

BOROUGH OF WATCHUNG
RESOLUTION: R1

BE IT RESOLVED that Ordinance **OR:21/05** entitled:

"AN ORDINANCE BY THE BOROUGH OF WATCHUNG IN THE COUNTY OF SOMERSET, NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING SECTION 28-106 OF THE WATCHUNG MUNICIPAL CODE."
can now be adopted after public hearing.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey, that the Borough Clerk is hereby authorized to publish notice of adoption in accordance with law. This ordinance shall become effective after final passage, adoption and publication in accordance with law.



Pietro Martino, Council Member



Keith S. Balla, Mayor

Adopted:	July 15, 2021
Index:	Code, Planning
C:	Police, Planning & Zoning Bds,
	Courts, Engineering 7/20/21

**BOROUGH OF WATCHUNG
ORDINANCE NO. 21/05**

***AN ORDINANCE BY THE BOROUGH OF WATCHUNG IN THE COUNTY OF
SOMERSET, NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF
CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND
AMENDING SECTION 28-106 OF THE WATCHUNG MUNICIPAL CODE***

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

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WHEREAS, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Council of the Borough of Watchung has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on Borough of Watchung in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of Watchung's residents and members of the public who visit, travel, or conduct business in the Borough of Watchung, to amend Watchung's zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of Borough of Watchung; and

WHEREAS, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters such as have been presented by the Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act's 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts;

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

1. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating

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anywhere in the Borough of Watchung, except for the delivery of cannabis items and related supplies by a delivery service.

2. Section 28-106 of the Watchung Code, entitled, "Prohibited Uses" is hereby amended by adding subsection "G" to the list of prohibited uses, to include and state the following: "All classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in section 3 of P.L. 2021, c. 16 shall be specifically prohibited throughout the Borough of Watchung, but not the delivery of cannabis items and related supplies by a delivery service."

3. The Borough Clerk is hereby directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Somerset County Planning Board and all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-15, including to the Clerks of adjoining municipalities. The Borough Clerk shall execute Affidavits of Proof of Service of the notices required by this Section, and shall keep the Affidavits on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

4. After introduction, the Borough Clerk is hereby directed to submit a copy of this Ordinance to the Planning Board of the Borough of Watchung for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Mayor and Council, within thirty-five (35) days after referral, a report including identification of any provisions in this proposed Ordinance which are inconsistent with the Borough's Master Plan and recommendations concerning any inconsistencies and any other matters as the Board may deem appropriate.

5. Any article, section, paragraph, subsection, clause, or other provision of the Code of the Borough of Watchung inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

6. 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.

7. This Ordinance shall take immediately upon: (i) adoption; (ii) publication in accordance with the laws of the State of New Jersey; and (iii) filing of the final form of adopted Ordinance by the Borough Clerk with the Somerset County Planning Board pursuant to N.J.S.A. 40:55D-16.

INTRODUCED: MARTINO
PASSED: JUNE 17, 2021
PUBLISHED: JUNE 24, 2021
ADOPTED: JULY 15, 2021

ATTEST:



Edith G. Gil, Borough Clerk

APPROVED:



Keith S. Balla, Mayor

**BOROUGH OF WATCHUNG
RESOLUTION: R2**

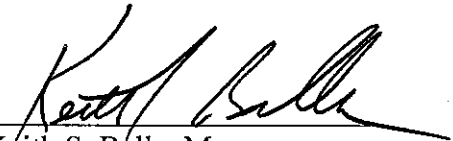
BE IT RESOLVED that Ordinance **OR:21/07** entitled:

"ORDINANCE REPEALING SECTION 2-44 OF THE CODE OF THE BOROUGH OF WATCHUNG AND DISSOLVING THE WILDLIFE MANAGEMENT ADVISORY COMMITTEE" can now be adopted after public hearing.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey, that the Borough Clerk is hereby authorized to publish notice of adoption in accordance with law. This ordinance shall become effective after final passage, adoption and publication in accordance with law.



Pietro Martino, Council Member



Keith S. Balla, Mayor

Adopted: July 15, 2021
Index: Code,
C: General Code, 7/20/21

BOROUGH OF WATCHUNG
ORDINANCE NO: 21/07

***ORDINANCE REPEALING SECTION 2-44 OF THE CODE OF THE BOROUGH OF WATCHUNG
AND DISSOLVING THE WILDLIFE MANAGEMENT ADVISORY COMMITTEE***

WHEREAS, by way of Ordinance No. 04-20, the Council of the Borough of Watchung created the Wildlife Management Advisory Committee and Section 2-44 of the Code of the Borough of Watchung; and

WHEREAS, the Mayor and Council of the Borough of Watchung have determined that the Wildlife Management Advisory Committee is no longer necessary.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Watchung, County of Somerset, that § 2-44, entitled, "Wildlife Management Advisory Committee," including Sections § 2-44.1 through § 2-44.8, of the Code of the Borough of Watchung ("Code") are hereby repealed in their entirety; and

BE IT FURTHER ORDAINED by the Mayor and Council of the Borough of Watchung that the Wildlife Management Advisory Committee is hereby dissolved, shall cease to exist, and shall have no further authorization except to turn over all records thereof to the Borough Clerk; and

BE IT FURTHER ORDAINED by the Mayor and Council of the Borough of Watchung that they express their gratitude to all volunteers who have served as members of the Wildlife Management Advisory Committee for their time and efforts in this regard; and

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

BE IT FURTHER ORDAINED by the Mayor and Council of the Borough of Watchung that all ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of their inconsistencies only; and

BE IT FURTHER ORDAINED by the Mayor and Council of the Borough of Watchung that this Ordinance shall take effect upon final passage and publication according to law.


INTRODUCED: MARTINO
PASSED: JUNE 17, 2021
PUBLISHED: JUNE 24, 2021
ADOPTED: JULY 15, 2021

ATTEST:

APPROVED:



Edith G. Gil, Borough Clerk



Keith S. Balla, Mayor


**BOROUGH OF WATCHUNG
RESOLUTION: R3**

BE IT RESOLVED that Ordinance **OR:21/08** entitled:

"AN ORDINANCE TO AMEND ORDINANCE NOS. OR:20/06, OR:19/015 AND OR: 18/20, ADOPTING A "REDEVELOPMENT PLAN" FOR A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT CONSISTING OF BLOCK 7402, LOTS 19.01 AND 19.02 AND BLOCK 7403, LOTS 5 AND 10 AND FURTHER IDENTIFIED AS THE "BONNIE BURN ROAD REDEVELOPMENT AREA", AS SHOWN ON THE BOROUGH OF WATCHUNG TAX MAP IN ACCORDANCE WITH N.J.S.A. 40A:12A-7" can now be adopted after public hearing.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey, that the Borough Clerk is hereby authorized to publish notice of adoption in accordance with law. This ordinance shall become effective after final passage, adoption and publication in accordance with law.


Pietro Martine, Council Member


Keith S. Balla, Mayor

ADOPTED: JULY 15, 2021
INDEX: CODE, PLANNING BD,
C: GENERAL CODE, PLANNING BD, 7/20/21

**BOROUGH OF WATCHUNG
ORDINANCE NO: OR 21/08**

Explanation: This Ordinance amends Ordinance Nos. OR:20/06 adopted on December 17, 2020, OR:19/05 adopted on April 18, 2019 and OR: 18/20 adopted on December 6, 2018 to amending the Bonnie Burn Redevelopment Plan to clarify/revise the intended minimum lot requirement and the requirement for approval for sewer capacity specifically from the Township of Berkeley Heights.

AN ORDINANCE TO AMEND ORDINANCE NOS. OR:20/06, OR:19/015 AND OR: 18/20, ADOPTING A "REDEVELOPMENT PLAN" FOR A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT CONSISTING OF BLOCK 7402, LOTS 19.01 AND 19.02 AND BLOCK 7403, LOTS 5 AND 10 AND FURTHER IDENTIFIED AS THE "BONNIE BURN ROAD REDEVELOPMENT AREA", AS SHOWN ON THE BOROUGH OF WATCHUNG TAX MAP IN ACCORDANCE WITH N.J.S.A. 40A:12A-7.

