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March 17, 2026

### VIA eCOURTS

Honorable Daniel R. Lindemann, J.S.C.  
Union County Courthouse  
2 Broad Street, Floor 2 Rotunda  
Elizabeth, New Jersey 07207

**RE: In the Matter of the Application of the Township of Berkeley Heights**  
**Docket No. UNN-L-340-25**

Dear Judge Lindemann:

This office represents the Township of Berkeley Heights as Special Affordable Housing Counsel in the above matter. The Township hereby files this letter and attached documentation to meet the March 15, 2026 deadline in the Fair Housing Act (“FHA”), N.J.S.A. 52:27D-304.1(f)(2)(c), the deadline established in the Court’s October 8, 2025 Case Management Order and the deadlines in Consent Order between the Township and Fair Share Housing Center (“FSHC”), which was entered by the Court in this matter on December 8, 2026 (hereinafter “Consent Order”)<sup>1</sup>. Although the Township endorsed its amended Housing Element and Fair Share Plan, and adopted the plan’s implementing ordinances and resolutions on March 16, 2026, the March FHA deadline is still satisfied since March 15, 2026 fell on a Sunday, and R. 1:3-1 allows for the deadline to be carried to the next day.<sup>2</sup>

To that end, please see the following true copies of documentation that is being submitted on behalf of the Township to the Court and FSHC for review:

<sup>1</sup> In addition to the documentation being submitted with this letter to meet the March 15, 2026 deadline, the Township also submitted an earlier letter via ecourts to the Program, the Court and FSHC on October 17, 2025, which attached additional compliance documentation.

<sup>2</sup> The Court’s October 8, 2025 Case Management Order states the following in a footnote on Page 3: “**Note:** Because the statutory March 15, 2026 deadline falls on a Sunday, the actual deadline will be **March 16, 2026**. See R. 1:3-1.”

1. **Amended Housing Element and Fair Share Plan**: The Township amended its Fourth Round Housing Element and Fair Share Plan (“Amended Fourth Round Plan”) to address the requirements of the December 5, 2025 Consent Order entered into between the Township and FSHC. As per the Consent Order, the Township provided certain documentation to the FSHC by February 15, 2026 for review. The Amended Fourth Round Plan was adopted by the Planning Board on February 18, 2026, and was endorsed by the Township Council on March 16, 2026. See attached Exhibit A.
2. **Connell Project Ordinance**: The Township Council introduced a zoning ordinance for the proposed Connell inclusionary project on March 3, 2026, and said ordinance was adopted by the Township Council on March 16, 2026. See attached Exhibit B.
3. **Nokia Project**: For the proposed Nokia inclusionary project, on February 17, 2026 the Township Council adopted Resolution No. 2026-104 authorizing the Planning Board to conduct an area in need of redevelopment study, and the Planning Board authorized the study on February 18, 2026. See attached Exhibit C. The Township’s affordable housing planner is currently working on drafting the study.
4. **Water and Sewer Capacity**: The Township has sewer and water infrastructure and capacity. Each individual project will be reviewed and confirmed by the developer’s Engineer.
5. **Site for the proposed 24-unit 100% Affordable Project**: The site the Township is evaluating for a one hundred percent (100%) affordable project is located at 31-41 Snyder Avenue (Block 208, Lots 38 and 39). See attached Exhibit D.
6. **Spending Plan**: The Township’s Fourth Round Spending Plan was adopted by the Township Council on March 16, 2026. See attached Exhibit E.
7. **Affordable Housing Ordinance, Mandatory Set-Aside Ordinance and Development Fee Ordinance**: At the February 17, 2026 Township Council meeting the Township introduced an Affordable Housing Ordinance. This ordinance also contains a Mandatory Set-Aside section and a Development Fee section. After introduction, the ordinance was sent to the Township Planning Board for a consistency with the Master Plan review on February 18, 2026, and was adopted by the Township Council on March 16, 2026. See attached Exhibit F.
8. **Affordable Housing Manuals**: The Township Council adopted an Administrative Agent Operating Manual and an Affordability Assistance Manual on March 16, 2026. See attached Exhibit G.
9. **Affirmative Marketing Plan**: The Township’s Affirmative Marketing Plan was drafted to comply with the new UHAC requirements, and was adopted by the Township Council on March 16, 2026. See attached Exhibit H.

10. **Ordinance Increasing the Set Aside for the Downtown Zone District:** The Township Council adopted this ordinance on March 3, 2026. See attached Exhibit I.

To date the Township has worked diligently to meet all of the deadlines required by the FHA, the Program, the Court and the Consent Order with FSHC, and will continue to do so. This has resulted in a multitude of compliance documentation being provided. Should any documentation need to be corrected or amended, the Township will do so in a timely fashion, in accordance with the instructions of the Court and in collaboration with FSHC.

I thank Your Honor for your time and attention to this matter.

Respectfully submitted,



Erik C. Nolan

ECN/sp

Enclosures

cc: All attorneys of record (*via ecourts*)  
Joelle Paull, Esq. (*via email*)  
Micheal Mistretta, PP (*via email*)

# EXHIBIT A

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF BERKELEY HEIGHTS ADOPTING AN AMENDED FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN**

**WHEREAS**, pursuant to the Fair Housing Act (“FHA”), N.J.S.A. 52:27D-301 et seq., the Township of Berkeley Heights adopted a “binding resolution” on January 21, 2025 challenging the DCA-calculated numbers and adopting a Fourth Round Present Need of zero (0) and Fourth Round Prospective Need of 208; and

**WHEREAS**, the Township filed a timely Fourth Round Declaratory Judgment complaint (“DJ Complaint”) with the Affordable Housing Dispute Resolution Program (“the Program”) and the Court, along with its binding resolution, on January 23, 2025; and

**WHEREAS**, the filing of the DJ Complaint gave the Township automatic, continued immunity from all exclusionary zoning lawsuits, including builder’s remedy lawsuits, which is still in full force and effect; and

**WHEREAS**, the Township received objections to its Fourth Round affordable housing obligations established in the DJ Complaint and resolution on February 27, 2025 from the New Jersey Builder’s Association (NJBA) and February 28, 2025 from Fair Share Housing Center (FSHC), which required settlement negotiations between the Township and the objectors; and

**WHEREAS**, the settlement negotiations resulted in the entering into of a Mediation Agreement between the Township and FSHC that established agreed upon adjusted Fourth Round obligations, which was subsequently approved via a resolution adopted by the Township on March 18, 2025; and

**WHEREAS**, on April 14, 2025, the Court entered an order establishing the Township’s Present Need Obligation of Zero (0) and Fourth Round Prospective Need Obligation of 240; and

**WHEREAS**, the FHA required the municipality to adopt a Fourth Round Housing Element and Fair Share Plan (“Fourth Round Plan”) by June 30, 2025; and

**WHEREAS**, the Planning Board adopted the Fourth Round Plan on June 25, 2025, the Township Council endorsed the Fourth Round Plan on June 26, 2025, and the Township filed the adopted Fourth Round Plan with the Program and the Court on June 26, 2025; and

**WHEREAS**, the Township received a letter requesting additional documentation from Fair Share Housing Center on August 29, 2025; and

