created with municipal affordable housing trust funds.

"Age-restricted housing" means a housing unit that is designed to meet the needs of, and is exclusively for, an age-restricted segment of the population such that: 1. All the residents of the development where the unit is situated are 62 years or older; 2. At least 80 percent of the units are occupied by one person that is 55 years or older; or 3. The development has been designated by the Secretary of HUD as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

"Agency" means the New Jersey Housing and Mortgage Finance Agency established by P.L.1983, c. 530 (C.55:14K-1 et seq.).

"Assisted living residence" means a facility licensed by the New Jersey Department of Health to provide apartment-style housing and congregate dining and to ensure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor. Apartment units must offer, at a minimum, one unfurnished room, a private bathroom, a kitchenette, and a lockable door on the unit entrance.

"Barrier-free escrow" means 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.

"Builder's remedy" means court-imposed site-specific relief for a litigant who seeks to build affordable housing for which the court requires a municipality to utilize zoning techniques, such as mandatory set-asides or density bonuses, including techniques which provide for the economic viability of a residential development by including housing that is not for low- and moderate-income households.

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

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

"COAH" or the "Council" means the Council on Affordable Housing established in, but not of, DCA pursuant to the Act and that was abolished effective March 20, 2024, pursuant to section 3 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1).

"Commissioner" means the Commissioner of the Department of Community Affairs.

"Compliance certification" means the certification obtained by a municipality pursuant to section 3 of P.L.2024, c. 2 (C.52:27D-304.1), 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 round begins, which is also known as a "judgment of compliance" or "judgment of repose." The term "compliance certification" shall include a judgment of repose granted in an action filed pursuant to section 13 of P.L.1985, c. 222 (C.52:27D-313).

"Construction" means 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.).

"County-level housing judge" means a judge appointed pursuant to section 5 at P.L. 2024, c. 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" and "Department" mean the State of New Jersey Department of Community Affairs.

"Deficient housing unit" means a housing unit with health and safety code violations that require 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.

"Department" means the New Jersey Department of Community Affairs.

"Developer" means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

"Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement 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 the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

"Development fee" means money 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.

"Dispute Resolution Program" means the Affordable Housing Dispute Resolution Program, established pursuant to section 5 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-313.2).

"Division" means the Division of Local Planning Services within the Department of Community Affairs.

"Emergent opportunity" means 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" means 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.

"Equity share amount" means the product of the price differential and the equity share, with the equity share being the whole number of years that have elapsed since the last non-exempt sale of a restricted ownership unit, divided by 100, except that the equity share may not be less than five percent and may not exceed 30 percent.

"Exit sale" means the first authorized non-exempt sale of a restricted unit following the end of the control period, which sale terminates the affordability controls on the unit.

"Exclusionary zoning litigation" means 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" means 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" means the total of the present need and prospective need, including prior rounds, as determined by the Affordable Housing Dispute Resolution Program, or a court of competent jurisdiction.

"Fair share plan" means the plan or proposal, with accompanying ordinances and resolutions, by which a municipality proposes to satisfy its constitutional obligation to create a realistic opportunity to meet its fair share of low- and moderate-income housing needs of its region and which details the affirmative measures the municipality proposes to undertake to achieve its fair share of low- and moderate-income housing, as provided in the municipal housing element, and which addresses the development regulations necessary to implement the housing element, including, but not limited to, inclusionary requirements and development fees, and the elimination of unnecessary housing cost-generating features from the municipal land use ordinances and regulations.

"FHA" means the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

"Green Building Strategies" means the 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.

"HMFA" or "the Agency" means the New Jersey Housing and Mortgage Finance Agency established pursuant to P.L. 1983, c. 530 (N.J.S.A. 55:14K-1 et seq.).

"Household income" means 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" means the portion of a municipality's master plan adopted in accordance with the Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-28.b(3) and the Act consisting of reports, statements proposals, maps, diagrams, and text designed to meet the municipality's fair share of its region's present and prospective housing needs, particularly with regard to low- and moderate-income housing, which shall include the municipal present and prospective obligation for affordable housing, determined pursuant to subsection f. at N.J.S.A. 52:27D-304.1.

"Housing region" means a geographic area established pursuant to N.J.S.A. 52:27D-304.2b.

"Inclusionary development" means a residential housing development in which a substantial percentage of the housing units are provided for a reasonable income range of low- and moderate- income households.

"Judgment of compliance" or "judgment for repose" means 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" means a household with a household income equal to 50 percent or less of the regional median income.

"Low-income unit" means a restricted unit that is affordable to a low-income household.

"Major system" means 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 or load bearing structural systems.

"Mixed use development" means 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 maybe 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.

"Moderate-income household" means a household with a household income in excess of 50 percent but less than 80 percent of the regional median income.

"Moderate-income unit" means a restricted unit that is affordable to a moderate-income household.

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

"Municipal housing liaison" or "MHL" means 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.

"Municipal affordable housing trust fund" means 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 previously approved prior to March 20, 2024 (per P.L. 2024, c.2), 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.

"Municipal development fee ordinance" means an ordinance adopted by the governing body of a municipality that authorizes the collection of development fees.

"New construction" means 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.

"New Jersey Affordable Housing Trust Fund" means an account established pursuant to N.J.S.A. 52:27D-320.

"New Jersey Housing Resource Center" or "Housing Resource Center" means the online affordable housing listing portal, or its successor, overseen by the Agency pursuant to N.J.S.A. 52:27D-321.3 et seq.

"95/5 restriction" means 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 95 percent of the price differential to be paid to the municipality or an instrument of the municipality at the closing of a sale at market price.

"Non-exempt sale" means 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.

"Nonprofit" means an organization granted nonprofit status in accordance with section 501(c)(3) of the Internal Revenue Code.

"Non-residential development" means:

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;

Hotels, motels, vacation timeshares, and child-care facilities; and

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" means the fee authorized to be imposed pursuant to N.J.S.A. 40:55D-8.1 through 40:55D-8.7.

"Order for repose" means 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" means the prior approval of the payment of funds to the municipality by a developer when affordable units are were not produced on a site zoned for an inclusionary development. The statutory permission for payments in lieu of constructing affordable units was eliminated per P.L. 2024, c.2.

"Prospective need" means a projection of housing needs based on development and growth which is reasonably likely to occur in a region or a municipality, as the case may be, as a result of actual determination of public and private entities. Prospective need shall be determined by the methodology set forth pursuant to sections 6 and 7 of P.L.2024, c. 2 (C.52:27D-304.2 and C.52:27D-304.3) for the fourth round and all future rounds of housing obligations.

"Qualified Urban Aid Municipality" means a municipality that meets the criteria established pursuant to N.J.S.A. 52:27D-304.3.c(1).

"Person with a disability" means a person with a physical disability, infirmity, malformation, or disfigurement which is caused by bodily injury, birth defect, aging, or illness including epilepsy and other seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impairment, deafness or hearing impairment, the inability to speak or a speech impairment, or physical reliance on a service animal, wheelchair, or other remedial appliance or device.

"Price differential" means 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" means 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.

"Program" means the Affordable Housing Dispute Resolution Program, established pursuant to section 5 of P.L.2024, c. 2 (C.52:27D-313.2).

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

"RCA administrator" means an appointed municipal employee who is responsible for oversight and/or administration of affordable units and associated revenues and expenditures within the municipality that were funded through regional contribution agreements.

"RCA project plan" means a past application, submitted by a receiving municipality in an RCA, delineating the manner in which the receiving municipality intended to create or rehabilitate low- and moderate-income housing.

"Receiving municipality" means, for the purposes of an RCA, a municipality that contractually agreed to assume a portion of another municipality's fair share obligation.

"Reconstruction" means any project where the extent and nature of the work is such that the work area cannot be occupied while the work is in progress and where a new certificate of occupancy is required before the work area can be reoccupied, pursuant to the Rehabilitation Subcode of the uniform Construction Code, N.J.A.C. 5:23-6. Reconstruction shall not include projects comprised only of floor finish replacement, painting or wallpapering, or the replacement of equipment or furnishings. Asbestos hazard abatement and lead hazard abatement projects shall not be classified as reconstruction solely because occupancy of the work area is not permitted.

"Recreational facilities and community centers" means any indoor or outdoor buildings, spaces, structures, or improvements intended for active or passive recreation, including, but not limited to, ballfields, meeting halls, and classrooms, accommodating either organized or informal activity.

"Regional contribution agreement" or "RCA" means a contractual agreement, pursuant to the Act, into which two municipalities voluntarily entered into and was approved by COAH and/or Superior Court 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" means 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" means the repair, renovation, alteration, or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

"Rent" means 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. With respect to units in assisted living residences, rent does not include charges for food and services.

"Residential development fee" means 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.

"Restricted unit" means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of this subchapter but does not include a market-rate unit that was financed pursuant to UHORP, MONI, or CHOICE.

"Spending plan" means a method of allocating funds contained in an affordable housing trust fund account, which includes, but is not limited to, development fees collected and to be collected pursuant to an approved municipal development fee ordinance, or pursuant to N.J.S.A. 52:27D-329.1 et seq., for the purpose of meeting the housing needs of low- and moderate-income individuals.

"State Development and Redevelopment Plan" or "State Plan" means the plan prepared pursuant to sections 1 through 12 of the "State Planning Act," P.L.1985, c. 398 (C.52:18A-196 et al.), designed to represent a balance of development and conservation objectives best suited to meet the needs of the State, and for the purpose of coordinating planning activities and establishing Statewide planning objectives in the areas of land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination pursuant to subsection f. of section 5 of P.L.1985, c. 398 (C.52:18A-200).

"Supportive housing household" means a very low-, low- or moderate-income household certified as income eligible by an administrative agent in accordance with N.J.A.C. 5:80-26.14, in which at least one member is an individual who requires supportive services to maintain housing stability and independent living and who is part of a population identified by federal or state statute, regulation, or program guidance as eligible for supportive or special needs housing. Such populations include, but are not limited to: persons with intellectual or developmental disabilities, persons with serious mental illness, person with head injuries (as defined in Section 2 of P.L. 1977), persons with physical disabilities or chronic health conditions, persons who are homeless as defined by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 578, survivors of domestic violence, youth aging out of foster care, and other special needs populations recognized under programs administered by the U.S. Department of Housing and Urban Development, the Low-Income Housing Tax Credit Program, the McKinney–Vento Act, or the New Jersey Department of Human Services. A supportive housing household may include family members, unrelated individuals, or live-in aides, provided that the household meets the income eligibility requirements of this subchapter, except that in the case of unrelated individuals not operating as a family unit, income eligibility shall be tested on an individual basis rather than in the aggregate; the unit is leased or sold subject to the affordability controls established herein; and the supportive services available to the household are designed to promote housing stability, independent living, and community integration. The determination of whether unrelated individuals are operating as a family unit shall be made based on the applicant's self-identification of household members on the affordable housing application.

"Supportive housing sponsoring program" means grant or loan program which provided financial assistance to the development of the unit.

"Supportive housing unit" means a restricted rental unit, as defined by N.J.S.A. 34:1B-21.24, that is affordable to very low-, low- or moderate-income households and is reserved for

occupancy by a supportive housing household. Supportive housing units are also referred to as permanent supportive housing units.

"Transitional housing" means temporary housing that: (1) includes, but is not limited to, single-room occupancy housing or shared living and supportive living arrangements; (2) provides access to on-site or off-site supportive services for very low-income households who have recently been homeless or lack stable housing; (3) is licensed by the department; and (4) allows households to remain for a minimum of six months.

"Treasurer" means the Treasurer of the State of New Jersey.

"UHAC" means the Uniform Housing Affordability Controls set forth at N.J.A.C. 5:80-26.

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

"Unit type" means type of dwelling unit with various building standards including but not limited to single-family detached, single-family attached/townhouse, stacked townhouse (attached building containing 2 units each with separate entrances), duplex (detached building containing 2 units each with separate entrances), triplex (3 units each with separate entrance), quadplex (4 units each with separate entrance), multifamily / flat (2 or more units with a shared entrance). Inclusion of a garage, or not, shall not define the unit type.

"Very-low-income household" means a household with a household income less than or equal to 30 percent of the regional median income.

"Very-low-income housing" means housing affordable according to the Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 30 percent or less of the median gross household income for households of the same size within the housing region in which the housing is located.

"Very-low-income unit" means a restricted unit that is affordable to a very-low-income household.

"Veteran" means a veteran as defined at N.J.S.A. 54:4-8.10.

"Veterans' preference" means 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 50 percent of rental units in relevant projects, as provided for at N.J.S.A. 52:27D-311.j.

"Weatherization" means 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 rehabilitation.

§T10B-334 **Monitoring and Reporting Requirements.**

(a) The municipality shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its court-approved Housing Element and Fair Share Plan:

(1) The municipality shall provide electronic monitoring data with the Department pursuant to P.L 2024, Chapter 2 and N.J.A.C. 5:99 through the Affordable Housing Monitoring System (AHMS). All monitoring information required to be made public by the FHA shall be available to the public on the Department's website at https://www.nj.gov/dca/dlps/hss/MuniStatusReporting.shtml.

(2) On or before February 15 of each year, the municipality shall provide annual reporting of its municipal Affordable Housing Trust Fund activity to the Department on the AHMS portal. The reporting shall include an accounting of all municipal Affordable Housing Trust Fund activity, including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended, for the previous year from January 1st to December 31st.

(3) On or before February 15 of each year, the annual reporting of the status of all affordable housing activity shall be provided to the Department on the AHMS portal, for the previous year from January 1st to December 31st.

T10B-335 **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%.

(b) Within the lands of the former Borough, any residential development, except as noted herein, providing a minimum of 10 new housing units at a density of six or more units per acre that requires site plan or subdivision approval shall provide a minimum affordable housing set-aside of 20%, to be included within the development.

(1) A developer subject to this mandatory affordable housing set-aside ordinance may request, and the approving authority at its discretion may grant, additional incentives for the production of affordable housing, including but not limited to increased density, an increase in the maximum permitted number of dwelling units within a building, and/or a reduction in the off-street parking spaces otherwise required.

(c) Any affordable units generated through such mandatory set-aside shall be subject to all other provisions of this ordinance.

(d) All such affordable units shall be governed by this ordinance, including controls on affordability and bedroom distribution, and shall be affirmatively marketed to the 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.

(e) 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.

(f) 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.

(g) 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.

(h) In the event that the inclusionary set-aside of 20% 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% 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% 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.

Division 2. **Affordable Housing Regulations.**

§T10B-335 **New Construction** (per N.J.A.C. 5:93 as may be updated per various sections in N.J.A.C. 5:97 and N.J.S.A. 52:27D-301 et seq.). Per the definition of "New Construction," this section governs the creation of new affordable housing units regardless of the means by which the units are created. Newly constructed units may include new residences constructed or created through other means.

(a) The following requirements shall apply to all new or planned developments that contain very low-, low- and moderate-income housing units. To the extent possible, details related to the adherence to the requirements below shall be outlined in the resolution granting municipal subdivision or site plan approval of the project to assist municipal representatives, developers and Administrative Agents.

(b) Completion Schedule (previously known as phasing). Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following completion schedule for very low-, low- and moderate-income units whether developed in a single-phase development, or in a multi-phase development:

Maximum Percentage of Market-Rate Units Issued a Temporary or Final Certificate of Occupancy	Minimum Percentage of Affordable Units Issued a Temporary or Final Certificate of Occupancy

25+1	10
50	50
75	75
90	100

(c) Design. The following design requirements apply to affordable housing developments, excluding prior round units.

(1) Design of 100 percent affordable developments:

a. Restricted units must meet the minimum unit square footage required and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.

b. Each bedroom in each restricted unit must have at least one window.

c. Restricted units must include adequate air conditioning and heating.

(2) Design of developments comprising market-rate rental units and restricted rental units. The following does not apply to prior round units, unless stated otherwise.

a. Restricted units must use the same building materials and architectural design elements (for example, plumbing, insulation, or siding) as market-rate units of the same unit type (for example, flat or townhome) within the same development, except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.

b. Restricted units and market-rate units within the same affordable development must be sited such that restricted units are not concentrated in less desirable locations.

c. Restricted units may not be physically clustered so as to segregate restricted and market-rate units within the same development or within the same building, but must be interspersed throughout the development, except that age-restricted and supportive housing units may be physically clustered if the clustering facilitates the provision of on-site medical services or on-site social services. Prior round affordable units shall be integrated with market rate units to the extent feasible.

d. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.

e. Restricted units must include adequate air conditioning and heating and must use the same type of cooling and heating sources as market-rate units of the same unit type. This shall apply to prior round units.

f. Each bedroom in each restricted unit must have at least one window.

g. Restricted units must be of the same unit type as market-rate units within the same building.

h. Restricted units and bedrooms must be no less than 90 percent of the minimum size prescribed by the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.

(3) Design of developments containing for-sale units, including those with a mix of rental and for-sale units. Restricted rental units shall meet the requirements of section b above. Restricted sale units shall comply with the below:

a. Restricted units must use the same building standards as market-rate units of the same unit type (for example, flat, townhome, or single-family home), except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.

b. Restricted units may be clustered, provided that the buildings or housing product types containing the restricted units are integrated throughout the development and are not concentrated in an undesirable location or in undesirable locations. Prior round affordable units shall be integrated with market rate units to the extent feasible.

c. Restricted units may be of different unit housing product types than market-rate units, provided that there is a restricted option available for each market rate housing type. Developments containing market-rate duplexes, townhomes, and/or single-family homes shall offer restricted housing options that also include duplexes, townhomes, and/or single-family homes. Penthouses and higher priced end townhouses may be exempt from this requirement. The proper ratio for restricted to market-rate unit type shall be subject to municipal ordinance or, if not specified, shall be determined at the time of site plan approval.

d. Restricted units must meet the minimum unit square footage required and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.

e. Penthouse and end units may be reserved for market-rate sale, provided that the overall number, value, and distribution of affordable units across the development is not negatively impacted by such reservation(s).

f. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.

g. Each bedroom in each restricted unit must have at least one window; and

h. Restricted units must include adequate air conditioning and heating.

(d) Utilities.

a. Affordable units shall utilize the same type of cooling and heating source as market-rate units within the affordable housing development.

b. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance in accordance with N.J.AC 5:80-26.13(e).

(e) Low/moderate split and bedroom distribution.

a. Affordable units 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.

b. In each affordable housing development, at least 50% of the restricted units within each bedroom distribution rounded up to the nearest whole number, shall be very low- or low-income units. A developer may request from the governing body a waiver of the requirement to round up, upon demonstration that strict adherence to this requirement would cause undue hardship or would be site-infeasible.

c. Within rental developments, of the total number of affordable rental units, at least 13%, rounded up to the nearest whole number, shall be affordable to very low-income households. The very low-income units shall be 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, and counted as part of the required number of low-income units within the development.

d. Affordable housing developments that are not age-restricted or supportive housing shall be structured 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 50 percent of all restricted units;

c. The combined number of efficiency and one-bedroom units shall be no greater than 20%, rounded down, of the total number of low- and moderate-income units. A developer may request from the governing body a waiver of the requirement to round down, upon demonstration that strict adherence to this requirement would cause undue hardship or would be site-infeasible.

d. At least 30% of all low- and moderate-income units, rounded up shall be two-bedroom units. . A developer may request from the governing body a waiver of the requirement to round up, upon demonstration that strict adherence to this requirement would cause undue hardship or would be site-infeasible.

e. At least 20% of all low- and moderate-income units, rounded up shall be three-bedroom units. . A developer may request from the governing body a waiver of the requirement to round up, upon demonstration that strict adherence to this requirement would cause undue hardship or would be site-infeasible.

f. The remaining units may be allocated among two- and three- bedroom units at the discretion of the developer.

e. Affordable housing developments that are age-restricted or supportive housing, except those supportive housing units whose sponsoring program determines the unit

arrangements, shall be structured such that, at a minimum, the number of bedrooms shall equal the number of age-restricted or supportive housing low- and moderate-income units within the inclusionary development. Supportive housing units whose sponsoring program determines the unit arrangement shall comply with all requirements of the sponsoring program. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit. In affordable housing developments with 20 or more restricted units that are age-restricted or supportive housing, two-bedroom units must comprise at least 5% of those restricted units.

(f) Accessibility requirements.

a. Any new construction shall be adaptable; however, elevators shall not be required in any building or within any dwelling unit for the purpose of compliance with this section. In buildings without elevator service, only ground floor dwelling units shall be required to be constructed to conform with the technical design standards of the barrier free subcode. "Ground floor" means the first floor with a dwelling unit or portion of a dwelling unit, regardless of whether that floor is at grade. A building may have more than one ground floor.

b. Notwithstanding the exemption for townhouse dwelling units in the barrier free subcode, the first floor of all townhouse dwelling units and of all other multifloor dwelling units that are attached to at least one other dwelling unit shall be subject to the technical design standards of the barrier free subcode and shall include the following features:

a. An adaptable toilet and bathing facility on the first floor;

b. An adaptable kitchen on the first floor;

c. An interior accessible route of travel however an interior accessible route of travel shall not be required between stories;

d. An adaptable room that can be used as a bedroom, with a door, or the casing for the installation of a door that is compliant with the Barrier Free Subcode, on the first floor;

e. If not all of the foregoing requirements in b.i. through b.iv. can be satisfied, then an interior accessible route of travel shall be provided between stories within an individual unit; and

f. An accessible entranceway as set forth in 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 municipality has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:

i. Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.

ii. To this end, the builder of restricted units shall deposit funds within the Affordable Housing Trust Fund sufficient to install accessible entrances in

10% of the affordable units that have been constructed with adaptable entrances.

iii. The funds deposited shall be expended 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.

iv. The developer of the restricted units shall submit to the Construction Official a design plan and cost estimate for the conversion from adaptable to accessible entrances.

v. Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meets the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Affordable Housing Trust Fund and earmarked appropriately.

g. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site-impracticable" to meet the requirements. If full compliance with this section would be site impracticable, compliance with this section for any portion of the dwelling shall be required to the extent that it is not site impracticable. Determinations of site impracticability shall comply with the Barrier Free Subcode at N.J.A.C. 5:23-7.

§T10B-336 **Affordable Housing Programs**.

(a) Pursuant to amended UHAC regulations at N.J.A.C. 5:80-26.1 et seq. and, in addition, pursuant to P.L. 2024, c.2 and specifically to the amended FHA at N.J.S.A. 52:27D-311.m, "All parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by the Council on Affordable Housing unless those regulations are contradicted by statute, including but not limited to P.L. 2024, c.2, or binding court decisions." The following are many of the main provisions of the COAH regulations at either N.J.A.C. 5:93 or 5:97 that have been upheld by the NJ Supreme Court. Municipalities should consult the cited full COAH regulations when preparing the HEFSP for required documentation, etc. Additional compliance details may also be included in the specific municipal program manual.

(b) Rehabilitation Programs (per N.J.A.C. 5:93-5.2 with updated provisions herein per N.J.A.C. 5:97-6.2 related to credit towards a municipal present need obligation).

(1) The rehabilitation program shall be designed to renovate deficient housing units occupied or intended to be occupied by very low-, low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28-1.1 et seq or the Rehabilitation Subcode, N.J.A.C. 5:23-6 to the extent applicable.

(2) Both ownership and rental units shall be eligible for rehabilitation funds.

(3) All rehabilitated units shall remain affordable to very low-, low- and moderate-income households for a period of 10 years (the control period). For owner-occupied units, the

control period shall be enforced with a mortgage and note and for renter-occupied units the control period will be enforced with a deed restriction.

(4) The municipality shall dedicate a minimum average hard cost of $10,000 for each unit to be rehabilitated through this program and in addition shall dedicate associated rehabilitation program soft costs such as case management, inspection fees and work write-ups.

(5) The municipality shall designate, subject to the approval of the Department, one or more Administrative Agents to administer the rehabilitation program in accordance with P.L 2024, Chapter 2. The Administrative Agent(s) shall provide rehabilitation manuals for ownership and rental rehabilitation programs. Manuals shall be adopted by resolution of the governing body. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and on the municipal affordable housing web page.

(6) Households determined to be very low-, low-, or moderate-income may participate in a rehabilitation program. Rehabilitated units shall be exempt from the very low-income requirements, low/mod split, and bedroom distribution requirements of UHAC, but shall be administered in accordance with the following:

a. If a unit is vacant at the time of rehabilitation, or if a rehabilitated unit becomes vacant and is re-rented before the expiration of the affordability controls, the deed restriction shall require that the unit be rented to a low- or moderate-income household at an affordable rent.

b. If a rental unit is occupied by a tenant at the time rehabilitation is completed, the rent charged after rehabilitation shall not exceed the lesser of the tenant's current rent or the maximum rent permitted under UHAC.

c. Rents in rehabilitated units may increase annually based on the standards in UHAC.

d. At the time of application, applicant households and/or tenant households shall be subject to income eligibility determinations in accordance with UHAC.

