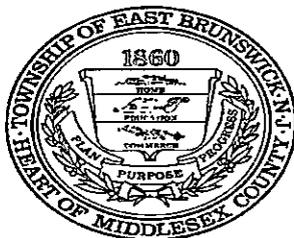


TOWNSHIP OF EAST BRUNSWICK



ORDINANCE NO: 26-05

ADOPTED: MARCH 9, 2026

AN ORDINANCE OF THE TOWNSHIP OF EAST BRUNSWICK, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AMENDING CHAPTER 228, "ZONING", TO ADD ARTICLE XXV-D, "REGULATIONS FOR THE MSMXD MAIN STREET MIX USE PLANNED DEVELOPMENT DISTRICT" TO COMPLY WITH THE FAIR HOUSING ACT, N.J.S.A. 52:27D-302 ET SEQ.

WHEREAS, on March 20, 2024, Governor Murphy signed into law Bill A4/S50 (P.L. 2024, c. 2), which legislation amends the Fair Housing Act, N.J.S.A. 52:27D-302 et seq. (the "Act") and requires each municipality to provide its fair share of affordable housing obligation under the Mount Laurel Doctrine based on a new process and updated methodology; and

WHEREAS, the Act created a new process for municipalities to come into constitutional compliance with the municipal affordable housing obligations; and

WHEREAS, the Act established the Affordable Housing Dispute Resolution Program (the "Program"), an alternative dispute resolution program to resolve cases regarding the Fair Housing Act; and

WHEREAS, the Township of East Brunswick (the "Township") was required to determine its present and prospective fair share obligation for affordable housing in accordance with the formulas established in N.J.S.A. 52:27D-304.2 and N.J.S.A. 52:27D-304.3 by resolution describing the basis for the determination and binding the municipality to adopt a housing element and fair share plan based on that determination; and

WHEREAS, on January 6, 2025, the Township Council for the Township adopted Resolution #25-63, setting forth the Township's present and prospective fair share obligations for the Fourth Round; and

WHEREAS, the Township participated in the Program and accepted the Program's findings as to the Township's present and prospective fair share obligations; and

WHEREAS, on June 18, 2025, the East Brunswick Township Planning Board adopted the Township's Fourth Round Housing Element and Fair Share Plan ("HEFSP") prepared by the Township's Affordable Housing Planner, Kate Keller, AICP, PP, of Phillip Preiss Grygiel Leheny Keller, LLC; and

WHEREAS, on June 23, 2025, the Township Council adopted Resolution #25-218, endorsing the HEFSP; and

WHEREAS, in accordance with the Act, the Township is required to adopt ordinances and resolutions implementing those zoning changes necessitated by the Township’s HEFSP on or before March 15, 2026; and

WHEREAS, one of the properties included in the Township’s Housing Element and Fair Share Plan is comprised of Block 149, Lots 2.02, 3.02, and 4 and is referred to as the “Arisa II Site”; and

WHEREAS, as part of the required zoning changes, the Township is required to amend Chapter 228 to replace Article XXV-D, “Regulations for the SCMXD Senior Citizen Mixed Use Planned Development District”, with Article XXV-D, “Regulations for the MSMXD Main Street Mixed Use Planned Development District”, in the form attached hereto as Exhibit A; and

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of East Brunswick, County of Middlesex, State of New Jersey, that it hereby approves the amendments to Chapter 228, Article XXV-D, and the Revised General Ordinances of the Township of East Brunswick is hereby amended as shown in Exhibit A.

BE IT FURTHER ORDAINED, that if any article, section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED, that all other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township, the provisions hereof shall be determined to govern. All other parts, portions, and provisions of the Ordinances of the Township are hereby ratified and confirmed, except where inconsistent with the terms hereof.

This Ordinance shall take effect twenty (20) days after final passage, adoption and publication according to law.