**WHEREAS**, the Court entered a Case Management Order on October 8, 2025 requiring the Township to send documentation in response to FSHC’s letter by October 17, 2025 and to enter into a consent order with FSHC by December 5, 2025; and

**WHEREAS**, the Township filed the documentation in response to FSHC’s letter with the Court on October 17, 2025 enclosing the documents requested in FSHC’s challenge; and

**WHEREAS**, the Township and FSHC negotiated a Consent Order which was filed with the Court on December 5, 2025; and

**WHEREAS**, the Court entered the Consent Order on December 8, 2025; and

**WHEREAS**, as per the FHA and the Consent Order with FSHC, the Township is required to amend its Fourth Round Plan to include the terms and conditions agreed upon in the Consent Order; and

**WHEREAS**, the Township has prepared an Amended Fourth Round Housing Element and Fair Share Plan (“Amended Fourth Round Plan”), which is attached hereto as Exhibit A; and

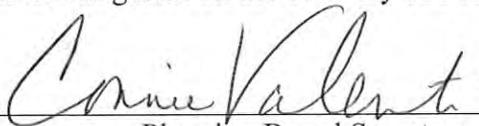
**WHEREAS**, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board held a public hearing on the Amended Fourth Round Plan on February 18, 2026; and

**WHEREAS**, the Planning Board determined that the attached Amended Fourth Round Plan is consistent with the goals and objectives of the Township’s current Master Plan, and that adoption and implementation of the Amended Fourth Round Plan is in the public interest and protects public health and safety and promotes the general welfare.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Berkeley Heights, County of Union, State of New Jersey, that the Planning Board hereby adopts the Township’s Amended Fourth Round Housing Element and Fair Share Plan attached hereto as Exhibit A.

**CERTIFICATION**

I certify that the foregoing Resolution was duly adopted by the Planning Board of the Township of Berkeley Heights at a regular meeting held on the 18th day of February 2026.

  
\_\_\_\_\_  
Planning Board Secretary

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**RESOLUTION**

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF  
BERKELEY HEIGHTS ENDORSING AN AMENDED FOURTH ROUND  
HOUSING ELEMENT AND FAIR SHARE PLAN**

**WHEREAS**, pursuant to the Fair Housing Act (“FHA”), N.J.S.A. 52:27D-301 et seq., the Township of Berkeley Heights adopted a “binding resolution” on January 21, 2025 challenging the DCA-calculated numbers and adopting a Fourth Round Present Need of zero (0) and Fourth Round Prospective Need of 208; and

**WHEREAS**, the Township filed a timely Fourth Round Declaratory Judgment complaint (“DJ Complaint”) with the Affordable Housing Dispute Resolution Program (“the Program”) and the Court, along with its binding resolution, on January 23, 2025; and

**WHEREAS**, the filing of the DJ Complaint gave the Township automatic, continued immunity from all exclusionary zoning lawsuits, including builder’s remedy lawsuits, which is still in full force and effect; and

**WHEREAS**, the Township received objections to its Fourth Round affordable housing obligations established in the DJ Complaint and resolution on February 27, 2025 from the New Jersey Builder’s Association (NJBA) and February 28, 2025 from Fair Share Housing Center (FSHC), which required settlement negotiations between the Township and the objectors; and

**WHEREAS**, the settlement negotiations resulted in the entering into of a Mediation Agreement between the Township and FSHC that established agreed upon adjusted Fourth Round obligations, which was subsequently approved via a resolution adopted by the Township on March 18, 2025; and

**WHEREAS**, on April 14, 2025, the Court entered an order establishing the Township’s Present Need Obligation of Zero (0) and Fourth Round Prospective Need Obligation of 240; and

**WHEREAS**, the FHA required the municipality to adopt a Fourth Round Housing Element and Fair Share Plan (“Fourth Round Plan”) by June 30, 2025; and

**WHEREAS**, the Planning Board adopted the Fourth Round Plan on June 25, 2025, the Township Council endorsed the Fourth Round Plan on June 26, 2025, and the Township filed the adopted Fourth Round Plan with the Program and the Court on June 26, 2025; and

**WHEREAS**, the Township received a letter requesting additional documentation from Fair Share Housing Center (“FSHC”) on August 29, 2025; and

**WHEREAS**, the Court entered a Case Management Order on October 8, 2025 requiring the Township to send documentation in response to FSHC’s letter by October 17, 2025 and to enter into a consent order with FSHC by December 5, 2025; and

**WHEREAS**, the Township filed the documentation in response to FSHC’s letter with the Court on October 17, 2025 enclosing the documents requested in FSHC’s challenge; and

**WHEREAS**, the Township and FSHC negotiated a Consent Order which was filed with the Court on December 5, 2025; and

**WHEREAS**, the Court entered the Consent Order on December 8, 2025; and

**WHEREAS**, as per the FHA and the Consent Order with FSHC, the Township is required to amend its Fourth Round Plan to include the terms and conditions agreed upon in the Consent Order; and

**WHEREAS**, the Township has prepared an Amended Fourth Round Housing Element and Fair Share Plan (“Amended Fourth Round Plan”), which is attached hereto as Exhibit A; and

**WHEREAS**, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board adopted the Amended Fourth Round Plan after a public hearing was held on February 18, 2026; and

**WHEREAS**, the Township Council has reviewed the Amended Fourth Round Plan and concurs with the Planning Board’s determination that the Amended Fourth Round Plan is consistent with the Township’s Master Plan, promotes the public health, safety, and general welfare, and is in the best interests of the Township.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, that the Township Council hereby endorses the Township’s Amended Fourth Round Housing Element and Fair Share Plan attached hereto as Exhibit A.

**Approved this 16th day of March, 2026.**

**ATTEST:**



**Angela Lazzari, RMC  
Township Clerk**

ROLL CALL	Aye	Nay	Abstain	Absent
FOSTER	✓			
ILLIS	✓			
MACHADO	✓			
MEDEIROS				✓
MORAN				✓
POAGE	✓			
TIE:				
MAYOR DEVANNEY				

# EXHIBIT A



February 4, 2026

## Amended Fourth Round Housing Element & Fair Share Plan ("HEFSP")

The Township of Berkeley Heights filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a declaratory judgment action pursuant to N.J.S.A. 52:27D-301 et. seq. (the "Fair Housing Act"), entitled "In the Matter of the Application of the Township of Berkeley Heights," Docket No. UNN-L-340-25, on January 23, 2025. The Township received two objections to the Township's binding resolution challenging the DCA's calculation of its fair share obligations, one from the New Jersey Builder's Association on February 27, 2025 and one from Fair Share Housing Center ("FSHC") on February 28, 2025. The Court held settlement conferences in March of 2025, so the parties could negotiate a Fourth Round affordable housing obligations Mediation Agreement. The Township and FSHC entered said Mediation Agreement, which was thereafter filed with the Program and the Court on March 28, 2025. The Court entered an Order on April 14, 2025, setting the Township's Fourth Round fair share obligations as a Present Need of 0 units and a Prospective Need of 240 units, which no party appealed, and ordering the Township to file a Fourth Round Housing Element and Fair Share Plan ("HEFSP") by June 30, 2025. The Township filed its Fourth Round HEFSP on June 26, 2025. On August 29, 2025, FSHC filed a letter pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Township's Fourth Round HEFSP seeking additional compliance information and documentation before the HEFSP is approved by the Program and/or the Court. The Township and FSHC agreed to amicably resolve the issues set forth in FSHC's letter through a Consent Order dated December 8, 2025, which further clarifies the Township's compliance mechanisms through specific amendments to its Fourth Round HEFSP.