(c) Accessory Apartment program (per N.J.A.C. 5:93-5.9 as may be updated per various sections in N.J.A.C. 5:97-6.8).

(1) All affordable accessory apartments created under this section of the Ordinance shall comply with the provisions for accessory dwelling units in the Residential district in which the unit is located.

(2) An affordable accessory apartment program shall provide low- and moderate-income units or may be limited to only low- or only moderate-income units.

(3) Per N.J.A.C. 5:97-6.8(c)1, at the time of initial occupancy of the unit and for at least 10 years thereafter, the accessory apartment shall be rented only to income eligible households consistent with the income category and rent structure of the unit.

(4) Rents of accessory apartments shall be established using the same methodology of affordable rental units discussed herein

(5) There shall be a recorded deed or declaration of covenants and restrictions applied to the property upon which the accessory apartment is located running with the land and limiting its subsequent rental for the duration of the control period.

(6) The municipal accessory apartment program shall not restrict the number of bedrooms in any accessory apartment.

(7) Per N.J.A.C. 5:97-6.8(b)2, the municipality shall provide a minimum of $25,000 per unit to subsidize the creation of each low-income accessory apartment or $20,000 per unit to subsidize the creation of each moderate-income accessory apartment. Subsidy may be used to fund actual construction costs and/or to provide compensation for reduced rental rates.

(d) Assisted Living Residence (per N.J.A.C. 5:97-6.11).

(1) An assisted living residence is a facility licensed by the New Jersey Department of Health to provide apartment-style housing and congregate dining and to assure that assisted living services are available. All or a designated number of apartments in the facility shall be restricted to low- and moderate-income households.

(2) The unit of credit shall be the apartment. However, a two-bedroom apartment shall be eligible for two units of credit if it is restricted to two unrelated individuals.

(3) A recipient of a Medicaid waiver shall automatically qualify as a low- or moderate-income household.

(4) Assisted living units are considered age-restricted housing in a HEFSP and shall be included with the maximum number of units that may be age-restricted.

(5) Low- and moderate-income residents cannot be charged any upfront fees.

(6) The units shall comply with UHAC with the following exceptions:

a. Affirmative marketing (N.J.A.C. 5:80-26.16); provided that the units are restricted to recipients of Medicaid waivers;

b. The deed restriction may be on the facility, rather than individual apartments or rooms;

c. Low/moderate income split and affordability average (N.J.A.C. 5:80-26.4); only if all of the affordable units are affordable to households at a maximum of 60 percent of median income; and

(7) Tenant income eligibility (N.J.A.C. 5:80-26.14); up to 80 percent of an applicant's gross income may be used for rent, food and services based on occupancy type and the affordable unit must receive the same basic services as required by the Agency's underwriting guidelines and financing policies. The cost of non-housing related services shall not exceed one and two-thirds times the rent established for each unit.

(e) Supportive Housing and Group Homes (per N.J.A.C. 5:97-6.10).

(1) The following provisions shall apply to group homes, residential health care facilities, and supportive shared living housing:

a. Units are subject to Affirmative Marketing requirements, household certification, and administrative agent oversight; and may, with the approval of the municipal

housing liaison and the administrative agent, be leased either by the bedroom or to a single household in the case of multi-bedroom configurations, provided such arrangement is consistent with the Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968).

b. Units may, with the approval of the administrative agent, be subject to a master lease by an approved supportive housing operator, provided that all subleases are to be certified supportive housing households and remain fully subject to the affordability controls of this subchapter. Rents for supportive housing units shall not exceed the rent standards established and published by the New Jersey Department of Human Services.

c. The unit of credit shall be the bedroom. However, the unit of credit shall be the unit if occupied by a single person or household.

d. Housing that is age-restricted shall be included with the maximum number of units that may be age-restricted pursuant to the Act.

e. Occupancy shall not be restricted to youth under 18 years of age.

f. In affordable developments with 20 or more restricted units that are supportive housing, two-bedroom units must compose at least five percent of those restricted units.

g. The bedrooms and/or units shall comply with UHAC with the following exceptions:

   i. Affirmative marketing; however, group homes, residential health care facilities, permanent supportive housing, and supportive shared living housing shall be affirmatively marketed to broadest possible population of qualified individuals with special needs in accordance with a plan approved by the sponsoring program;

   ii. Affordability average and bedroom distribution (N.J.A.C. 5:80-26.4).

h. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, group homes, residential health care facilities, supportive shared living housing and permanent supportive housing shall have the appropriate controls on affordability in accordance with the Act. In the event that a supportive housing provider is unable to record or execute a long-term deed restriction, the units shall be subject to annual recertification by the Municipal Housing Liaison to confirm continued occupancy and compliance with this Section.

i. Objective standards shall be applied in the selection of tenants for supportive housing units and shall be designed to ensure that individuals are not excluded in an arbitrary or capricious manner.

j. The following documentation shall be submitted by the sponsor to the municipality prior to marketing the completed units or facility:

   i. An Affirmative Marketing Plan in accordance with vii.(a) above; and

ii. If applicable, proof that the supportive and/or special needs housing is regulated by the New Jersey Department of Health and Senior Services, the New Jersey Department of Human Services or another State agency in accordance with the requirements of this section, which includes validation of the number of bedrooms or units in which low- or moderate-income occupants reside.

k. The sponsor/owner shall complete annual monitoring as directed by the MHL.

§T10B-337 **Regional Income Limits.**

(a) Administrative agents shall use the current regional income limits for the purpose of pricing affordable units and determining income eligibility of households.

(b) Regional income limits are based on regional median income, which is established by a regional weighted average of the "median family incomes" published by HUD. The procedure for computing the regional median income is detailed in N.J.A.C. 5:80-26.3.

(c) Updated regional income limits are effective as of the effective date of the regional Section 8 income limits for the year, as published by HUD, or 45 days after HUD publishes the regional Section 8 income limits for the year, whichever comes later. The new income limits may not be less than those of the previous year.

§T10B-338 **Maximum Initial Rents And Sales Prices.**

(a) In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC N.J.A.C. 5:80-26.4.

(b) The average rent for all restricted units within each affordable housing development shall be affordable to households earning no more than 52 percent of regional median income.

(c) The maximum rent for restricted rental units within each affordable housing development shall be affordable to households earning no more than 60% of regional median income. The maximum rent may be increased to no more than 70 percent of regional median income for moderate-income units within affordable developments where very-low-income units compose at least 13 percent of the restricted units; however, the number of units with rent affordable to households earning 70 percent of regional median income may not exceed the number of very-low-income units in excess of 13 percent (rounded up) of the restricted units.)

(d) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13% of all low- and moderate-income rental units shall be affordable to households earning no more than 30% of median income. These very low-income units shall be part of the low-income requirement and very-low-income units should be 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.

(e) The maximum sales price of restricted ownership units within each affordable housing development shall be affordable to households earning no more than 70% of median income, and each affordable housing development must achieve an affordability average that does not exceed 55% for all restricted ownership units. In achieving this affordability average, moderate-income ownership units must be available for at least three different

prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type when the number of low- and moderate-income units permits.

(f) The master deeds and declarations of covenants and restrictions for affordable developments may not distinguish between restricted units and market-rate units in the calculation of any condominium or homeowner association fees and special assessments to be paid by low- and moderate-income purchasers and those to be paid by market-rate 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.

(g) In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted family units, the following standards shall be met:

(1) A studio or efficiency unit shall be affordable to a one-person household;

(2) A one-bedroom unit shall be affordable to a one and one-half person household;

(3) A two-bedroom unit shall be affordable to a three-person household;

(4) A three-bedroom unit shall be affordable to a four and one-half person household; and

(5) A four-bedroom unit shall be affordable to a six-person household.

(h) In determining the initial rents and sales prices for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted and special needs and supportive housing developments, the following standards shall be met:

(1) A studio or efficiency unit shall be affordable to a one-person household;

(2) A one-bedroom unit shall be affordable to a one and one-half person household; and

(3) A two-bedroom unit shall be affordable to a two-person household or to two one-person households. Where pricing is based on two one-person households, the developer shall provide a list of units so priced to the Municipal Housing Liaison and the Administrative Agent.

(i) 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 95 percent of the purchase price and the Freddie Mac 30-Year Fixed Rate-Mortgage rate of interest), property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 30 percent of the eligible monthly income of the appropriate size household as determined pursuant to N.J.A.C. 5:80-26.7, 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.

(j) The initial rent for a restricted rental unit shall be calculated so that the total monthly housing expense, including an allowance for tenant-paid utilities, does not exceed 30 percent of the gross monthly income of a household of the appropriate size whose income is targeted to the applicable percentage of median income for the unit, as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented. The rent shall also

comply with the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented. The initial rent for a restricted rental unit shall be calculated so the eligible monthly housing expenses/income, including an allowance for tenant-paid utilities does not exceed 30 percent of gross income of and the appropriate household size as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented.

(k) 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." Rent increases for units constructed pursuant to Low-Income Housing Tax Credit regulations shall be indexed pursuant to the regulations governing Low-Income Housing Tax Credits.

§T10B-339 **Selection of Occupants of Affordable Housing Units.**

(a) The Administrative Agent shall use a random selection process to select occupants of very low-, low- and moderate-income housing.

(b) A pool of interested households will be maintained in accordance with the provisions of N.J.A.C. 5:80-26.16.

§T10B-340 **Occupancy Standards.**

(a) In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:

(1) Ensure each bedroom is occupied by at least one person, except for age-restricted and supportive and special needs housing units;

(2) Provide a bedroom for every two 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.

Division 3. Owner-Occupied Unit Standards.

§T10B-341 **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 controls on affordability for a period of at least 30 years subject to the requirements of N.J.A.C. 5:80-26.6, as may be amended and supplemented.

(b) Rehabilitated housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years (crediting towards present need only).

(c) The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit. The date of commencement shall be identified in the deed restriction.

(d) If existing affordability controls are being extended, the extended control period for a restricted ownership unit commences on the effective date of the extension, which is the end of the original control period.

(e) After the end of any control period, the restricted ownership unit remains subject to the affordability controls set forth in this subchapter until the owner gives notice of their intent to make an exit sale, at which point:

(1) If the municipality exercises the right to extend the affordability controls on the unit, no exit sale occurs and a new control period commences; or

(2) If the municipality does not exercise the right to extend the affordability controls on the unit, the affordability controls terminate following the exit sale.

(f) Prior to the issuance of any building permit for the construction/rehabilitation of restricted ownership units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.

(g) Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the nonrestricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.

(h) At the time of the initial sale of the unit and upon each successive price-restricted sale, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obliging the purchaser, as well as the purchaser's heirs, successors, and assigns, to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.

(i) The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to price-restricted ownership units.

§T10B—343 **Price Restrictions for Restricted Ownership Units 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 and affordability percentage 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 standards set forth in N.J.A.C 5:80-26.7.

a. If the resale occurs prior to the one-year anniversary of the date on which title to the unit was transferred to a certified household, the maximum resale price for a is the most recent non-exempt purchase price.

b. 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

(3) The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be:

a. those that render the unit suitable for a larger household or the addition of a bathroom.

b. The maximum resale price may be further increased by an amount up to the cumulative dollar value of approved capital improvements made after the last non-exempt sale for improvements and/or upgrades to the unit, excluding capital improvements paid for by the entity favored on the recapture note and recapture lien described at N.J.A.C. 5:80-26.6(d);

(4) No increase for capital improvements is permitted if the maximum resale price prior to adjusting for capital improvements already exceeds whatever initial purchase price the unit would have if it were being offered for purchase for the first time at the initial affordability percentage. All adjustments for capital improvements are subject to 10-year, straight-line depreciation.

(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, wall-to-wall carpeting) 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 but shall be separate and apart from any contract of sale for the underlying real estate. 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 of the air conditioning equipment, which shall be subject to 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 seller 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 the time of or as a condition of resale.

§T10B-342 **Buyer Income Eligibility.**

(a) Buyer income eligibility for restricted ownership units shall be established pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented, such that very low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 30% of median income, low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 50% of median income and moderate-income ownership units shall be reserved for occupancy by households with a gross household income less than 80% of median income.

(b) Notwithstanding the foregoing, the Administrative Agent may, upon approval by the municipality, and subject to the Division's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low-income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit. 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. In such instances, the purchased unit must be maintained as a very-low-income unit and sold at a very-low-income price point such that on the next resale the unit will still be affordable to very-low-income households and able to be purchased by a very-low-income household. A very-low-income unit that is seeking bonus credit pursuant to N.J.S.A. 52:27D-311.k(9) must first be advertised exclusively as a very-low-income unit according to the Affirmative Marketing requirements at N.J.A.C. 5:80-26.16, then advertised as a very-low-income or low-income unit for at least 30 additional days prior to referring any low-income household to the unit.

(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 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, property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 35 percent of the household's eligible monthly income; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

(1) The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for housing expenses, and the proposed housing expenses will reduce its housing costs;

(2) The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for housing expenses in the past and has proven its ability to pay; or

(3) The household is currently in substandard or overcrowded living conditions;

(4) The household documents the existence of assets, within the asset limitation otherwise applicable, with which the household proposes to supplement the rent payments

§T10B-343 **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 apply to 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.

(b) With the exception of original purchase money mortgages, neither an owner nor a lender shall at any time during the control period cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95% of the maximum allowable resale price of that unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C. 5:80-26.7(c).

Division 4. **Renter Occupied Unit Standards.**

§T10B-344 **Control Periods for Restricted Rental Units.**

(a) Control periods for units that meet the definition of prior round units shall be pursuant to the 2001 UHAC rules originally adopted October 1, 2001, 33 N.J.R. 3432, and amended December 20, 2004, 36 N.J.R. 5713 and shall remain subject to the requirements of this ordinance for a period of at least 30 years as applicable unless otherwise indicated.

(b) Other than for prior round units, 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 Ordinance for a period of at least 40 years. Restricted rental units created as part of developments receiving 9% Low-Income Housing Tax Credits must comply with a control period of not less than a 30-year compliance period plus a 15-year extended use period for a total of 45 years.

(c) The affordability control period for a restricted rental unit shall commence 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, which is the end of the original control period.

(d) Rehabilitated renter-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years.

(e) Prior to the issuance of any building permit for the construction/rehabilitation of restricted rental units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.

(f) Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property. The deed restriction shall be recorded by the developer with the county records office, and provided as filed and recorded, to the Administrative Agent within 30 days of the receipt of a certificate of occupancy.

(g) A restricted rental unit shall remain subject to the affordability controls of this Ordinance 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;

(3) The entry and enforcement of any judgment 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 certified as over-income and the controls are released in accordance with UHAC.

§T10B-345 **Rent Restrictions for Rental Units; Leases and Fees.**

(a) The initial rent for a restricted rental unit shall be set by the Administrative Agent.

(b) A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be retained on file by the Administrative Agent.

(c) 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.

(1) Operating costs, for the purposes of this section, include certificate of occupancy fees, move-in fees, move-out fees, mandatory internet fees, mandatory cable fees, mandatory utility submetering fees, and for developments with more than one and a half off-street parking spaces per unit, parking fees for one parking space per household.

(d) Any fee structure that would remove or limit affordable unit occupant access to any amenities or services that are required or included for market-rate unit occupants is prohibited. Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

(e) Fees for unit-specific, non-communal items that are charged to market-rate unit tenants on an optional basis, such as pet fees for tenants with pets, storage spaces, bicycle-share programs, or one-time rentals of party or media rooms, may also be charged to affordable unit tenants, if applicable.

(f) Pet fees may not exceed $30.00 per month and associated one-time payments for optional fees pertaining to pets, such as a pet cleaning fee, are prohibited.

(g) Fees charged to affordable unit tenants for other optional, unit-specific, non-communal items shall not exceed the amounts charged to market-rate tenants.

(h) For any prior round rental unit leased before December 20, 2024, elements of the existing fee structure that are consistent with prior rules, but inconsistent with 5:80-26.13(c)1, may continue until the occupant household's current lease term expires or that occupant household vacates the unit, whichever occurs later.

§T10B-346 **Tenant Income Eligibility.**

(a) Tenant income eligibility shall be determined pursuant to 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 gross household income less than or equal to 30% of the regional median income by household size.

(2) Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of the regional median income by household size.

(3) Moderate-income rental units shall be reserved for households with a gross household income less than 80% of the regional median income by household size.

(b) The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income or moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% 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 or more of the following circumstances exists:

(1) The household currently pays more than 35% (40% 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 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;

(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 any of the circumstances in 2.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

Division V. **Administration.**

§T10B-347 **Municipal Housing Liaison.**

(a) The Municipal Housing Liaison shall be approved annually by municipal resolution.

(b) The Municipal Housing Liaison shall be approved by the Division, or is in the process of getting approval, and fully or conditionally meets the requirements for qualifications, including initial and periodic training as set forth in in N.J.A.C. 5:99-1 et seq.

(c) The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program, including the following responsibilities, which may not be contracted out to the Administrative Agent:

(1) Serving as the primary point of contact for all inquiries from the Affordable Housing Dispute Resolution Program, the State, affordable housing providers, administrative agents and interested households.

(2) The oversight of the Affirmative Marketing Plan and affordability controls.

(3) When applicable, overseeing and monitoring any contracting Administrative Agent.

(4) Overseeing the monitoring of the status of all restricted units listed in the Fair Share Plan.

(5) Verifying, certifying and providing annual information within AHMS at such time and in such form as required by the Division.

(6) Coordinating meetings with affordable housing providers and administrative agents, as needed.

(7) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division.

(8) Overseeing the recording of a preliminary instrument in the form set forth at N.J.A.C. 5:80-26.1 for each affordable housing development.

(9) Coordinating with the Administrative Agent, municipal attorney and municipal Construction Code Official to ensure that permits are not issued unless the document required in C.8. above has been duly recorded.

(10) Listing on the municipal website contact information for the MHL and Administrative Agents.

§T10B-348 **Administrative Agent.**

(a) All municipalities that have created or will create affordable housing programs and/or affordable units shall designate or approve, for each project within its HEFSP, an administrative agent to administer the affordable housing program and/or affordable housing units in accordance with the requirements of the FHA, NJAC 5:99-1 et seq. and UHAC.

(b) The fees for administrative agents shall be paid as follows

(1) Administrative agent fees related to rental units shall be paid by the developer/owner, with the exception that administrative agent fees related to restricted accessory apartments shall be paid by the Municipality.

(2) Administrative agent fees related to initial sale of units shall be paid by the developer.

(3) Administrative agent fees related to resales shall be paid by the seller of the affordable home.

(4) Administrative agent fees related to ongoing administration and enforcement shall be paid by the municipality.

(c) An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s). The Operating Manual(s) shall be available for public inspection in the Office of the Clerk and in the office(s) of the Administrative Agent(s). Operating manuals shall be adopted by resolution of the Governing Body.

(d) Subject to the role of the Administrative Agent(s), the duties and responsibilities as are set forth in N.J.A.C. 5:99-7and which are described in full detail in the Operating Manual, including those set forth in UHAC, include:

(1) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division;

(2) Affirmative marketing:

a. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the municipality and the provisions of N.J.A.C. 5:80-26.16.

b. Providing 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.

(3) Household certification.

a. Soliciting, scheduling, conducting and following up on interviews with interested households.

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 unit;

c. Providing written notification to each applicant as to the determination of eligibility or non-eligibility within 5 days of the determination thereof.

d. Requiring that all certified applicants for restricted units execute a certificate substantially in the firm, as applicable, of either the ownership or rental certificates set forth in the 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.

f. Employing a random selection process as provided in the Affirmative Marketing Plan when referring households for certification to affordable units.

(4) Affordability controls.

a. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for the recording at the time of conveyance of title of each restricted unit.

b. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and filed properly with the County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit in accordance with UHAC.

c. Communicating with lenders and the Municipal Housing Liaison regarding foreclosures.

d. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.11.

(5) Records retention.

a. 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.

b. Records received, retained, retrieved, or transmitted in furtherance of crediting affordable units of a municipality constitute public records of the municipality as defined by N.J.S.A. 47:3-16, and are legal property of the municipality.

(6) Resales and re-rentals.

a. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental.

b. Instituting and maintaining an effective means of communicating information to very low-, low-, or moderate-income households regarding the availability of restricted units for resale or re-rental.

(7) Processing requests from unit owners.

a. Reviewing and approving requests from owners of restricted units who wish to refinance or take out home equity loans during the term of their ownership to determine that the amount of indebtedness to be incurred will not violate the terms of this ordinance.

b. Reviewing and approving requests to increase 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.

c. Notifying the municipality of an owner's intent to sell a restricted unit.

d. Making determinations on requests by owners of restricted units for hardship waivers.

(8) Enforcement.

a. Securing annually from the municipality a list of all affordable ownership units for which property 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;

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 municipal Affordable Housing Trust Fund; and

e. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent setting forth procedures for administering the affordability controls.

(9) The Administrative Agent(s) shall, as delegated by the municipality, have the authority to take all actions necessary and appropriate to carry out its/their responsibilities, herein.

§T10B-349 **Affirmative Marketing.**

(a) The municipality shall adopt, by resolution, an Affirmative Marketing Plan, subject to approval of the Superior Court, compliant with N.J.A.C. 5:80-26.16, as may be amended and supplemented.

(b) The Affirmative Marketing Plan 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, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age, or number of children, to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 4 and is required to be followed throughout the period of deed restriction.

(c) The Affirmative Marketing Plan provides the following preferences, provided that units that remain unoccupied after these preferences are exhausted may be offered to households without regard to these preferences.

(1) Where the municipality has entered into an agreement with a developer or residential development owner to provide a preference for very-low-,low-, and moderate-income veterans who served in time of war or other emergency, pursuant to N.J.S.A. 52:27D-311.j, there shall be a preference for veterans for up to 50 percent of the restricted rental units in a particular project.

(2) There shall be a regional preference for all households that live and/or work in Housing Region 4 comprising Mercer, Monmouth, and Ocean Counties.

(3) Subordinate to the regional preference, there shall be a preference for households that live and/or work in New Jersey.

(4) With respect to existing restricted units undergoing approved rehabilitation for the purpose of preservation or to restricted units newly created to replace existing restricted units undergoing demolition, a preference for the very low-, low-, and moderate-income households that are displaced by the rehabilitation or demolition and replacement.

(d) The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Process, including the marketing of initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the municipality shall implement the Affirmative Marketing Process to ensure the Affirmative Marketing of all affordable units, with the exception of affordable programs that are exempt from Affirmative Marketing as noted herein.

(e) The Affirmative Marketing Process shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Process, the Administrative Agent shall consider the use of language translations where appropriate.

(f) Applications for affordable housing or notices thereof, if offered online, 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 municipal library in the municipality in which the units are located; and the

developer's rental or sales office. The developer shall mail applications to prospective applicants upon request and shall make applications available through a secure online website address.

(g) In addition to other Affirmative Marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units on the New Jersey Housing Resource Center website, and to the following entities: Fair Share Housing Center; New Jersey State Conference of the NAACP; Trenton branch of the NAACP; Greater Red Bank branch of the NAACP; Asbury Park/Neptune branch of the NAACP; Bayshore branch of the NAACP; Greater Freehold branch of the NAACP; Greater Long Branch chapter of the NAACP; Shiloh Baptist Church; Latino Action Network; and the Supportive Housing Association. The Administrative Agent shall also provide specific notice to the Municipality's Committee on Affordable Housing, Racial, Economic, Social Equity and Services (CARES) Committee. Any other entities, including developers or persons or companies retained to implement the Affirmative Marketing Process, shall comply with this paragraph.

(h) In implementing the Affirmative Marketing Process, the Administrative Agent shall 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.

(i) The Affirmative Marketing Process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.

(j) The cost to affirmatively market the affordable units shall be the responsibility of the developer, sponsor or owner, with the exception that the cost to affirmatively market any restricted accessory apartments shall be the responsibility of the Municipality. This requirement shall be included in any land use board resolution of site plan approval for a development that includes affordable units.

§T10B-350 **Responsibilities of The Owner of a development containing affordable units.**

(a) The owner of all developments containing affordable units subject to this subchapter or the assigned management company thereof shall provide to the administrative agent:

(1) Site plan, architectural plan, or other plan that identifies the location of each affordable unit, if subject to the site plan approval, settlement agreement, or other applicable document regulating the location of affordable units. The administrative agent shall determine the location of affordable units if not set forth in the site plan approval, settlement agreement, or other applicable document.