Rejected

Approved


Brad Cohen, Mayor

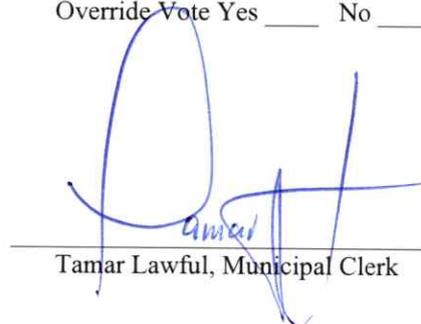
March 10, 2026
Date

Reconsidered by Council _____

Override Vote Yes ___ No ___

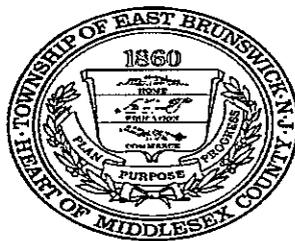
DATE OF ADOPTION: MARCH 9, 2026


Dana Zimbicki, Council President


Tamar Lawful, Municipal Clerk

TOWNSHIP OF EAST BRUNSWICK

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ADOPTED: MARCH 9, 2026

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RECORDED VOTE OF COUNCIL						
Council Member	Motion	Second	Yes	No	Abstain	Absent
Behal			X			
McEvoy	X		X			
Wendell		X	X			
Winston						X
Zimbicki			X			

Deletions in [brackets]
 Additions in *italics/bolded*

CHAPTER 228. Zoning.

Article XXV-D. Regulations for the MSMXD Main Street Mixed Use Planned Development District

§ 228-217.40. Purpose and intent.

[The Township of East Brunswick recognizes the current population trend of citizens living longer and in better health. In order for the Township of East Brunswick to encourage innovation in design and to accommodate these population trends and changes in land development technology and to provide for necessary senior citizen housing, related services and auxiliary facilities; to ensure compatibility among land uses; to conserve the value of land; to encourage more efficient use of land and of public services; to encourage better transportation of people; and to preserve the residential integrity of adjacent areas, the Council of the Township of East Brunswick hereby declares it is in the general interest of the health, safety and welfare of the residents of the Township of East Brunswick and is consistent with the objectives of this article and the Township's adopted Master Plan to permit greater flexibility in design, layout and construction in senior citizen housing development and related services and auxiliary commercial facilities.]

The purpose of the Main Street Mixed Use Planned Development District (MSMXD) is to continue to encourage the redevelopment of a former nonresidential site to accommodate the development of new residential and commercial uses, with residential development providing realistic housing opportunities for low- and moderate-income families. The following regulations are intended to encourage more efficient use of land and of public services, ensure compatibility among surrounding land uses and residential areas, and provide for creative development techniques while protecting environmentally sensitive areas.

§ 228-217.41. Permitted uses.

- A. Planned [senior citizen residence] *residential* development including a variety of housing types and styles.
- B. Offices.
- C. Personal services, provided no one establishment is greater than eleven thousand (11,000) square feet.
- D. Studio of a photographer, teacher of music, dance, art, martial arts, etc.
- E. Medical facilities, such as physician offices.
- F. Banks.

§ 228-217.42. Accessory uses.

- A. *Outdoor* recreational and social facilities primarily for residents of this development.

- B. Indoor recreational, social and communal facilities for the exclusive use of residents and guests.**
- C. Off-street parking areas, including parking structures designed in accordance with §228-217.46 B (5) below.**
- D. Any other use which is subordinate and customarily incidental to a permitted principal use.**

§ 228-217.43. Prohibited uses.

- A. Trailers intended or used for dwelling space, offices, storage or any other residential, commercial or industrial purpose, except that nothing herein contained is intended to prohibit the use of trailers for transportation or as construction offices or for the storage of materials and supplies on a job site during the period of construction.**
- B. Limousine and livery service.**
- C. Sex clubs and massage parlors.**
- D. All uses and buildings not listed as permitted.**

§ 228-217.44. Area and bulk requirements for overall development.