In concordance with the signed Consent Order filed with the Court on December 8, 2025, the Township will revise the Third and Fourth crediting tables to allocate bonus credits and provide the basis for the claimed bonus credits. This amendment consisting of the Third and Fourth Round crediting charts below shall amend and supplement the Fourth Round HEFSP for the Township of Berkeley Heights adopted by the Planning Board on June 25, 2025 and endorsed by the Township Council on June 26, 2025 by Resolution No. 2025-198. The statutory requirements for a Housing Element and Fair Share Plan (HEFSP) have been satisfied within the HEFSP adopted by the Planning Board on June 25, 2025. This document is to serve as an amendment to the HEFSP adopted by the Planning Board on February 18, 2026.

### Third Round

For the Third Round, the Township prepared a Vacant Land Adjustment ("VLA") which determined the Township had a realistic development potential ("RDP") of 359. The Third Round RDP was

approved by the Court via a conditional Judgment of Compliance and Repose ("JOR") Order entered on October 12, 2017, followed by a final JOR Order entered on June 21, 2018. As revised and agreed upon through this amended HEFSP, the RDP of 359 is satisfied through 363 units/credits, therefore generating a Third Round Unmet Need obligation of 26 units. The Township satisfies its Third Round obligation as follows:

<b>Amended Fourth Round Housing Element &amp; Fair Share Plan ("HEFSP") dated February 4, 2026</b>				
<b>Existing and Proposed Projects and Bonus Credits Addressing the Third Round Prospective Need Obligation</b>				
<b>Township of Berkeley Heights, Union County, NJ</b>				
<b>Third Round Obligation</b>		<b>389</b>		
<b>Third Round RDP</b>		<b>359</b>		
<b>Mechanism</b>	<b>Completed Affordable Units</b>	<b>Proposed Affordable Units</b>	<b>Bonus Credits</b>	<b>TOTAL AFFORDABLE UNITS AND BONUS CREDITS</b>
<b>Inclusionary Projects</b>	<b>120</b>	<b>58</b>	<b>89</b>	<b>267</b>
<b>Connell Site</b> 500 Connell Drive Block 4102, Lot 1; Block 4301, Lots 1.02, 1.011, and 1.012	-	45 (F)(R)	18 (RBC) (a)	63
<b>The Clarus</b> 434 Springfield Ave Block 702, Lot 18.01	32 (F)(R)	-	32 (RBC) (a)	64
<b>The Terrace</b> 450 Springfield Ave Block 702, Lot 13	3 (F)(R)	-	3 (RBC) (a)	6
<b>Carriages at Berkeley Heights</b> 1 Peacock Lane Block 1301, Lot 19	20 (F)(S)	-	-	20
<b>Modera Berkeley Heights ("Mill Creek")</b> 91 Lone Pine Drive Block 703, Lots 4 and 8	26 (F)(R)	-	26 (RBC) (a)	52
<b>Berkeley Crossing I</b> 633 Springfield Avenue Block 502, Lots 1, 2, 4 and 5	8 (F)(R)	-	8 (RBC) (a)	16
<b>Berkeley Crossing II ("Mondelli Property")</b> 182 Plainfield Avenue Block 614, Lot 3	2 (F)(R)	-	2 (RBC) (a)	4
<b>391 Springfield Ave, LLC ("Clocktower Commons")</b> 389 Springfield Avenue Block 208, Lot 20	3 (F)(R)	-	-	3
<b>735 Springfield Avenue LLC</b> 714-730 Springfield Avenue Block 504, Lots 1 and 2	-	3 (F)(R)	-	3
<b>Terrace II</b> 458 Springfield Ave and 230 Sherman Ave Block 702, Lots 4 and 6	-	7 (F)(R)	-	7

311 Springfield Ave Block 302, Lot 11	-	3 (F)(R)	-	3
The Highlands at Berkeley Heights ("Wren Court") Block 301.08, Lots 1-10, 12	11 (F)(S)	-	-	11
Cottage Lane I ("Tudor Court I") Block 614.01, Lots 1-4; Block 614.02, Lots 1-4; Block 614.03, Lots 1-4; Block 614.04, Lots 1-3	3 (F)(S)	-	-	3
Cottage Lane II ("Tudor Court II") Block 1301, Lots 9.07, 9.08, 9.09, 9.10, 9.11, and 9.12	6 (F)(S)	-	-	6
Cottage Street Station Court Block 1301, Lot 8.10	2 (F)(S)	-	-	2
Berkeley Village Block 1301, Lots 7.10, 7.11, 7.17, and 7.18	4 (F)(S)	-	-	4
Age-Restricted Housing	58	-	-	58
Woodcrest at Berkeley Heights 100 Locust Ave Block 1901, Lot 35	29 (AR)(R)	-	-	29
Park Edge Block 301, Lot 6	29 (AR)(R)	-	-	29
RCA Credits with Newark	38 (RCA)	-	-	38
<b>TOTAL AFFORDABLE UNITS CONTRIBUTING TOWARD RDP</b>	274		-	-
<b>TOTAL BONUS CREDITS CONTRIBUTING TOWARD RDP (max 25% of 359-unit Third Round RDP = 89)</b>	-		89 (RBC)	-
<b>TOTAL UNITS AND CREDITS CONTRIBUTING TOWARD RDP</b>	363			
<b>Third Round Unmet Need</b>				
		26		
<b>Mechanism</b>	<b>Completed Affordable Housing Units</b>	<b>Proposed Affordable Units</b>	<b>Bonus Credits</b>	<b>TOTAL AFFORDABLE UNITS AND BONUS CREDITS</b>
Inclusionary Zoning in Downtown Districts (HB-2, HB-3, DD, and DMX)	-	26	-	26
Mandatory Set-Aside Ordinance (Required min. affordable set-aside of 15% for rental units and 20% for for-sale units for developments of 5 or more units)	-	TBD	-	TBD
<b>TOTAL AFFORDABLE UNITS CONTRIBUTING TOWARD UNMET NEED</b>	26		-	-
<b>TOTAL BONUS CREDITS CONTRIBUTING TOWARD UNMET NEED</b>	-		-	-



Nokia Bell Labs Campus Project 600 Mountain Avenue Block 3701, Lot 1	-	60 (AR)(R)	12 (BC) (a)	72	300 (240 market; 60 affordable)
100% Affordable Housing	-	24	-	24	24
24-unit 100% Affordable Housing Project (b)	-	24 (F)(R)	-	24	24 (0 market; 24 affordable)
TOTAL FOURTH ROUND AFFORDABLE UNITS	180		-	-	-
TOTAL FOURTH ROUND BONUS CREDITS (max 25% of 240-unit Fourth Round Prospective Need obligation = 60)	-		60 (BC)	-	-
TOTAL FOURTH ROUND CREDITS AND UNITS	240				804

(a) Per N.J.S.A 52:27D-311(k), a municipality shall "receive one unit of credit and one-half bonus credit for a unit of low- or moderate-income housing constructed on land that is or was previously developed and utilized for retail, office, or commercial space."