WHEREAS, Block 7402, Lots 19.01 and 19.02 and Block 7403, Lots 5 and 10 are located in the northeastern section of Watchung Borough, Somerset County, New Jersey. The four lots, taken together as the Bonnie Burn Road Study Area ("Study Area" or "Site"), have frontage only on Bonnie Burn Road (County Road 641) which is classified as a minor arterial road and is under Union County jurisdiction. Bonnie Burn Road is a two-lane road with no shoulder or sidewalks and has a curvilinear alignment along the Site. The four lots are a total of 41.03 ~~41.80~~ acres with approximately 1,000 feet of frontage along Bonnie Burn Road. It is located approximately 1,000 feet south of Valley Road. (See Map 1 - Location Map, Map 2 - Tax Map, Map 3 - Aerial Map.); and

WHEREAS, this Redevelopment Plan sets forth the manner in which the Site will be developed as an inclusionary multi-family housing development of a maximum of two hundred and thirty (230) units consisting of forty-six (46) low- and moderate-income, non-age restricted affordable rental units and one hundred eighty-four (184) market-rate units. The Site was originally identified for development of an inclusionary non-age restricted affordable rental development in the Borough of Watchung and Fair Share Housing Center Settlement Agreement ("FSHC Settlement Agreement") adopted on June 7, 2018 and the Order on Fairness and Preliminary Compliance Hearing dated September 19, 2018; and

WHEREAS, on June 7, 2018, the Borough Council of the Borough of Watchung adopted Resolution No. 11:06/07/18 which authorized and directed the Borough of Watchung Planning Board to undertake a preliminary investigation of the Site to determine whether or not certain lands should be designated as a Non-Condemnation Area Redevelopment Area in accordance with N.J.S.A. 40A:12A-1, et seq. (the Local Housing and Redevelopment Law or "LHRL"); and

WHEREAS, on August 21, 2018, the Planning Board conducted a public hearing to determine whether the Site is a potential non-condemnation area in need of redevelopment, with all notice and jurisdictional requirements having been met; and

WHEREAS, the Planning Board reviewed the Preliminary Investigation Report prepared by Marcia R. Shiffman, PP/AICP/LLA of Maser Consulting P.A. dated July 2018, as well as heard the testimony of Marcia R. Shiffman, PP/AICP/LLA, and comments by residents of the Borough as to the proposed Site and the designation of the same as an area in need of redevelopment; and

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WHEREAS, after the conclusion of the public hearing the Planning Board adopted, on September 18, 2018, Resolution No. PB18-R08 finding and recommending to the Borough Council that the Site be designated as a Non-Condensation Area in Need of Redevelopment and adopted the *Preliminary Investigation Report for the Bonnie Burn Road Site, Block 7402, lots 19.01 and 19.02 and Block 7403, Lots 5 and 10*; and

WHEREAS, on October 4, 2018, the Borough Council adopted Resolution No. R11:10/04/18 which designated the Site as an Area in Need of Non-Condensation Redevelopment and directed the preparation of a Redevelopment Plan for the Site and its presentation to the Borough Council; and

WHEREAS, Borough designation of the Site as a Non-Condensation Redevelopment Area, along with adoption of this Redevelopment Plan, allow for the development of the Site as contemplated in the June 7, 2018 Borough of Watchung and Fair Share Housing Center Settlement Agreement ("FSHC Settlement Agreement") and this Redevelopment Plan. This designation and adoption of the Redevelopment Plan also enable the use of other mechanisms (e.g., a payment in lieu of taxes arrangement) that are necessary for the realization of the affordable rental development specified in this Redevelopment Plan; and

WHEREAS, on November 27, 2018, the Borough Planning Board reported on Ordinance: 18/20, the "Redevelopment Plan Ordinance" and stated that the Ordinance to be substantially consistent with the Borough Master Plan; The Planning Board also provided certain Recommendations for the Borough Council to consider.

WHEREAS, on April 18, 2019, the Borough Council adopted Ordinance No. 19/05 amending the Redevelopment Plan Ordinance reflecting the Borough Council's response to the Planning Board Recommendations; and

WHEREAS, on December 17, 2020 the Borough Council adopted Ordinance No. 20/06 further amending the Redevelopment Plan Ordinance to make certain clarifications relating to the applicability of the Steep Slope Ordinances and to clarify/revise the intended minimum lot requirements; and

WHEREAS, Map 4 - Buffer Diagram & Concept Plan, prepared by Peter G. Steck, P.P., dated November 7, 2018, illustrates the development concept of the Site as contemplated in this Redevelopment Plan; and

WHEREAS, at the request of the Property Owners, the Borough has determined to further amend the Redevelopment Plan Ordinance to clarify/revise the intended minimum lot requirement and the requirement for approval for sewer capacity specifically from the Township of Berkeley Heights.

NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WATCHUNG, in the County of Somerset and the State of New Jersey, that the "Bonnie Burn Road Redevelopment Plan" (the "Redevelopment Plan") be adopted, as follows, in accordance with N.J.S.A. 40A:12A-7 of the LHRL:

**SECTION 1. RELATIONSHIP TO LOCAL OBJECTIVES, CONSISTENCY WITH
BOROUGH MASTER PLAN, AND REDEVELOPMENT OBJECTIVE:**

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The Local Housing and Redevelopment law (LHRL) requires that the Redevelopment Plan describe its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements (40A:12A-7d).

The LHRL requires that all provisions of the Redevelopment Plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan; but the municipal governing body may adopt a redevelopment plan which is inconsistent with or nor designed to effectuate the master plan by affirmative vote of a majority of its full authorized membership with the reasons for so acting set forth in the redevelopment plan. (40A:12A-7.d.).

A. Consistency with Master Plan.

This Redevelopment Plan implements a key component of the Borough's effort to meet its affordable housing obligation for the 1999 to 2025 time period pursuant to applicable affordable housing regulations, the Order on Fairness and Preliminary Compliance Hearing and the Borough's Settlement Agreement with the Fair Share Housing Center (FSHC) and consistent with various objectives and recommendations of the Borough's 1994 Master Plan Update and the 2011 Master Plan Reexamination.

The Master Plan Reexamination adopted by the Planning Board in 2011 specifically evaluated the site and recommended that development be consistent with the R-M-L-II zone (which permits a lower density than permitted herein, with no affordable housing provided). However, due to the uncertainty existing at the time regarding State-mandated affordable housing obligations, the 2011 Master Plan Reexamination anticipates the likelihood that the Borough would need to address an affordable housing obligation in a manner not directly addressed in the Master Plan Reexamination. Due to this uncertainty, the Reexamination Master Plan recommends that the Borough monitor changes to affordable housing regulations, evaluate their effect on the Borough and react appropriately, as follows:

At this time, the future of COAH is uncertain. On October 8, 2010, the Appellate Division invalidated substantial portions of the COAH's revised Third Round Rules. The court gave COAH five months to adopt new rules. At that time various legislative approaches have been proposed. The first bill introduced in the 2010 session of the New Jersey State Senate, S-1, proposes to abolish COAH and provide a new means of calculating and addressing affordable housing needs. A-3447 would also make similar reforms to the Fair Housing Act and would similarly abolish COAH.

All of these factors point towards major potential changes to affordable housing requirements. However, it is unclear what their exact form will be or what the potential effect on the Borough. It has been determined that municipalities have a constitutional obligation to provide a realistic opportunity for affordable housing. This obligation will not likely go away entirely. Thus, it is imperative that the Borough continue to monitor the changes to affordable housing regulations, evaluate their effect on the Borough and react appropriately.

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In the section entitled "Past and Potential Changes in Land Use and Population," the 2011 Master Plan Reexamination further anticipates the potential need to address an affordable housing obligation in a manner not directly addressed in the Master Plan Reexamination. In this section, the Master Plan Reexamination anticipates that residential development of vacant land would be minimal due to development constraints such as lack of sewer and wetlands but indicates that *"some residential development may occur as a result of affordable housing obligations imposed by the State."*

Lastly, the 2011 Master Plan Reexamination reviewed and incorporated the "Statement of Objectives, Principles, Assumptions, Policies and Standards" of the Borough's 1994 Master Plan Update which includes the following objective effectuated by this Redevelopment Plan:

The Development Plan should continue to address the mandatory of the "Mt. Laurel II" New Jersey State Supreme Court Decision and the requirements of the New Jersey Council on Affordable Housing (COAH) which obligates each municipality to provide for its "fair share" of its regions "low" and "moderate" income housing. The Borough of Watchung should formulate a so-called "Housing Compliance Plan" which safeguards the integrity of existing residential neighborhoods, acknowledges environmentally fragile areas, and permits the continuance of a reasonable balance between residential and non-residential development.

Consistent with the above-described objectives and recommendations of the Borough's 1994 Master Plan Update and 2011 Master Plan Reexamination, this Redevelopment Plan implements a key component of the Borough's effort to meet its affordable housing obligation for the 1999 to 2025 time period.

In response to the March 10, 2015 decision of the New Jersey Supreme Court (which dissolved the substantive certification process before the New Jersey Council on Affordable Housing (COAH) and created a judicial process by which a municipality can seek a judicial determination that their housing element satisfied their "third round" affordable housing obligation) the Borough filed a declaratory judgment action with the Superior Court which sought judicial determination of compliance with the Borough's Third Round affordable housing obligation.

The Borough and the FSHC, a Supreme Court-designated interested party in this matter appeared before the Hon. Thomas C. Miller, P.J.Cv., and worked with the Court appointed Special Master, to review the Borough's affordable housing plans. Through this process, the Borough and FSHC agreed to settle this litigation and present the settlement to the trial court with jurisdiction over this matter. The Borough entered into a Settlement Agreement with the FSHC for its 1999-2025 affordable housing obligations, which Settlement Agreement requires, amongst other actions, that the Borough adopt and endorse a Housing Element and Fair Share Plan (HEFSP) and adopt the implementing ordinances outlined in the Settlement Agreement.

One of the key implementing ordinances outlined in the Settlement Agreement involves rezoning of the subject site to allow for an inclusionary development that contains 46 non-age restricted rental affordable units (which would be effectuated by adoption of this Redevelopment Plan).