(2) The total number of units in the project and the number of affordable units.

(3) The breakdown of the affordable units by or identification of affordable unit locations by bedroom count and income level, including street addresses / unit numbers, if subject to the site plan approval, settlement agreement, or other applicable document regulating the breakdown of affordable units. The administrative agent shall determine the bedroom and income distribution if not set forth in the site plan approval, settlement agreement, or other applicable document.

(4) Floor plans of all affordable units, including complete and accurate identification of all rooms and the dimensions thereof.

(5) A projected construction schedule.

(6) The location of any common areas and elevators.

(7) The name of the person who will be responsible for official contact with the administrative agent for the duration of the project, which must be updated if the contact changes.

(b) In addition to A above, the owner of rental developments containing affordable rental units subject to this subchapter or the assigned management company thereof shall:

(1) Send to all current tenants in all restricted rental units an annual mailing containing a notice as to the maximum permitted rent and a reminder of the requirement that the unit must remain their principal place of residence, which is defined as residing in the unit at least 260 days out of each calendar year, together with the telephone number, mailing address, and email address of the administrative agent to whom complaints of excess rent can be issued.

(2) Provide to the administrative agent a description of any applicable fees.

(3) Provide to the administrative agent a description of the types of utilities and which utilities will be included in the rent.

(4) Agree and ensure that the utility configuration established at the start of the rent-up process not be altered at any time throughout the restricted period.

(5) Provide to the administrative agent a proposed form of lease for any rental units.

(6) Ensure that the tenant selection criteria for the applicants for affordable units not be more restrictive that the tenant selection criteria for applicants for non-restricted units.

(7) Strive to maintain the continued occupancy of the affordable units during the entire restricted period.

(c) In addition to A, above, the owner of affordable for-sale developments containing affordable for-sale units subject to this subchapter or the assigned management company thereof shall provide the administrative agent:

(1) Proposed pricing for all units, including any purchaser options and add-on items.

(2) Condominium or homeowner association fees and any other applicable fees.

(3) Estimated real property taxes.

(4) Sewer, water, trash disposal, and any other utility assessments.

(5) Flood insurance requirement, if applicable.

(6) The State-approved planned real estate development public offering statement and/or master deed, where applicable, as well as the full build-out budget.

§T10B-351 **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 municipality shall have all remedies provided at law or

equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

(b) After providing written notice of a violation to an owner, developer or tenant of an affordable unit and advising the owner, developer or tenant of the penalties for such violations, the municipality may take the following action against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

(1) The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the owner, developer or tenant is found by the Court to have violated any provision of the regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the Court:

a. A fine of not more than 500 or imprisonment for a period not to exceed 90 days, or both, unless otherwise specified below, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;

b. In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Affordable Housing Trust Fund of the gross amount of rent illegally collected;

c. In the case of an owner who has rented his or her affordable unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.

(c) The municipality shall have the authority to levy fines against the owner of the development for instances of noncompliance with NJHRC advertising requirements (N.J.S.A. 52:27D-321.6.e.(2)), following written notice to the owner. The fine for the first offense of noncompliance shall be $5,000, the fine for the second offense of noncompliance shall be $10,000, and the fine for each subsequent offense of noncompliance shall be $15,000.

(d) The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- or moderate-income unit.

(1) Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the affordable unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality , including attorney's fees. The violating owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.

(2) The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- or moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus shall be placed in escrow by the municipality for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the municipality for such. Failure of the owner to claim such balance within the two year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the owner or forfeited to the municipality.

(3) Foreclosure due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as they apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

(4) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the municipality may acquire title to the affordable unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the affordable unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess that would have been realized from an actual sale as previously described.

(5) Failure of the low- or moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the owner to accept an offer to purchase from any qualified purchaser that may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- or moderate-income unit as permitted by the regulations governing affordable housing units.

(6) The affordable unit owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.

(e) 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 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.

(f) Banks and other lending institutions are prohibited from issuing any loan secured by owner occupied real property subject to the affordability controls set forth in this subchapter if such loan would be in excess of amounts permitted by the restriction documents recorded in the deed or mortgage book in the county in which the property is located. Any loan issued in violation of this subsection is void as against public policy.

(g) The Agency and the Department hereby reserve, for themselves and for each administrative agent appointed pursuant to this subchapter, all of the rights and remedies available at law and in equity for the enforcement of this subchapter, including, but not limited to, fines, evictions, and foreclosures as approved by a county-level housing judge.

(h) Appeals

(1) Appeals from all decisions of an administrative agent appointed pursuant to this subchapter must 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.

Division 6. **Development Fees.**

§T10B-352 **Purpose.**

(a) This section establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with the amended Fair Housing Act (P.L.2024, c.2), N.J.A.C. 5:99, and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7). Fees collected pursuant to this Ordinance shall be used for the sole purpose of providing very low-, low- and moderate-income housing in accordance with a Court-approved Spending Plan.

§T10B-353 **Basic Requirements.**

(a) The municipality previously adopted a development fee ordinance, which established the Municipal Affordable Housing Trust Fund.

(1) The municipality shall not spend development fees until the court has approved a plan for spending such fees.

§T10B-354 **Residential Development Fees.**

(a) Imposed fees.

(1) Residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5% of the equalized assessed value for residential development, provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.

(2) When an increase in residential density is permitted pursuant to a "d" variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a "bonus" development fee of 6.0% of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If the zoning on a site has changed during the two-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-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1.5% of the equalized assessed value on the first two units; and the specified higher percentage of 6% of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

(3) Eligible exactions, ineligible exactions and exemptions for residential development

(4) Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made an eligible payment in lieu of on-site construction of affordable units, if permitted by ordinance, or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2, shall be exempt from development fees.

(5) Developments that have received preliminary or final site plan approval prior to the adoption of this ordinance and any preceding ordinance permitting the collection of development fees shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. Where a site plan approval does not apply, the issuance of a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for the purpose of determining the right to an exemption. In all cases, the applicable fee percentage shall be determined based upon the development fee ordinance in effect on the date that the construction permit is issued.

(6) Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

(7) No development fee shall be collected for the demolition and replacement of an owner-occupied residential building resulting from a fire or natural disaster. If the new owner-occupied residential building is not substantially similar to the prior, demolished building, then the owner shall pay a development fee based on the net increase in equalized assessed value.

(8) Developers of student housing as defined in Article I, Section T10B-2, shall be exempt from paying development fees. Examples of this type of construction would be dormitories and other types of student housing.

§T10B-355 **Non-Residential Development Fees.**

(a) Imposition of fees.

(1) Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.

(2) Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.

(3) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved structure; i.e., land and improvements; and such calculation shall be made at the time a final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

(b) Eligible exactions, ineligible exactions and exemptions for non-residential development.

(1) The non-residential portion of a mixed-use inclusionary or market-rate development shall be subject to a 2.5% development fee, unless otherwise exempted below.

(2) The 2.5% 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) Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption." Any exemption claimed by a developer shall be substantiated by that developer.

(4) A developer of a non-residential development exempted from the non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer

applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.

(5) If a property that was exempted from the collection of a non-residential 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 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the municipality as a lien against the real property of the owner.

§T10B-356 **Collection Procedures.**

(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 non-residential 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 by the developer as per the instructions provided in the Form N-RDF. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided on 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 tax assessor of the issuance of the first construction permit for a development that is subject to a development fee.

(d) Within 90 days of receipt of that notice, the tax assessor shall provide an estimate, based on the plans filed, of the equalized assessed value of the development.

(e) The construction official responsible for the issuance of a final certificate of occupancy shall notify the tax assessor of any and all requests for the scheduling of a final inspection on property that is subject to a development fee.

(f) Within 10 business days of a request for the scheduling of a final inspection, the tax assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.

(g) Should the municipality fail to determine or notify the developer of the amount of the development fee within 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 section 37 of P.L.2008, c.46 (N.J.S.A. 40:55D-8.6).

(h) Fifty percent (50%) of the development fee shall be collected at the time of issuance of the construction permit. The remaining portion shall be collected at the time of 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 construction permit and that determined at the time of issuance of certificate of occupancy.

§T10B-357 **Appeal of development fees.**

(a) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by that board, collected fees shall be placed in an interest-bearing escrow account by the municipality. 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, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

(b) A developer may challenge non-residential 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 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the municipality. Appeals from a determination of the director may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

§T10B-358 **Affordable Housing Trust Fund.**

(a) A separate, interest-bearing Municipal Affordable Housing Trust Fund shall be maintained by the chief financial officer of the municipality for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.

(b) The following additional funds shall be deposited in the Municipal Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:

(1) Payments in lieu of on-site construction of an affordable unit, where previously permitted by ordinance or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2;

(2) Funds contributed by developers to make 10% of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;

(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) Any other funds collected in connection with the municipal affordable housing program including but not limited to interest earned on fund deposits.

(c) The municipality shall provide the Division with written authorization, in the form of a tri-party escrow agreement(s) between the municipality, the Division and the financial institution in which the municipal affordable housing trust fund has been established to permit the Division to direct the disbursement of the funds as provided for in N.J.A.C. 5:99-2.1 et seq.

(d) Occurrence of any of the following deficiencies may result in the Division requiring the forfeiture of all or a portion of the funds in the municipal Affordable Housing Trust Fund:

(1) Failure to meet deadlines for information required by the Division in its review of a development fee ordinance;

(2) Failure to commit or expend development fees within four years of the date of collection in accordance with N.J.A.C. 5:99-5.5;

(3) Failure to comply with the requirements of the Non-Residential Development Fee Act and N.J.A.C. 5:99-3;

(4) Failure to submit accurate monitoring reports pursuant to this subchapter within the time limits imposed by the Act, this chapter, and/or the Division;

(5) Expenditure of funds on activities not approved by the Superior Court or otherwise permitted by law;

(6) Revocation of compliance certification or a judgment of compliance and repose;

(7) Failure of a municipal housing liaison or administrative agent to comply with the requirements set forth at N.J.A.C. 5:99-6, 7, and 8;

(8) Other good cause demonstrating that municipal affordable housing funds are not being used for an approved purpose.

(e) All interest accrued in the housing trust fund shall only be used on eligible affordable housing purposes approved by the Court.

§T10B-359 **Use of Funds.**

(a) The expenditure of all funds shall conform to a Spending Plan approved by Superior Court. Funds deposited in the municipal Affordable Housing Trust Fund may be used for any activity approved by the Court to address the fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market-to-affordable program; conversion of existing non-residential buildings to create new affordable units; green building strategies designed to be cost-saving and in accordance with accepted national or state standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by Superior Court and specified in the approved Spending Plan.

(b) Funds shall not be expended to reimburse the municipality or activities that occurred prior to the authorization of a municipality to collect development fees.

(c) At least a portion 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. A portion of the

development fees which provide affordability assistance shall be used to provide affordability assistance to very low-income households.

(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, infrastructure assistance, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.

(2) Affordability assistance for very low income households may include producing very low-income units or buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.

(d) No more than 20% of all affordable housing trust funds, exclusive of those collected to fund an RCA prior to July 17, 2008, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultants' fees necessary to develop or implement a new construction program, prepare and implement a Housing Element and Fair Share Plan, administer an Affirmative Marketing Program and for compliance with the Superior Court and the Program including the costs to the municipality of resolving a challenge.

§T10B-360 **Monitoring.**

(a) On or before February 15 of each year, the municipality shall provide annual electronic data reporting of trust fund activity for the previous year from January 1st to December 31st through the AHMS Reporting System. This reporting shall include an accounting of all Municipal Affordable Housing Trust Fund activity, including the sources and amounts of all funds collected and the amounts and purposes for which any funds have been expended. Such reporting shall include an accounting of development fees collected from residential and non-residential developers, previously eligible payments in lieu of constructing affordable units on site (if permitted by ordinance or by agreement with the municipality prior to the March 20, 2024 statutory elimination per P.L. 2024, c.4), funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income from municipally-owned affordable housing units, repayments from affordable housing program loans, interest and any other funds collected in connection with municipal housing programs, as well as an accounting of the expenditures of revenues and implementation of the Spending Plan approved by the Court.

§T10B-361 **Ongoing Collection of Fees.**

(a) The ability to impose, collect and expend development fees shall continue so long as the municipality retains authorization from the Court in the form of Compliance Certification or the good faith effort to obtain it.

(b) If the municipality fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing Trust Fund. Any funds so

forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to section 20 of P.L.1985, c.222 (C. 52:27D-320).

§T10B-362 **Emergent Affordable Housing Opportunities.** Requests to expend affordable housing trust funds on emergent affordable housing opportunities not included in the municipal fair share plan shall be made to the Division and shall be in the form of a governing body resolution. Any request shall be consistent with N.J.A.C. 5:99-4.1.

§T10B-363 through §T10B-372 **Reserved.**

Section 2. Conflicts. If the terms of this Ordinance shall be in conflict with those of another Ordinance, the provisions of this Ordinance shall control.

Section 3. Severability. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 4. Referral. After introduction, the Municipal Clerk is hereby directed to submit a copy of this ordinance to the Princeton Planning Board for its review and report in accordance with N.J.S.A. 40:55D-64.

Section 5. Notice. The Municipal Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the Mercer County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-62.1.

Section 6. Effective Date. This ordinance shall take effect immediately upon final passage and publication, filing with the Mercer County Planning Board, and as otherwise provided for by law.

_____ _____

Dawn M. Mount, Clerk Hon. Mark Freda, Mayor

STATEMENT OF PURPOSE: The purpose of this ordinance is to amend Princeton's affordable housing program requirements to ensure compliance with recent amendments to the Fair Housing Act enacted as P.L. 2024, c.2 and the Uniform Housing Affordability Controls ("UHAC"), N.J.A.C. 5:80-26.1 *et seq.*

NOTICE

NOTICE IS HEREBY GIVEN that the above Ordinance was introduced and passed on first reading at the Council Meeting of the Mayor and Council of the Municipality of Princeton in the County of Mercer, State of New Jersey, held on February 23, 2026 and will be considered for final passage and adoption at the Council Meeting scheduled for March 9, 2026 at 7:00 p.m. at the Princeton Municipal Building, 400 Witherspoon Street, Princeton, New Jersey. Any person interested in this matter will be given an opportunity to be heard at that meeting. A copy of this Ordinance may be obtained at no cost by any member of the general public upon request at the Municipal Building during business hours.

File #: R-26-061 **Agenda Date:** 2/23/2026 **Agenda #:** 1.

Resolution of the Mayor and Council of the Municipality of Princeton Formally Requesting Amendments to its Recreation and Open Space Inventory (ROSI) Pursuant To N.J.A.C. 7:36-25.3

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, pursuant to the rules governing applications for Green Acres funding ("Rules"), each time a municipality applies for funding, it shall submit a Recreation and Open Space Inventory (ROSI), which shall list each parcel of land held by the municipality for recreation and conservation purposes, and which also serves as the master list of Green Acres-encumbered properties in each municipality (both funded parkland and unfunded parkland); and

WHEREAS, also pursuant to the Rules, a municipality shall submit a request to the State for an amendment to its ROSI if it seeks to alter or update any information thereon; and

WHEREAS, the Municipality of Princeton ("Princeton"), in consultation with the State, seeks to amend Princeton's ROSI by:

1. **ADDING** the following parcels of land to be included thereon:
   - Block 1001, Lots 1, 2 and 14 (90.4 acres) (unfunded)
   - Block 6106, Lot 1 (0.18 acres) (unfunded)
   - Block 6401, Lot 2 (14.02 acres) (unfunded)
   - Block 52.01, Lots 94, 95, 100 and 101 (0.01 acres) (unfunded); and

2. **UPDATING** the funding information for the following parcels of land:
   - Block 5201, Lot 7 (changed from unknown to funded)
   - Block 7401, Lots 2 and 3 (changed from funded to unfunded)
   - Block 34.01, Lot 17 (changed from unfunded to funded)
   - Block 1.01, Lot 3 (changed from unknown to funded)
   - Block 15.02, Lots 38 and 72 (changed from unknown to unfunded)
   - Block 2901, Lot 3 (changed from unknown to funded)
   - Block 4201, Lot 3 (changed from unknown to funded)
   - Block 7401, Lot 12 (changed from unknown to unfunded)
   - Block 801, Lot 1 (changed from unknown to unfunded)
   - Block 1504, Lots 1 and 2 (changed from unknown to unfunded)
   - Block 202, Lots 14, 15, 16, 17 and 18 (changed from unknown to unfunded)
   - Block 17.01, Lot 114 (changed from unknown to unfunded)

- Block 9301, Lot 20.01 (changed from unknown to unfunded)
- Block 3901, Lot 2 (changed from unknown to unfunded); and

3. **UPDATING** the 'partial lot' information for the following parcels:
- Block 6902, Lot 2 (changed from 'partial lot' Y to 'partial lot' N)
- Block 15.02, Lot 38 (changed from 'partial lot' N to 'partial lot' Y and added the following note: 'Pre-existing encroachment (0.005 acres), see marked up aerial'); and

4. REMOVING the following parcel from the ROSI so it can be used as replacement land for the Community Park South diversion project:
- Block 1504, Lot 3; and

5. **INCLUDING** the following parcel on the 'Block and Lot Changes' Tab of the ROSI
- Block 5201, Lot 4.04 (formerly Block 5201, Lot 4.01); and

WHEREAS, at this time, Princeton Council seeks to formally authorize its officials and staff to make a formal request to the State for an amendment to the Princeton ROSI consistent herewith.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of Princeton that:

1. The Honorable Mark Freda, Mayor of Princeton (or his successor to the office of Mayor), and such other Princeton officials and staff members as may be necessary, are hereby authorized and directed to submit the necessary documentation and supporting information to the State to formally request an amendment to Princeton's ROSI for addition of the parcels of land identified in the "Whereas" clauses above.

2. Princeton shall comply with all applicable federal, state, and local laws, rules, and regulations under the Green Acres program.

3. This resolution shall take effect immediately.

MUNICIPALITY OF PRINCETON
Department of Infrastructure & Operations
400 Witherspoon Street
Princeton, NJ 08540
(609) 921-7077
engineering@princetonnj.gov

MEMORANDUM

To: Mayor and Council
From: Inga Reich, PhD., *Open Space Manager*
Subject: Princeton's Updated ROSI for Green Acres Approval
Date: February 17, 2026

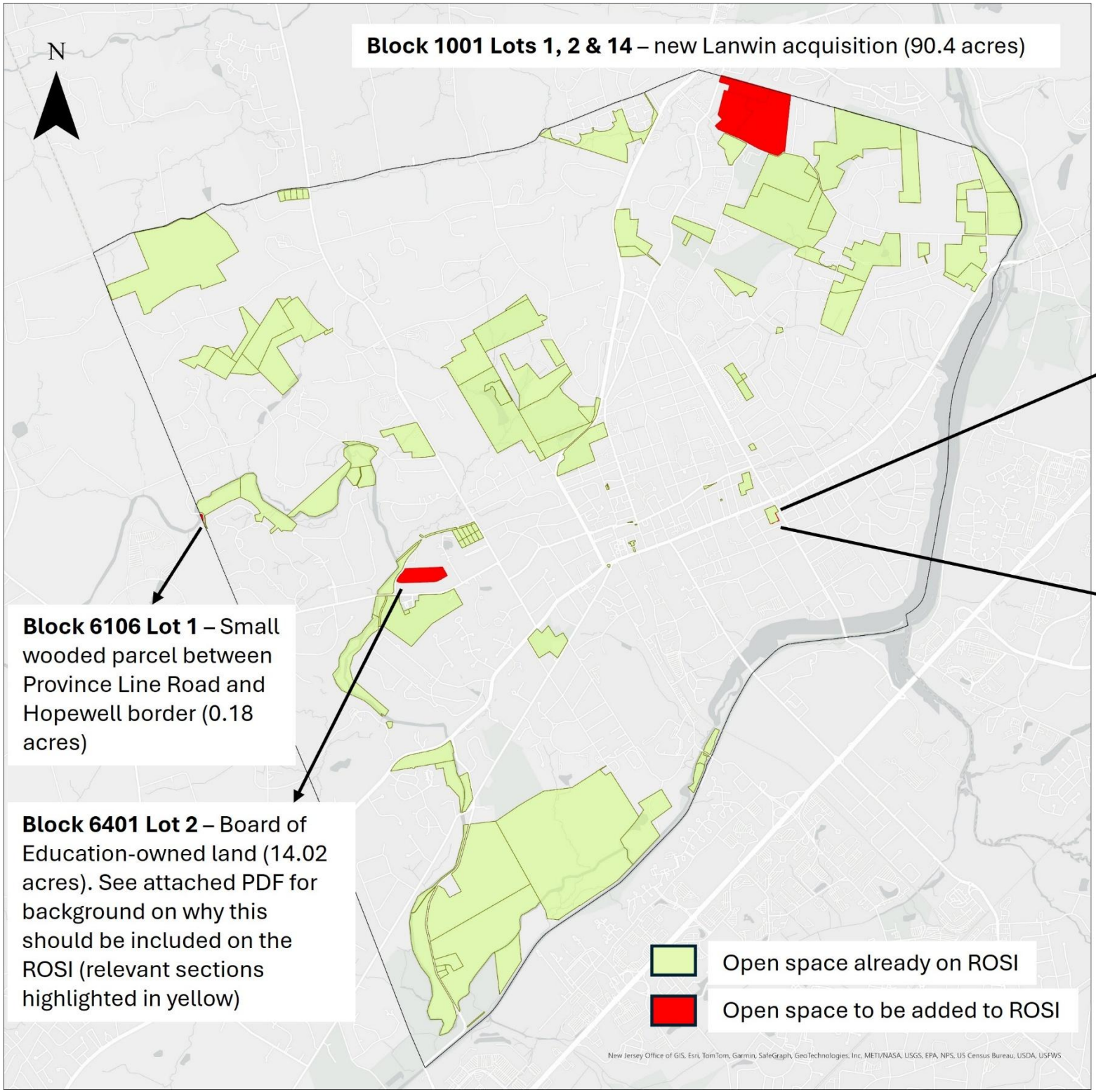
In response to Princeton's submittal of the Open Space and Recreation Inventory (ROSI) back in November 2024 as a part of a funding request, Green Acres has requested that the following changes be formalized to Princeton's ROSI:

- Page 4, Map Item 4 'Community Park South': previously listed as Partial Lot 'Y', now Partial Lot 'N' as entire parcel still encumbered.
- Funding information was updated based on Green Acres records for several parcels: Map Items 5 ('f' instead of '?') 9, 10 ('u' instead of 'f'), 67 ('f' instead of 'u'), 84 ('f' instead of '?'), 86, 87 ('u' instead of '?'), 89, 93 ('f' instead of '?') and 95-106 ('u' instead of '?').
- Page 8, Map Item 86 'Mary Moss Park': previously listed as Partial Lot 'N', now Partial Lot 'Y' and the following note was included: 'Pre-existing encroachment (0.005 acres), see marked up aerial' (see attached)
- Page 8, (formerly) Map Item 107 'River Road' was removed as this is to be used as replacement land for the Community Park South diversion project.
- Nine parcels were added to the ROSI (page 8) - a map of the additions is attached to the Memo.
  - four parcels surrounding Harrison Street Park (Map items 107-110),
  - one small wooded parcel between Province Line Road and the Hopewell Border (Map item 111),
  - a wooded parcel now on land owned by the Board of Education (BoE) (Map Item 112) – this should be added as it was inadvertently exchanged with the BoE for a parcel downtown which now contains the fire station. See attached DEP Green Acres SHC Approval Sheet for more details,
  - the three parcels from the newest Lanwin acquisition (Map items 113, 114 and 115).
- Page 11 – Included block and lot change for 'Tusculum' Parcel

The ROSI is a document compiled by a local government unit as a master list of its Green Acres-restricted lands (known as "parkland" under the Green Acres rules N.J.A.C. 7:36). Lands that are subject to Green Acres restrictions cannot be disposed of or diverted to a use other than recreation or conservation purposes, without the approval of the DEP Commissioner and the State House Commission.

Upon Council's support of formalizing the requested modifications, the Planning Board Chair will also be requested to countersign the updated ROSI.

Please feel free to contact me with any questions at (609) 921-7077 ext. 7635 or by email at ireich@princetonnj.gov.