(b) The Township shall identify the location for the proposed 100% affordable site by March 15, 2026. The Township agrees it shall demonstrate site control by July 1, 2026. The Township agrees that it shall provide a pro forma of construction costs and anticipated sources of funds by December 31, 2026. The Township agrees that it shall secure funding for the site by July 1, 2027 in order to allow the development to begin construction within two years. If the Township does not meet any of the above deadlines which the parties agree are necessary components of moving the site toward construction and creating a realistic opportunity, then the corresponding 24 affordable units are to be constructed on the Connell Site as an inclusionary component. In this scenario, an additional 120 units are to be constructed on the Connell Site, which is to include 24 affordable family rental units (20% set-aside).

(F) = Family

(R) = Rental

(AR) = Age-Restricted

(BC) = Bonus Credit

# EXHIBIT B

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**ORDINANCE NO. 2026-02**

**AMENDMENTS TO THE MIXED USE (MU) ZONE AND ESTABLISHING THE  
MIXED USE (MU) OVERLAY ZONE**

**WHEREAS**, the Township of Berkeley Heights (the “Township” or “Berkeley Heights”) having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the “Program”) and a declaratory judgment action pursuant to N.J.S.A. 52:27D-301 et. seq. (the “Fair Housing Act”) on January 23, 2025; and

**WHEREAS**, the Township having received two objections to the Township’s binding resolutions challenging the DCA’s calculation of its fair share obligations, one from the New Jersey Builder’s Association on February 27, 2025 and one from FSHC on February 28, 2025; and

**WHEREAS**, the Court having held settlement conferences in March of 2025, so the parties could negotiate a Fourth Round affordable housing obligations Mediation Agreement; and

**WHEREAS**, the Township and FSHC having entered into said Mediation Agreement, which was thereafter filed with the Program and the Court on March 28, 2025; and

**WHEREAS**, the Court having entered an order on April 14, 2025, setting the Township’s Fourth Round fair share obligations as a Present Need of 0 units and a Prospective Need of 240 units, which no party appealed, and ordering the Township to file a Fourth Round Housing Element and Fair Share Plan (“HEFSP”) by June 30, 2025; and

**WHEREAS**, the Township of Berkeley Heights Planning Board adopted the Fourth Round HEFSP, dated June 2025, on June 25, 2025 pursuant to the Municipal Land use Law at N.J.S.A. 40:550-1, et seq.; and

**WHEREAS**, the Fourth Round HEFSP has been endorsed by the Township Council by Resolution Number 2025-198 on June 26, 2025; and

**WHEREAS**, the Township having filed its Fourth Round HEFSP on June 26, 2025 (“Adopted HEFSP”); and

**WHEREAS**, FSHC having filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Township’s Fourth Round HEFSP on August 29, 2025; and

**WHEREAS**, the Township and FSHC having agreed to amicably resolve the issues set forth in the challenges through a Settlement Agreement dated December 8, 2025 (“Settlement Agreement”), which further clarifies the Township’s compliance mechanisms through specific amendments to its Fourth Round HEFSP; and

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**WHEREAS**, the amendments to the Township’s Fourth Round HEFSP as agreed upon in the approved Settlement Agreement have been addressed through an Amended Fourth Round HEFSP, dated February 4, 2026; and

**WHEREAS**, the Amended Fourth Round HEFSP has been adopted by the Township Planning Board on February 18, 2026 and endorsed by the Township Council on March 16, 2026; and

**WHEREAS**, this Ordinance implements and incorporates the adopted and endorsed Amended Fourth Round Housing Element and Fair Share Plan, which provides that a portion of the Township’s Fourth Round Prospective Need obligation is to be addressed through the Mixed Use (MU) Overlay Zone;

**WHEREAS**, the Township intends to amend Article 6.3 (Schedule of Zone District Regulations) of Part 6 (Zoning) of Appendix A (Municipal Land Use Procedures Ordinance) of the Code of the Township of Berkeley Heights to establish the Mixed Use (MU) Overlay Zone;

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, as follows:

**Section 1.** Section 6.3.5.1 entitled “MU: Mixed Use” of Article 6.3 entitled “Schedule of Zone District Regulations” of Part 6 entitled “Zoning” of the Township of Berkeley Heights of the Municipal Land Use Procedures Ordinance is hereby amended to read as follows:

**Section 6.3.5.1 MU: Mixed Use Zone**

- A. Zone Area and Intent—The MU Zone consists of Block 4102, Lot 1; Block 4301, Lots, 1.012, 1.03 (part of former Lot 1.011 and former Lot 1.02), 1.04 (formerly Lot 1.011) and 1.05 (formerly Lot 1.02); and 1.02, along with serving as an overlay on those properties known as Block 4101, Lots 2-19. The MU Zone is intended to provide a flexible zoning framework that will facilitate the transformation of a traditional suburban office park into a commercially viable, integrated multi-use facility that provides work, residential, hospitality, retail, entertainment, and recreation opportunities. The MU Zone shall be developed so as to ensure a functionally and physically interconnected variety of land uses and open spaces, including outdoor recreational amenities.
- B. Application Requirements—Development within the MU Zone may take place in phases. Any request for preliminary and final site plan approvals with respect to one (1) or more portions of the MU Zone must comply with Part 10 of this Municipal Land Use Procedures Ordinance. In accordance with Article 4.8 of the Township Code, the Applicant shall apply to the Township’s Technical Review Committee (TRC) prior to any development application being deemed administratively complete.
- C. Permitted Principal Uses.
  - 1. MU Zone (eastern side of Plainfield Avenue).
    - a. Offices.
    - b. Research and development facilities.

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UNION COUNTY, NEW JERSEY**

- c. Multifamily residential dwellings.
  - d. Mixed use structures.
  - e. Retail sales (including grocery stores), and restaurants, including without limitation, food and/or beverage structures and establishments, including breweries and indoor/outdoor cafes, and including catered events.
  - f. Fitness centers, including spa facilities.
  - g. Recreational uses and facilities, including outdoor sports courts/areas, fitness areas, outdoor hiking paths/trails, public assembly areas and skating rinks.
  - h. Entertainment uses and venues, including performance spaces associated with or located within permitted uses, and including indoor/outdoor movies and concerts.
  - i. Hotels.
  - j. Dog parks, parks, and playgrounds.
  - k. Municipal buildings and other governmental uses.
  - l. Places of worship including parish homes and religious school buildings.
  - m. Daycares, schools (including nursery schools) or other educational institutions.
  - n. Personal and Professional Service Establishments.
  - o. Health/medical facilities, including without limitation, offices for services of health/medical/dental care professionals, including medical spas.
  - p. Veterinary clinics, pet boarding overnight, and daycare.
  - q. Social clubs.
  - r. Public and quasi-public events.
  - s. Any structure containing a combination of two (2) or more of the foregoing uses, as well as multiple structures containing any combination of any number of the foregoing uses, in either case with or without accessory uses.
2. MU Overlay Zone (western side of Plainfield Avenue).
- a. Multifamily residential dwellings provided the multifamily residential building is designed with the appearance of a townhouse unit with walkways and entrances for some units along the front building elevation along Plainfield Avenue.
  - b. Townhouses.
- D. Permitted Accessory Uses and Structures.
- 1. MU Zone (eastern side of Plainfield Avenue).
    - a. Any use or structure that is customarily incidental and subordinate to one (1) or more permitted principal uses in the MU Zone.
    - b. Health facilities (not open to the general public).
    - c. Automated storage and retrieval facilities for grocery stores.