The Court's Special Master provided to the Court a Report of the Special Master finding that the Borough's Settlement Agreement with the FSHC (which, again, included the development addressed in this Redevelopment Plan as a key component) will adequately protect the interests

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of low- and moderate-income households. The Hon. Thomas C. Miller, P.J.Cv. then subsequently held a Fairness Hearing and determined on September 19, 2018 that the Settlement Agreement was fair and reasonable to the interests of low- and moderate-income households. The Order on Fairness and Preliminary Compliance Hearing issued by Judge Miller requires that the Borough submit to the Special Master for review and comment a new HESFP and all resolutions and ordinances necessary to implement the HEFSP (which the Borough is required to adopt within 180 days from the date of the Order).

The adoption of this Redevelopment Plan (along with the HEFSP and other implementing ordinances and resolutions) addresses the Borough's Third Round affordable housing obligation consistent with the Order on Fairness and Preliminary Compliance Hearing and provides a realistic opportunity for the development of affordable housing units that will satisfy the Borough's Third Round obligation under the New Jersey Supreme Court's Mount Laurel decisions from 1999 to 2025.

The Site has been part of Watchung's affordable housing deliberations for over 30 years to address the Borough's affordable housing obligations. Block 7403, Lot 10, a 21-acre lot which is over 50% of the site area, was previously involved in affordable housing litigation with the Borough. In 1988, this lot was one of a number of other properties that were the subject of builder's remedy lawsuits against that Borough of Watchung. The Developers Mount Laurel Agreement settling the is litigation was signed on August 25, 1988 and recorded on October 12, 1988. This Developers Mount Laurel Agreement provided that the Z.V. Associates property, Block 7403, Lot 10, would be rezoned to a higher density residential district. The R-M-L II District was established over this lot to increase the density of the 21.7-acre site from one unit per 60,000 square feet to one unit per 40,000 square feet for a total maximum of 20 lots. In return for the increased density increasing the number of single family lots by seven lots, there were specific conditions placed on the property. There was also a required cash contribution of \$280,000 for the Borough use in satisfying its low and moderate-income housing obligation. In 1988, the Borough was able to address its initial Mt. Laurel obligation without including this property for multi-family development except through the cash contributions for affordable housing at that time. The 1997 Borough of Watchung Housing Element and Fair Share Plan Addendum calls out these negotiated developer cash contributions to the Borough Housing Trust Fund to be used to finance the regional contribution agreement.

Notwithstanding the lower density recommendation for the Site in the 1988 Developers Mt. Laurel Agreement and in the 2011 Master Plan Reexamination, this Redevelopment Plan is not substantially inconsistent with the Borough Master Plan when evaluated as a whole. As addressed above, the Redevelopment Plan implements a key component of the Borough 's effort to meet its affordable housing obligation for the 1999 to 2025 time period consistent with various objectives, analyses and recommendations of the Borough's 1994 Master Plan Update and 2011 Master Plan Reexamination and pursuant to applicable affordable housing regulations, the Order on Fairness and Preliminary Compliance Hearing and the Settlement Agreement.

B. Redevelopment Objective. The overall objective of this Redevelopment Plan is to provide for the development of the subject Site with a 230-unit inclusionary rental housing development that includes forty-six (46) non-age restricted affordable rental units in order to address a component of the Borough's affordable housing obligation in a manner that is thoughtful and attractive in terms of site and building design. The density reduction or steep slope management requirements in Chapter 23A, section 4.2(c) of the Borough's Revised General Ordinances and

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Section 28-401.H of the Borough Land Development Ordinance shall not be applied to this Redevelopment Plan to reduce the number of units on the Site as set forth herein.

SECTION 2. RELATIONSHIP TO LOCAL ZONING

The LHRL requires that the Redevelopment Plan describe a relationship to pertinent municipal development regulations as defined in the "Municipal Land Use Law." P.L. 1975. c.291 (C.40:55D-1 et seq.). The redevelopment plan shall supersede applicable provisions of the development regulations of the municipality or constitute an overlay zoning district within the redevelopment area. When the redevelopment plan supersedes any provision of the development regulations, the ordinance adopting the redevelopment plan shall contain an explicit amendment to the zoning map included in the zoning ordinance. The zoning district map as amended shall indicate the redevelopment area to which the redevelopment plan applies. (40A:12A-7(c))

- A. This Redevelopment Plan shall supersede the Borough of Watchung Land Development Ordinance (LDO), and any other requirement of the Borough Revised General Ordinances pertaining to land use and building requirements with respect to development of the subject Site. Only those requirements of the Borough LDO that are specifically referenced in this Redevelopment Plan shall apply to development of the Site in the manner specified in this Redevelopment Plan. This Redevelopment Plan explicitly excludes and does not incorporate the density reduction or steep slope management requirements in Chapter 23A, section 4.2(c) of the Borough's Revised General Ordinances and Section 28-401.H of the Borough Land Development Ordinance. To the extent Article 28-600, section 28-603A(2)(p) of the LDO refers to the Steep Slopes requirements of Chapter 23A, such reference shall exclude the density reduction or steep slope management requirements in Chapter 23A, section 4.2(c) and Section 28-401.H of the Borough Land Development Ordinance.
- B. Terms used in this Plan shall have the same meaning as defined in the Borough's LDO, except as specifically amended in this Plan.
- C. For purposes of calculating minimum required lot area, maximum permitted building coverage and maximum permitted lot impervious coverage, the gross lot area (known to be 41 acres) shall be the unit of measure.
- D. The Planning Board may grant deviations from the regulations contained within this Redevelopment Plan where by reason of exceptional narrowness, shallowness or shape of a specific piece of property or by reason of exceptional topographic conditions, pre-existing structures and physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Redevelopment Plan would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon, the developer or redeveloper of such property (i.e., a "c(1)" variance pursuant to N.J.S.A. 40:55D-70c(1)). The Planning Board may also grant a deviation from the regulations contained within this Redevelopment Plan related to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by such deviation from the strict application of the requirements of

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this Plan and the benefits of granting the deviation would outweigh any detriments (i.e., a "c(2)" variance pursuant to N.J.S.A.40:55D-70c(2)).

- E. The Planning Board may grant exceptions or waivers of design standards from the requirements for site plan approval as may be reasonable and within the general purpose and intent of the provisions for site plan review within the Plan, if the literal enforcement of one or more provisions of the Plan is impracticable or would exact undue hardship because of peculiar conditions pertaining to the Site. Deviations may be granted under the terms of this section provided such deviations can be granted without resulting in substantial detriment to the public good and will not substantially impair the intent and purpose of the Redevelopment Plan.
- F. No deviations may be granted which will result in permitting a use that is not a permitted use within this Redevelopment Plan. Any deviations from standards of this Plan that results in a "d" variance pursuant to N.J.S.A. 40:55D-70d shall be addressed as an amendment to the Plan rather than by variance relief through the Borough's Zoning Board of Adjustment.
- G. The Borough Council shall act as the "Redevelopment Authority" pursuant to N.J.S.A. 40A:12A-4c for purposes of implementing the Redevelopment Plan and carrying out redevelopment. In doing so, the Borough Council shall have the powers set forth in N.J.S.A. 40A-12A-8 to effectuate all of its duties and responsibilities in the execution and implementation of this Redevelopment Plan.
- H. The Official Zoning Map of the Borough of Watchung is hereby amended to designate the following properties as the "Bonnie Burn Road Redevelopment Area": Lots 19.01 and 19.02 in Block 7402; and Lots 5 and 10 in Block 7403. Map 5 depicts the amendment to the Borough Zoning Map. The "Land Use and Building Requirements" detailed below outline permitted land uses and building requirements in the Bonnie Burn Road Redevelopment District.
- I. The zoning established in the Bonnie Burn Road Redevelopment District shall replace the R-M-L-II Zone, as applicable to the Site. The Official Zoning Map shall be modified to reflect the zoning established in this Bonnie Burn Road Redevelopment Plan.

**SECTION 3. LAND USE AND BUILDING REQUIREMENTS - BONNIE BURN ROAD
REDEVELOPMENT DISTRICT:**

The LHRL requires that the Redevelopment Plan outline proposed land uses and budding requirements in the redevelopment area (40A:12A-7.a.(2)).

- A. **Principal Permitted Uses.**
 - 1. Multi-family dwelling units (apartment units) in one or more buildings as an inclusionary housing development, but not to exceed a total of 230 dwelling units within the zone.
 - 2. Twenty percent (20%) of the total number of dwelling units in the zone shall be reserved for rental occupancy as affordable housing units. The provision of affordable housing shall be consistent with all applicable rules of the Council on

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Affordable Housing (COAH) and the Uniform Housing Affordability Controls (UHAC), including requirements of phasing and bedroom distribution. There shall be no more three-bedroom affordable units than the minimum number of units required by COAH regulations. At least thirteen percent (13%) of the affordable units shall be very low-income housing as defined by the New Jersey Fair Housing Act. The low- and moderate-income units shall be distributed throughout the complex and not concentrated in any one building.