- A. Maximum gross residential density: [5]9 units per acre.**
- B. Maximum residential yield within zone: 313 dwelling units**
- C. Minimum tract size: thirty (30) contiguous acres.**
- D. Maximum impervious tract coverage: fifty (50%) percent.**
- E. Open space: fifty (50%) percent.**
- F. Parking area and driveway setback: 10 feet from side and rear lot lines.**
- G. Landscape buffer: 20 feet along tract frontage which abuts a major collector, as designated in the Township Master Plan, and includes shade trees, earth berms and landscaping.**

§ 228-217.45. Area and bulk requirements for single-family dwelling units.

- A. Minimum lot area shall be 5,000 square feet.**
- B. All units are to be single-family detached and/or attached, not to exceed twenty-five (25) feet in height. Loft bedrooms are permissible.**
- C. Front setback: fifty (50) feet from major collector roads, as defined in the Township Master Plan; 20 feet from all other roads.**
- D. Side setbacks: 10 feet.**
- E. Rear setback: 20 feet.**
- F. Maximum building coverage: forty (40%) percent.**
- G. Accessory structure setback: two feet.**

§ 228-217.46. Area and bulk requirements for multiple dwelling units and all other non-single-family residential uses.

A. The following requirements shall apply to all development located on a lot or lots with direct frontage on Main Street (CR-615):

- (1) Front yard setback for principal and accessory structures: fifty (50) feet from major collector roads, as designated in the Township Master Plan; thirty (30) feet from interior roads.
- (2) Side setback for principal structures: thirty (30) feet.
- (3) Rear setback for principal structures: thirty (30) feet.
- (4) Side and rear setback for accessory structures: 10 feet.
- (5) Maximum height: thirty-five (35) feet.
- (6) *Residential development shall be subject to a maximum number of bedrooms as follows:*
 - a) *Units with loft: 2 bedrooms*
 - b) *Units without a loft: 3 bedrooms*

B. *Only multifamily residential development shall be permitted to be developed on a lot without frontage on a public street, provided it meets the requirements of §228-217.47A. The following requirements shall apply to such multifamily residential development*

- (1) *Minimum principal building setbacks:*
 - a) *From Main Street (CR-615) right-of-way: 300 feet*
 - b) *From Conrail right-of-way: Seventy (70) feet*
 - c) *From all other property lines: Ninety (90) feet*
- (2) *All accessory structures, exclusive of off-street surface parking areas, shall be set back a minimum of ten (10) feet from all property lines.*
- (3) *Maximum building coverage: 25%*
- (4) *No building shall exceed four (4) stories and shall be subject to the following height requirements:*
 - a) *For flat roofs: Fifty (50) feet, measured as the vertical distance from the mean elevation of the finished grade along the front of the building to the highest point of the roof.*
 - b) *For gable or hipped roofs: Fifty-five (55) feet, measured to the mean height level between the eaves and ridge.*
 - c) *Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, air conditioning equipment or similar equipment required to operate and maintain the building, fire or parapet walls, skylights, flagpoles, or water tanks, or may be erected above the height limits prescribed in this chapter provided that such equipment or structures do not occupy more than 25% of the total roof area and is screened in accordance with §192-46.*
- (5) *Parking requirements:*