**TOWNSHIP OF BERKELEY HEIGHTS  
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- d. Parking facilities, parking decks and surface parking. All parking decks/facilities adjacent to and visible from Plainfield Avenue shall be aesthetically compatible with the non-parking structures visible from Plainfield Avenue.
  - e. Standalone conference/event room structures, each not to exceed a footprint of 300 square feet.
  - f. Swimming pools and structures used in connection therewith, which pools and structures shall be exempt from the regulations set forth in Section 3.1.7 of this Municipal Land Uses Procedures Ordinance, the Swimming Pool Ordinance referenced therein, or any other Township swimming pool regulations.
  - g. Heliports, subject to the following requirements:
    - i. No more than one (1) heliport shall be allowed within the MU Zone;
    - ii. No refueling, repair, or maintenance activities shall be permitted;
    - iii. There shall be a minimum setback of one hundred fifty (150) feet from Plainfield Avenue. There shall be a minimum setback of one hundred fifty (150) feet from any residential uses;
    - iv. Any ground heliport, including the landing pad, shall be reasonably screened, and buffered (with either natural vegetation or a structure, at the option of the applicant) from Plainfield Avenue, provided, however, such screening or buffering shall not be required if not acceptable to any State or federal governmental agency having jurisdiction over heliports. Notwithstanding the foregoing, no such screening or buffering shall be required for heliports located on any building, parking deck, or other structure.
2. MU Overlay Zone (western side of Plainfield Avenue).
- a. Any use or structure that is customarily incidental and subordinate to one (1) or more permitted principal uses in the MU Overlay Zone subject to Planning Board approval.
  - b. Any use or structure that is customarily incidental and subordinate to one (1) or more permitted principal uses in the MU Zone and does not contain a use that is open to the public.
- E. Prohibited Uses.
- 1. Any use not specifically permitted shall be prohibited.
  - 2. Big-box general retail stores, defined as a retail store with a gross floor area of fifty thousand (50,000) square feet or more in which the general merchandise, including, but not limited to, the following, comprise over forty (40) percent of the gross floor area: toys, clothing, sporting goods, automotive supplies, electronics, appliances, home and garden supplies, pool supplies and equipment, discount dollar items, bedding, photo processing, a portrait studio, cell phone sales, a bank, pet shop, video rental, hair and/or nail salon, hardware, jewelry, banks, and fast-food outlets.
  - 3. Drive-through facilities, whether principal or accessory.
- F. Standards for Multifamily Residential Dwellings.

**TOWNSHIP OF BERKELEY HEIGHTS  
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1. Multifamily Residential Density (Third Round Affordable Housing Component). Per the November 2, 2022 Planning Board resolution granting preliminary and final site plan approval for the properties pertaining to MU Zone, and further incorporated in the Township's Fourth Round Housing Element and Fair Share Plan ("HEFSP"), endorsed by the Township Council on June 26, 2025, and as settled in the Township's Consent Order for Conditional Compliance Certification ("Consent Order") entered on December 8, 2025, the properties pertaining to the MU Zone shall provide a maximum of three hundred twenty-eight (328) total multifamily rental units, inclusive of forty-five (45) affordable family rental units, used to satisfy a portion of the Township's Third Round affordable housing obligation.
2. Multifamily Residential Density (Fourth Round Affordable Housing Component). As granted by the Fourth Round HEFSP and Consent Order, in addition to the residential density permitted as part of the Third Round Affordable Housing Component, an additional four hundred eighty (480) multifamily rental units, inclusive of a twenty percent (20%) set aside, shall be permitted to be constructed in the MU Zone, which set aside will be used to satisfy a portion of the Township's Fourth Round affordable housing obligation. By way of example, the proposed 480 rental unit development would create 96 affordable rental units. Furthermore, should the Township 1) fail to identify the site location for the proposed 24-unit 100% affordable housing development provided as a compliance mechanism in its Fourth Round HEFSP by March 15, 2026; 2) fail to demonstrate site control for the 24-unit 100% affordable housing development by July 1, 2026; 3) fail to provide a pro forma of construction costs and anticipated sources of funding for the 24-unit 100% affordable housing development by December 31, 2026; and/or 4) fail to secure funding for the 24-unit 100% affordable housing development by July 1, 2027 in order to begin construction within two years for the construction of a 24-unit one hundred percent (100%) affordable housing development, then a further additional one hundred twenty (120) multifamily rental units, inclusive of a 20% set aside, shall be permitted to be constructed in the MU Zone, which set aside will also be used to satisfy a portion of the Township's Fourth Round affordable housing obligation. By way of further example, if all 600 rental units under this Paragraph F.2. of this Section 6.3.5.1. are constructed, 120 affordable rental units would be set aside to satisfy a portion of the Township's Fourth Round affordable housing obligation.
3. All multifamily development shall be restricted by the maximum buildable area for the MU Zone, including the MU Overlay Zone as defined in Paragraph I.3. of this Section 6.3.5.1.
4. All affordable housing units shall be non-age restricted units located within the MU Zone.
5. All affordable housing development within the MU Zone shall be subject to the Township's affordable housing ordinances, including Title 18 and 18A of the Township Code, except as otherwise set forth in this Section 6.3.5.1 and all Uniform Housing Affordability Controls (UHAC) rules and regulations.
6. Any residential development constructed above the residential density described in paragraph F.1 and F.2 shall include a twenty percent (20%) inclusionary affordable set aside.

**TOWNSHIP OF BERKELEY HEIGHTS  
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**G. Standards for Retail and Entertainment Uses.**

1. The prohibition in Paragraph E.2. of this Section 6.3.5.1. shall not apply to supermarkets/grocery stores primarily engaged in the sale of food and household consumable goods, including fresh produce, meat, seafood, dairy, baked goods, packaged foods, and beverages, and may include ancillary departments such as pharmacy, floral, deli, bakery, and food court, and household goods customarily associated with food shopping.
2. Except in a building containing two (2) or more principal permitted uses, no single retail tenant within the MU Zone shall be less than one thousand (1,000) square feet.