3. The market-rate units shall consist only of one-bedroom, and two-bedroom units. A minimum of twenty (20%) of the market-rate units shall consist of one-bedroom units

B. Permitted Accessory Uses.

1. Uses and structures customary to the principal permitted use including, but not limited to, private residential garages, parking areas, refuse and recycling areas, swimming pools, tennis courts, club houses for residents, management offices, leasing offices, walking/jogging trails, recreation facilities, and dog runs.
2. All accessory structures except permitted fences, signs, retaining walls, bus shelters shall be located at least 100' from the zone boundary line.
3. Fences and walls in accordance with Section 28-502 and as follows:
 - a. Section 28-502.A.2. shall apply to the boundary between a single-family residential district and this Redevelopment Area and permit a fence of six (6) feet in height.
 - b. Section 28-502.A. 1.(a) shall permit opaque earth-tone fences more than 50% solid.
4. Signs may be provided in accordance with Section 28-504 of the Borough LDO and as follows:
 - a. Permitted signs shall include one project identification sign, residential unit and residential building identification signs, traffic and pedestrian directional signs and other public safety signs.
 - b. A project identification monument sign shall be permitted at the driveway entrance to the project not exceeding a sign panel area of 32 square feet in each face and not exceeding 8 feet in total height including the monument base.
 - c. A monument base constructed of stone or similar material and landscaped shall be provided.
 - d. Building mounted identification signs or free-standing informational signs shall not exceed 4 square feet.
 - e. Signs shall be constructed of stone, wood or similar materials and shall not be internally illuminated.
 - f. An overall sign plan shall be submitted for review as part of the site plan application.

C. Maximum Building Heights, Number of Units, Building Length and Height Measurements

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1. The height of the buildings shall be consistent with that depicted on Map 6 and Map 7, Concept Height Sections which includes cross sections of all building types. On Lots 19.01 and 19.02 in Block 7402, the maximum building height shall be thirty-eight (38) feet and shall not exceed two exposed (2) stories on the upper side of the building nor exceed three exposed (3) stories on the lower side of the buildings. On Lots 5 and 10 in Block 7403, the maximum building height shall be forty-eight (48) feet and shall not exceed three exposed (3) stories on the upper side of the building nor exceed four (4) exposed stories on the lower side of the buildings.
2. Building height in feet shall be the vertical distance measured from the average finished grade at the perimeter of the foundation calculated at 20 foot increments to the mean level between the eaves and the highest point of the roof in the case of pitched roofs.
3. Building height in stories shall be measured counting as a story the space between the upper surface of any floor and the upper surface of the next floor above it or, if there is no floor above it, then the surface between the floor and the ceiling next above it. Space under a sloped roof that is not habitable and space partially or fully below grade that is not habitable under the State Uniform Construction Code shall not be considered a story or part of a story.
4. On Lots 19.01 and 19.02 in Block 7402, no building shall contain more than 44 dwelling units or be greater than three hundred (300) feet in length. On Lots 5 and 10 in Block 7403, no building shall contain more than 64 dwelling units or be greater than three hundred (330) feet in length.

D. Area, Yard and Other Requirements

1. The minimum required lot area shall be 39 acres. No subdivision of the Site shall be permitted.
2. Residential buildings within the development shall be setback from the perimeter of the site the distances indicated on Map 4 Buffer Diagram and Concept Plan, except that in the review of the site plan application the Planning Board may permit the setback of one or more of the buildings to be reduced to a minimum of 100 feet from the Site perimeter if such lesser setback is necessary to achieve the proposed site plan.
3. Residential buildings within the development shall be separated from one another a distance of no less than 60 feet.
4. No residential building shall be located closer than 15 feet to the cartway of a principal circulation drive within the development.
5. The maximum lot coverage (impervious coverage) shall be 40% of the site area. Any land area that may be dedicated for road right-of-way purposes or dedicated for preserved open space shall not be deducted from the calculation of the maximum permitted lot coverage.

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6. The maximum building coverage shall be 20% of the site area. Any land area that may be dedicated for road right-of-away or dedicated for preserved space shall not be deducted from the calculation of the maximum permitted lot coverage.
7. Approximately 28% of the total site area, which includes delineated wetlands, wetlands buffer area, stream and stream riparian buffer area, shall be maintained in a natural state and undisturbed.
8. A minimum of 60% of the site shall be pervious surfaces. Any disturbed areas that are designed as pervious surfaces shall be replanted in accordance with the accordance with the approved site plan.

E. Buffers

1. An eighty (80) foot wide buffer shall be established along the northwesterly property boundary of Lots 19.01 and 19.02 in Block 7402. All other tract boundaries shall have a minimum buffer width of 50 feet. Where driveways, parking area, walkways and utility lines are needed to service the development, such as linear improvements may cross required buffer areas provided such instructions are minimized. Stormwater detention basins and other stormwater management features and facilities may be constructed within required buffer areas provided that a minimum undisturbed buffer area of least 40 feet is established along the exterior tract boundary as described in Map 4 – Buffer Diagram & Concept Plan Permitted within required buffer area are retaining walls, fencing along property boundaries and associated safety fencing.
2. The buffer shall comply with landscape standards under Section 28-609E, except as modified by this Redevelopment Plan as follows:

Existing healthy trees in the buffer area shall be retained to the greatest extent possible. During the review of the site plan application, the Planning Board may require a combination of evergreens, deciduous and conifer trees and landscape materials and/or earth tone fencing in such locations, design and size as necessary to provide year-round screening to minimize off-site views into the site to the greatest degree practicable from adjoining residential properties.

The transition buffer requirements under Section 28-609.E.2. shall be addressed except the dimensions are modified consistent with the buffer widths shown on Map 4, Buffer Diagram & Concept Plan and as indicated in E.1.

F. Recreation Amenities and Security

1. Permitted recreation amenities shall include, but not be limited to a resident clubhouse, resident lounge, a fitness center, a private conference room, an outdoor swimming pool, complimentary Wi-Fi through the common areas, pet-friendly features, a smoke-free environment, and a recreation area serving children of various ages.
2. Required recreation amenities shall include a recreation facilities building/club house with a minimum gross floor area of 5,000 square feet, a fitness center, an outdoor swimming pool, and a recreation area serving children of various ages

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3. The site plan submission shall include a proposed program for on-site security. The program shall include a permanent on-site resident superintendent and shall include consideration of some combination of the following: security camera system and a key-fob security system controlling entrances to building and individual apartments.
4. Section 28-505.A. Recreation Required for Multifamily Development shall apply, except that:
 - a. The placement of recreational amenities shall comply with the perimeter setback requirements at D.2. above and the perimeter buffer requirements of E.1 and E.2 above except that walking trails shall not subject to these requirements provided such trails are reflected on the site plan approved by the Board after demonstration to the Board that the trails have been placed in a manner that minimizes tree removal.

G. Parking requirements

1. Parking shall be provided in accordance with the Residential Site Improvement Standards, N.J.A.C. 5:21-1, et seq. De minimis exceptions may be considered by the Planning Board to advance the purposes of this Redevelopment Plan in accordance with the de minimis exception standards authorized by the Residential Site Improvement Standards.
2. Parking spaces shall be located at least 10 feet from a residential building within the development; except where a parking space also provides access to an enclosed garage, no such setback shall be required.
3. Parking lot design shall comply with Section 28-607 unless superseded by the Redevelopment Plan requirements.
4. Section 28-609 G. Parking Lot, Loading and Utility Area Landscaping shall be provided with the exception that parking under the buildings will require permitted modifications of the landscaping standards to accommodate the design.

H. Exemptions

1. The provisions of Chapter XXIV of the Revised General Ordinances of the Borough of Watchung concerning tree preservation shall not apply to development within this zone except for portions of the tract required to be in buffer areas along the perimeter of the tract. Where tree removal and replacement are in accordance with an approved site plan, an inventory of trees for the entire lot or tract and within undisturbed portions of the required buffer area shall not be required. Tree replacement shall only be required for trees removed in required buffer areas as authorized by an approved site plan. However, to address Site tree removal outside of the required buffer areas, a minimum of one shade tree measuring a minimum of two and one-half to three (2 1/2 - 3) inch caliper shall be provided for each dwelling unit. This provision includes trees required for street tree and parking area plantings, but excludes the trees required for landscape buffers.

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I. Building Design Standards

1. All residential buildings shall have similar facade treatments so that they are compatible with one another. Additionally, all sides of any one residential building shall have similar facade treatments.
2. Long buildings shall be broken into facade segments. Any building with a length of over 100 feet shall have off-set facades at least every 30 feet created with setback or bump-out sections being 1.5 feet or more in depth.
3. A variety of materials and architectural features are encouraged to, for example, distinguish the first floor from higher floors, to distinguish top floors from lower floors, and to highlight building entrances.
4. The building design shall include a pitched roof design with a minimum pitch of 4:12.
5. Rooftop HVAC units, if employed, shall be aesthetically shielded by roof insets and appropriately buffered for noise.

J. Overall Building and Site Design Concept.

While the development planned herein represents an important element of the Borough's affordable housing plan, it is critical that the development also be carefully designed in consideration of surrounding land uses, seek to minimize overall land disturbance and tree removal, and be attractively designed. The "Narrative Statement" below, provides a written explanation of the planned building/architectural design and overall site design concept. This narrative describes how the buildings and site will be attractively and thoughtfully designed.

Narrative Statement

The inclusionary housing development proposed to be implemented under the terms of this Redevelopment Plan is intended to follow the conceptual layout shown on Map 4 - Buffer Diagram & Concept Plan. The concept plan shows six residential buildings positioned to avoid unnecessary intrusions on the environmentally sensitive portions of the site. Those environmentally sensitive areas include wetlands and associated transition areas as well as riparian zones associated with water courses.