Block 52.01 Lots 94, 95, 100 &101
4 tiny parcels surrounding Harrison Street Park (0.01 acres total)

Local Unit: Municipality of Princeton County: Mercer

All lands held for recreation and conservation purposes (1) must be described by their block and lot identification numbers as shown on the current, official tax map and (2) keyed to a current, legible, official map of the local government unit. The official map used for this ROSI is named Municipality of Princeton 2024 Green Acres ROSI and is dated October 24, 2024. Please refer to page 1 of this document for more detailed instructions.

Lands Held in Fee Simple for Recreation and Conservation Purposes

(Use Page 4A ~Fee Simple cont'd as necessary for additional lands)

Map Key	Municipal Location per Tax Records	Name of Park / Facility	Block No.	Lot No.	Total Lot Acres	Partial Lot? (Y / N) Note 1	GA Encumbered Acres Note 2	Co-Owners? (Y / N) Note 3	Green Acres Funded? (F / U) Note 4	EIFP Funded? (Y / N) Note 5	Notes
1	Bunn Drive	Hilltop Park	4301	2	11.3	N	11.30	N	f		GA #1110-03-152
2	Mountain Ave.	Mountain Lakes	5201	2	70	N	70.00	N	f		GA #1110-86-086, GA #1110-00-054
3	Mountain Ave.	Mountain Lakes House	5201	3	6.69	N	6.69	N	u		Parcel is not shown on GIS data but exists on tax maps
4	Route 206/Witherspoon	Community Park South	6902	2	26.2	N	26.20	N	u		Currently working on diversion to remove approx three acres from encumbrance
5	Route 206	Community Park North	5201	7	51.49	N	51.49	N	f		GA #1110-10-082
6	Route 206	Community Park North	5201	12	1.7	N	1.70	N	f		GA #1110-10-082
7	Route 206	Community Park North	5201	13	3.87	N	3.87	N	f		GA #1110-10-082
8	Route 206	Community Park North	6901	1	15.5	N	15.50	N	f		GA #1110-04-048 (amphitheater), GA #1110-10-082
9	Harrison Street	Grover Park	7401	2	3.5	N	3.50	N	u		
10	Harrison Street	Grover Park	7401	3	3.9	N	3.90	N	u		
11	Alexander Street	Turning Basin	11501	13	3.7	N	3.70	N	f		GA #1110-10-524, note preexisting sewer easement to rear
12	Alexander Street	Turning Basin	11301	7	0.2	N	0.20	N	f		GA #1110-10-524
13	Alexander Street	Turning Basin	11301	8	1.6	N	1.60	N	f		GA #1110-10-524
14	Alexander Street	Turning Basin	11301	9	4.3	N	4.30	N	f		GA #1110-10-524
15	Cherry Valley/Griggs	Fieldwood	701	9.85	35	N	35.00	N	u		
16	Great Rd	Coventry/Farmview Fields	3501	2.02	22.67	N	22.67	N	f		GA #1110-00-054
17	Great Rd	Coventry	5201	29.14	28.42	N	28.42	N	f		GA #1110-00-054
18	Rosedale Rd	Greenway Meadows	8301	1.07	53.33	N	53.33	N	f		GA #1110-00-054

Total of all fee simple Green Acres-encumbered acres on this page only:	**343.37**
Total of all fee simple Green Acres-encumbered acres from all pages of this ROSI:	**1,519.41**
Total of all Green Acres-encumbered acres from all pages of this ROSI:	**2,171.58**

Note 1: For properties partially held for recreation/conservation (e.g. municipal complex), please supply a survey or tax map with the park boundaries to scale, showing the recreation/conservation area.
Note 2: For entire properties, please supply acreage of entire property. For partial lots, please provide the recreation/conservation acreage only.
Note 3: Does any other entity have an undivided interest in this property? List co-owner in Notes column.
Note 4: F = Funded by Green Acres; U = Unfunded (i.e., no Green Acres funding utilized)
Note 5: Were Environmental Infrastructure Trust Program funds used to acquire all or part of this property?

Local Unit: Municipality of Princeton County: Mercer

All lands held for recreation and conservation purposes (1) must be described by their block and lot identification numbers as shown on the current, official tax map and (2) keyed to a current, legible, official map of the local government unit. The official map used for this ROSI is named Municipality of Princeton 2024 Green Acres ROSI and is dated October 24, 2024. Please refer to page 1 of this document for more detailed instructions.

Lands Held in Fee Simple for Recreation and Conservation Purposes

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19	Herrontown Rd	Autumn Hill Reservation	1201	1	72.05	N	72.05	N	f		GA #1110-10-296, GA #1110-86-026
20	Herrontown Rd	Autumn Hill Reservation	1303	1	0.34	N	0.34	N	f		GA #1110-86-026
21	Hun Rd	Stony Brook	8201	18	32.55	N	32.55	N	u		
22	Stuart Rd	J. Witherspoon Woods	3901	13	41	N	41.00	N	u		
23	Puritan/Pretty Brook	Stony Brook	5101	9	4.32	N	4.32	N	u		
24	Puritan/Pretty Brook	Stony Brook	5101	10	13.24	N	13.24	N	·u		
25	Puritan/Pretty Brook	Stony Brook	5101	11	2.74	N	2.74	N	u		
26	Puritan/Pretty Brook	Stony Brook	5101	12	6.75	N	6.75	N	u		
27	Brooks Bend	Stony Brook	6201	1	27.2	N	27.20	N	u		
28	Rosedale Rd	Stony Brook	8301	2	1.52	N	1.52	N	u		
29	Rosedale Rd	Stony Brook	8301	3	3.5	N	3.50	N	u		
30	Route 206	Historic Overlook	9801	4	18.98	N	18.98	N	u		
31	Route 206	Historic Overlook	9801	10	12.26	N	12.26	N	u		
32	Rosedale Rd	Stony Brook	6402	1	1.04	N	1.04	N	u		
33	Quaker Rd	Stony Brook	9801	9	7.8	N	7.80	N	u		
34	Quaker Rd	D & R	10201	2	21.2	N	21.20	N	u		
35	Quaker Rd	D & R	10201	4	0.51	N	0.51	N	u		
36	Unimproved Terhune	ROW	6501	10	0.14	N	0.14	N	u		
37	Mercer Rd	Trolley ROW	10102	13	0.4	N	0.40	N	u		Sliver of land owned by municipality between IAS easement parcels. Covered by DRG conservation easement

Total of all fee simple Green Acres-encumbered acres on this page only: **267.54**

Local Unit: Municipality of Princeton County: Mercer

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Lands Held in Fee Simple for Recreation and Conservation Purposes

Map Key	Municipal Location per Tax Records	Name of Park / Facility	Block No.	Lot No.	Total Lot Acres	Partial Lot? (Y / N) Note 1	GA Encumbered Acres Note 2	Co-Owners? (Y / N) Note 3	Green Acres Funded? (F / U) Note 4	EIFP Funded? (Y / N) Note 5	Notes
38	Stone Cliff Rd	Stony Brook	6107	7	17.53	N	17.53	N	u		
39	Stone Cliff Rd	Stony Brook	6107	8	25.97	N	25.97	N	u		
40	Rosedale Rd	Stony Brook	6402	2	9.76	N	9.76	N	u		Note from 2019 ROSI: 0.265 diversion 12/11/00
41	Drakes Corner Rd/Great Rd	Woodfield Reservation	1701	2	10.23	N	10.23	N	f		GA #1110-10-266
42	Drakes Corner Rd/Great Rd	Woodfield Reservation	1701	3	11.76	N	11.76	N	f		GA #1110-10-266
43	Drakes Corner Rd/Great Rd	Woodfield Reservation	1701	4	8.46	N	8.46	N	u		
44	Orakes Corner Rd/Great Rd	Woodfield Reservation	1701	8	2.31	N	2.31	N	u		
45	Drakes Corner Rd/Great Rd	Woodfield Reservation	1801	1	0.63	N	0.63	N	u		
46	Drakes Corner Rd/Great Rd	Woodfield Reservation	1801	4	51.95	N	51.95	N	f		GA #1110-93-102
47	Drakes Corner Rd/Great Rd	Woodfield Reservation	1801	5	30	N	30.00	N	f		GA #1110-864
48	Drakes Corner Rd/Great Rd	Woodfield Reservation	1901	4	1.83	N	1.83	N	u		
49	Drakes Corner Rd/Great Rd	Woodfield Reservation	3401	1.01	7.49	N	7.49	N	u		
50	Snowden Lane	Barbara Smoyer Park	3101	20.01	38.19	N	38.19	N	f		Notes from 2019 ROSI: 0.28, 0.339, diversion 12/11/00; GA #1110-87-150
51	Snowden Lane	Van Dyke Wight	4503	1	24.7	N	24.70	N	u		
52	Snowden Lane	Van Dyke Wight	4503	2	8.84	N	8.84	N	u		
53	Bertrand Drive	Caldwell Park	3202	19	3.38	N	3.38	N	f		
54	Autumn Hill Rd	Camp Tamarak	1503	3	29.36	N	29.36	N	u		
55	Herrontown/River Rd	Gulick Farm	1502	2.02	27.99	N	27.99	N	u		Notes from 2019 ROSI: Diversion, Approved, 12/11/2000
56	Cherry Hill Rd	Tusculum/Moore	5201	4.04	35	N	35.00	Y	f		Princeton 76%, DEP 14%, Mercer 10%

Total of all fee simple Green Acres-encumbered acres on this page only: **345.38**

Local Unit: Municipality of Princeton County: Mercer

All lands held for recreation and conservation purposes (1) must be described by their block and lot identification numbers as shown on the current, official tax map and (2) keyed to a current, legible, official map of the local government unit. The official map used for this ROSI is named Municipality of Princeton 2024 Green Acres ROSI and is dated October 24, 2024. Please refer to page 1 of this document for more detailed instructions.

Lands Held in Fee Simple for Recreation and Conservation Purposes

Map Key	Municipal Location per Tax Records	Name of Park / Facility	Block No.	Lot No.	Total Lot Acres	Partial Lot? (Y / N) Note 1	GA Encumbered Acres Note 2	Co-Owners? (Y / N) Note 3	Green Acres Funded? (F / U) Note 4	EIFP Funded? (Y / N) Note 5	Notes
57	Bunn Drive	Ricciardi	5601	4	9.78	N	9.78	N	f		GA #11-10-05
58	Preservation Place	Greenway Meadows	8301	1.06	0.47	N	0.47	N	u		
59	Lovers Lane	Marquand Park	35.01	4	17.08	N	17.08	N	u		
60	Harrison Street	Harrison St. Park	52.01	97	3.64	N	3.64	N	u		
61	Erdman & Tee-Arr	Potts Park	32.08	150	0.74	N	0.74	N	u		
62	John & Lytle Street	Mary Moss Park	15.02	36	0.16	N	0.16	N	u		
63	Pine Street	Pine St. park	33.01	85	0.07	N	0.07	N	u		
64	Mercer & Stockton Street	Memorial Bench	37.01	66	0.32	N	0.32	N	u		
65	Palmer Sq. South	Town Green	20.02	71	0.45	Y	0.20	N	u		Waiting for survey to show what is/isn't encumbered
66	Palmer Sq. South	Tiger Park	20.11	1	0.18	N	0.18	N	u		
67	Spruce Street	Quarry Park	34.01	17	4.5	N	4.50	N	f		GA #1109-03-038; GA #1109-04-254
68	Elm Road	Smyth Woods	1.01	16	0.87	N	0.87	N	u		SHC #1109-001
69	Elm Road	Smyth Woods	1.01	17	1.07	N	1.07	N	u		SHC #1109-001
70	Elm Road	Smyth Woods	1.01	20	0.94	N	0.94	N	u		SHC #1109-001
71	Elm Road	Smyth Woods	1.01	21	1	N	1.00	N	u		SHC #1109-001
72	Elm Road	Smyth Woods	1.01	24	1	N	1.00	N	u		SHC #1109-001
73	Elm Road	Smyth Woods	1.01	25	1	N	1.00	N	u		SHC #1109-001
74	Elm Road	Smyth Woods	8601	19	0.72	N	0.72	N	u		SHC #1109-001
75	Elm Road	Smyth Woods	8601	20	0.86	N	0.86	N	u		SHC #1109-001

Total of all fee simple Green Acres-encumbered acres on this page only: **44.60**

Local Unit: Municipality of Princeton County: Mercer

All lands held for recreation and conservation purposes (1) must be described by their block and lot identification numbers as shown on the current, official tax map and (2) keyed to a current, legible, official map of the local government unit. The official map used for this ROSI is named Municipality of Princeton 2024 Green Acres ROSI and is dated October 24, 2024. Please refer to page 1 of this document for more detailed instructions.

Lands Held in Fee Simple for Recreation and Conservation Purposes

Map Key	Municipal Location per Tax Records	Name of Park / Facility	Block No.	Lot No.	Total Lot Acres	Partial Lot? (Y / N) Note 1	GA Encumbered Acres Note 2	Co-Owners? (Y / N) Note 3	Green Acres Funded? (F / U) Note 4	EIFP Funded? (Y / N) Note 5	Notes
76	Elm Road	Smyth Woods	8601	21	1.42	N	1.42	N	u		SHC #1109-001
77	Elm Road	Smyth Woods	8601	22	0.86	N	0.86	N	u		SHC #1109-001
78	Paul Robeson Place	Unnamed	20.04	88	0.02	N	0.02	N	u		
79	Hamilton Ave at Chestnut	Barbara Boggs Siggmund Park	30.03	99	0.50	N	0.50	N	u		
80	River Road	Portion of SOC Lands	1503	2	41.1	Y	14.50	N	u		Encumbered as replacement land for Elm Court diversion. Acres corrected from 2019 ROSI; SHC #1109-002
81	River Road	Portion of SOC Lands	1503	4	48.35	Y	6.00	N	u		Encumbered as replacement land for Elm Court diversion. Acres corrected from 2019 ROSI; SHC #1109-002
82	59 Meadowbrook Rd	Unnamed	5701	16	0.75	N	0.75	N	u		
83	Snowden Lane	Herrontown Woods/Windy Top	3001	1.09	7.525	N	7.53	N	u		
84	Terhune Rd Unimp.	Bike Path Trolly	1.01	3	0.6	Y	0.50	N	f		20' wide public path that is managed by the Muncipality runs through a portion of the lot; GA #1109-04-067
85	Province Line Road	153-Acre Wood	102	6.02	153	Y	153.00	N	f		0.002 acres "brick wall encroachment" was unfunded. Will eventually be subdivided off. See survey.
86	John Street	Mary Moss Park	15.02	38	0.03	Y	0.03	N	u		Pre-existing encroachment (0.005 acres), see marked up aerial
87	John Street	Mary Moss Park	15.02	72	0.06	N	0.06	N	u		
88	John Street	Mary Moss Park	15.02	37	0.03	N	0.03	N	u		
89	Herrontown Road	Herrontown Woods	2901	3	2.28	N	2.28	N	f		GA #1100-10-158
90	Herrontown Road	Herrontown Woods	2901	2	44.34	N	44.34	N	f		Recently transferred to Municipality from County
91	Herrontown Road	Herrontown Woods	2901	1	81.26	N	81.26	N	u		Recently transferred to Municipality from County
92	Herrontown Road	Herrontown Woods	3001	7	13.98	N	13.98	N	u		Recently transferred to Municipality from County
93	State Road/Mount Lucas	Mount Lucas	4201	3	4.3	N	4.30	Y	f		Co-owned by Princeton 65%, NJCF 25%, FOPOS 10%; GA #11-03-11-07
94	State Road/Mount Lucas	Mount Lucas	4201	22	20.5	N	20.50	Y	f		Princeton (90%), FOPOS (10%); GA #1110-00-054
95	Harrison St	Grover Park	7401	12	0.5	N	0.50	N	u		
96	Griggs Drive	Griggs Farm	801	1	5	N	5.00	N	u		
97	River Road	No Name	1504	1	17	N	17.00	N	u		
98	River Road	No Name	1504	2	30	N	30.00	N	u		
99	Cherry Valley Road	No Name	202	14	1.4	N	1.40	N	u		
100	Cherry Valley Road	No Name	202	15	1.4	N	1.40	N	u		
101	Cherry Valley Road	No Name	202	16	1.4	N	1.40	N	u		
102	Cherry Valley Road	No Name	202	17	1.4	N	1.40	N	u		
103	Cherry Valley Road	No Name	202	18	1.3	N	1.30	N	u		
104	Paul Robeson Place	No Name	17.01	114	0.05	N	0.05	N	u		
105	Stony Brook	No Name	9301	20.01	0.7	N	0.70	N	u		
106	Cherry Hill Road	No Name	3901	2	1.87	N	1.87	N	u		
107	Harrison Street	Harrison St. Park	52.01	94	0.001	N	0.001	N	u		
108	Harrison Street	Harrison St. Park	52.01	95	0.002	N	0.002	N	u		
109	Harrison Street	Harrison St. Park	52.01	100	0.006	N	0.006	N	u		
110	Harrison Street	Harrison St. Park	52.01	101	0.002	N	0.002	N	u		
111	Province Line Road	No Name	6106	1	0.18	N	0.18	N	u		
112	Rosedale Road	Johnson Park/Johnson Tract	6401	2	14.02	N	14.02	N			Owned by BOE/Princeton Regional School District. Compensation land associated with State House Commission file #1110-002
113	725 Herrontown Road	Lanwin I	1001	1	53.13	N	53.13	N	f		
114	823 Herrontown Road	Lanwin I	1001	2	22.9	N	22.9	N	f		
115	915 Mount Lucas Road	Lanwin I	1001	14	14.4	N	14.4	N	f		

Total of all fee simple Green Acres-encumbered acres on this page only: **518.52**

Local Unit: Municipality of Princeton County: Mercer

All lands held for recreation and conservation purposes (1) must be described by their block and lot identification numbers as shown on the current, official tax map and (2) keyed to a current, legible, official map of the local government unit. The official map used for this ROSI is named Municipality of Princeton 2024 Green Acres ROSI and is dated October 24, 2024. Please refer to page 1 of this document for more detailed instructions.

Lands Subject to Conservation Restriction for Recreation and Conservation Purposes

(Use Page 5A ~ Cons. Rest. cont'd. as necessary for additional lands)

Map Key	Municipal Location per Tax Records	Name of Park / Facility	Block No.	Lot No.	Total Lot Acres	Partial Lot? (Y / N) Note 1	GA Encumbered Acres Note 2	Co-Owners? (Y / N) Note 3	Green Acres Funded? (F / U) Note 4	Notes
A.	Quaker Rd	IAS Easement	10102	1	45.94		45.94	Y	f	Easement co-held by NJDEP, Princeton, D&R Greenway, Mercer County; GA #1110-89-103
B.	Quaker Rd	IAS Easement	10201	6	108.69		108.69	Y	f	Easement co-held by NJDEP, Princeton, D&R Greenway, Mercer County; GA #1110-89-103
C.	Quaker Rd	IAS Easement	10201	7	1.27		1.27	Y	f	Easement co-held by NJDEP, Princeton, D&R Greenway, Mercer County
D.	Quaker Rd	IAS Easement	10201	8	1.15		1.15	Y	f	Easement co-held by NJDEP, Princeton, D&R Greenway, Mercer County
E.	Quaker Rd	IAS Easement	10201	9	6.27		6.27	Y	f	Easement co-held by NJDEP, Princeton, D&R Greenway, Mercer County
F.	Quaker Rd	IAS Easement	10201	10	132.6		132.60	Y	f	Easement co-held by NJDEP, Princeton, D&R Greenway, Mercer County; GA #1110-89-103
G.	Quaker Rd	IAS Easement	10202	2	6.1		6.10	Y	f	Easement co-held by NJDEP, Princeton, D&R Greenway, Mercer County
H.	Quaker Rd	IAS Easement	11101	1	292.46		292.46	Y	f	Easement co-held by NJDEP, Princeton, D&R Greenway, Mercer County; GA #1110-89-103
I.	Terhune Rd Unimp.	Bike Path Trolley	6501	3.01	7.38	Y	0.32	N	u	20' wide pedestrian easement
J.	Princeton-Kington Rd	Gulick Farm Easement	1502	2.01	11.69			N	u	Easement solely held by Princeton
K.	Cherry Rd	Moore/Tusculum Easement	5201	4.03	23	Y	6.30	Y	f	Easement co-held by Princeton & FOPOS; GA #1110-00-054
L.	Bunn Drive	Fountain Ridge Conservation Easement	4301	3	9.26	Y	1.50		u	Portion of property is covered by CE recorded DB 6302 Pg 67-77. Solely held by Princeton.
M.	Mount Lucas Road	Mount Lucas Conservation Easement	2802	1.01	18.43	Y	10.57		u	Easement solely held by Princeton
N.										
O.										
P.										
Q.										
R.										

Total of all conservation easement Green Acres-encumbered acres on this page only: **613.17**

Total of all conservation easement Green Acres-encumbered acres from all pages of this ROSI: 613.17

Note 1: For properties partially held for recreation/conservation (e.g. municipal complex), please supply a survey or tax map with the park boundaries to scale, showing the area held for recreation/conservation purposes.
Note 2: For entire properties, please supply acreage of entire property. For partial lots, please provide the recreation/conservation acreage only.
Note 3: Does any other entity have an undivided interest in this property? List co-owner in Notes column.
Note 4: F = Funded by Green Acres; U = Unfunded (i.e., no Green Acres funding utilized)

CERTIFICATION:

I HEREBY CERTIFY that this Recreation and Open Space Inventory, comprising _____ total pages, is a complete and accurate listing of all lands held by the Local Government Unit, as of this _____ day of _____, 20____, for recreation and conservation purposes at the time of receipt of Green Acres funding.

This ROSI is being submitted to Green Acres as part of project number:_____
and entitled:_____

Chief Executive Officer of Local Government Unit	Planning Board Chairperson (or equivalent)
Date:_____	Date:_____

This Certification is to be signed only on this page, Page 7, of the Recreation and Open Space Inventory.

If required by local ordinance, number and date of governing body resolution authorizing Mayor to sign the ROSI:

Resolution Number	Date of Resolution

(Resoultion attached)

Local Unit: Municipality of Princeton County: Mercer

Date: 2-Mar-23

Comparision of Properties with Block & Lot Changes

Municipal Location per tax records	Name of Park / Facility	*OLD* Information		*NEW* Information		Notes
		Block No.	Lot No.	Block No.	Lot No.	
State Road/Mount Lucas Rd	Mount Lucas	4201	4	4201	22	GA #1110-00-054
State Road/Mount Lucas Rd	Mount Lucas	4201	5	4201	22	GA #1110-00-054
State Road/Mount Lucas Rd	Mount Lucas	4201	17	4201	22	GA #1110-00-054
Cherry Hill Road	Tusculum	5201	4.01	5201	4.04	Princeton 76%, DEP 14%, Mercer County 10%

Local Unit: Municipality of Princeton County: Mercer

All lands held for recreation and conservation purposes (1) must be described by their block and lot identification numbers as shown on the current, official tax map and (2) keyed to a current, legible, official map of the local government unit. The official map used for this ROSI is named Municipality of Princeton 2024 Green Acres ROSI and is dated October 24, 2024. Please refer to page 1 of this document for more detailed instructions.

Lands Held through a Lease or Use Agreement for Recreation and Conservation Purposes

Map Key	Municipal Location per Tax Records	Name of Park / Facility	Block No.	Lot No.	Total Lot Acres	Lease for Entire Property? (Y / N) Note 1	GA Encumbered Acres Note 2	Lease / Use Agreement Expiration Date	Duration of Lease / Use Agreement	Underlying Landowner	Green Acres Funded? (F / U) Note 3	Notes
I.	Alexander St	Charles H. Rogers Refuge	11101	3	46.18	N	39.00	see notes	see notes	NJ American Water	U	Lease drawn up April 1st 1968 with initial 10 year validity, then autmatic renewal every 5 years. Can be terminated on 1 year's notice by either party.
II.												
III.												
IV.												
V.												
VI.												
VII.												
VIII.												
IX.												
X.												
XI.												
XII.												
XIII.												
XIV.												
XV.												
XVI.												
XVII.												
XVIII.												
XIX.												
XX.												

Total of all leased Green Acres-encumbered acres: **39.00**

Note 1: For properties that are only partially held for recreation/conservation, please supply a survey or tax map with the park boundaries to scale, showing the area held for recreation/conservation purposes.
Note 2: For entire properties, please supply acreage of entire property. For partial lots, please provide the recreation/conservation acreage only.
Note 3: F = Funded by Green Acres; U = Unfunded (i.e., no Green Acres funding utilized)

File #: R-26-062 **Agenda Date:** 2/23/2026 **Agenda #:** 2.