**H. Standards for Open Spaces, Landscaping, and Buffers.**

1. A minimum of seven (7) acres of open spaces shall be provided within the MU Zone. Open spaces may consist of publicly-accessible walking/bicycle paths, parks, dog parks, at and above-grade terraces, landscaped areas, community gardens, plazas for seating and events, playgrounds, sports courts, and other fitness areas. Open space should include a combination of outdoor seating, decorative hardscape consisting of unit pavers, stone, or other high-quality materials, outdoor landscape lighting, plantings, and other similar landscape features.
2. A minimum of five (5) acres of open space shall be constructed as part of the initial phase of development within the MU Zone.
3. Any off-leash dog park area shall be confined by a fence with a minimum height of five (5) feet.
4. Developer should provide a fifty (50) foot visual buffering between Plainfield Avenue and the portion of development in Block 4102 that is adjacent to Plainfield Avenue.

**I. General Development Requirements.**

1. One (1) or more permitted use may be located in one (1) building or lot. More than one (1) building or structure is permitted on any given lot.
2. Subdivisions of the overall development tract comprising the MU Zone shall be permitted in phases.
3. The gross floor area of all buildings, excluding parking decks/structured parking facilities, in the MU Zone shall not exceed a total of two million two hundred fifty thousand (2,250,000) square feet of gross floor area and an additional one million five hundred thousand (1,500,000) square feet of gross floor area to accommodate six hundred (600) multifamily units described in Section 6.3.5.1.F.2 and permitted non-residential uses under Section 6.3.5.1.C.1.
4. All accessory uses, buildings and structures located within one hundred twenty-five (125) feet of the MU Zone boundary line shall be constructed to the same level of architectural design and use of building materials on all elevations as the principal permitted uses and buildings.

**J. Bulk Requirements.**

1. MU Zone.

**TOWNSHIP OF BERKELEY HEIGHTS  
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- a. All requirements set forth in this Section 6.3.5.1 shall be calculated based on the entire land area included within the MU Zone, regardless of any existing or future subdivisions or tax lots.
  - b. Maximum building height (eastern side of Plainfield Avenue):
    - i. One hundred fifty (150) feet.
    - i. Maximum impervious coverage: Seventy-five (75) percent.
    - ii. Setbacks: all principal and accessory uses, buildings and structures, with the exception of any passive recreation trails and walkways, within the MU Zone shall be setback a minimum of seventy-five (75) feet from the boundary of the MU Zone along Plainfield Avenue and a minimum of fifty (50) feet from all other boundaries of the MU Zone.
2. MU Overlay Zone (western side of Plainfield Avenue).
- a. Minimum Lot Area: One (1) acre.
  - b. Maximum Building Height – Principal Uses: 4 stories and 55 feet. The building height shall be measured along the average elevation of the finished lot grade along the front yard building setback to the highest point of roof line of the top story in the case of a flat roof, to the deck line of a mansard roof, and to the average height between the plate and ridge of a gable, hip, or gambrel roof, excluding head houses, elevator shafts, elevator tanks, chimneys, dish antennae and the like.
  - c. Maximum Building Heights – Accessory Uses: 2 stories and 36 feet.
  - d. Maximum impervious coverage: Seventy-five (75) percent.
  - e. Setbacks: all principal and accessory uses, buildings and structures, except for any passive recreation trails and walkways, within the MU Overlay Zone shall be set back a minimum of forty (40) feet from all boundary lines of the MU Overlay Zone.

**K. Parking Requirements.**

1. Requirements by Use: Notwithstanding the requirements set forth in Section 11.1.2, the following shall be the parking requirements applicable to all uses permitted within the MU Zone.
  - a. Office, Research, and Development: One (1) space per four hundred (400) square feet of gross floor area.
  - b. All other permitted principal non-residential land uses: One (1) space per three hundred (300) square feet of gross floor area, except that any portion of a retail use that is occupied by an automated storage and retrieval system for retail goods shall be subject to a requirement of one (1) space per one thousand (1,000) square feet of gross floor area.
  - c. Multifamily residential dwellings shall be parked consistently with the requirements of the Residential Site Improvement Standards.
  - d. All obligations may be reduced by up to 10% with the inclusion of the required make-ready electrical vehicle parking spaces in the proposed project, consistent with N.J.S.A. 40:55D-66.20.

**TOWNSHIP OF BERKELEY HEIGHTS  
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- e. In the MU Overlay Zone, multifamily and townhouses shall provide 1.7 parking spaces per unit. Off-street parking spaces shall be prohibited within the front yard setback.
  - f. Any residential development within the MU Overlay Zone shall include pedestrian walkway connections to the MU Zone as approved by the Planning Board.
2. Shared parking is strongly encouraged within the MU Zone in order to maximize the efficiency of parking facilities. The cumulative parking requirements for all land uses within the MU Zone may be reduced if it can be demonstrated that the peak usage of multiple land uses occur at different times. In order to obtain approval for a reduction of the cumulative parking requirement based on shared parking principles, a Shared Parking Plan prepared by a licensed engineer or planner shall be submitted to the Township Engineer and Planner for administrative review and approval. The Shared Parking Plan shall be based on a shared parking model published by the Institute of Transportation Engineers (ITE), the Urban Land Institute (ULI), or other widely accepted industry model.
- L. Signs. Notwithstanding anything to the contrary in Part 5 of this Municipal Land Use Procedures Ordinance:
- 1. A total of four (4) monument signs shall be permitted within the MU Zone, consisting of three (3) along Plainfield Avenue; one (1) at the entrance to the flyover ramp; one (1) at Connell Drive; and one (1) at the entry to any development within Block 4101 on three (3) or more contiguous parcels and one (1) along Oak Way, subject to the following requirements:
    - a. The total area of a monument sign shall not exceed one hundred (100) square feet (each face), inclusive of its base.
    - b. The maximum height of a monument sign shall not exceed ten (10) feet, inclusive of its base.
    - c. The monument sign may contain panels for individual retail tenants which shall have a maximum letter height of twelve (12) inches. The materials and color for the individual tenant panels shall be uniform in color and consistent with the overall design of the monument sign.
    - d. All monument signs shall be set back at least ten (10) feet from the MU Zone boundary.
    - e. All monument signs shall have an attractive base with decorative landscaping.
    - f. All monument signs shall be externally illuminated.
  - 2. Wall signs shall be permitted on each building facade facing a parking area or internal roadway, subject to the following requirements:
    - a. Permitted signage area for the existing hotel use within the MU Zone shall be as follows:
      - i. Maximum signage area on the west elevation of a building shall be 1,450.6 square feet;