- a) *Off-street parking shall be provided at a ratio of 1.75 parking spaces per multi-family dwelling unit.*
 - b) *Structured parking shall be permitted to serve as accessory to a residential use provided that the parking structure is fully enclosed within the residential building, except for required building openings such as ingress and egress driveways. All ramps shall be internal to the parking structure and shall not be visible from any public street or neighboring residential use.*
- (6) *Building and site design standards.*
- a) *The building should be designed with each façade being of similar importance, with the level of materials, detailing and articulation consistent along all facades. Building facades may be articulated both horizontally and vertically. Bay windows and projections at each façade may also be used to create varied articulation in the design.*
 - b) *Preferred materials for facade are brick, cultivated stone or other masonry facing; fiber cement siding or backboard; metal panels; metal, and glass. No more than three different materials should be employed as primary materials on a building facade. Within the chosen primary materials, variation in color, texture and/or pattern may be employed to create further distinctions. Material should be extended around corners and extensions in order to avoid a "pasted on" appearance.*
 - c) *Outdoor and indoor amenities shall be provided that are appropriate for use by residents and their guests, including families with children. Outdoor improvements shall include at minimum a walking path, sitting areas, and well as suitable landscaping per Subsection (d) below.*
 - d) *Any part of the development not used for structures, parking, access, or walkways, except for natural and/or environmentally constrained areas, shall be landscaped with grass, trees and shrubs.*
 - e) *No courtyards or other open areas for amenities located between wings of a building shall be oriented towards the Conrail right-of-way.*
 - f) *One (1) freestanding monument sign not larger than 24 square feet in area and not higher than 6 feet in height, including the sign base, shall be permitted to identify the development at the Taft Place access point. If said sign is proposed to be located on an adjacent lot within the Main Street Mixed Use Planned Development District, an easement or other approval from said property owner shall be provided. Project signage shall be compatible in color, materials and architectural details with the principal buildings and shall be set back a minimum of 10 feet from any public street.*

§ 228-217.47. General standards.

In order to fulfill the purpose of this ordinance the following standards shall apply:

A. A lot may be developed without frontage on a public street if all of the following standards are met:

- (1) Such lot is provided main access to a public street by means of an improved driveway(s) extending from Main Street (CR-615) at its intersection with Taft Place through adjacent lot(s), including an at-grade crossing of Conrail's Amboy Secondary Line (i.e., Block 150, Lot 1.03).**
- (2) Secondary emergency access is provided to an adjacent lot with direct access to a public street and including an at-grade crossing of Conrail's Amboy Secondary Line (i.e., Block 150, Lot 1.03).**
- (3) The perpetual right to both main and emergency access is established by an easement recorded in the Middlesex County Clerk's office or otherwise as provided by law, and the two (2) at-grade crossings are approved by Conrail, New Jersey Department of Transportation, and/or other required outside agencies.**
- (4) As part of a site plan application, the developer of such lot shall submit appeal to the Planning Board for issuance of a permit for a building or structure not related to a street pursuant to N.J.S.A. 40:55D-35 and -36.**

[B. amenities appropriate for use by the senior citizen community. Improvements shall include sitting and walking areas as well as suitable landscaping. Improved open space areas shall encompass a minimum of five (5%) percent of the required open space area.

B.[C. Affordable units shall be provided as follows: Twenty (20%) percent of multi-family units;] A minimum of 20% of all residential units shall be restricted for occupancy by very low-, low- and moderate-income households ("affordable units"). Affordable units provided shall conform to the statutes and regulations of the New Jersey Fair Housing Act ("FHA") at N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:99, the regulations of the New Jersey Housing and Mortgage Finance Agency ("NJHMFA") including the Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 et seq. ("UHAC"), and Township of East Brunswick Affordable Housing Ordinance at §132-69 et seq.

C. Specifically, affordable rental units shall conform to the requirements for New Construction set forth in the Township of East Brunswick Affordable Housing Ordinance, including but not limited to:

- (1) 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. 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.**
- (2) At least 13% of the total number of affordable units 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.

- (3) *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.*
- (4) *At least 30% of all low- and moderate-income units, rounded up, shall be two-bedroom units.*
- (5) *At least 20% of all low- and moderate-income units, rounded up, shall be three-bedroom units.*
- (6) *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.*
- (7) *Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development.*

[B. Any part of the development not used for structures, parking, access, or walkways, except for natural areas, shall be landscaped with grass, trees and shrubs.]

D. Applications for development approval shall follow planned unit development procedures as set forth in Chapter 132, Land Use Procedures.