Resolution of the Mayor and Council of Princeton Authorizing the Award of a Professional Services Agreement with McManimon, Scotland and Baumann, LLC for Bond Counsel and Redevelopment Counsel Services in 2026 for an Amount Not to Exceed $100,000.00

WHEREAS, the Municipality of Princeton ("Princeton") has a need to retain professional bond counsel and redevelopment counsel services; and

WHEREAS, it has been determined that the value of the contract will exceed $53,000; and

WHEREAS, McManimon, Scotland & Baumann, LLC ("MSB") has submitted a proposed agreement to Princeton for the purposes of performing the desired bond counsel and redevelopment counsel services and

WHEREAS, pursuant to N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts Law, Princeton may award a contract for professional services without public advertising for bids; and

WHEREAS, this contract is not being awarded as a "fair and open" contract as defined in N.J.S.A. 19:44A-20.7; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5., Princeton may award a non-fair and open contract to a business entity if, during the preceding one-year period, that business entity has not made a contribution that is reportable by the recipient under P.L. 1973, c.83, N.J.S.A. 19:44A-1 et seq. to any municipal committee of a political party in that municipality if a member of that political party is serving in an elective public office of that municipality when the contract is awarded or to any candidate committee of any person serving in an elective public office of that municipality when the contract is awarded; and

WHEREAS, MSB has completed and submitted the required pay-to-play forms which certify that MSB has not made any reportable contributions to a candidate committee in Princeton in the previous year, and that the contract will prohibit MSB from making any reportable contributions through the term of the contract; and

WHEREAS, the Certified Financial Officer has certified that Princeton has appropriated sufficient funds for these services; and

WHEREAS, the term of this contract shall be for twelve months, from January 1, 2026, until December 31, 2026.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Municipality of Princeton, County of Mercer, State of New Jersey, as follows:

1. The Mayor and Council, or their designee, are hereby authorized and directed to enter into an agreement with McManimon, Scotland & Baumann, LLC, for bond counsel and redevelopment counsel services for an amount not to exceed $100,000.00 without competitive bidding as a Professional Service in accordance with N.J.S.A. 40A:11-5(1)(a)(i).

2. The Term of this contract shall be for twelve months, from January 1, 2026, until December 31, 2026.

3. A copy of this Resolution, Pay-to-Play Forms, and contract will be kept on file in the Office of the Clerk.

4. Notice of this action will be placed in the official newspaper as required by law.

File #: R-26-063 **Agenda Date:** 2/23/2026 **Agenda #:** 3.

Resolution of the Mayor and Council of Princeton Authorizing Execution of an Interlocal Services Agreement with Montgomery Township, Franklin Township, South Brunswick Township, Manville Borough, Hopewell Township, Hopewell Borough and Rocky Hill Borough for the Development of a Watershed Improvement Plan for the Lower Millstone River Watershed Pursuant To N.J.S.A. 40a:65-1 Et seq.

WHEREAS, municipalities are required by the 2023 Municipal Separate Storm Sewer System (MS4) permit to develop a Watershed Improvement Plan to reduce flooding, reduce water pollution, meet the pollution reduction goals in Total Maximum Daily Loads and achieve designated uses for waterways within each municipality; and

WHEREAS, the New Jersey Department of Environmental Protection ("DEP") encourages municipalities to interact with their neighboring municipalities and to develop the Watershed Improvement plans on a regional basis; and

WHEREAS, by duly adopted resolution of its Township Committee, Montgomery Township awarded a professional services contract to One Water Consulting, LLC ("Contractor") to create a single regional Watershed Management Plan, a critical component of the Watershed Improvement Plan ("WIP"); and

WHEREAS, the proposed WIP would study the current status of water quality in the Lower Millstone River Watershed and its tributaries; develop a matrix of best management practices (stormwater management systems) to address the water pollution impairments and flooding; and identify potential locations, projects and costs within the watershed to reduce water pollution and reduce flooding; and

WHEREAS, the professional services agreement allows the municipalities participating in the Lower Millstone River Watershed Work Group to work collaboratively to assist the member municipalities to meet many of the obligations of the MS4 permit to develop the WIP; and

WHEREAS, this regional approach for the Lower Millstone River Watershed will reduce costs in development and implementation of the Watershed Improvement Plan by using a watershed based approach, rather than each municipality performing independent studies and project development; and

WHEREAS, pursuant to Resolution No. 25-416 adopted on December 22, 2025, the Municipality of Princeton committed to engage with Montgomery Township, Franklin Township, South Brunswick Township, Manville Borough, Hopewell Township, Hopewell Borough and Rocky Hill Borough (collectively, the "Participating Municipalities") for the development of the WIP on behalf of Princeton and the Participating Municipalities; and

WHEREAS, at this time, Princeton seeks to execute an interlocal services agreement with the Participating Municipalities for the development of the WIP on behalf of Princeton and the Participating Municipalities, as authorized by N.J.S.A. 40A:65-1 through 40A:65-35; and

WHEREAS, under the interlocal services agreement, each municipality shall be responsible for its share of the cost of the professional services, which are not anticipated to exceed $254,300.00; and

WHEREAS, Princeton's anticipated share of this total contract cost is 3.29%, or $8,370.00; and

WHEREAS, the Montgomery Township Engineer and Open Space and Stewardship Director received notice from the DEP that Montgomery Township's 2025 Water Quality Restoration Grant application was selected to receive a grant award on a reimbursement basis, potentially funding the entire WIP for all participating municipalities pending execution of a grant agreement; and

WHEREAS, the Chief Financial Officer has certified that Princeton has appropriated sufficient funds for these services in account 04-215-24-014-076-335.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of Princeton, County of Mercer, State of New Jersey, as follows:

1. The factual recitals in the "Whereas" clauses are incorporated herein as fully restated.

2. The Mayor and Clerk are hereby authorized and directed to execute an interlocal services agreement with the Participating Municipalities for development of a Watershed Improvement Plan on a regional basis by One Water Consulting, LLC, in the form of agreement on file with the Clerk's office.

3. The cost of Princeton's share of the services shall not exceed $8,370.00.

4. The term of the interlocal services agreement shall terminate on December 31, 2027 (which coincides with the expiration of the MS4 municipal permit), or when the services to be performed under the Contractor's professional services contract have been completed, whichever occurs first.

MUNICIPALITY OF PRINCETON
Department of Infrastructure & Operations
400 Witherspoon Street
Princeton, NJ 08540
(609) 921-7077
engineering@princetonnj.gov

MEMORANDUM

To: Mayor and Council
From: Deanna Stockton, *Deputy Administrator*
Subject: Interlocal Agreement with the Township of Montgomery, as Lead Agency, for the Development of a Lower Millstone River Watershed Improvement Plan Utilizing One Water Consulting, LLC as the Consultant
Date: February 17, 2026

Attached for adoption by Princeton Mayor and Council at its February 23, 2026 meeting is a resolution to enter into an Interlocal Agreement with the Township of Montgomery, acting as the Lead Agency, to develop a Watershed Improvement Plan for the Lower Millstone River watershed.

Since 2024, Princeton staff have been participating in meetings organized by the Watershed Institute, and spearheaded by Montgomery Township, for the municipalities within the Lower Millstone River watershed including Montgomery Township, Hopewell Township, Franklin Township, South Brunswick Township, Manville Borough, Hopewell Borough, and Rocky Hill Borough. These meetings have been focused on working collaboratively to create a plan for the Lower Millstone River watershed. With the new municipal separate storm sewer system (MS4) regulations that were made effective by the New Jersey Department of Environmental Protection on January 1, 2023, the municipalities are subject to a new regulation to create a Watershed Improvement Plan for each of our HUC-14 watersheds. As watershed boundaries, including the Lower Millstone River, do not coincide with municipal or county boundaries, a collaborative approach is needed to holistically review and plan for stormwater quality improvements within a watershed.

Princeton Council authorized Princeton's participation in a similar collaboration, in March 2025, for the regional Stony Brook Watershed Improvement Plan. In that case, each municipality contracted directly with One Water Consulting rather than utilizing a lead agency and interlocal agreements. For the Lower Millstone River contract, Montgomery Township has assumed the lead agency role and has requested interlocal agreements with those municipalities that will collaborate on the Lower Millstone River Watershed Improvement Plan. By Resolution 25-416, Princeton offered its formal commitment to participate before the attached interlocal agreement was available.

The total contract amount is $254,300, with Princeton's share to be $8,370.00 (3.29% of the total proposed budget), which is the proportional share calculated in consideration of the following eight participating municipalities:

Municipality	Percentage of Cost Share	Cost
Montgomery Township	35.27%	$89,683
Franklin Township	30.56%	$77,725
South Brunswick Township	19.12%	$48,628
Manville Borough	5.49%	$13,951
Princeton	3.29%	$8,370
Hopewell Township	3.13%	$7,972
Hopewell Borough	2.04%	$5,182
Rocky Hill Borough	1.10%	$2,790
TOTAL	**100%**	**$254,300**

Watershed Improvement Plan documents are required to be submitted by January 1, 2027. We appreciate Princeton Council's support of this Interlocal Agreement with Montgomery Township in order for us to promptly move ahead with a regional approach to this planning effort. Please contact me if you have any questions.

INTERLOCAL SERVICE AGREEMENT

This Agreement, made on the ___ day of _____, 2026 by and between the Township of Montgomery, (hereinafter "**Montgomery Township**" or "**Montgomery**"), a municipal corporation of the State of New Jersey with offices at 100 Community Drive, Skillman, New Jersey, 08558, acting as Lead Agency for the Lower Millstone River Watershed Work Group, and the following other municipal corporations of the State of New Jersey: **Franklin Township**, with offices at 475 DeMott Lane, Somerset, NJ 08873; **South Brunswick Township**, with offices at 540 Ridge Road Monmouth Junction, NJ 08852; **Manville Borough**, with offices at 325 N Main Street, Manville, NJ 08835; **Princeton**, with offices at 400 Witherspoon Street, Princeton, NJ 08540; **Hopewell Township**, with offices at 201 Washington Crossing, Pennington Road, Titusville, NJ 08560; **Hopewell Borough**, with offices at 88 East Broad Street, Hopewell, NJ 08525; and **Rocky Hill Borough**, with offices at 15 Montgomery Avenue, Rocky Hill, NJ 08553; hereinafter, collectively referred to as the "**Participants**".

WHEREAS, municipalities are required by the 2023 Municipal Separate Storm Sewer System (**MS4**) permit to develop a Watershed Improvement Plan (**WIP**) to reduce flooding, reduce water pollution, meet the pollution reduction goals in Total Maximum Daily Loads and achieve designated uses for waterways within each municipality; and

WHEREAS, the Department of Environmental Protection encourages municipalities to interact with their neighboring municipalities and to develop the Watershed Improvement plans on a regional basis; and

WHEREAS, the proposed WIP would study the current status of water quality in the Lower Millstone River Watershed and its tributaries; develop a matrix of best management practices (stormwater management systems) to address the water pollution impairments and flooding; and identify potential locations, projects and costs within the watershed to reduce water pollution and reduce flooding; and

WHEREAS, this agreement allows the municipalities participation in the Lower Millstone River Watershed Work Group to work collaboratively to assist the member municipalities to meet many of the obligations of the MS4 permit to develop the WIP; and

WHEREAS, this regional approach for the Lower Millstone River Watershed will reduce costs in development and implementation of the Watershed Improvement Plan by using a watershed based approach, rather than each municipality performing independent studies and project development; and

WHEREAS, Montgomery Township, pursuant to Resolution #25-5-179, which was later amended by Resolution #25-12-418, awarded a professional services contract to One Water Consulting, LLC, with offices at 101 Poor Farm Road, 2nd Floor, Princeton, New Jersey 08540 (hereinafter "**Contractor**") to create a single regional Watershed Management Plan, a critical component of the Watershed Improvement Plan; and

WHEREAS, each Participant unit shall certify the funds available only for its own needs ordered; adopt a resolution authorizing execution of this agreement; issue purchase orders in its own name; and make payments directly to Montgomery Township as the Lead Agency. This agreement shall be governed by the Interlocal Services Act, N.J.S.A. 40A:65-1, et seq.

WITNESSETH, that the Contractor and Montgomery, for the considerations hereinafter named, agree as follows:

Section 1. Scope of Work

The Contractor hereby agrees to furnish and deliver all materials, and all of the equipment and labor necessary to do and perform all of the work required in accordance with the plans, specifications, and general conditions prepared by the Montgomery on behalf of the Participants, including of Franklin Township, South Brunswick Township, Manville Borough, Princeton, Hopewell Township, Hopewell Borough, Rocky Hill Borough and Montgomery, the Lead Agency.

Base Bid

Professional services to create the Watershed Management Plan Report include the following:

1. Evaluation of the Raritan River TMDL
2. Watershed Monitoring
3. Stormwater BMP Alternatives Matrix
4. Sub Watershed Assessment
5. Identify Improvement Project
6. Prepare Watershed Management Plan Report
7. Meetings and Presentations

The estimate of quantities covering the total work to be done and the material to be furnished is approximate and given as a basis upon which the award of this contract was made at an amount not to exceed $254,300. The Contractor's professional services proposal is attached hereto as **Schedule A.**

Section 2. Time of Completion

The term of this agreement shall continue until December 31, 2027, which coincides with the expiration of the MS4 municipal permit, or until the work to be performed under the Contractor's professional services contract has been completed, whichever occurs first.

This agreement may be extended for an additional term with mutual written consent of the Participants.

Section 3. Compensation

The Contractor shall be paid for the work performed for each Participant in accordance with the percentage of work attributable to each municipality based on its pro rata share as set forth within.

Each of the Participants shall deposit its proportional share with Montgomery Township, within fourteen (14) calendar days of adoption of the municipal resolution authorizing this agreement, so Montgomery can certify availability of funds for award.

Monthly payments will be made to the contractor by Montgomery for the work performed on behalf of each of the Participants. Upon receipt of an invoice from the Contractor with supporting documentation as required, Montgomery Township's Engineer, or their authorized agent, shall prepare an approved monthly estimate payment to the contractor.

The participating municipalities shall contribute the following:

A.	Montgomery Township	35.27%	$89,683
B.	Franklin Township	30.56%	$77,725
C.	South Brunswick Township	19.12%	$48,628
D.	Manville Borough	5.49%	$13,951
E.	Princeton	3.29%	$8,370
F.	Hopewell Township	3.13%	$7,972
G.	Hopewell Borough	2.04%	$5,182
H.	Rocky Hill Borough	1.10%	$2,790
I.	**TOTAL**	**100.00%**	**$254,300**

The parties acknowledge that, as of the date of this Agreement, Montgomery Township has applied for a grant from the New Jersey Department of Environmental Protection ("**NJDEP**") for an amount of up to **$254,300** for the WIP, and **$34,000** to the Watershed Institute ("**WI**") to support public engagement, interlocal coordination, and other public education components of the WIP.

In the event that Montgomery or any of the Participants receives grant funding for the WIP or any portion of the Project, such funding shall be allocated among the parties in proportion to the percentages set forth in this Agreement and shall therefore incrementally reduce the proportionate cost to each Participant.

With respect to the NJDEP grant described above, disbursement of grant funds by Montgomery to other Participants other than WI shall occur only after:

1. Montgomery has received the grant funds in full; and
2. WI has received its proportional share.

If Montgomery does not receive the NJDEP grant or receives a lesser amount than applied for, no obligation shall arise to distribute funds to any Participant beyond the proportionate share of the amount actually received by Montgomery.

Montgomery shall not authorize any change orders increasing the cost of the project without the prior written approval of each Participant, which approval shall not be unreasonably withheld. Should any change orders increasing the cost of the contract be authorized during the course of the project, each Participant shall promptly, after authorizing the change order, deposit with Montgomery, their proportional sum of such change order.

Within thirty (30) days after completion of the project, the parties shall conduct a final accounting to determine the final full cost of the project. Any sums due and payable by one party to the other shall be paid within fourteen (14) days of the final accounting.

Section 4. Laws and Ordinances

The Contractor further agrees to obey the ordinances of Montgomery and each of the Participants and law of the State of New Jersey, and all other governmental agencies, Federal and State, in the doing of the work herein provided for and also agrees to insure against liability for injury or death by accident to its employees upon the work herein provided for as required by the laws of the State of New Jersey.

Section 5. Claims

The Contractor agrees to make payment of all proper charges for labor and materials required in the performance of the work and indemnify and hold harmless Montgomery, its officers, agents and servants and each and every one of them, against and from all suits and costs of every name and description, and from all damages to which Montgomery or any of its officers, agents, or servants may be put by reason of injury to the person or property of others, resulting through the performance of said work, or through the negligence of the Contractor, in the aforesaid work, or through any act or omission on the part of Montgomery or its agent or agents. Montgomery retains all privileges and immunities pursuant to the New Jersey Torts Claims Act, N.J.S.A. 59:1-1, et seq.

IN WITNESS WHEREOF, Montgomery has caused this agreement to be executed by their duly authorized officials as of the day and year first written above.

Witness	**Township of Montgomery**
_____	_____
Lisa Fania, Clerk	Neena Singh, Mayor

IN WITNESS WHEREOF, each Participant has caused this agreement to be executed by their duly authorized officials as of the day and year first written above.

Witness

_____
Name/Title:

Franklin Township

_____
Name/Title:

Witness

_____
Name/Title:

South Brunswick Township

_____
Name/Title:

Witness

_____
Name/Title:

Manville Borough

_____
Name/Title:

Witness

_____
Name/Title:

Princeton

_____
Name/Title:

Witness

_____
Name/Title:

Hopewell Township

_____
Name/Title:

Witness

_____
Name/Title:

Hopewell Borough

_____
Name/Title:

Schedule A

SCHEDULE A

ONE WATER CONSULTING LLC

May 28, 2025

Mark Herrmann, PE, CME, CFM
Township Engineer
Township of Montgomery
100 Community Drive
Skillman, NJ 08558

RE: PROPOSAL FOR LOWER MILLSTONE RIVER WATERSHED MANAGEMENT PLAN

Dear Mark:

As you requested, I have prepared this proposal for One Water Consulting LLC ("One Water") to complete a Watershed Management Plan for the Lower Millstone River Watershed. This plan will provide a meaningful step towards achieving the Township's vision of a cleaner watershed.

QUALIFICATIONS

One Water provides state-of-the-art environmental consulting services to a variety of clients in both the private and public sectors. The experience and expertise of the professional staff at One Water allow us to identify client needs, provide advice and guidance to navigate through a complex web of laws and regulations, and craft intelligent solutions to difficult problems. Our services go beyond strict scientific and engineering analysis of environmental problems. We help clients with planning, strategy, and technical counsel.

I am One Water's Founder and President and am very well known for my work in the watershed management arena. Our firm is in continuous communication with the New Jersey Department of Environmental Protection (NJDEP) on such issues, working in watersheds throughout the state. In addition, according to NJDEP, our staff has completed more watershed monitoring and modeling studies to understand the impact of point and non-point source discharges than any other firm in New Jersey. In fact, I served as Principal-In-Charge of the Passaic River, Raritan River (including the Lower Millstone River), and Rancocas Creek Basin Total Maximum Daily Load (TMDL) Studies under a contract with the New Jersey EcoComplex with funding from NJDEP, which were the largest watershed studies to establish required point and non-point source reductions ever completed in New Jersey. The Lower Millstone River is a sub-watershed of the Raritan River Basin, which I first began monitoring and modeling over 35 years ago. Complementing my background at One Water is a staff of water resources engineers with a combined experience of many decades in water quality monitoring and modeling, stormwater management, and watershed management. For additional information on our firm, please visit our website at www.OneWaterNJ.com.

OVERVIEW OF THE LOWER MILLSTONE RIVER

The Lower Millstone River begins at the dam of Carnegie Lake in Princeton and flows to the Raritan River in Bridgewater (a tributary to the Raritan River). Its watershed includes portions of 13 municipalities (Princeton, Plainsboro, South Brunswick, Montgomery, Rocky Hill, Hopewell Borough and Township, Franklin, Millstone, Hillsborough, Manville, North Brunswick and East Amwell), which are within four counties (Mercer, Somerset, Middlesex, and Hunterdon). The river is approximately 14 miles long, with a watershed drainage area of approximately 310 square miles at its mouth. The flow from the Lower Millstone River provides the water supply for New Jersey American Water at the confluence of the Lower Millstone and Raritan Rivers. See Figure 1 for an overview of the watershed, which is outlined using a red line.

The Lower Millstone River is classified as a freshwater, non-trout stream (FW2-NT) along its entire length. The watershed contains a mix of urban, agricultural, and forested land, with an impervious cover of approximately 6%. Unfortunately, portions of the Lower Millstone River are listed in New Jersey's Integrated Water Quality Monitoring and Assessment Report as being impaired for pH, Arsenic (a natural condition due to rock formations underlying the stream), E. Coli, Dissolved Oxygen, Phosphorus, and Biology. In addition, in many places within the watershed, streambank erosion has led to sediment deposition within the river.

During the summer of 2022, for the first time known to me or NJDEP, there was a Harmful Algal Bloom (HAB) in Lake Carnegie and the Lower Millstone River (see photo below of the Lower Millstone River downstream of Lake Carnegie on July 22, 2022). This HAB was not only aesthetically displeasing with its florescent green color, but it significantly impacted local water quality, aquatic life, and New Jersey American Water's downstream water supply intake at the confluence of the Millstone and Raritan Rivers. HABs can emit cyanotoxins that are dangerous to people, pets, and wildlife that come into direct contact with affected water bodies. Boaters and other recreational users can be exposed to these toxins through oral ingestion (swallowing), skin absorption, and inhalation, which has prompted NJDEP to recommend that some waterbodies be closed to recreation. It is critical that the dynamics in the Lower Millstone be investigated so that future HABs can be prevented.







Figure 1:
Lower Millstone Watershed

ONE WATER CONSULTING LLC
101 Poor Farm Rd., 2nd Floor
Princeton, New Jersey 08540

Streams
Lower Millstone Watershed
Carnegie Lake

DRAWN: 01/08/2025
DRAWN BY: CMG
CHECKED BY: JFC
FILE NAME: LowerMillstoneWshed

IMPROVING WATERSHED IMPAIRMENTS

Stormwater runoff is considered a key source causing the impairments of the Lower Millstone River and its tributaries. Stormwater carries pollutants into the waterbodies and dramatically increases the volume of water flowing through them, which erodes streambanks and releases sediment to downstream locations (where it is deposited in slower moving areas). Addressing stormwater runoff is therefore critical to improving water quality in the lake and addressing the conditions that make formation of HABs more likely.

The goal of this study is to:

- Improve water quality in water bodies that have TMDLs;
- Improve water quality in water bodies listed as impaired; and
- Reduce or eliminate flooding.

The Raritan Basin Nutrient TMDL set stringent stormwater load reductions in the Lower Millstone for total phosphorus and total suspended solids and numerous pollutants are listed as being impaired within the watershed. The watershed management plan will determine how stormwater load reductions could be accomplished in the watershed.

As we discussed with the Township and the other municipalities within the watershed, rather than each municipality in the Lower Millstone River Watershed having to complete separate analyses of the watershed, a single Watershed Management Plan could be completed that would integrate improvements in each municipality in a single study.

SCOPE OF WORK

This study will include the nine minimum elements often referenced by EPA for watershed-based plans, including:

1. Identify the causes and sources of pollution
2. Estimate pollutant loading into the watershed and the expected load reductions
3. Describe management measures that will achieve load reductions and targeted critical areas
4. Estimate the amounts of technical and financial assistance and the relevant authorities needed to implement the plan
5. Develop an information/education component
6. Develop a project schedule
7. Develop the interim, measurable milestones

8. Identify indicators to measure progress and make adjustments
9. Develop a monitoring component

In order to address these nine elements, we are proposing to complete the following tasks:

Task 1 -Evaluate Raritan TMDL for Valuable Information

There is a wealth of information from the Raritan River TMDL study, which is summarized in a report I prepared in 2013 and was utilized by NJDEP to establish the point and non-point source load reductions for the entire Basin (a portion of which is the Lower Millstone River Watershed). The following list provides a summary of the information that would be valuable to extract for this large study:

- Required Total Phosphorus (TP) and Total Suspended Solids (TSS) percent removal reductions from residential, other urban, and agricultural land uses within the Lower Millstone River watershed.
- Land area and fraction of impervious coverage for each land use (residential, commercial, agricultural, forested, and wetland) in each HUC14 sub-watershed.
- Non-point source watershed model results for pollutant loads and water volumes for each HUC14 sub-watershed (to target sub-watersheds with disproportionately high loads or runoff volumes).
- Stream concentrations of TP and TSS within the Lower Millstone River measured in 2003 at various locations.