The concept plan envisions a total of 230 dwelling units intended for rental occupancy with 20 percent of the total reserved for low-and moderate- income households (for a total of 46 affordable units). The low and moderate-income units will be distributed throughout the development and not concentrated in any one building. Toward the interior of the Site, residential buildings with three-stories exposed on one side and four-stories on the opposite side are proposed. Further to the west, buildings with three-stories on one side and two stories on the opposite side are proposed. The differing story heights are designed to accommodate the sloping nature of the Site and to situate the tallest buildings furthest away from neighboring single-family homes.

Access to the Site is proposed via a pair of driveways in a parkway format that lead to a clubhouse with recreational facilities. This accessory component serves as a focal point for residents and their guests approaching the residential buildings.

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Architectural Design Standards. Map & Concept Stone Elevation and Map 9 Concept Brick Elevation are shown as conceptual architectural designs. The final architectural design has not been prepared at this time and changes in the architectural plans are likely to occur. Final plans will be submitted and reviewed by the Planning Board.

All materials, colors and details used on the exterior of a building shall be architecturally compatible with the style of such building, as well as with the other buildings, so as to create a cohesive relationship between the buildings. Buildings shall be designed so as to prevent exterior elevations from containing large expanses of blank or featureless walls.

The exterior treatment shall include quality materials, such as brick, stone, "Hardie" board, and/or composite materials, siding and materials of similar quality and duration as is characteristic of luxury building. Among the architectural features proposed are stone counter-tops, tile backsplash and stainless steel kitchen appliances, washer-dryers within each unit, individual unit specific temperature control, nominal 9 foot ceilings within units, elevators, private balconies in selected units and private garages for a number of resident vehicles.

K. Additional Requirements.

1. Traffic Impact Study. The Redeveloper shall prepare and submit a Traffic Impact Study as part of the site plan application for review by the Board that addresses the inclusionary development's traffic impact which includes the following:
 - a. The existing road network available to serve the proposed development, as well as the proposed road network within the development itself and the surrounding road network which will be affected by the proposed development. This analysis shall include the capacity of the existing and proposed roadways; the anticipated traffic volumes as a result of the proposed development; the physical structure of road networks; and any problem areas in the area road network affected by this development and other planned development with impacts on the road network, including unsafe intersections and vertical or horizontal alignments.
 - b. The analysis shall evaluate current and planned development in the surroundings including individual residences or businesses on Bonnie Burn Road, including Weldon Quarry.
 - c. The traffic analysis shall consider the County of Union traffic circulation and development in adjoining municipalities that may affect the traffic conditions in the Redevelopment Area.
 - d. The Planning Board, during its site plan review, may condition site plan approval consistent with Somerset and Union County Planning Board approvals, as applicable on (1) improvements to on-tract entrances and exits and (2) contributions to off-tract improvements made necessary by the on-tract development.
 - e. The Redeveloper will be responsible for off-tract site improvements related to traffic such as a traffic light, acceleration and deceleration lane improvements to achieve sufficient sight distances and related improvements to individual driveway(s) serving the Site fronting onto Bonnie Burn Road.

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- f. All off-tract improvements and entrances and exits along Bonnie Burn Road shall be subject to Somerset and Union County Planning Board approval.
2. Environmental Impact Statement and Site Assessment. The site plan submission shall include an Environmental Impact Statement (EIS) pursuant to Section 28-804. The EIS shall be accompanied by a Phase I Environmental Site Assessment and a Phase II Environmental Site Assessment, if necessary. In this fashion, environmental remediation, if necessary, can be incorporated into the site plan approval.
3. The requirements of Article 28-600 shall apply unless specifically modified or waived by this Redevelopment Plan. This Redevelopment Plan explicitly excludes and does not incorporate the density reduction or steep slope management requirements in Chapter 23A, section 4.2(c) of the Borough's Revised General Ordinances and Section 28-401.H of the Borough Land Development Ordinance. To the extent Article 28-600, section 28-603A(2)(p) of the LDO refers to the Steep Slopes requirements of Chapter 23A, such reference shall exclude the density reduction or steep slope management requirements in Chapter 23A, section 4.2(c) and Section 28-401.H of the Borough Land Development Ordinance. Notwithstanding any requirements to the contrary, the following specific design requirements shall apply within the Redevelopment Area (to the degree other requirements in the Revised General Ordinances conflict), the following requirements shall apply to development on the Site).
 - a. The development shall include sidewalks providing pedestrian access from the parking lots to the buildings and along the access drive to Bonnie Burn Road.
 - b. The site shall be designed to properly allow for emergency vehicle maneuverability and access.
 - c. All buildings shall be sprinklered.
 - d. Notwithstanding any requirements to the contrary, stormwater management facilities may be permitted within yard setbacks as shown on the Map 4, Buffer Diagram & Concept Plan. Such facilities shall be attractively landscaped and/or screened consistent with applicable requirements of Article 28-600.
4. Construction Phasing. The site plan submission shall include a description of the construction phasing (e.g., relative timing of site clearing, grading, placement of utilities, building construction, etc.).
5. Weldon Quarry Lease Notice. A form of notice shall be included in all leases informing future development residents that Weldon Quarry is across Bonnie Burn Road and that it performs blasting on a regular basis. A draft shall be included with the site plan submission.
6. Sanitary Sewers and Other Utilities. The site plan approval shall be conditioned upon the Redeveloper obtaining sewer capacity ~~from the Township of Berkeley Heights, amending the Sewer Service Area and~~ and lawfully extending the sewers to the development at its sole cost. All utilities are to be located underground.

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7. The Redeveloper is responsible for any cost incurred by the Borough to review the required one plan, and related traffic and environmental impact analysis
8. Construction of the Site shall comply with any and all applicable requirements and regulations related to blasting.
9. Development of the Site shall be subject to the applicable requirements of the following Articles of the Borough LDO: 28-800, Development Application Review Procedures and Checklists; 28-900, Application Fees, Guarantees, Inspections and Off-Tract Improvements; and 28-1200, Administration, Penalties, Repealer, Validity.
10. The following items in the Preliminary Major Application Checklist shall be modified as follows: # 12 (Tree Removal/Tree Replacement Application) shall not be required; and #32 (individual tree locations) shall be provided only in required buffer areas in areas adjacent to the homes located on Oakwood Road East and Mareu Drive bordering the site.
11. The development shall comply with all applicable requirements necessary for the Borough to address its affordable housing obligation including but not necessarily limited to: recording of necessary deed restriction(s); affirmative marketing; bedroom distribution; low/ moderate income split; and engagement of a qualified administrative agent.
12. Upon site plan approval, portions of the Site that are to remain undeveloped (e.g., wetlands, wetlands buffer areas, buffer areas, and open space areas) shall be placed within a duly- recorded conservation easement.
13. A deed restriction within that certain August 2, 1988 Developer's Mount Laurel Agreement is not consistent with the Order on Fairness and Preliminary Compliance Hearing, the Borough's Settlement Agreement with the Fair Share Housing Center, and this Redevelopment Plan. In cooperation with the Borough, the designated Redeveloper shall file a motion to the Court issuing the Order on Fairness and Preliminary Compliance Hearing to remove that deed restriction. That certain Revised Final Plan for Oakwood Estates," filed on March 14, 2011 in the Somerset County Clerk's Office as Map. No. 6408-1205, also conflicts with this Redevelopment Plan, and the Order on Fairness and Preliminary Compliance Hearing and the Borough's Settlement Agreement with the Fair Share Housing Center. This Redevelopment Plan supersedes any bulk requirements and density restrictions imposed by the Plat for Oakwood Estates with regard to the Redevelopment Area. The Redeveloper shall cause a corrective deed to be recorded memorializing this Redevelopment Plan's supersession of the bulk and density requirements imposed by Plat for Oakwood Estates.
14. The site plan shall be provided to the Environmental Commission for their review and comment to the Planning Board.

SECTION 4. AFFORDABLE HOUSING

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The LHRL provides that the Redevelopment Plan may include the provision of affordable housing in accordance with the "Fair Housing Act" and the housing element of the municipal master plan.

As stated above, the development will be a two hundred-thirty (230) unit multi-family development. Forty-six (46) of the units shall be low and moderate income ("affordable") non-age-restricted rental housing units as defined by the New Jersey Fair Housing Act. No less than thirteen percent (13%) of the 46 affordable units shall be low income units as defined in the New Jersey Fair Housing Act. The development shall comply with the COAH and UHAC regulations and the Borough's LDO Chapter 28-1000 affordable Housing Ordinance.

All units within the State will be deed restricted for low and moderate family occupancy for a period of thirty (30) years from the date of issuance of the Certificate of Occupancy. The controls will continue in accordance with UHAC after the first 30 year period unless the Borough chooses to release the restrictions in accordance with UHAC. The redeveloper shall be responsible for all costs associated with the qualified Administrative Agent.

SECTION 5. PROPERTY ACQUISITION

The LHRL requires that the Redevelopment Plan identify properties within the redevelopment area which are proposed to be acquired in accordance with the redevelopment plan (40a.12A-7a(4))

No acquisition of property by the Borough is involved in this Redevelopment Plan. Further, because the Area in Need of Redevelopment Preliminary Investigation was conducted as a "Non-Condensation" study no property may be acquired by the municipality by eminent domain in association with this Redevelopment Plan.