**TOWNSHIP OF BERKELEY HEIGHTS  
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- ii. Maximum signage area on a south area of a building shall be 341.4 square feet;
    - iii. Maximum total signage area shall be 2,620.8 square feet.
  - b. No tenant shall be permitted more than one (1) wall sign on a single building façade. No more than two (2) wall signs are permitted per tenant.
  - c. The total area of a wall sign for any retail tenant renting less than twenty thousand (20,000) square feet shall not exceed forty eight (48) square feet.
  - d. The total area of a wall sign for any retail tenant renting twenty thousand (20,000) square feet or more shall not exceed one hundred twenty (120) square feet.
  - e. Any building with multiple tenants shall be required to submit a sign plan indicating the location and size of all wall signs, if (1) any individual sign exceeds the terms of this subsection, or (2) of the total signage area proposed exceeds two hundred (200) square feet.
  - f. Wall signs shall be halo-illuminated (back-lit channel letters) or externally illuminated.
  - g. Wall signs shall be permitted on the top story of buildings. However, no roof-mounted signage is permitted.
3. Each tenant shall be permitted one (1) window sign, subject to the following requirements:
- a. Maximum number: One (1) sign per tenant.
  - b. Maximum area: Twenty-five (25) percent of the area of the window on which the sign is located.
  - c. Illumination: not permitted.
  - d. A window sign shall only pertain to the establishment occupying the portion of the premises where the window is located.
  - e. Window signs shall be consistent in color and design as other signs for the same tenant.
4. Each tenant shall be permitted one (1) vertical or horizontal blade sign.
- a. A blade sign shall not exceed six (6) square feet in area (each face).
  - b. Blade signs shall be halo-illuminated (back-lit channel letters) or externally illuminated.
5. Artistic murals that do not promote the goods and/or services of an owner, tenant or vendor are permitted and shall not be deemed "signs" within the meaning of this Municipal Land Use Procedures Ordinance and shall be subject to review and approval by the Planning Board.
6. One (1) freestanding pole-mounted sign oriented to Interstate seventy eight (78) shall be permitted within the MU Zone.
- a. Maximum area: Five hundred twenty-five (525) feet (each face).

**TOWNSHIP OF BERKELEY HEIGHTS  
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- b. Maximum height: One hundred ten (110) feet.
- 7. A comprehensive directional and wayfinding signage program for the entire MU Zone shall be permitted to orient visitors to specific uses. Such signage may include individual branding for uses located within the MU Zone. The directional and wayfinding signage program shall be subject to review by the Planning Board.
- M. Part 19 of this Municipal Land Use Procedures Ordinance shall not apply to development within the MU Zone.
- N. All development within the MU Zone which commences after the effective date of this Ordinance shall be required to comply with the terms of Chapter 13.12 of the municipal code relative to the Township's Sewer Service System. A Developer's Agreement shall be entered into as part of any development application relative to projects in the MU Zone and shall satisfy the requirements of an End User Sewer Agreement and address any off-site improvements and any public on-site improvements determined to be necessary to accommodate the proposed development in the MU Zone and the MU Overlay Zone, which shall be the responsibility of the Developer.
- O. The amendments to the MU Zone shall not apply to site plan approvals received prior to the adoption of this amendment.

**Section 2.** 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.

**Section 3.** In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Berkeley Heights, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Township of Berkeley Heights are hereby ratified and confirmed, except where inconsistent with the terms hereof.

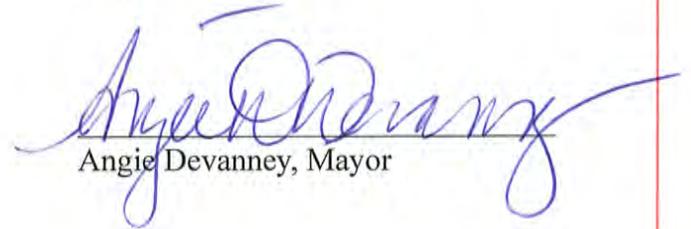
**Section 4.** The Township Clerk is directed to give notice at least ten days prior to a hearing on the adoption of this ordinance to the Union County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

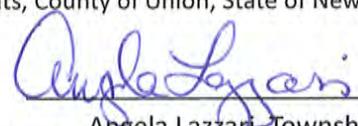
**Section 5.** After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Berkeley Heights for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

**Section 6.** This Ordinance shall be presented to the Mayor for her approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either her approval or objection to same within ten (10) days after it has been presented to her, then this Ordinance shall be deemed approved.

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**Section 7.** This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Union County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Township Tax Assessor as required by N.J.S.A. 40:49-2.1.

  
 Angie Devanney, Mayor

Introduction						Councilperson	Final Adoption					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
	X	X				<b>John Foster</b>	X		X			
		X				<b>Margaret Illis</b>			X			
		X				<b>Bill Machado</b>			X			
		X				<b>Alvaro Medeiros</b>						X
		X				<b>Andrew Moran</b>						X
X		X				<b>Susan Poage</b>		X	X			
Introduced: March 3, 2026						I hereby certify the above ordinance was adopted by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey on the aforementioned date.						
Final Adoption: March 16, 2026												 Angela Lazzari, Township Clerk

**TOWNSHIP OF BERKELEY HEIGHTS**

**NOTICE OF INTRODUCTION  
ORDINANCE 2026-02**

PUBLIC NOTICE is hereby given that the Ordinance entitled

**AMENDMENTS TO THE MIXED USE (MU) ZONE AND ESTABLISHING THE MIXED USE (MU)  
OVERLAY ZONE**

was introduced and passed on First Reading at the Regular Meeting of the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, held on **March 3, 2026 at 6:30 p.m.** The within Ordinance will be further considered for Final Passage, after public hearing thereon, at the Regular Meeting of the Township Council to be held in the Council Chamber at the Berkeley Heights Municipal Complex, 29 Park Avenue, Berkeley Heights, NJ, on **March 16, 2026 at 6:30 p.m.**, or as soon thereafter, as said matter can be reached. At which time and place, all persons who are interested therein will be given an opportunity to be heard and ask questions concerning the same.

During the week prior to and up to the time of Public Hearing, copies of said Ordinance will be available at no cost in the Municipal Clerk's office in said Municipal Complex, 29 Park Avenue, Berkeley Heights, NJ 07974, and to the members of the general public who shall request the same.

**Angela Lazzari  
Township Clerk**

**TOWNSHIP OF BERKELEY HEIGHTS**

**NOTICE OF FINAL ADOPTION**

**ORDINANCE 2026-02**

**AMENDMENTS TO THE MIXED USE (MU) ZONE AND ESTABLISHING THE MIXED USE (MU)  
OVERLAY ZONE**

I, Angela Lazzari, Township Clerk of the Township of Berkeley Heights, County of Union, State of New Jersey, hereby certify that the above titled Ordinance was adopted on Final Passage by the Township Council of the Township of Berkeley Heights at its meeting held on March 16, 2026.

**Angela Lazzari, RMC  
Township Clerk**

# EXHIBIT C



## TOWNSHIP OF BERKELEY HEIGHTS

29 Park Avenue  
Berkeley Heights, NJ 07922  
(908) 464-2700

February 4, 2026

**TO:** Connie Valenti, Board Secretary  
Berkeley Heights Planning Board

**FROM:** Angela Lazzari, Township Clerk 

**RE:** Resolution 2026-104:  
RESOLUTION AUTHORIZING AND REQUESTING THAT THE PLANNING BOARD  
UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER THE  
NOKIA BELL LABS SITE, IDENTIFIED ON THE OFFICIAL TAX MAPS OF THE  
TOWNSHIP AS BLOCK 3701, LOT 1, SATISFIES THE CRITERIA FOR DESIGNATION  
AS A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT

---

The enclosed Resolution (2026-104) was adopted by the Township Council at their meeting held on February 3, 2026.