Task 2 - Watershed Monitoring

The Lower Millstone River Watershed has undergone changes in point and non-point source loads since the data were collected for the Raritan TMDL over 20 years ago, so I believe it is imperative to evaluate current conditions. If significant reductions in pollutants have already occurred, we want to take credit for those reductions when completing the Watershed Improvement Plan.

For budget estimating purposes, I have assumed that One Water will prepare a Quality Assurance Sampling Plan (QASP) that will detail the specifics of the monitoring program and submit it to NJDEP for approval. We will negotiate the terms of the monitoring with NJDEP and obtain approval. Once approved, we will complete ten (10) monitoring events that will occur in the summer and fall of 2025 at ten (10) stream locations under varying stream flow conditions (dry conditions to evaluate conditions when non-point sources would be minor and wet conditions when non-point sources would dominate). Instream monitoring for Dissolved Oxygen, pH, and Temperature will be completed with a hand-

held meter, and grab samples would be obtained and tested at a certified commercial laboratory for the following parameters: Phosphorus series (Total Phosphorus and Dissolved Ortho-phosphate), Nitrogen series (Ammonia, Total Kjeldahl Nitrogen, and Nitrate), Total Suspended Solids, and Chlorophyll-a). The reason for recommending Nitrogen and Chlorophyll-a analysis (even though they are not listed as being impaired in the Lower Millstone) is to provide each of the key constituents that impact Dissolved Oxygen (which is impaired at some Lower Millstone locations and further downstream in the Raritan River).

Since critical stream flows and temperatures typically occur during the summer months of July, August, and September and winter in the months of November and December, it is critical that sampling be initiated by July to obtain the proper conditions.

For budgeting purposes, we have assumed that One Water will complete all sampling and an NJDEP certified laboratory will be subcontracted by One Water for the analytical analyses.

Task 3 - Stormwater BMP Alternatives Matrix

Using available literature from prior studies, we will estimate the expected pollutant removal efficiency for various best management practices (including green infrastructure, manufactured treatment devices, and operational changes such as leaf disposal at the curb and street sweeping). Based on the listed and known impairments in the Lower Millstone Watershed, we will limit the pollutants studied to Total Suspended Solids and Total Phosphorus. In addition, we will also evaluate each identified BMP for its ability to reduce stormwater volume, which has a secondary benefit toward reducing stream erosion.

To further address stream erosion issues that lead to Total Suspended Solids impairments, we will evaluate the impact that streambank restoration would have on downstream TSS concentrations.

Using the results obtained from the analysis described below, we will develop a matrix specific to the Lower Millstone Watershed that can be used to assess the relative benefit of one BMP versus another to use as a tool to select an appropriate BMP for a given sub-watershed and a given pollutant.

Task 4 – Sub-Watershed Assessment

Within each HUC14 sub-watershed of the Lower Millstone, we will complete a geographic information system (GIS) evaluation to determine the stormwater infiltration potential based on available soil characteristics. Color coded maps will be generated that can be utilized by each municipality to identify locations most beneficial for infiltrating BMPs.

In addition, an impervious cover layer for each municipality within the Lower Millstone Watershed will be generated from the recent Watershed Institute evaluation.

Finally, from the watershed model previously completed for the TMDL study, we will create a municipal summary of phosphorus and TSS loads, annual stormwater volume, and infiltration potential for each sub-watershed area. This will enable us to determine which sub-watersheds may prove to be the best "bang for the buck" for future watershed improvement projects.

Task 5 - Identify Improvement Projects

With the information obtained in Tasks 1 through 4, we will identify specific improvement projects aimed at reducing phosphorus and TSS within the Lower Millstone. Our goal is to identify at least three potential projects within each municipality that has at least 5% of the watershed area (Franklin, Hillsborough, Montgomery, North Brunswick, and South Brunswick). Our budget has assumed we will meet with each municipality to review possible projects and conduct a site visit to view possible locations. Once project locations are identified, we will develop appropriate conceptual BMP designs and estimate approximate costs to complete the projects.

Task 6 - Prepare Watershed Management Plan Report

Once Tasks 1 through 5 are completed, we will prepare a Watershed Management Plan Report to summarize the existing conditions within the Lower Millstone and identify watershed improvement projects that will comply with the MS4 permit requirements. We expect the report will include the following chapters:

- Overview of the Watershed, TMDL, and Impairments
- Existing Watershed Conditions
- Watershed Assessment
- Stormwater Management Alternatives
- Identification of Improvement Projects
- Expected Improvements from Improvement Projects

A key aspect of our work will be the development of a GIS Web map for the entire Lower Millstone Watershed. We expect the following layers will be made available to the Watershed Institute and the watershed's municipalities (with maps provided within the report where illustrative):

- Watershed boundary with HUC14 sub-watershed boundaries
- Municipal boundaries
- Streams/Lakes
- NJ surface water classifications

- Impairments
- Land Use/Cover
- Impervious Area
- Soils
- Infiltration potential
- Stream monitoring locations and water quality data from Task 2
- TMDL non-point source required reductions
- Annual phosphorus and TSS loads from each sub-watershed (from TMDL study)
- Annual water volumes predicted from each sub-watershed (from TMDL study)
- Locations of identified improvement projects
- Locations of preserved open space and public trails

This Watershed Management Plan will be the first step in improving water quality and reducing flooding in the Lower Millstone. We are very excited to be a part of this project.

Task 7 – Meetings and Presentations

Once we have preliminarily completed the watershed assessment and identified watershed restoration projects, we will meet with the municipalities to review our findings and solicit input. We have budgeted for four meetings, which depending on the desires of each municipality could be four meetings with all the municipalities (our preference) or one meeting with four groups of municipalities.

It is important to note that we are aware of the significant work that has been completed in this watershed by Dr. Christopher Obropta and his team at Rutgers University. Opportunities for stormwater BMP retrofits in existing older developments to reduce flooding from large storms have been studied in the Royce Brook (Hillsborough and Manville) and potential watershed improvement projects have been identified in Hillsborough, Manville, South Brunswick, and Franklin. This work will be reviewed and incorporated into the tasks described above where appropriate.

SCHEDULE AND BUDGET

Our work on this project can begin within two weeks of your authorization. Assuming we receive your authorization by June 15, 2025, we have prepared the schedule below, which will allow completion of the study and a final report to the municipalities by September 2026.

Task	Start Date	End Date
1: Evaluate Raritan TMDL	Sept 2025	Oct 2025
2: QASP and Watershed Monitoring	July 2025	December 2025
3: Stormwater BMP Alternatives Matrix	Nov 2025	Dec 2025
4: Sub-Watershed Assessment	January 2026	April 2026
5: Identify Watershed Projects	May 2026	June 2026
6: Watershed Management Plan Report	July 2026	September 2026
7: Meetings/Presentations	April 2026	September 2026

We recommend establishing a budget for each task as follows:

Task	Labor Hours	Labor Costs	Laboratory and Field Costs	TOTAL COST
1: Evaluate Raritan TMDL	90	$17,600		$17,600
2: Watershed Monitoring	300	$50,500	$40,000	$90,500
3: Stormwater BMP Alternatives Matrix	100	$18,600		$18,600
4: Sub-Watershed Assessment	170	$29,700		$29,700
5: Identify Watershed Projects	200	$38,800		$38,800
6: Watershed Management Plan Report	180	$34,500		$34,500
7: Meetings/Presentations	110	$24,600		$24,600
TOTAL	**1150**	**$214,300**	**$40,000**	**$254,300**

All work would be billed on a time-plus-expenses basis according to our attached hourly rates and Professional Services Agreement. The total budget of $254,300 would not be exceeded without prior written authorization from each municipality.

I am assuming that you will be requesting that each municipality be responsible for its pro-rata share based on impervious area draining to the Lower Millstone (as determined by The Watershed Institute). The following is a breakdown of costs for each municipality:

Municipality	Percentage of Impervious Area	Share of Budget
Hillsborough Township	28.5%	$72,410
Montgomery Township	22.5%	$57,264
Franklin Township	19.5%	$49,712
South Brunswick Township	12.2%	$30,985
North Brunswick Township	6.9%	$17,630
Manville Borough	3.5%	$8,820
Princeton	2.1%	$5,416
Hopewell Township	2.0%	$4,960
Hopewell Borough	1.3%	$3,360
Rocky Hill Borough	0.7%	$1,660
Millstone Borough	0.4%	$1,128
East Amwell Township	0.2%	$550
Plainsboro Township	0.2%	$406
Total	100%	$254,300

The contracting terms for this study need to be resolved. My recommendation is a shared services agreement between Montgomery Township and the other municipalities in the watershed, but other arrangements can be considered.

We look forward to working on this exciting project. Please do not hesitate to contact me with any questions or to let me know how you wish to proceed via telephone at 609-808-2010 or via email at *JCosgrove@OneWaterNJ.com*.

Sincerely,



James F. Cosgrove, Jr., P.E.
President

File #: R-26-064 **Agenda Date:** 2/23/2026 **Agenda #:** 4.

Resolution of the Mayor and Council of Princeton Supporting the Statehouse Commission Pre-Application to the New Jersey Department of Environmental Protection for the After the Fact Disposal / Diversion of a 3.044+/- Acre Portion of Princeton Community Park South (Block 6902, Lot 2 on the Princeton Tax Map)

WHEREAS, owns property known as Block 6902, Lot 2 on the official tax map of Princeton consisting of approximately 25 +/- acres, which comprises Princeton Community Park South (hereinafter "Community Park South"), which is "unfunded" but encumbered parkland, as a condition of Green Acres funding rules and regulations, with restrictions against disposal or diversion from recreation and conservation uses by the New Jersey Department of Environmental Protection; and

WHEREAS, Community Park South is adjacent to US Route 206 and Witherspoon Streets in Princeton; and

WHEREAS, it is necessary to remove Green Acres restrictions from two separate areas on a portion of Community Park South, totaling 3.044+/- acres, due to a past construction project involving the municipal complex and related improvements which took place in the 1990s; and

WHEREAS the removal of Green Acres restrictions from parkland requires the approval of the Commissioner of the Department of Environmental Protection and the State House Commission pursuant to *N.J.A.C.* 7: 36-26; and

WHEREAS, the Princeton wishes to apply for approval for the past diversion of a 3.044+/- acre portion of Community Park South - SHC #1114003 as a major disposal or diversion of parkland under N.J.A.C. 7:36-26; and

WHEREAS, as required by *N.J.A.C.* 7:36-26.8, Princeton held a scoping hearing on April 3, 2023 to solicit public comment on the proposed disposal/diversion of parkland from Community Park South; and

WHEREAS, the next step in the application process for approval of a major disposal or diversion of parkland is the filing of a pre-application under *N.J.A.C.* 7:36-26.9; and

WHEREAS, in accordance with *N.J.A.C.* 7:36-26.9(d)11, it is necessary for Princeton to submit as part of the pre-application a Resolution endorsing the application to divert or dispose of parkland;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of Princeton as follows:

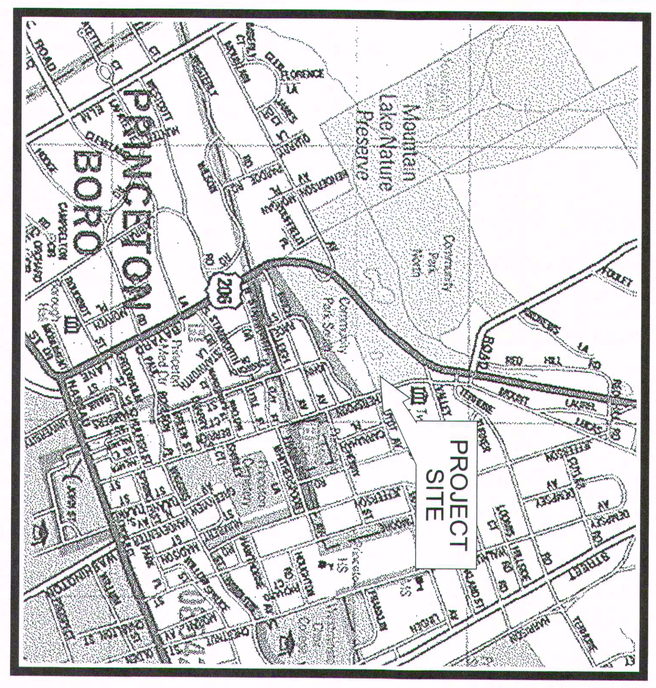
1. Princeton endorses the filing of a pre-application for the diversion or disposal of a 3.044+/- acre portion of Community Park South, which includes a 2.608+/- acre area near Witherspoon Street (Area "A"), and a .4412+/- acre parking area adjacent to the existing recreational amenities near John Street (Area "B") as shown on the map attached here to as Exhibit A ; and

2. Princeton hereby finds that the aforementioned diversion or disposal of Community Park South would meet the minimum substantive criteria at N.J.A.C. 7:36-26.1(d) because it would yield a significant public benefit by allowing a past inadvertent encroachment of portions of the current municipal building and parking areas on the park to remain. The improvements on proposed diverted Area "A" have been used by the public and municipal staff for the provision of essential governmental services since the 1990s and are physically connected to other portions of the municipal building complex which are not within the area designated for Community Park South, and would cause a severe economical and physical hardship if they were to be dismantled. The parking area on Diversion Area "A" also provides parking for the recreational facilities in Community Park South. Diversion Area "B" provides parking for the public using the recreational facilities at Community Park South, but has also long provided parking for the residences and small businesses in the adjacent neighborhood, which would otherwise be underserved because there is no available property to create additional parking. Retaining the proposed diversion/disposal areas for their current uses would provide a significant public benefit because it provides connected access among residential, recreational, and municipal uses, which is an objective of the State's Development and Redevelopment Plan.

3. The governing body of Princeton acknowledges that in order to obtain approval for the diversion/disposal of the aforementioned acreage of Community Park South, all substantive and procedural requirements of *N.J.A.C.* 7:36-26 must be met, including compensation requirements at *N.J.A.C.* 7:36.10. To that end, Princeton has already acquired to parcels of Property totaling 35 +/- acres for open space and passive recreational purposes and will take further steps as determined to be necessary to meet compensation requirements.

XREFS:

KEY MAP
SCALE: 1"=1000' ±



LEGEND OF ACQUISITION:

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
PROJECT NAME: GREEN ACRES PROGRAM, PUBLIC LANDS COMPLIANCE
PROJECT NUMBER: SCH1114003

PURPORTED OWNER: MUNICIPALITY OF PRINCETON
400 WITHERSPOON STREET
PRINCETON, NJ 08540

PARCEL: MUNICIPALITY OF PRINCETON, MERCER COUNTY, NJ
BLOCK 6902/LOT 2

DIVERSION:
ACREAGE: 3.0440
PERCENT DIVERSION: 12.14%

AREA SUMMARY:
TOTAL GROSS AREA SURVEYED: 25.0819 ACRES

AREA IN PUBLIC ROADS: 0.0 Acres
AREA SUBJECT TO RIPARIAN CLAIM OF NEW JERSEY: 0.0 Acres
TOTAL AREA UNDER NAVIGABLE FRESH WATERS: 0.0 Acres
AREA SUBJECT TITLE OVERLAPS: 0.0 Acres
AREA SUBJECT TO TITLE GORES: 0.0 Acres
AREA SUBJECT TO PHYSICAL ENCROACHMENTS: 0.0 Acres

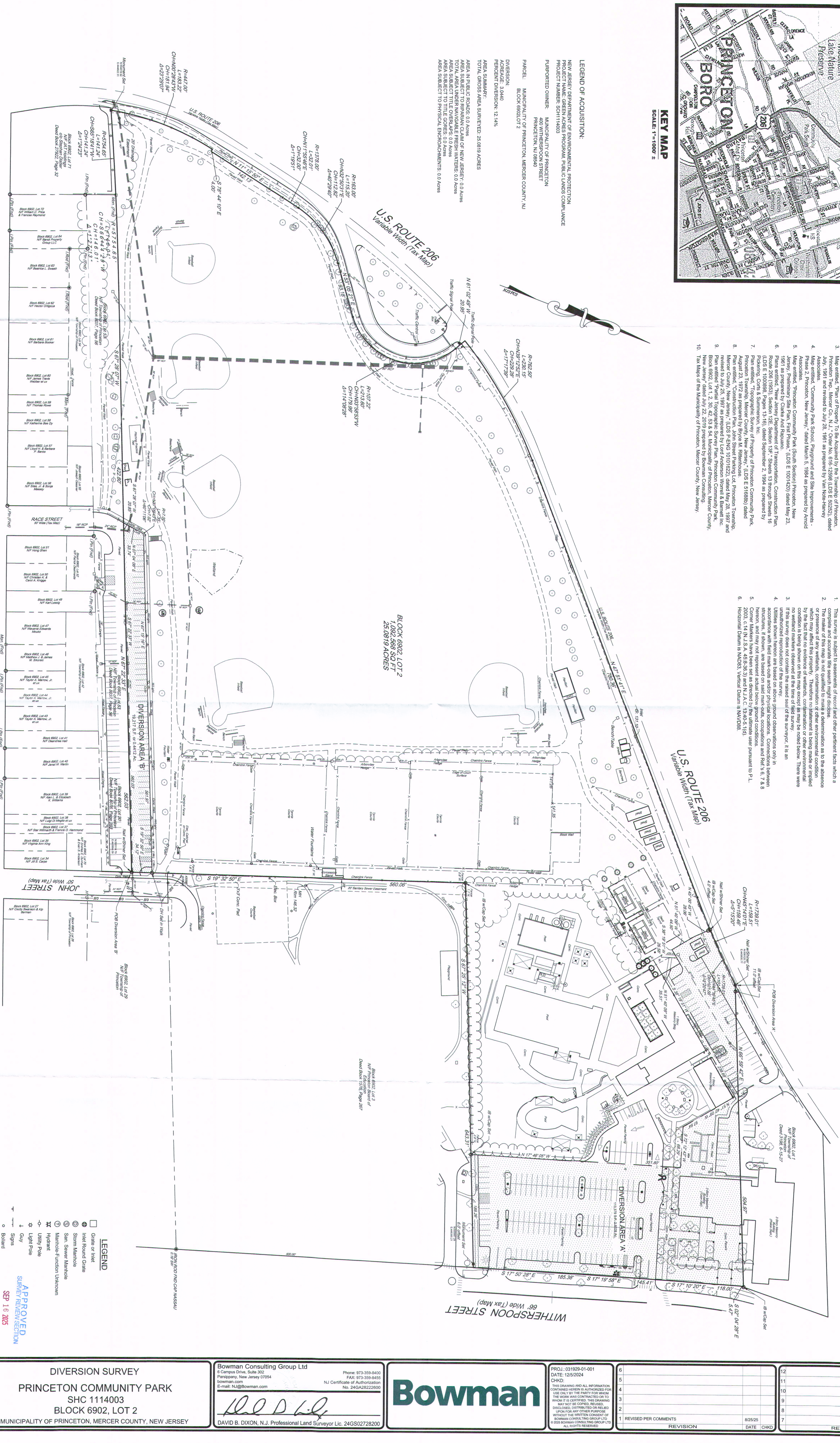
REFERENCE:

1. Map entitled, "Plan of Proposed Subdivision of Portion of Lands of Princeton Municipal Improvement Inc., Princeton Twp, Mercer Co., N.J.," Order No. 573-6992 (LDS E 50239), dated Sept. 1953 as prepared by C.S. Sincerbeaux, C.E.
2. Map entitled, "Plan of Property To Be Acquired by the Township of Princeton, Princeton Twp., Mercer Co., N.J.," Order No. 617-12638 (LDS E 50250), dated July, 1961 as prepared by Van Note-Harvey Associates.
3. Map entitled, "Plan of Property To Be Acquired by the Township of Princeton, Princeton Twp., Mercer Co., N.J.," Order No. 616-12598 (LDS E 50252), dated July, 1961 and revised to July 28, 1961 as prepared by Van Note-Harvey Associates.
4. Map entitled, "Community Park School, Playground and Site Improvements - Phase 2, Princeton, New Jersey," dated March 5, 1984 as prepared by Arnold Associates.
5. Map entitled, "Princeton Community Park (South Section) Princeton, New Jersey, Preliminary Site Plan, First Phase," (LDS E 1001420) dated May 23, 1961 as prepared by Clarke And Rapuano.
6. Plans entitled, "New Jersey Department of Transportation, Construction Plan, Route 206 (1953) Section 12E Section 13F," Sheets 13 through Sheets 16 (LDS E 1000898, Pages 13-16), dated September 2, 1994 as prepared by Pickering, Corts & Summerson, Inc.
7. Plan entitled, "Topographic Survey of Property of Princeton Community Park, Princeton Township, Mercer County, New Jersey," (LDS E 51688) dated August 23, 1972 as prepared by Bryce M. Rittenhouse.
8. Plan entitled, "Construction Plan, John Street Parking Lot, Princeton Township, Mercer County, New Jersey," (LDS P-ENG 1010622), dated May 28, 1997 and revised to July 25, 1997 as prepared by Lord Anderson Worrell & Barnett inc.
9. Plan entitled "Partial Topographic Survey Plan, Princeton Community Park, Block 6902, Lot 1, 2, 30, 42, 53 & 54, Municipality of Princeton, Mercer County, New Jersey" dated July 22, 2019 prepared by Bowman Consulting.
10. Tax Maps of the Municipality of Princeton, Mercer County, New Jersey.

NOTES:

I declare that, to the best of my knowledge and belief, this map and survey were made by me or under my immediate supervision in accordance with N.J.S.A. 13:40-5.1 and the information shown hereon correctly represents the conditions found at the date of the survey except such improvements or easements, if any, below the surface and not visible and is subject to Federal, State, County, and/or municipal restrictions. Included in this declaration are the following notes:

1. This survey is subject to easements of record and other pertinent facts which a complete and accurate title search might disclose.
2. The maker of this map is not qualified to make a determination as to the absence or presence of any wetlands, contamination or other environmental condition which may affect this property. Therefore no statement is being made or implied by the fact that no evidence of wetlands, contamination or other environmental condition is being shown on this map except as may be noted below. There were no wetland markers observed at the time of field survey.
3. If this survey does not contain the raised seal of the surveyor, it is an unauthorized reproduction of the survey.
4. Utilities shown hereon are based on above ground observations only in accordance with field mark-outs and/or physical locations. Connections between structures, if shown, are based on said mark-outs, occupations and Ref's 6, 7 & 8 hereon, and may not represent actual below ground conditions.
5. Corner Markers have been set as directed by the ultimate user pursuant to P.L. 2003, c.14 (N.J.S.A. 45:8-36.3) and N.J.A.C. 13:40-5.1(d).
6. Horizontal Datum is NAD83. Vertical Datum is NAVD88.