SECTION 6. RELOCATION

The LHRL requires that the Redevelopment Plan outline adequate provision for the temporary and permanent relocation as necessary of residents in the redevelopment area, including an estimate of the extent to which decent, safe, and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market (40A-12A-7a(3))

The property currently contains an abandoned residence but is otherwise undeveloped. Therefore, there will be no need to relocate any residents in order to construct this Redevelopment Plan.

SECTION 7. RELATIONSHIP TO PLANS OF OTHER JURISDICTIONS AND TO THE MASTER PLANS OF CONTIGUOUS MUNICIPALITIES, COUNTIES AND/OR STATE:

The LHRL requires that the Redevelopment Plan describe any significant relationship of the redevelopment plan to: the master plans of contiguous municipalities, the master plan of the county in which the municipality is located, and the State Development and Redevelopment Plan. (40A: 12A-7a(5)).

A. Adjacent Municipalities.

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The Site is located in excess of one-half mile from the Township of Berkeley Heights to the west and in excess of one-half mile from the Township of Scotch Plains to the east. The Site is physically and visually separated from, and not located in close proximity to, adjacent municipalities. Given the physical separation of the Site to other municipalities the Redevelopment Plan will not significantly affect any nearby municipalities. However, since development at the Site will rely on Bonnie Burn Road as its sole access, traffic from development within the Site is expected to be added to existing traffic in both Berkeley Heights and Scotch Plains.

B. Somerset County Master Plan, Housing Element and Wastewater Management Plan.

The Somerset County Master Plan, adopted in 1987, includes background data and information, goals and recommendations and implementation strategies pertaining to the following components: Land Use, Housing, Transportation, the Environment and Capital Facilities, the majority of which remain relevant today. In particular, the is Redevelopment Plan is consistent with Goal 5 which encourages a variety of housing types.

This Redevelopment Plan is also consistent with various "Guiding Principles" and "Planning Objectives" of the Housing Element of the Somerset County Master Plan (November 2017) including but not limited to the following: Guiding Principle 1 (encouraging a range of housing types); Planning Objective 1C (increase the supply of rental and for purchase housing affordable to low and moderate income households); Guiding Principle 5 (supports efforts to advance the State Fair Housing Act); Planning Objective 5A (increase the supply of housing affordable to low- and moderate-income households); and Planning Objective 5B (update, adopt and implement municipal Housing Element and Fair Share Plan).

Completion of the Countywide Wastewater Management Plan (WNIP) for Somerset County is being accomplished in phases. The first phase comprised of the updated Countywide Wastewater Service Areas Map was completed in 2013. The Wastewater Service Areas Map, which was adopted by NJDEP, delineates the assigned sewer service areas associated with existing wastewater treatment facilities. Work is currently underway by the County Planning Division on the required wastewater treatment facility capacity analysis and identification of potential strategies for addressing any capacity deficiencies. ~~The majority of the Site (Lots 5 and 10 in Block 7403) is located within the future wastewater service area (Middlesex County Utility Service Area or MCUA) on the updated Countywide Wastewater Service Areas Map adopted by NJDEP. The remainder of the Site (Lots 19.01 and 19.02 in Block 7402) is identified within the sewer service area associated with the portion of the Berkeley Heights Water Pollution Control Plant. However, the Wastewater Service Areas Map notes that the area within Watchung identified within the sewer service area associated with the Berkeley Heights Water Pollution Control Plant would be adopted at a later date. It would thus appear that the Wastewater Service Areas Map would need to be updated. It is noted that the Borough's 2005 and 2011 Master Plan Reexamination Reports both endorse extension of sewer in the area to serve development that was anticipated at those times.~~

C. The State Development and Redevelopment Plan.

The State Development and Redevelopment Plan (SDRP) was adopted by the State Planning Commission on March 1, 2001. This Redevelopment Plan directly supports the State Plan Policy Goals by facilitating development of a thoughtfully designed rental apartment development with affordable housing that is consistent with local, regional and state land use policies. In particular,

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the proposed development of the Site is consistent with Goal #6 of the SDRP - "Provide Adequate Housing at a Reasonable Cost". The proposed development is particularly consistent with the following strategy of the SDRP: "Provide adequate housing at a reasonable cost through public/private partnerships that create and maintain a broad choice or attractive, affordable, ecologically designed housing." The statewide policy map includes the Site within the Suburban Planning Area (PA 2) which encourages a variety of housing choices.

SECTION 8. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Somerset County Planning Board and to all other persons or entities entitled to notice, including to the Clerk or adjoining municipalities, to the last owner of the Property and all persons at their last known address, if any, whose names are noted on the assessment records as claimants of an interest in the Property. The Borough Clerk shall execute Affidavits of Proof of Service of the notices required by this Section 8, and shall keep the Affidavits on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

SECTION 9. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Watchung for its review in accordance with N.J.S.A. 40A: 12A-7e. The Planning Board is directed pursuant to N.J.S.A. 40A:12A-7d to transmit to the Borough Council, within forty-five (45) days after referral, a report finding that the Redevelopment Plan shall be substantially consistent with the Borough Master Plan or designed to effectuate the Master Plan or that the Redevelopment Plan is substantially inconsistent with the Borough Master Plan or not designed to effectuate the Master Plan.

SECTION 10. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

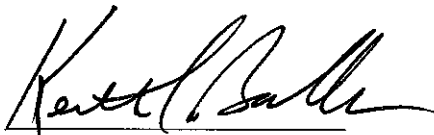
SECTION 11. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency

SECTION 12. This Ordinance shall take effect immediately upon: (i) adoption: (ii) publication in accordance with the laws of the State of New Jersey; and (iii) filing of the final form of adopted Ordinance by the Clerk with the Somerset County Planning Board pursuant to N.J.S.A. 40:55D-16.

INTRODUCED:	MARTINO
PASSED:	JUNE 17, 2021
PUBISHED:	JUNE 24, 2021
ADOPTED:	JULY 15, 2021

ATTEST:


Edith G. Gil, Borough Clerk


Keith S. Balla, Mayor

**BOROUGH OF WATCHUNG
RESOLUTION: R4**

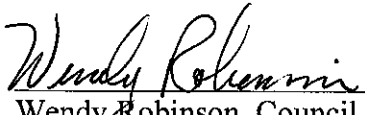
WHEREAS, Section 2-25.13 of the Code of the Borough of Watchung requires that contracts for purchases or services involving more than two thousand dollars be awarded by a resolution of the Mayor and Council.


NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey, that the Purchasing Agent be authorized to issue Purchase Orders as follows:

Vendor: El Coronado, 8501 Atlantic Avenue, Wildwood Crest, NJ 08260
Item: FD - 2021 Firemen's Convention
Total Price: \$2,356.00
Charged to: 1-01-185-276

Vendor: CEI Office, Casey's Executive Interiors, 152 US Highway 22,
Green Brook, NJ 08812
Item: PD- Office Partitions (delivery and installation)
Total Price: \$2,926.46
Charged to: 1-01-190-221

Vendor: Aquaclear, LLC, PO Box 413, Layton, NJ 07851
Item: 2021-2022 Lake Management (for control of algae and weed; includes NJDEP permit)
Total Price: \$4,250.00
Charged to: 1-01-155-273


Wendy Robinson, Council President


Keith S. Balla, Mayor

ADOPTED: JULY 15, 2021
INDEX: PURCHASES
C: FINANCE

**BOROUGH OF WATCHUNG
RESOLUTION: R5**

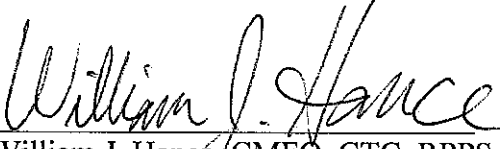
WHEREAS, the Borough of Watchung received bids on June 17, 2021 for online tax sale hosting services; and

WHEREAS, one bid was received from **Realauction.com, LLC** in the amount of \$15 per certificate advertised; and

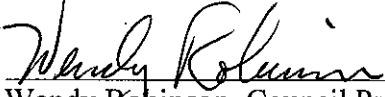
WHEREAS, the Chief Financial Officer certifies that funds are available in line item 1-01-140-255.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey that the Chief Financial Officer is authorized to award the online tax sale hosting service contract to Realauction.com, LLC for \$15 per certificate advertised for a total anticipated amount not to exceed \$1,300.00.


**CHIEF FINANCIAL OFFICER'S
CERTIFICATION**



William J. Hance, CMFO, CTC, RPPS



Wendy Robinson, Council President



Keith S. Balla, Mayor

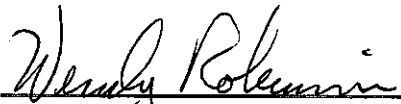
ADOPTED:	JULY 15, 2021
INDEX:	FINANCE-MISC.
C:	D. GAEBELE, W. HANCE

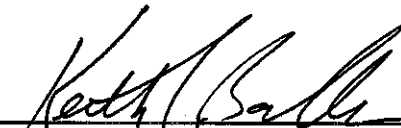
BOROUGH OF WATCHUNG
RESOLUTION: R6

WHEREAS, upon an audit of the Clerk's Office 2020 Cash book it was discovered that applicant Mirtha Dominguez overpaid her 2020 pet renewal fee and a refund must be issued.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Watchung hereby authorize the Chief Finance Officer to issue a refund check in the amount of \$14.00 payable to:

Mirtha Dominguez
289 Mountain Boulevard
Watchung, NJ 07069


Wendy Robinson, Council President


Keith S. Balla, Mayor

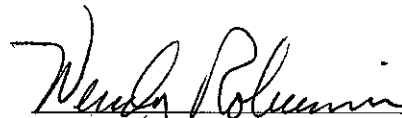
Adopted: July 15, 2021
Index: Finance-Misc.
C: B. Hance

**BOROUGH OF WATCHUNG
RESOLUTION: R7**

WHEREAS, funds have been remitted by Ravichandirika Thiagarajah to redeem tax sale certificate #19-00001 held by Violet Potter on property located at 15 Blue Wolf Trail, also known as Block 4304 / Lot 17.13, assessed in the name Ravichandirika Thiagarajah, and the Mayor and Council must approve the distribution of these funds.