Please share this Resolution with the Planning Board for their review.

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**RESOLUTION**

**RESOLUTION AUTHORIZING AND REQUESTING THAT THE PLANNING BOARD UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER THE NOKIA BELL LABS SITE, IDENTIFIED ON THE OFFICIAL TAX MAPS OF THE TOWNSHIP AS BLOCK 3701, LOT 1, SATISFIES THE CRITERIA FOR DESIGNATION AS A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT**

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., as amended and supplemented (the "Redevelopment Law") provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

**WHEREAS**, pursuant to the Redevelopment Law, particularly N.J.S.A. 40A:12A-6, no area of a municipality shall be determined a redevelopment area unless the governing body of the municipality, by resolution, authorizes the planning board to undertake a preliminary investigation to determine whether the proposed area is a redevelopment area in accordance with N.J.S.A. 40A: 12A-5; and

**WHEREAS**, the Township of Berkeley Heights (the "Township") desires to assign the conduct of the preliminary investigation and hearing for the property identified on the official tax maps of the Township as Block 3701, Lot 1 (the "Study Area"), and more commonly known as the Nokia Bell Labs site, 600 Mountain Ave, to the Berkeley Heights Planning Board (the "Planning Board") pursuant to the provisions of the Redevelopment Law; and

**WHEREAS**, the Township desires to authorizes its pre-qualified planning consultant, Harbor Consultants, Inc., to assist the Planning Board in its preliminary investigation of the Study Area to determine whether all or a portion of the Study Area qualifies as an area in need of redevelopment pursuant to the criteria set forth under N.J.S.A. 40A:12A-5; and

**WHEREAS**, the redevelopment area determination requested hereunder would authorize the Township to use all those powers provided by the Redevelopment Law for use in a redevelopment area, excluding the power of eminent domain, and any redevelopment area so designated shall be referred to as a "Non-Condemnation Redevelopment Area," pursuant to N.J.S.A. 40A:12A-6.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berkeley Heights, County of Union, State of New Jersey, as follows:

1. The foregoing recitals are incorporated herein as if set forth in full.
2. The Planning Board is hereby authorized and directed to initiate and undertake a preliminary investigation and hearing to determine whether all or a portion of the Study Area satisfies the criteria set forth in N.J.S.A. 40A:12A-5, and to make a recommendation to the Mayor and Council as to whether said Study Area should be designated a "Non-Condemnation Redevelopment Area."

3. As part of its investigation, the Planning Board shall prepare a map showing the boundaries of the Study Area and the location of the parcels of property contained therein, and appended thereto shall be a statement setting forth the basis of the investigation. The Planning Board shall conduct a public hearing in accordance with the Redevelopment Law, after giving due notice of the proposed boundaries of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that the Study Area shall be an area in need of redevelopment. The notice of the hearing shall specifically state that the redevelopment area determination does not authorize the Township to exercise the power of eminent domain to acquire any property in the Study Area, for the Study Area is being investigated as a Non-Condensation Redevelopment Area. At the public hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that the Study Area is an area in need of redevelopment. All objections to a determination that the Study Area is an area in need of redevelopment and evidence in support of those objections shall be received and considered by the Planning Board and shall be made a part of the public record.
4. The Planning Board is hereby authorized to utilize the services of Harbor Consultants, Inc. to assist the Planning Board with the preliminary investigation of the Study Area and to prepare any reports, maps or other documentation and make any presentations to the Planning Board and the Mayor and Council necessary to effectuate the purposes of this resolution.
5. The Planning Board, upon completion of the preliminary investigation and public hearing, shall make a recommendation to the Mayor and Council in accordance with the Redevelopment Law, particularly N.J.S.A. 40A:12A-6(b), as to whether the Mayor and Council should designate all or a portion of the Study Area as an area in need of redevelopment and, more specifically, a Non-Condensation Redevelopment Area.
6. The Township Clerk is hereby authorized and directed to forward this resolution to the Planning Board for action consistent herewith.
7. This resolution shall take effect at the time and in the manner prescribed by law.
8. Upon the adoption hereof, the Township Clerk shall forward certified copies of this resolution to Harbor Consultants, Inc.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Berkeley Heights, County of Union, State of New Jersey, as follows:

**Approved this 3rd day of February, 2026.**

**ATTEST:**

  
 \_\_\_\_\_  
 Angela Lazzari, RMC  
 Township Clerk

ROLL CALL	Aye	Nay	Abstain	Absent
FOSTER	✓			
ILLIS	✓			
MACHADO	✓			
MEDEIROS	✓			
MORAN	✓			
POAGE	✓			
TIE:				
MAYOR DEVANNEY				

**PLANNING BOARD  
TOWNSHIP OF BERKELEY HEIGHTS**

**REDEVELOPMENT AND HOUSING LAW  
RESOLUTION TO CONDUCT AN INVESTIGATION  
“AREA IN NEED STUDY” OF BLOCK 3701, LOT 1**

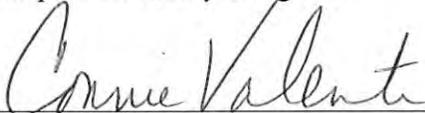
**WHEREAS**, the governing body of the Township of Berkeley Heights by resolution No. 2026-104 has authorized the Planning Board to conduct a preliminary investigation to determine whether the proposed study area qualifies as a non-condemnation area in need of redevelopment pursuant to N.J.S.A. 40A:12A-5 for the area commonly known as Block 3701, Lot 1 (and also known as the Nokia Bell Labs site).

**NOW THEREFORE BE IT RESOLVED** that the Planning Board of the Township of Berkeley Heights (the “Planning Board”) pursuant to the provisions of the Redevelopment and Housing Law shall undertake an investigation of the study area, and in furtherance of such hereby directs as follows:

1. Block 3701, Lot 1 as identified on the Tax Maps of the Township of Berkeley Heights, is designated a “Study Area” under the Redevelopment and Housing Law.
2. The Township Planner, Harbor Consultants, Inc., shall conduct a study of the applicability of the requirements of the Redevelopment and Housing Law to the “Study Area” and shall report its findings to the Planning Board.
3. The Planning Board shall hold a public hearing to consider the completed Redevelopment Study, in compliance with the provisions of the Redevelopment and Housing Law and the Open Public Meetings Act.
4. The Planning Board shall report its findings back to the governing body, in the form of a resolution, as per N.J.S.A. 40A:12A-6 et seq.

**BE AND THE SAME IS HEREBY GRANTED**

I hereby certify that the above Resolution is a true copy of the Resolution adopted on February 18, 2026, by the Planning Board of the Township of Berkeley Heights.

  
 \_\_\_\_\_  
 Connie Valenti, Secretary

Roll Call Vote

On 2/18/2026: 9 - 0  
 Motion to Approve: Mr. Popolo  
 Second: Mr. Hall  
 Ayes: Mr. Johnson, Mr. Hall, Ms. Rountree, Mr. Kraut, Mr. Couto,  
 Ms. Poage, Ms. Kingsley, Mr. Popolo, and Mr. Harris  
 Nays: None  
 Abstentions: None

# EXHIBIT D