U.S. ROUTE 206
Variable Width (Tax Map)
WITHERSPOON STREET
66' Wide (Tax Map)
JOHN STREET
50' Wide (Tax Map)
RACE STREET
50' Wide (Tax Map)
BIRCH AVENUE
50' Wide (Tax Map)
DIVERSION AREA 'A'
113,378 SF± 2.6028 Ac.
DIVERSION AREA 'B'
19,217 SF± or 0.4412 Ac.
BLOCK 6902, LOT 2
1,092,568 SQ FT
25.0819 ACRES
Block 6902, Lot 1
N/F Township of Princeton
Deed 3198, 6-15-27
Block 6902, Lot 3
N/F Princeton Board of Education
Deed Book 1078, Page 287
Block 6902, Lot 29
N/F Township of Princeton
Block 6902, Lot 53
N/F Township of Princeton
Deed Book 8037, Page 96
Block 6902, Lot 54
N/F Township of Princeton
Deed Book 8037, Page 96
Block 6902, Lot 54
N/F Township of Princeton
Deed Book 8037, Page 96
Block 6902, Lot 72
N/F William C. Price & Frances Raymond
Block 6902, Lot 64
N/F Bandi Property Group LLC
Block 6902, Lot 63
N/F Beatrice L. Swaab
Block 6902, Lot 62
N/F Hector Ortigoza
Block 6902, Lot 61
N/F Barbara Booker
Block 6902, Lot 60
N/F James Travis Webber et ux
Block 6902, Lot 59
N/F Thomas Rowe
Block 6902, Lot 58
N/F Katherine Bee Dy
Block 6902, Lot 57
N/F Lloyd H. & Barbara P. Banks
Block 6902, Lot 56
N/F Silas, Jr. & Sonja Massey
Block 6902, Lot 55
N/F Joseph Gessner
Block 6902, Lot 71
N/F LAT Holdings
c/o Stanley Zoller
Deed Book 4782, Page 32
Block 6902, Lot 70
N/F Andrea E. Durham & Evan S. Anderson
Block 6902, Lot 69
N/F Township of Princeton
Deed Book 8070, Page 1989
Block 6902, Lot 68
N/F Township of Princeton
Deed Book 8037, Page 96
Block 6902, Lot 51
N/F Hong Shen
Block 6902, Lot 50
N/F Christian K. & Carol A. Knigge
Block 6902, Lot 49
N/F Karl Lessig
Block 6902, Lot 47
N/F Wavanie Edwards Mouto
Block 6902, Lot 46
N/F Matthew J. & James M. Sikorski
Block 6902, Lot 45
N/F Taylor A. Marrow, Jr. et ux
Block 6902, Lot 44
N/F Taylor A. Marrow, Jr. et ux
Block 6902, Lot 43
N/F Taylor A. Marrow, Jr. et ux
Block 6902, Lot 41
N/F Deandrea Hall
Block 6902, Lot 40
N/F Janet M. Martin
Block 6902, Lot 39
N/F Alan L. & Elizabeth K. Williams
Block 6902, Lot 38
N/F Luigi Di Miglio et ux
Block 6902, Lot 37
N/F Star Willmarth & Francis O. Hammond
Block 6902, Lot 35
N/F Virginia Ann King
Block 6902, Lot 34
N/F Jill S. Carpa
Block 6902, Lot 27
N/F Cecily Swanson & Kip Berman
Monument Set
Monument Set
Monument Set
IRON ROD FND CAP MASS4U
0.18' SW
IB w/Cap Set
PK Nail Set
Nail w/Shiner Set
Nail w/Shiner Set
4.0' offset
Nail w/Shiner Set
11.0' offset
POB Diversion Area 'A'
POB Diversion Area 'B'
DH Set in Walk
Inlet
Bench/Table
Bollard
Light Pole
Guy
Utility Pole
Hydrant
Manhole-Function Unknown
San. Sewer Manhole
Storm Manhole
Inlet Round Grate
Grate or Inlet
Utility Marking
Water Valve
Gas Valve
Clean Out
Signs
Tennis Courts
Basketball Courts
Playground
Concession Stand
Water Fountains
Wetland
Pool
Chainlink Fence
Arborvitae Hedge
Edge of Court Surface
Block Wall
Paver Walk
Paver Walk
Paver Walk

File #: R-26-065 **Agenda Date:** 2/23/2026 **Agenda #:** 5.

Resolution of the Mayor and Council of Princeton Authorizing Release of a Performance Guarantee in the Amount of $29,769.00 and Reduction in Inspection Fees to Princeton SC Residential Urban Renewal, LLC for the Preliminary and Final Major Site Plan & Minor Subdivision Plan Residential Development & Walgreens Pharmacy Relocation

WHEREAS, *Princeton SC Residential Urban Renewal, LLC* has made a formal request for release of the performance guarantee currently held by the Municipality of Princeton for private and public improvements in conjunction with the project known as *Preliminary and Final Major Site Plan & Minor Subdivision Plan Residential Development & Walgreens Pharmacy Relocation*; and

WHEREAS, the Land Use Engineer has determined that the project is complete; and

WHEREAS, the Land Use Engineer recommends that the request for release of the performance guarantee in the amount of $29,769.00 comprised of a cash portion in the amount of $2,977.00 and performance bond in the amount of $26,792.00, plus accrued interest, if any, covering the public improvements in conjunction with the project known as *Preliminary and Final Major Site Plan & Minor Subdivision Plan Residential Development & Walgreens Pharmacy Relocation* be approved and that, upon receipt of a maintenance guarantee in the amount of $4,465.35, the performance guarantee be released; and

WHEREAS, the Land Use Engineer further recommends that the inspection fees in the amount of $48,719.00 be less fees incurred for inspection plus accrued interest, if any, in conjunction with the project known as the project known as *Preliminary and Final Major Site Plan & Minor Subdivision Plan Residential Development & Walgreens Pharmacy Relocation* be reduced by $46,719.00, leaving $2,000.00 for a final inspection at the end of the maintenance period.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of Princeton that the request for release of the performance guarantee in the amount of $29,769.00 covering the public improvements in conjunction with the project known as *Preliminary and Final Major Site Plan & Minor Subdivision Plan Residential Development & Walgreens Pharmacy Relocation*, is approved and the release of the performance guarantee and any accrued interest is authorized.

MUNICIPALITY OF
PRINCETON
Department of Infrastructure
& Operations
400 Witherspoon Street
Princeton, NJ 08540
(609) 921-7077
engineering@princetonnj.gov

MEMORANDUM

To: Bernard Hvozdovic, *Princeton Administrator*

From: Daniel Weissman, PE, CME, *Land Use Engineer*

Subject: Release of Performance guarantee
Princeton (Edens) LLC
Major Site Development and Minor Subdivision
301 North Harrison Street – Walgreens Building
Block 7401, Lot 1.011, Zone SC & PSCIR
Escrow #22-219

Date: February 17, 2026

☒	Performance Guarantee	☐	Reduction	☒	Release	☐	Extension
☐	Maintenance Guarantee	☐	Acceptance	☐	Release	☐	Extension
☒	Inspection Fees	☒	Reduction	☐	Release		
☐	Completion Time	☐	Extension	☐	Status Report		

This office received a request to release the Performance Guaranty from the applicant in reference to the above project. Pertinent project information on file prior to this request is as follows:

Performance Guarantee:

Expiration Date:	n/a	Bond Amount:	$26,792.00
Issued by: Travelers Casualty and Surety Company			
Bond No.:	107704467		
Cash Amount:	$2,977.00		

Inspection Fees:

Amount:	$48,719.00	Reduction:	$46,719.00
		Remainder:	$2,000.00

All work for the above referenced project has been satisfactorily completed. It is therefore recommended that the performance guaranty be released contingent upon the receipt of a two-year maintenance guaranty in the amount of $4,465.35, which is 15% of the original performance guaranty amount. It is also recommended that the escrow for inspection fees be reduced by $46,719.00, less completed inspection costs plus accrued interest, if any, with the remaining amount of $2,000.00 being sufficient to allow for a final inspection at the end of the maintenance period.

If you have any questions concerning this matter, please feel free to contact us.

cc: Mayor and Council
Deanna Stockton, Deputy Administrator
Dawn Mount, Municipal Clerk

File #: R-26-066 **Agenda Date:** 2/23/2026 **Agenda #:** 6.

Resolution of the Mayor and Council of Princeton Authorizing an Increase of $18,038.62 to the Not to Exceed Amount for the Professional Services Agreement with Scarinci Hollenbeck, LLC for Special Environmental Legal Services in 2024 for a New Not to Exceed Amount of $283,038.62

WHEREAS, by Resolution 24-269 adopted on September 9, 2024, Princeton Council awarded a professional services agreement to Scarinci Hollenbeck, LLC for Special Environmental Legal Services (the "Agreement") for an amount not to exceed $165,000.00 and term of one year; and

WHEREAS, by Resolution 25-193 adopted on May 27, 2025, Princeton Council authorized an increase of $100,000.00 to the Agreement for a new not to exceed amount of $265,000.00; and

WHEREAS, additional services were needed prior to the end of the contract term that exceeded the contract amount; and

WHEREAS, Princeton wishes to increase the contract amount $18,038.62 for a new not to exceed amount of $283,038.62; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available to pay for said services from 01-203-20-155-279.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Municipality of Princeton, County of Mercer, State of New Jersey, as follows:

1. The Mayor and Council, or their designee, hereby authorize the second amendment to the agreement originally authorized by Resolution 24-269 on September 9, 2024, and amended by Resolution 25-193 on May 27, 2025, to increase the not to exceed amount by $18,038.62 for a new not to exceed amount of $283,038.62.
2. All remaining provisions of the original agreement not otherwise amended by or inconsistent herewith shall remain in full force and effect.
3. This Resolution, when countersigned by Scarinci Hollenbeck, LLC, shall serve as the second amendment to the original agreement between the parties.
4. A copy of this resolution will be kept on file in the Office of the Clerk.
5. Notice of this action shall be published in the official newspaper as required by law.

ATTEST: **THE MUNICIPALITY OF PRINCETON**

By: _____ By: _____

ATTEST: **SCARINCI HOLLENBECK LLC**

By: _____ By: _____

File #: R-26-067 **Agenda Date:** 2/23/2026 **Agenda #:** 7.

Resolution of the Mayor and Council of Princeton Authorizing an Increase of $105,817.03 to the Not to Exceed Amount for the Professional Services Agreement with Scarinci Hollenbeck, LLC for Special Environmental Legal Services in 2025 for a New Not to Exceed Amount of $205,817.03

WHEREAS, by Resolution 25-339 adopted on October 8, 2025, Princeton Council awarded a professional services agreement to Scarinci Hollenbeck, LLC for Environmental Legal and Litigation Services (the "Agreement") for an amount not to exceed $100,000.00 and term from September 20, 2025, until December 31, 2025; and

WHEREAS, additional services were needed prior to the end of the contract term that exceeded the contract amount; and

WHEREAS, Princeton wishes to increase the contract amount $105,817.03 for a new not to exceed amount of $205,817.03; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available to pay for said services from 01-203-20-155-279.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Municipality of Princeton, County of Mercer, State of New Jersey, as follows:

1. The Mayor and Council, or their designee, hereby authorize the first amendment to the agreement originally authorized by Resolution 25-339 on October 8, 2025, to increase the not to exceed amount by $105,817.03 for a new not to exceed amount of $205,817.03.

2. All remaining provisions of the original agreement not otherwise amended by or inconsistent herewith shall remain in full force and effect.

3. This Resolution, when countersigned by Scarinci Hollenbeck, LLC, shall serve as the first amendment to the original agreement between the parties.

4. A copy of this resolution will be kept on file in the Office of the Clerk.

5. Notice of this action shall be published in the official newspaper as required by law.

ATTEST:

By: _____

THE MUNICIPALITY OF PRINCETON

By: _____

ATTEST:

By: _____

SCARINCI HOLLENBECK LLC

By: _____

File #: R-26-068 **Agenda Date:** 2/23/2026 **Agenda #:** 8.

Resolution of the Mayor and Council of Princeton Renewing Lease Agreement between Princeton and Princeton Tennis Program in Connection with Community Park South Tennis Facility for Additional One-Year Term

WHEREAS, on February 12, 2024, Princeton and the Princeton Tennis Program ("PTP"), a nonprofit corporation of the State of New Jersey, executed a Lease Agreement to enable PTP to operate tennis programming on twelve of the fifteen courts at the Community Park South Tennis Facility, which is located at Princeton Community Park South, designated as Block 69.02, Lot 2 on the Princeton Tax Map ("2024 Lease Agreement"); and

WHEREAS, the 2024 Lease Agreement provided for an initial one-year term (March 1, 2024 to February 28, 2025), with the ability of the parties to renew the 2024 Lease Agreement for up to two additional one-year terms; and

WHEREAS, by Resolution No. 25-44, Princeton Council authorized the renewal of the 2024 Lease Agreement for a one-year term (March 1, 2025 to February 28, 2026) on the basis that PTP's continued provision of tennis programming at the Community Park Tennis Facility promotes the health, safety, morals and general welfare of the Princeton community; and

WHEREAS, at this time the parties seek to renew the 2024 Lease Agreement for a second one-year term, to commence on March 1, 2026 and terminate on February 28, 2027, on the basis that PTP's continued provision of tennis programming at the Community Park Tennis Facility promotes the health, safety, morals and general welfare of the Princeton community; and

WHEREAS, pursuant to the 2024 Lease Agreement and applicable rules of the Green Acres Program (and in particular N.J.A.C. 7:36-25.13), the renewal of the 2024 Lease Agreement has been approved by the New Jersey Department of Environmental Protection.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Municipality of Princeton, County of Mercer, State of New Jersey, as follows:

1. The foregoing recitals are hereby incorporated herein as if fully restated.

2. The 2024 Lease Agreement is hereby amended by renewing said lease for an additional one-year term to commence on March 1, 2026 and terminate on February 28, 2027.

3. This Resolution, when countersigned by the Princeton Tennis Program, shall serve as the Second Amendment to the 2024 Lease Agreement.

4. All remaining provisions of the 2024 Lease Agreement not affected by this Second Amendment

shall remain in full force and effect.

5. A copy of this Resolution shall be sent to:

Patrick O'Donnell, Mercer County Compliance Officer
Office of Transactions and Public Land Administration
New Jersey Department of Environmental Protection
401 E. State St., P.O. Box 420
Mail Code 401-07B
Trenton, NJ 08625-0420

ATTEST: **THE MUNICIPALITY OF PRINCETON**

By: _____ By: _____

ATTEST: **PRINCETON TENNIS PROGRAM**

By: _____ By: _____

Municipality of Princeton

380 Witherspoon Street
Princeton, NJ 08540-3496

Department of Recreation ***Evan Moorhead***
609-921-9480 ***Executive Director***
www.princetonrecreation.com ***emoorhead@princetonnj.gov***

DATE: February 9, 2026
TO: Mayor Mark Freda and Members of Princeton Council
FROM: Evan Moorhead, Executive Director of Recreation
RE: Lease of Community Park Tennis Courts

Dear Mayor Freda and Members of Council,

Attached is a resolution for your review regarding the renewal of the lease of the operation of twelve (12) of the Community Park Tennis Courts to Princeton Tennis Program (PTP) for the 2026 outdoor season. This is a rollover of the current lease for an additional 1 year term as alloweable per the contract. All terms and conditions of the current lease would remain in effect.

The terms of this contract include the following:

1. The lease term is March 1, 2026 to February 28, 2027.
2. PTP will have access to 12 courts.
3. PTP's annual contribution to the municipality for 2026 will be $32,000.
4. This is the final year that the current contract is eligible for roll-over.

This renewal only covers the 2026 tennis season and applies to use of the courts in their current condition. It is separate from the new lease agreement with PTP that will govern PTP's use of the courts once the courts are reconstructed (and which covers PTP's capital contributions).

As you may be aware, PTP has successfully operated tennis programming and education at Community Park for many years. PTP has reviewed the contract terms and has verbally accepted them. In addition, the contract has been reviewed and approved by Green Acres in January 2024, January 2025 and February 2026.

Please let me know if you have any questions.

Thank you.

Evan Moorhead

Cc:
Bernie Hvozdovic, Municipal Administrator
Dawn Mount, Municipal Clerk
Sandy Webb, CFO

Jeff Grosser, Deputy Administrator

File #: R-26-069 **Agenda Date:** 2/23/2026 **Agenda #:** 1.

Resolution of the Mayor and Council of Princeton Authorizing the Payment of Bills and Claims

WHEREAS, Chief Financial Officer, Sandra Webb has forwarded the bills and claims received for payment by the Municipality of Princeton for review and approval by the Mayor and Council.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of Princeton approve the attached bill list.

List of Bills - Clearing Claims

Meeting Date: 02/23/2026 For bills from 02/10/2026 to 02/20/2026

Vendor		Description	Payment	Check Total
569 - **ABLE MECHANICAL INC.**	PO 45331	BLANKET/BUILDINGS AND GROUNDS	6,363.36	**6,363.36**
2297 - **AFFORDABLE HOUSING PROFESSIONALS**	PO 48606	AFFORDABLE HOUSING PROFESSIONALS - CORPO	275.00	**275.00**
2715 - **AIRPOWER INTERNATIONAL, INC.**	PO 48596	BANKET - SERVICE	1,620.00	**1,620.00**
57 - **AT&T**	PO 48608	Telephone FIRE - Acct 030 519 3823 001 -	28.42	**28.42**
2642 - **BEANS, FRED PARTS, INC**	PO 48145	BLANKET PARTS TV	2,352.17	**2,352.17**
646 - **BEN SHAFFER RECREATION INC.**	PO 48237	ATHLETIC FIELD BLEACHER NB-0315APRF-NJS	3,247.86	**3,247.86**
4020 - **BOB'S DISCOUNT FURNITURE LLC**	PO 48442	RALPH TWIN XL METAL BED FRAMES FOR BUNKR	3,017.97	**3,017.97**
3315 - **BOWMAN CONSULTING GROUP, LTD.**	PO 45271	RESOLUTION 25-33: DESIGN SERVICES FOR TH	19,244.68	**19,244.68**
1960 - **BRB VALUATION & CONSULTING**	PO 48102	2026 COMMERCIAL TAX APPRAISALS	5,000.00	**5,000.00**
463 - **BRITTON INDUSTRIES, INC.**	PO 48274	BLANKET	2,323.01	**2,323.01**
4009 - **CANON U.S.A., INC.**	PO 48464	Blanket - 2026 Canon	353.23	**353.23**
5259 - **CAPITOL REFRIGERATION, INC.**	PO 47977	STAND ALONE FREEZERS & REFRIGERATOR	12,958.67	**12,958.67**
2685 - **CHERRY VALLEY TRACTOR SALES INC.**	PO 48138	BLANKET PARTS TV	86.40	**86.40**
4570 - **CIOCCA FMCCB INC.**	PO 48142	BLANKET SERVICE	215.95	**215.95**
4561 - **CIOCCA FMFL INC.**	PO 48141	BLANKET SERVICE TV	739.85	**739.85**
5014 - **CLARION EVENTS, INC.**	PO 45585	BLANKET - BOOKS	172.00	**172.00**
3244 - **CLARKE CATON HINTZ**	PO 48104	2026 AFFORDABLE HOUSING MONITORING SERVI	2,205.57	**2,205.57**
1818 - **CLEAN AIR COMPANY, INC.**	PO 47680	POLE & CLAMP COMBO FOR HIGH STACK CONNEC	641.43	**641.43**
1732 - **COMCAST BUSINESS**	PO 48590	Internet - Account 900019299 - Bill Date	3,268.35	**3,268.35**
263 - **COMCAST CORPORATION**	PO 48589	Comcast - Acct. 8499 05 311 0085701 - Bi	219.31	**219.31**
1872 - **CONTES BAR/PIZZA**	PO 48497	BLANKET - FOOD FOR YOUTH PROGRAMMING AND	240.00	**240.00**
1870 - **CORELOGIC REAL ESTATE TAX SERV**	PO 48662	BL-20.09 LT-48.09 C48I REFUND FOR DUPLIC	14,912.62	**14,912.62**
4663 - **CORPORATE BILLING**	PO 48137	BLANKET PARTS/SERVICE TV	581.77	**581.77**
4604 - **COSTELLO'S ACE HARDWARE**	PO 46862	BLANKET/PAPER LAWN AND LEAF BAGS FOR PRI	1,196.00	
	PO 48130	2025 BLANKET - BUILDING DEPT TOOLS & EQU	66.98	
	PO 48205	BLANKET/SUPPLIES	121.62	
	PO 48206	BLANKET/SUPPLIES	207.10	
	PO 48207	BLANKET/SUPPLIES	107.95	
	PO 48291	BLANKET	589.32	
	PO 48292	BLANKET	489.90	
	PO 48294	BLANKET	331.48	
	PO 48295	BLANKET	303.59	**3,413.94**
1339 - **COUNTY OF HUNTERDON**	PO 47105	BLANKET - SERVICES	600.00	**600.00**
1833 - **DELTA DENTAL PLAN OF N.J.**	PO 48652	Acct #03114-00001 March 2026	17,499.17	**17,499.17**
4915 - **DEPARTMENT OF COMMUNITY AFFAIRS**	PO 48181	DCA INSPECTION FEES COLLECTED 4TH QTR. 2	2,000.00	**2,000.00**
757 - **E-Z PASS**	PO 48220	VIOLATION T132560715929-01 LICENSE PLATE	53.95	**53.95**
4005 - **EARLE ASPHALT COMPANY**	PO 45163	RESOLUTION 24-352 CHERRY HILL ROAD SHARE	131,243.56	
	PO 47049	RESOLUTION 25-247 IMPROVEMENTS TO MT LUC	181,615.48	**312,859.04**
3835 - **EASTERN WAREHOUSE DISTRIBUTORS**	PO 48143	BLANKET PARTS/OILS TV	1,031.70	**1,031.70**
5299 - **ELITE EMERGENCY LIGHTS LLC**	PO 48202	GAMBER JOHNSON - GETAC A140 TABLET DOCKI	687.71	**687.71**
4333 - **ENTERPRISE FM TRUST**	PO 48201	RESO 21-67 VEHICLE LEASE AGREEMENT YEAR	1,992.65	
	PO 48201	RESO 21-67 VEHICLE LEASE AGREEMENT YEAR	3,174.78	**5,167.43**
5196 - **FARHAT SUBUHI ASHEER**	PO 46964	RESOLUTION 25-238 COMMUNITY NEEDS ASSESS	4,760.00	**4,760.00**
148 - **FIRE & SAFETY SERVICES, LTD.**	PO 45589	BLANKET - SERVICES	13,506.76	**13,506.76**
1786 - **FLEET PRIDE**	PO 48144	BLANKET PARTS/OILS TV	27.19	**27.19**
5082 - **FRANK D'AMORE**	PO 48561	2026 Eyeglass Reimbursement Costco, 2/4	150.00	**150.00**
402 - **FYR-FYTER SALES SERVICE INC.**	PO 45436	BLANKET/BUILDINGS AND GROUNDS SERVICE	1,253.73	**1,253.73**
1773 - **GABRIELLI TRUCK SALES, LTD**	PO 48146	BLANKET PARTS/SERVICE TV	1,966.65	**1,966.65**
158 - **GALLS LLC**	PO 48190	UNIFORMS	833.28	**833.28**
5092 - **GEBHARDT & KIEFER, P.C.**	PO 45270	RESOLUTION 25-29: CONFLICT COUNSEL LEGAL	884.00	**884.00**
4872 - **GREATAMERICA FINANCIAL SERVICES**	PO 48054	POSTAGE LEASE 12/23/25 - 12/22/26 400 WI	864.63	**864.63**
1736 - **GRIGGS FARM CONDOMINIUM ASSOCI**	PO 48504	MUNICIPALLY OWNED UNIT 140 GRIGGS DRIVE-	279.91	**279.91**
2098 - **GROFF TRACTOR MID ATLANTIC**	PO 48147	BLANKET PARTS/SERVICE TV	8,217.12	**8,217.12**
4889 - **HAMSYS, INC.**	PO 48595	1099 E-Filing and Mail Service for 2025	7.96	**7.96**
1702 - **HERC RENTALS INC.**	PO 48183	BLANKET 2026	1,387.00	**1,387.00**
3960 - **INDUSTRIAL WELDING SUPPLY, INC.**	PO 48149	BLANKET WELDING SUPPLIES TV	284.29	**284.29**
2690 - **INTERSTATE BATTERY OF PRINCETON**	PO 48150	BLANKET BATTERIES TV	784.80	**784.80**
4211 - **JAMES PURCELL**	PO 48627	REIMBURSEMENT FOR EXPENSES FOR NJ LEAGUE	394.76	**394.76**
201 - **JAMMER DOORS**	PO 47521	INSTALL 2 NEW EXTERIOR DOORS ON RECREATI	4,980.00	**4,980.00**
307 - **JANICE SOPRONYI-MOST**	PO 48575	PETTY CASH REIMBURSEMENT	289.39	
	PO 48575	PETTY CASH REIMBURSEMENT	31.44	**320.83**