NOW, THEREFORE BE IT RESOLVED, by the Mayor & Council of the Borough of Watchung, County of Somerset, State of New Jersey, that the Treasurer is authorized to remit payment to the lienholders as follows:

Principal	\$111,773.12
Interest & Penalties	\$ 22,098.77
Premium	\$128,000.00
Total:	\$261,871.89


Wendy Robinson, Council President


Keith S. Balla, Mayor

ADOPTED: JULY 17, 2021
INDEX: FINANCE-MISC.
C: B. HANCE, D. GAEBELE


**BOROUGH OF WATCHUNG
RESOLUTION :R8**

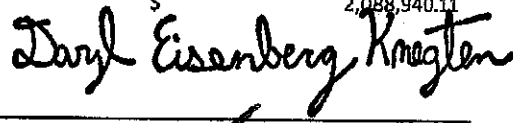
BE IT RESOLVED, by the Mayor and Council of the Borough of Watchung,
that the Borough Treasurer be, and is hereby directed to pay bills in the amount of
\$2,088,940.11 per the attached bill list. The expenditures can be broken down into
the following categories:

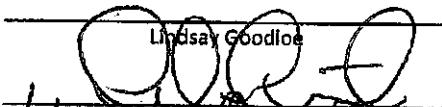
Affordable Housing Trust	\$	1,434.00
Animal Control	\$	16.40
Assessment Trust Fund	\$	30,750.16
Developer Escrow	\$	38,779.46
Other Escrow	\$	36,033.15
Watchung Board of Education Taxes	\$	853,759.00
Watchung Hills Regional High School Taxes	\$	500,000.00
Current Fund	\$	576,401.20
Capital Fund	\$	51,766.74

Total Expenditures:

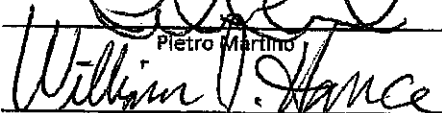
\$ 2,088,940.11

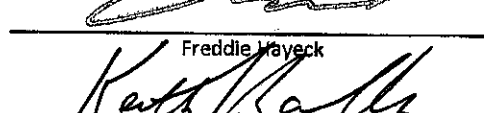

Wendy Robinson

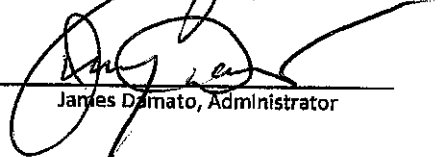

Daryl Eisenberg Knegten


Lindsay Goodloe


Ronald Rubin


William J. Hance, CFO


Freddie Hageck


James Damato, Administrator


Keith Balla, Mayor

Date: July 15, 2021
Index: Finance

**BOROUGH OF WATCHUNG
RESOLUTON: R9**

WHEREAS, Sisters of Mercy of the Americas, Mid-Atlantic Community has made an application to the Borough of Watchung, County of Somerset, for a Raffle License; and

WHEREAS, said application has been presented as required for Findings and Determinations; and

WHEREAS, the Borough Clerk has reported that the proper fees have been paid and therefore recommends its approval.

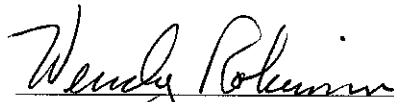
NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Watchung, County of Somerset, State of New Jersey that the Borough Clerk is hereby instructed to issue Raffle License #658 as follows:

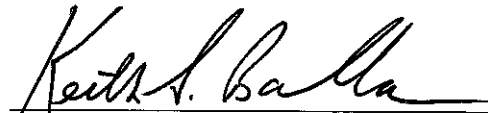
NAME & ADDRESS OF ORGANIZATION

Sisters of Mercy of The Americas
1645 US Highway 22 West
Watchung, NJ 07069-6587

DATES OF RAFFLE

December 2, 9, 16, 23, 30, 2021
January 6, 13, 20, 27 2021
February 3, 10, 17, 24 2021


Wendy Robinson, Council President


Keith S. Balla, Mayor

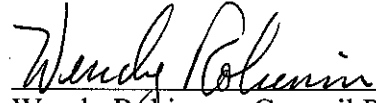
ADOPTED: JULY 15, 2021
INDEX: LICENSES
C: R. ANGELO 7/19

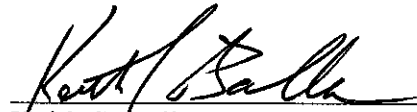
BOROUGH OF WATCHUNG
RESOLUTION: R10

NOW THEREFORE BE IT, RESOLVED that the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey hereby appoint Desiree Somerville as Summer Camp Program Director for the 2021 season; and

BE IT FURTHER RESOLVED, that the Summer Camp Program Director will be compensated at an hourly rate of \$27.00 for authorized tasks necessary for the preparation and administration of the Program and that the following temporary appointments of Camp Counselors at the respective hourly rates are also hereby approved.

	<u>Hourly Rate</u>
Assistant Camp Director: Antoinette Burns	\$20.00
Camp Counselor: Justin Drews	\$12.00
Camp Counselor: Michael Mineiri	\$12.00
Camp Counselor: Anjaneya Pant	\$12.00
Camp Counselor: Kayla Peluso	\$12.00
Camp Counselor: Mathew D'Amato	\$12.00


Wendy Robinson, Council President


Keith S. Balla, Mayor

DATE: JULY 15, 2021
INDEX: APPOINTMENTS, RECREATION
C: B. HANCE, L. MONETTI

**BOROUGH OF WATCHUNG
RESOLUTION: R12**

**RESOLUTION EXTENDING THE TIME OF THE DESIGNATION OF THE
CONDITIONAL REDEVELOPERS OF THE BONNIE BURN ROAD PROPERTY**

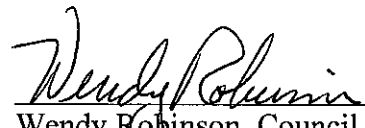
WHEREAS, on May 20, 2021 the Borough Council adopted a resolution to conditionally designate Sterling Watchung, LLC as redeveloper of the Property known as 291 Bonnie Burn Road, Watchung, New Jersey, and identified as Block 7403 Lots 5 and 10 and Block 7402 Lots 19.01 and 19.02 on the tax maps of the Borough of Watchung ("Conditional Designation Resolution"); and

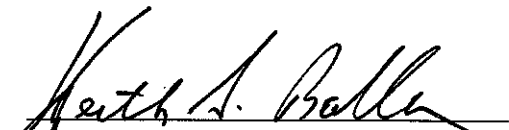
WHEREAS, pursuant to the terms of Resolution the designation was conditioned upon, among other things, the parties negotiating and entering into a Redevelopment Agreement and Financial Agreement acceptable to both parties within ninety (90) days of the adoption of the Conditional Designation Resolution; and

WHEREAS, by way of correspondence dated July 9, 2021, legal counsel for the Bonnie Burn Redevelopers Urban Renewal, LLC (formerly Sterling Watchung, LLC) advised that approval was obtained from the Department of Community of Affairs on May 25, 2021 for Sterling Watchung, LLC to convert to the urban renewal entity Bonnie Burn Redevelopers Urban Renewal, LLC and requested the Borough extend the ninety (90) day timeframe contained in the Conditional Designation Resolution for an additional thirty (30) days in order to allow the parties sufficient time to negotiate a Redevelopment Agreement and Financial Agreement that is acceptable to both parties; and

WHEREAS, the Mayor and Council of the Borough of Watchung have determined that it is in the best interest of the Borough of Watchung to extend the designation as Conditional Redevelopers of the Bonnie Burn Road Redevelopment Area for an additional thirty (30) days.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey, that it hereby extends the timeframes contained in the Conditional Designation Resolution for an additional thirty (30) days until September 17, 2021.


Wendy Robinson, Council President


Keith S. Balla, Mayor

ADOPTED: JULY 15, 2021
INDEX: PLANNING BD, MISC.
C: T. SNYDER,

BOROUGH OF WATCHUNG
RESOLUTION: R13

WHEREAS, it is necessary to retain the services of a Professional Financial Advisor for assistance with compliance with the Redevelopment Plan for the Bonnie Burn Road Redevelopment Area; and

WHEREAS, the Borough of Watchung solicited a proposal from Phoenix Advisors, LLC and this proposal was reviewed and this proposal was reviewed by the Borough Administrator and recommended for award; and

WHEREAS, the Chief Finance Officer has determined and certified that funds for these authorized contracts are provided for in Budget Line #1-01-110-281

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Watchung that the Mayor and Borough Clerk are hereby authorized and directed to execute a contract for the services of the following Professional for the purpose of providing financial advisory services and assistance relating to the Bonnie Burn Road Redevelopment Project, in accordance with the proposal dated June 15, 2021, copy attached:

Award to: Phoenix Advisors, LLC, 625 Farnsworth Ave., Bordentown, NJ 08505
Amount: Not to exceed \$5,000.00 (Hourly rate of \$195.)