List of Bills - Clearing Claims

Meeting Date: 02/23/2026 For bills from 02/10/2026 to 02/20/2026

Vendor		Description	Payment	Check Total
5232 - **JOHANNA PETERS**	PO 48521	REIMBURSEMENT FOR JOHANNA PETERS-- POST	2,750.00	**2,750.00**
4507 - **JOHNSON, MARK**	PO 48564	2025 Eyeglass Reimbursement 12/17/2025,	150.00	**150.00**
1238 - **JOHNSON, MIRMIRAN & THOMPSON, INC.**	PO 44324	RESOLUTION 2024-186 + 25-189	7,137.63	**7,137.63**
5344 - **JONES & BARTLETT LEARNING, LLC**	PO 48483	BLANKET - BOOKS	107.86	**107.86**
4118 - **KABIS, JUSTIN**	PO 48558	REIMBURSEMENT FOR 2025 CELL PHONE	240.00	**240.00**
5211 - **KERRY BRUNO**	PO 48567	Notary Reimbursement, 12/15/2025	15.00	**15.00**
75 - **KOVI TOWING LLC**	PO 48152	BLANKET TOWING	315.00	**315.00**
2903 - **KYOCERA DOCUMENT SOLUTIONS**	PO 48465	2026 Blanket - Kyocera	4,111.50	**4,111.50**
608 - **LAGORMARSINO, THOMAS**	PO 48542	2025 MEDICAL REIMBURSEMENT - COMPLETE	1,800.00	**1,800.00**
3166 - **LAHOVICH, STEVE**	PO 48566	2025 Eyeglass Reimbursement 11/21/2025,	200.00	**200.00**
227 - **LANGUAGE LINE SERVICES**	PO 48603	TELEPHONE TRANSLATION SERVICES	245.33	**245.33**
228 - **LAWSON PRODCTS, INC**	PO 48153	BLANKET PARTS/SUPPLIES TV	53.40	**53.40**
937 - **LERETA LLC TAX SERVICE**	PO 48663	REFUND FOR BL-6705 LT-24 DUPLICATE 1ST Q	6,057.02	**6,057.02**
5051 - **LGB MECHANICAL INC**	PO 44900	RESOLUTION 2024-301 ENERGY & HVAC SYSTEM	162,362.88	**162,362.88**
1579 - **MACFARLAN, GERRY**	PO 48612	ANNUAL CLOTHING ALLOWANCE (NOT TO EXCEED	278.83	**278.83**
4807 - **MARAZITI FALCON, LLP**	PO 47740	LEGAL SERVICES IN CONNECTION WITH PCRD L	2,298.93	**2,298.93**
1100 - **MASON, GRIFFIN & PIERSON**	PO 48060	RESO 26-32 2026 MUNICIPAL ATTORNEY	40,010.43	
	PO 48060	RESO 26-32 2026 MUNICIPAL ATTORNEY	3,646.50	**43,656.93**
1553 - **MCCAFFREYS MARKET**	PO 48434	BLANKET - FOOD	32.94	
	PO 48498	BLANKET - FOOD, WATER, & SUPPLIES FOR PR	100.76	
	PO 48607	BLANKET	125.39	**259.09**
266 - **MCMASTER-CARR**	PO 48157	BLANKET PARTS/SUPPLIES TV	65.92	**65.92**
1534 - **MERCER COUNTY FIRE ACADEMY**	PO 48218	BLANKET - TRAINING	575.00	**575.00**
282 - **MERCER COUNTY IMPROV AUTHORITY**	PO 45552	BLANKET/TRASH TONNAGE	58,954.74	**58,954.74**
282 - **MERCER COUNTY IMPROV AUTHORITY**	PO 48288	RESO 23-222 (YEAR 3 OF 5)	113,826.84	**113,826.84**
282 - **MERCER COUNTY IMPROV AUTHORITY**	PO 48348	BLANKET/TRASH TONNAGE	51,953.00	**51,953.00**
4767 - **MOTOROLA SOLUTIONS INC**	PO 47416	MOBILE RADIO APX6500 ENHANCED UHF R2	392.25	**392.25**
4260 - **MULLER & BAILLIE, P.C.**	PO 46620	CONTRACT PCRD LITIGATION 5/15/2025 - 5/1	528.00	
	PO 48110	2026 GENERAL LEGAL SERVICES TO PRINCETON	1,012.00	
	PO 48616	LEGAL SERVICES	110.00	**1,650.00**
542 - **NASSAU INN LTD PARTNERSHIP**	PO 48211	OFF SITE POLICE ADMINISTRATION MEETING	485.60	**485.60**
832 - **NEW JERSEY AMERICAN WATER**	PO 48660	Water - SOC - Acct 1018-210051252446 - B	4,189.20	
	PO 48660	Water - SOC - Acct 1018-210051252446 - B	469.34	**4,658.54**
832 - **NEW JERSEY AMERICAN WATER**	PO 48679	Westminster Properties - Bundled Acct.#1	3,037.73	**3,037.73**
3856 - **NEW JERSEY EMERGENCY PREPAREDNESS ASSOCI**	PO 48543	COMMUNITY MASS CARE AND EMERGENCY ASSIST	265.00	**265.00**
7 - **NORCIA CORPORATION**	PO 48159	BLANKET SERVICE/PARTS TV	1,629.89	**1,629.89**
5347 - **NRAAO-NH**	PO 48581	BLANKET	450.00	**450.00**
5238 - **OCTORARO NATIVE PLANT NURSERY, INC**	PO 47319	COMMUNITY PARK NORTH PROJECT PLANTINGS	4,627.45	**4,627.45**
3052 - **OMAR AND JUSTINS INCORPORATED**	PO 48124	EMERGENCY TREE REMOVAL - 275 ROSEDALE RO	4,800.00	**4,800.00**
1635 - **PA MUNICIPAL, INC.**	PO 45653	BLANKET/DPW ROAD SIGNS	225.90	**225.90**
591 - **PACKET MEDIA LLC**	PO 45828	2025 Advertising - Blanket	44.57	
	PO 48490	LEGAL NOTICE	53.52	**98.09**
4981 - **PANDADOC, INC.**	PO 48613	Blanket 2026	66.00	**66.00**
4648 - **PAREDES, NESTOR**	PO 48565	2025 Eyeglass Reimbursement 12/18/2025,	200.00	**200.00**
1405 - **PASCALE, JAMES J.**	PO 48600	2025 Retiree Medicare B	6,429.00	**6,429.00**
3393 - **POLICE AND SHERIFFS PRESS**	PO 48185	OFFICER ID’s	60.00	**60.00**
4271 - **PONDER,RHINOLD L. & MICHELE T.**	PO 48664	REFUND FOR BL-5403 LT-16 DUPLICATE 1ST Q	438.43	**438.43**
1362 - **PORTER LEE CORP**	PO 48614	ANNUAL SOFTWARE SUPPORT BEAST EVIDENCE S	1,795.00	**1,795.00**
5186 - **PRIME LUBE INC.**	PO 48162	BLANKET OILS/DEF FLUID TV	1,706.06	**1,706.06**
1348 - **PRINCETON HYDRO, LLC**	PO 42106	(Contract #1: Reso 23-313 + 24-85) (Cont	436.80	**436.80**
1626 - **PRINCETON MERCER REGIONAL CHAMBER**	PO 48568	2026 Central NJ Real Estate Forecast Co	135.00	**135.00**
594 - **PRINCETON SENIOR RESOURCE CENTER/CENTER**	PO 45276	RESOLUTION 25-39: VARIOUS SERVICES FOR S	42,991.25	**42,991.25**
1277 - **PRINCETON SUPPLY CORPORATION**	PO 48230	BLANKET / SUPPLIES / MATERIALS	340.00	
	PO 48370	BLANKET	242.00	
	PO 48371	BLANKET	1,040.00	**1,622.00**
445 - **PSE&G CO - SUMMARY ACCOUNT**	PO 48681	Electric - Bundled Acct #13 000 010 03 -	42,811.62	**42,811.62**
445 - **PSE&G CO - SUMMARY ACCOUNT**	PO 48682	Electric and Gas - Traffic Lights - Bill	8.14	**8.14**
445 - **PSE&G CO - SUMMARY ACCOUNT**	PO 48683	WESTMINSTER - Electric and Gas - Bill Da	3,191.01	**3,191.01**
445 - **PSE&G CO - SUMMARY ACCOUNT**	PO 48695	WESTMINSTER - Electric and Gas - Acct. 4	25,775.47	**25,775.47**
445 - **PSE&G CO - SUMMARY ACCOUNT**	PO 48696	Electric and Gas - Bill Date Feb. 17, 20	2,583.80	**2,583.80**
4086 - **REMINGTON & VERNICK ENGINEERS, INC**	PO 46596	RESOLUTION 2025-181 MS4 GIS MAPPING & GP	5,000.00	
	PO 47445	RESOLUTION 25-320 SANITARY SEWER GIS UPD	900.00	**5,900.00**

List of Bills - Clearing Claims

Meeting Date: 02/23/2026 For bills from 02/10/2026 to 02/20/2026

Vendor		Description		Payment	Check Total
1204 - **RIGGINS INC.**	PO 48375	BLANKET	10,530.74		**10,530.74**
1302 - **ROBERTS, JACK**	PO 48582	1st Qtr 2026 - Medicare Retiree	1,801.80		**1,801.80**
4961 - **RPM DEVELOPMENT**	PO 48687	ESCROW REFUND 17-290-20-019-741	1,125.01		**1,125.01**
427 - **RUTGERS UNIVERSITY - CENTER FOR GOVERNME**	PO 48618	The Powers & Duties of the Municipal Gov	200.00		**200.00**
427 - **RUTGERS UNIVERSITY - CENTER FOR GOVERNME**	PO 48677	Municipal Clerk Review-Kerry Bruno 2/21	653.00		**653.00**
5353 - **SEVERINO SLAPPY CONSULLTING INC.**	PO 48632	FINANCIAL EDUCATION SERVICES	7,675.00		**7,675.00**
2906 - **SYNATEK, LP**	PO 48416	BLANKET	4,076.50		**4,076.50**
3059 - **T & M ASSOCIATES**	PO 45269	RESOLUTION 25-28: LANDFILL GAS MONITORIN	4,357.07		
	PO 47150	PROPOSAL # PRINOH-25010	1,062.50		**5,419.57**
3741 - **TAYLOR SAPUDAR**	PO 48562	2026 Eyeglass Reimbursement 2/23/2026,	145.00		**145.00**
5153 - **THE NEW JERSEY STATE BAR ASSOCIATION**	PO 48569	2026 Redevelopment Law Institute, 1/9/26	264.00		**264.00**
1182 - **TOUCHTONE COMMUNICATIONS**	PO 48591	Acct 6099212100 - Interexchange Carrier	188.73		**188.73**
1044 - **TOWNSHIP OF LAWRENCE**	PO 48127	2026 SHARED SERVICE AGREEMENT WITH LAWRE	25,000.00		**25,000.00**
4836 - **TRENTON RENEWABLE POWER, LLC**	PO 48544	BLANKET	282.75		**282.75**
5213 - **TYRONE CARTER**	PO 48645	Reimbursement	18.75		**18.75**
923 - **UNITED PARCEL SERVICE**	PO 48592	Acct. 6AF535 - Service Charge - 1/31/26	228.02		**228.02**
211 - **UNITED SITE SERVICES**	PO 48204	BLANKET/MISC. RENTAL	95.63		
	PO 48588	COMFORT STATION	91.92		**187.55**
4220 - **VANATTA, TIM**	PO 48563	2025 Eyeglass Reimbursement 12/29/2025,	200.00		**200.00**
3397 - **Vari Sales Corporation**	PO 48290	Blanket 2026	499.00		**499.00**
408 - **VECTOR SECURITY**	PO 48400	BLANKET	3,792.74		**3,792.74**
962 - **VERIZON**	PO 48604	TELEPHONE EXPENSE	403.04		**403.04**
4895 - **VERIZON COMMUNICATIONS INC.**	PO 48583	VEHICLE TRACKING SUBSCRIPTIONS: SOC & PW	4,409.45		**4,409.45**
959 - **VERIZON WIRELESS**	PO 48651	Acct #642046325-00001 - Wireless - Bill	6,029.10		**6,029.10**
2 - **WB MASON CO**	PO 45830	2025 Supplies - Blanket	109.90		
	PO 48456	BLANKET OFFICE SUPPLIES FOR POLICE DEPAR	1,012.45		
	PO 48505	BLANKET FOR ENGINEERING - 2026	128.02		**1,250.37**
3677 - **WELLS FARGO VENDOR FIN SERV.**	PO 48466	2026 Blanket - Wells Fargo	2,958.97		**2,958.97**
3215 - **WSP USA INC.**	PO 39567	RESO 22-399 & 23-386 & 25-355	6,861.69		**6,861.69**
733 - **ZIENOWICZ SIGN CO. LLC**	PO 47921	SIGNS FOR BARBARA SMOYER PARK	7,900.00		**7,900.00**

TOTAL					**1,172,269.18**

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
01-201-20-105-200	PERSONNEL - OE	3,103.65			
01-201-20-110-200	MAYOR & COUNCIL OE	219.31			
01-201-20-111-200	ADMINISTRATIVE & EXECUTIVE OE	64,054.80			
01-201-20-120-200	MUNICIPAL CLERK OE	653.00			
01-201-20-125-200	INFORMATION TECHNOLOGY - OE	10,692.05			
01-201-20-125-233	COMPUTER EXPENSE-SOFTWARE MAINT AND FEES	1,795.00			
01-201-20-150-200	ASSESSMENT OF TAXES OE	5,000.00			
01-201-20-155-200	LEGAL SERVICES & COSTS OE	37,962.93			
01-201-20-165-200	ENGINEERING SERVICES OE	128.02			
01-201-20-175-200	HISTORIC PRESERVATION COMMITTEE - OE	1,111.50			
01-201-21-180-200	REGIONAL PLANNING BD. - TWP - OE	1,084.27			
01-201-23-220-200	EMPLOYEE GROUP INSURANCE OE	20,495.97			
01-201-25-240-200	POLICE OE	6,345.74			
01-201-25-265-200	FIRE OE	5,274.33			
01-201-25-267-200	FIRE FACILITIES OE	1,496.20			
01-201-25-268-200	FIRE INSPECTOR OE	161.81			
01-201-26-290-200	ROAD REPAIRS & MAINTENANCE OE	12,336.83			
01-201-26-305-200	GARBAGE & TRASH REMOVAL OE	165,779.84			
01-201-26-310-200	PUBLIC BUILDINGS & GROUNDS OE	4,382.06			
01-201-26-315-200	VEHICLE MAINT. - ADMIN. OE	13,440.59			
01-201-27-343-200	DEER MANAGEMENT PROGRAM - OE	1,387.00			
01-201-27-345-200	HUMAN SERVICES OE	340.76			
01-201-28-370-200	JOINT RECREATION BOARD OE	607.55			
01-201-28-375-200	PARK MAINTENANCE OE	543.58			

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
01-201-31-430-200	ELECTRICITY & GAS OE	24,792.38			
01-201-31-431-200	NATURAL GAS OE	569.22			
01-201-31-435-200	STREET LIGHTING OE	19,965.92			
01-201-31-440-200	TELEPHONE OE	6,866.20			
01-201-31-455-200	SEWER FACILITIES OPERATING OE	8,078.90			
01-201-31-460-200	GASOLINE OE	10,530.74			
01-203-20-111-200	(2025) ADMINISTRATIVE & EXECUTIVE OE		1,062.50		
01-203-20-120-200	(2025) MUNICIPAL CLERK OE		169.47		
01-203-20-125-233	(2025) COMPUTER EXPENSE-SOFTWARE MAINT AND FEES		66.00		
01-203-20-130-200	(2025) FINANCE ADMINISTRATION OE		7.96		
01-203-20-155-200	(2025) LEGAL SERVICES & COSTS OE		3,710.93		
01-203-20-165-200	(2025) ENGINEERING SERVICES OE		196.76		
01-203-23-220-200	(2025) EMPLOYEE GROUP INSURANCE OE		8,079.00		
01-203-25-265-200	(2025) FIRE OE		14,518.76		
01-203-26-290-200	(2025) ROAD REPAIRS & MAINTENANCE OE		225.90		
01-203-26-305-200	(2025) GARBAGE & TRASH REMOVAL OE		58,954.74		
01-203-26-310-200	(2025) PUBLIC BUILDINGS & GROUNDS OE		1,502.50		
01-203-26-315-200	(2025) VEHICLE MAINT. - ADMIN. OE		2,144.72		
01-203-27-331-200	(2025) SUZANNE PATTERSON CENTER OE		42,991.25		
01-203-27-345-200	(2025) HUMAN SERVICES OE		4,760.00		
01-205-55-900-035	RESERVE FOR TAX OVERPAYMENTS			21,408.07	
01-260-05-100	DUE TO CLEARING/CLAIMS			0.00	590,998.71
01-286-55-900-805	DUE TO STATE (DCA)- LEAD SAFE CERTS			2,000.00	
TOTALS FOR	**CURRENT FUND**	**429,200.15**	**138,390.49**	**23,408.07**	**590,998.71**
02-213-44-911-301	CLEAN COMMUNITIES			1,196.00	
02-213-44-915-301	FOOD WASTE RECYCLING			282.75	
02-213-44-992-301	NJS FOOD INSECURITY ISSUES GRANT			12,958.67	
02-260-05-100	DUE TO CLEARING/CLAIMS			0.00	14,437.42
TOTALS FOR	**GRANT FUND**	**0.00**	**0.00**	**14,437.42**	**14,437.42**
04-215-15-007-000-000	Ordinance 2015-7 Various Imprv			3,564.55	
04-215-17-037-000-000	Ordinance 2017-37 Various Capital Imprv			3,247.86	
04-215-18-007-000-000	Ordinance 2018-7 Various Capital Imprv			3,297.14	
04-215-21-021-000-000	Ordinance 2021-21 Various Capital Improvements			182,007.73	
04-215-22-018-000-000	Ordinance 2022-18 NJ I-Bank			436.80	
04-215-22-019-000-000	Ordinance 2022-19 Various Capital Improvements			61,872.67	
04-215-23-016-000-000	Ordinance 2023-16 Sewer Trust			900.00	
04-215-23-017-000-000	Ordinance 2023-17 Sewer Improvements			7,137.63	
04-215-23-020-000-000	Ordinance 2023-20 Open Space Improvements			7,900.00	
04-215-23-021-000-000	Ordinance 2023-21 Various Capital Improvements			131,884.99	
04-215-24-014-000-000	Ordinance 2024-14 Various Capital Improvements			129,091.96	
04-215-25-006-000-000	Ordinance 2025-06 Open Space Improvements			4,627.45	
04-215-25-007-000-000	Ordinance 2025-07 Various Capital Improvements			4,980.00	
04-260-05-100	DUE TO CLEARING/CLAIMS			0.00	540,948.78
TOTALS FOR	**GENERAL CAPITAL FUND**	**0.00**	**0.00**	**540,948.78**	**540,948.78**
05-201-02-007-200	PARKING OE	756.24			
05-203-02-007-200	(2025) PARKING OE		44.58		
05-260-05-100	DUE TO CLEARING/CLAIMS			0.00	800.82
TOTALS FOR	**PARKING UTILITY OPERATING FUND**	**756.24**	**44.58**	**0.00**	**800.82**
12-201-20-125-200	OPEN SPACE - OTHER EXPENSE - PARK MAINT	4,831.44			
12-260-05-100	DUE TO CLEARING/CLAIMS			0.00	4,831.44
TOTALS FOR	**OPEN SPACE FUND**	**4,831.44**	**0.00**	**0.00**	**4,831.44**
17-260-05-100	Due To Claims/Clearing			0.00	1,235.01
17-290-20-000-000	PROFESSIONAL FEES			1,235.01	
TOTALS FOR	**ESCROW**	**0.00**	**0.00**	**1,235.01**	**1,235.01**

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
21-201-12-110-200	CONSTRUCTION EXPENSES - OE	2,059.63			
21-260-05-100	DUE TO CLAIMS/CLEARING			0.00	2,059.63
TOTALS FOR	**TRUST FUND**	**2,059.63**	**0.00**	**0.00**	**2,059.63**
40-201-20-105-200	AFFORDABLE HOUSING BOARD OE	16,957.37			
40-260-05-100	DUE TO CLAIMS/CLEARING			0.00	16,957.37
TOTALS FOR	**AFFORDABLE HOUSING UTILITY**	**16,957.37**	**0.00**	**0.00**	**16,957.37**

Total to be paid from Fund 01 CURRENT FUND	590,998.71
Total to be paid from Fund 02 GRANT FUND	14,437.42
Total to be paid from Fund 04 GENERAL CAPITAL FUND	540,948.78
Total to be paid from Fund 05 PARKING UTILITY OPERATING FUND	800.82
Total to be paid from Fund 12 OPEN SPACE FUND	4,831.44
Total to be paid from Fund 17 ESCROW	1,235.01
Total to be paid from Fund 21 TRUST FUND	2,059.63
Total to be paid from Fund 40 AFFORDABLE HOUSING UTILITY	16,957.37
	1,172,269.18

Checks Previously Disbursed

210	PRINCETON PUBLIC SCHOOLS	PO# 48559	8,153,423.00	2/10/2026
213	MERCER COUNTY	PO# 48605	15,093,851.48	2/13/2026
217	DEPOSITORY TRUST CO/CHASE	PO# 48610	20,100.00	2/13/2026
217	DEPOSITORY TRUST CO/CHASE	PO# 48610	6,100.00	2/13/2026
219	DEPOSITORY TRUST CO/CHASE	PO# 48611	46,000,000.00	2/19/2026
219	DEPOSITORY TRUST CO/CHASE	PO# 48611	1,834,888.84	2/19/2026
219	NJSHBP ACT	PO# 48689	579,839.27	2/19/2026
220	NJSHBP ACT	PO# 48690	239,400.17	2/19/2026
			71,927,602.76	

Totals by fund	Previous Checks/Voids	Current Payments	Total
Fund 01 CURRENT FUND	25,907,502.76	590,998.71	**26,498,501.47**
Fund 02 GRANT FUND		14,437.42	**14,437.42**
Fund 04 GENERAL CAPITAL FUND	46,000,000.00	540,948.78	**46,540,948.78**
Fund 05 PARKING UTILITY OPERATING FUND	20,100.00	800.82	**20,900.82**
Fund 12 OPEN SPACE FUND		4,831.44	**4,831.44**
Fund 17 ESCROW		1,235.01	**1,235.01**
Fund 21 TRUST FUND		2,059.63	**2,059.63**
Fund 40 AFFORDABLE HOUSING UTILITY		16,957.37	**16,957.37**
BILLS LIST TOTALS	71,927,602.76	1,172,269.18	**73,099,871.94**

400 Witherspoon St
Princeton, NJ 08540

Municipality of Princeton, NJ

Staff Report

File #: R-26-070 **Agenda Date:** 2/23/2026 **Agenda #:** 2.

Resolution of the Mayor and Council of Princeton Authorizing 2026 1st Quarter Refunds of $21,408.05 Overpayments

WHEREAS, it is the desire of the Mayor and Council of Princeton to refund the following properties for the overpayments on the 1st qtr. 2026

NOW, THEREFORE, BE IT RESOLVED, on this 23rd day of February 2026, by the Mayor and Council of Princeton, County of Mercer, State of New Jersey, that the following $21,408.05 is to hereby be refunded and the Princeton Tax Collector is authorized to adjust her records:

NAME	BLOCK/LOT	LOCATION	AMOUNT
Cotality	20.09/48.09/C48I	48 Nassau St Unit 1	$ 2,326.47
Cotality	32.02/14	20 Harriet Dr.	$ 6,136.27
Cotality	3901/11.01	288 Cherry Hill Rd.	$ 5,908.75
Cotality	5601/14.10	10 Governors Lane	$ 541.13
Ponder, Rhinold L & Michele T.	5403/16	208 Laurel Circle	$ 438.43
Lereta	6705/24	24 James Ct.	$ 6,057.02

MUNICIPALITY OF
PRINCETON
Office of Tax Collection
400 Witherspoon St.
Princeton, NJ 08540
(609) 924-1058
ttisdale@princetonnj.gov

MEMORANDUM

To: Mark Freda, *Mayor*
Michelle Pirone Lambros, *Council President*
Leighton Newlin, *Councilman*
Brian McDonald, *Councilman*
David Cohen, *Councilman*
Leticia Fraga, *Councilwoman*
Mia Sacks, *Councilwoman*

From: Tammie Tisdale, *Tax Collector*
Subject: Refund of Overpayments
Date: February 23, 2026

This resolution authorizes the refunds of duplicates for the 1st quarter 2026 Tax in the amount of $21,408.05 for the properties listed below due to the fact they're duplicate payments:

Title Authority and Cotality paid for 48 Nassau St Unit 1 Bl-20.09 Lt-48.09 C48I $2,326.47 Refund to Cotality.

Cotality and Cotality paid in duplicate for 20 Harriet Bl-32.02 Lt-14 $6,136.27 Refund to Cotality.

Foundation Title and Cotality paid for 288 Cherry Hill Rd. Bl-3901 Lt-11.01 $5,908.75 Refund to Cotality.

Owner Joseph M. Perello & Wendy Wasserman and Cotality paid for 10 Governors Bl-5601 Lt-14.10 $541.13 Refund to Cotality for 1st qtr. 2026 Added.

Ponder, Rhinold L. & Michele T. and Cotality paid for 208 Laurel Circle Bl-5403 Lt-16 $438.43 Refund Ponder, Rhinold L. & Michele T. for 1st qtr. 2026 Added.

Lereta and Lereta paid in duplicte for 24 James Ct. Bl-6705 Lt-24 $6,057.02 Refund to Lereta.