BE IT FUTHER RESOLVED that this contract was not awarded through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4 et seq. but has been awarded based on the merits and ability of Phoenix Advisors to provide the services describe herein. As herewith attached, Phoenix Advisors attests that their subsidiaries, assigns or principals controlling in excess of 10% of the company has neither made a contribution that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 1944A-8 or 19:44A-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during their term of the contract to any State, County, or Municipal Committee of a political party; any legislative leadership Committee; any continuing political Committee; and candidate committee of a candidate for, or holder of, an elective office, when the contract is awarded; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized to advertise the award of this contract within ten days from the date hereof in accordance with the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.).



Ronald Jubin, Council Member



Keith S. Balla, Mayor

ADOPTED: JULY 15, 2021
INDEX: AWARDS – PROF. CONT,
BOROUGH PROPERTIES
C: W. HANCE

**BOROUGH OF WATCHUNG
RESOLUTION: R14**

Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Improvements to Johnston Drive, Scott Drive, & Old Somerset Road.

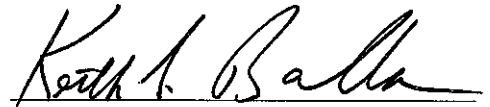
NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey formally approve the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as "**MA-2022-Improvements to Johnston Drive, Scott Drive, & Old Somerset Road-00592**" to the New Jersey Department of Transportation on behalf of the Borough of Watchung.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Watchung and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement.



Daryl Eisenberg Knegten, Council Member



Keith S. Balla, Mayor

ADOPTED: JULY 15, 2021
INDEX: FINANCE-MIS., ROADS,
C: FINANCE, ENGINEERING,

*Certified as a true copy of the Resolution adopted by the Mayor and Council
on this ____ day of _____, 2021.*

Edith Gil
Borough Clerk

My signature and the Borough Seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

**BOROUGH OF WATCHUNG
RESOLUTION: R15**

WHEREAS, the Borough of Watchung has received a Field and Facility Permit Application which has been reviewed by the Recreation Coordinator; and

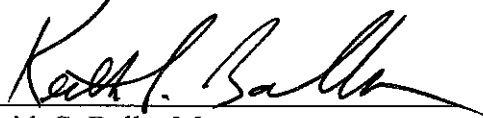
WHEREAS, Governing Body of the Borough of Watchung, County of Somerset, State of New Jersey wishes to authorize said application.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Watchung that the use of Mobus Field is authorized for the intended use as noted below is hereby approved:

1. Zumba Instructor Julie Olivera, to hold free Zumba classes, from 6 PM to 8 PM on Thursday, July 22nd, July 29th, August 5th, and August 12th, 2021.
2. All approvals are subject to having a covid plan approved by the Office of Emergency Management and the Board of Health, if applicable.



Freddie Hayeck, Council Member



Keith S. Balla, Mayor


ADOPTED: JULY 15, 2021
INDEX: RECREATION
C: LM

BOROUGH OF WATCHUNG
RESOLUTION: R16

BE IT HEREBY RESOLVED, by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey that the appointment of **John F. McManus** as **P/T Electrical Sub-Code Official** at an hourly rate of \$45.11 per hour, effective August 2, 2021, is hereby confirmed.



Ronald Juban, Council Member

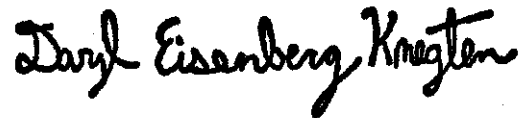


Keith S. Balla, Mayor

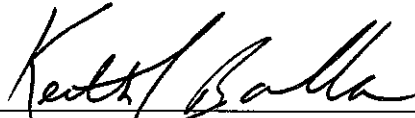
ADOPTED: JULY 15, 2021
INDEX: APPOINTMENTS
C: FINANCE

**BOROUGH OF WATCHUNG
RESOLUTION: R18**

BE IT HEREBY RESOLVED, by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey that the appointment of **Joseph Buro** as **Public Works Laborer/ Driver Step A** at a salary of \$40,000 per year, effective August 2, 2021, is hereby confirmed.



Daryl Eisenberg Knegten, Council Member



Keith S. Balla, Mayor

ADOPTED: JULY 15, 2021
INDEX: APPOINTMENTS
C: FINANCE

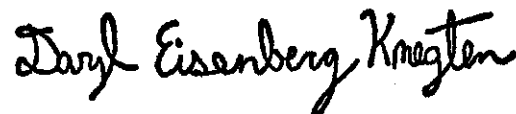
**BOROUGH OF WATCHUNG
RESOLUTION: R19**

WHEREAS, the Borough of Watchung advertised for the position of Principal Public Works Manager/Borough Engineer for the Borough and received resumes and interviewed interested candidates; and

WHEREAS, the Mayor and Council have determined that James Hutzelmann, a certified Professional Engineer of the State of New Jersey, meets the qualifications and has agreed to perform the duties of the position of Principal Public Works Manager/Borough Engineer.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey that it hereby appoints **James Hutzelmann** to the position of **Principal Public Works Manager/ Borough Engineer** at an annual salary as negotiated and agreed upon by the parties and consistent with the Salary Ordinance of the Borough of Watchung; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Watchung that it hereby authorizes the Mayor and other Borough Officials and employees to take all actions necessary to effectuate this Resolution, including but not limited to the execution of an agreement reflecting the negotiated terms and conditions of employment with a term from August 16, 2021 and ending on August 15, 2024.



Daryl Eisenberg Knegten, Council Member



Keith S. Balla, Mayor

ADOPTED:	JULY 15, 2021
INDEX:	APPOINTMENTS
C:	B. HANCE, E. HORSFALL,

**BOROUGH OF WATCHUNG
RESOLUTION: R20**

***DECLARING A PUBLIC NUISANCE AND AUTHORIZING AND DIRECTING THE ABATEMENT
OF THE NUISANCE***

WHEREAS, Chapter 14 of the Code of the Borough of Watchung governs and provides for certain standards for property maintenance of properties located within the Borough of Watchung ("Property Maintenance Code"); and

WHEREAS, Section 14-5.6 defines "Public Nuisance" as, among other things, "Any premises that is unsanitary, or that is littered with rubbish or garbage, or that has an uncontrolled growth of grass or weeds in public view"; and

WHEREAS, the Borough of Watchung has issued various summons relating to violations of Property Maintenance Code to the owner of the property located at 131 Cedar Road for the failure to abate the nuisance and conditions on and of the property; and

WHEREAS, by way of correspondence dated October 15, 2020, legal counsel for the Borough advised the property owner of 131 Cedar Road that the conditions on the property were considered a public nuisance and further advised that if the conditions were not rectified within thirty (30) days the Borough would take further action; and

WHEREAS, Section 14-7.4 of the Borough Code provides the following:

The Borough, by resolution, may abate any nuisance, correct any defect or put the premises in proper condition so as to remedy any violation of this ordinance, at the cost and expense of the owner or lessor, and expend Borough funds for such purpose and charge the same against the premises and the amount charged shall be a lien against the premises and shall be added to and become and form part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes and shall be collected and enforced in the same manner as taxes.

WHEREAS, by way of correspondence dated July 8, 2021, legal counsel for the Borough advised the Property Owner of the Mayor and Council's consideration of the within Resolution due to the conditions on the Property and the inaction by the property owner; and

WHEREAS, to date the conditions of the property located at 131 Cedar Road have not been remediated; and

WHEREAS, the Mayor and Council of the Borough of Watchung have determined that it is in the best interest of the health safety and welfare of the Borough to declare the current conditions of the property located at 131 Cedar Road to be a public nuisance and pursuant to Section 14-7.4 of the Code authorize and direct the Borough's abatement of the conditions and to

**BOROUGH OF WATCHUNG
RESOLUTION: R20**

also authorize an accounting of all costs incurred for such abatement to be charged and levied as a lien against the property.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Watchung, County of Somerset, and State of New Jersey that it hereby declares the conditions of the property located at 131 Cedar Road to be a public nuisance and the property owner of 131 Cedar Road has failed to abate the nuisances on the property, despite being properly noticed by the Borough to abate said conditions; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize and direct the Borough's abatement of the conditions and to also authorize an accounting of all costs incurred for such abatement to be charged and levied as a lien against the property; and

BE IT FURTHER RESOLVED that the Mayor and Council hereby authorize the Borough Administrator and Public Works Director to take all necessary action to effectuate the within Resolution, including but not limited to actions to abate the nuisances at 131 Cedar Road and to prepare an accounting of all costs incurred for such abatement to be charged and levied as a lien against the property.



Ronald Juhon, Council Member



Keith S. Balla, Mayor

ADOPTED: JULY 15, 2021
INDEX: MISC.
C: DPW, FINANCE,
ZONING OFFICER